

**Date and Time:** Monday 9 September 2024 17:28:00 CEST

**Job Number:** 233033447

**Documents (100)**

1. [*Washington: PUBLIC BILLS AND RESOLUTIONS (House of Representatives - July 24, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5S18-H1N1-F0YC-N12T-00000-00&idtype=PID&context=1516831)

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2. [*BBC Radio 4 - 11:14 PM GMT*](https://advance.lexis.com/api/document?id=urn:contentItem:5TK3-MYN1-JBH6-C41P-00000-00&idtype=PID&context=1516831)

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3. [*Fine Gael throws down gauntlet over election Donohoe shares budget spoils as talks on confidence and supply deal loom*](https://advance.lexis.com/api/document?id=urn:contentItem:5TFM-0T91-JCJY-G1WT-00000-00&idtype=PID&context=1516831)

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4. [*Interview with Max Tkachenko, the CEO of iTrue*](https://advance.lexis.com/api/document?id=urn:contentItem:5TNY-F7H1-F03R-N2VX-00000-00&idtype=PID&context=1516831)

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5. [*TOP NEWS SUMMARY: Saudi Arabia Says It Is Committed To Aramco IPO*](https://advance.lexis.com/api/document?id=urn:contentItem:5T3H-9BG1-JBCX-N4R0-00000-00&idtype=PID&context=1516831)

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6. [*Russian nationals dominate list of global rich who are now ' Maltese '*](https://advance.lexis.com/api/document?id=urn:contentItem:5RC9-T0C1-F11P-X4M0-00000-00&idtype=PID&context=1516831)

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7. [*- World Bank Maintains FY2018 Growth Projection at 4.6 Percent*](https://advance.lexis.com/api/document?id=urn:contentItem:5S4F-Y021-F0K1-N2TR-00000-00&idtype=PID&context=1516831)

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8. [*Washington: Rubio Supports Farm Bill with Important Provisions for Florida Citrus and Agriculture*](https://advance.lexis.com/api/document?id=urn:contentItem:5SR1-SCR1-F0YC-N0J1-00000-00&idtype=PID&context=1516831)

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9. [*Central and eastern Europe CENTRAL AND EASTERN EUROPE WINNERS*](https://advance.lexis.com/api/document?id=urn:contentItem:5V07-4WX1-DYTY-C2K4-00000-00&idtype=PID&context=1516831)

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10. [*P7\_TA(2014)0378 MFF negotiations 2014-2020: lessons to be learned and the way forward European Parliament resolution of 15 April 2014 on negotiations on the MFF 2014-2020: lessons to be learned and the way forward (2014/2005(INI))*](https://advance.lexis.com/api/document?id=urn:contentItem:5R89-XVM1-JDG9-Y29X-00000-00&idtype=PID&context=1516831)

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11. [*'Smart' insurance enables poor farmers to cut risk Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird*](https://advance.lexis.com/api/document?id=urn:contentItem:5TWM-RS41-JCBW-N2TD-00000-00&idtype=PID&context=1516831)

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12. [*Coalition with no common economic goals Italy ’s government defies the EU*](https://advance.lexis.com/api/document?id=urn:contentItem:5TMM-6751-F035-X009-00000-00&idtype=PID&context=1516831)

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13. [*'Smart' insurance enables poor farmers to cut risk Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird*](https://advance.lexis.com/api/document?id=urn:contentItem:5TWM-RS41-JCBW-N28H-00000-00&idtype=PID&context=1516831)

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14. [*'Smart' insurance enables poor farmers to cut risk Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird*](https://advance.lexis.com/api/document?id=urn:contentItem:5TWM-RS41-JCBW-N2MY-00000-00&idtype=PID&context=1516831)

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15. [*Tongaat Hulett Limited Audited Results for the -2-*](https://advance.lexis.com/api/document?id=urn:contentItem:5SFB-0P71-F0CC-S0CN-00000-00&idtype=PID&context=1516831)

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16. [*Programme summary of Iranian TV news at 1730 gmt on 15 Oct 18*](https://advance.lexis.com/api/document?id=urn:contentItem:5TH7-BF51-DYRV-3190-00000-00&idtype=PID&context=1516831)

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17. [*'Smart' insurance enables poor farmers to cut risk Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird*](https://advance.lexis.com/api/document?id=urn:contentItem:5TWM-RS41-JCBW-N2DP-00000-00&idtype=PID&context=1516831)

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18. [*Sistema PJSFC 1st Quarter Results -5-*](https://advance.lexis.com/api/document?id=urn:contentItem:5SGT-SXP1-F0CC-S2JC-00000-00&idtype=PID&context=1516831)

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19. [*Futura Medical PLC Preliminary Results -4-*](https://advance.lexis.com/api/document?id=urn:contentItem:5RW4-6K91-JCXB-21CR-00000-00&idtype=PID&context=1516831)

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20. [*BUSINESSWIRE: Eurofins delivers strong revenue, profitability and cash flow*](https://advance.lexis.com/api/document?id=urn:contentItem:5SXK-DS21-JCXB-14F8-00000-00&idtype=PID&context=1516831)

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21. [*FEDERAL REGISTER: Fees for the Unified Carrier Registration Plan and Agreement Pages 605 - 613 [FR DOC # 2017-28509]*](https://advance.lexis.com/api/document?id=urn:contentItem:5RBN-HGB1-JDG9-Y3RD-00000-00&idtype=PID&context=1516831)

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22. [*FEDERAL REGISTER: Fees for the Unified Carrier Registration Plan and Agreement Pages 605 - 613 [FR DOC # 2017-28509]*](https://advance.lexis.com/api/document?id=urn:contentItem:5RBN-HGB1-JDG9-Y3SP-00000-00&idtype=PID&context=1516831)

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23. [*Register of Commission documents:Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Future of Food and Farming Document date: 2018-05-08 AGRI\_AM(2018)622077 Amendments to draft opinions*](https://advance.lexis.com/api/document?id=urn:contentItem:5SD5-7131-JDG9-Y03R-00000-00&idtype=PID&context=1516831)

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24. [*The government tightens fiscal spending and industrialises rural areas to jump-start economic growth in Ghana*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4X1-DXYV-7429-00000-00&idtype=PID&context=1516831)

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25. [*Top news from Polish politics, economy, business & financial markets - 16:30 BUSINESS & EQUITY MARKET NEWS*](https://advance.lexis.com/api/document?id=urn:contentItem:64R9-6WS1-JCG5-H4G5-00000-00&idtype=PID&context=1516831)

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26. [*Breakfast - 06:25 AM GMT*](https://advance.lexis.com/api/document?id=urn:contentItem:5RJ0-KWD1-JBH6-C4WP-00000-00&idtype=PID&context=1516831)

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27. [*SNP ministers 'leaving farmers in the dark' by refusing to include Scotland in Brexit Agriculture Bill*](https://advance.lexis.com/api/document?id=urn:contentItem:5T7M-P2D1-F021-644H-00000-00&idtype=PID&context=1516831)

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28. [*Register of Commission documents: Meeting of CONT of Monday, 3 September 2018 Document date: 2018-10-02 CONT\_PV(2018)09-03-1 Minutes*](https://advance.lexis.com/api/document?id=urn:contentItem:5TKW-0M21-JDG9-Y23D-00000-00&idtype=PID&context=1516831)

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29. [*-IMF Executive Board Concludes 2017 Article IV Consultation with Morocco*](https://advance.lexis.com/api/document?id=urn:contentItem:5R61-PPD1-F0K1-N19Y-00000-00&idtype=PID&context=1516831)

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30. [*Flexicurity and the dynamics of the welfare state adjustments*](https://advance.lexis.com/api/document?id=urn:contentItem:6BM4-FYP1-JBMY-H15P-00000-00&idtype=PID&context=1516831)

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31. [*Cosmetics Weekly Trademark Review - Dec 12, 2017*](https://advance.lexis.com/api/document?id=urn:contentItem:5RBM-VGN1-F0JS-Y3H7-00000-00&idtype=PID&context=1516831)

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32. [*Peru 's tax framework moves towards international standards*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4Y1-DXYV-70JN-00000-00&idtype=PID&context=1516831)

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33. [*COMMISSION DELEGATED REGULATION (EU) 2018/162 of 23 November 2017 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council*](https://advance.lexis.com/api/document?id=urn:contentItem:5RK3-P7W1-JDG9-Y0RH-00000-00&idtype=PID&context=1516831)

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34. [*Register of Commission documents: NOTICE TO MEMBERS Petition 1684/2009 by Georgios Theodoropoulos ( Greek ), on pollution of the Greek River Asopos Document date: 2018-06-12 PETI\_CM(2018)445603 Notices to members*](https://advance.lexis.com/api/document?id=urn:contentItem:5STM-6B61-F0YC-N1WY-00000-00&idtype=PID&context=1516831)

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35. [*Tim Bonner: Rural and coastal communities in Yorkshire need a voice with power*](https://advance.lexis.com/api/document?id=urn:contentItem:5S47-88F1-F15K-22VY-00000-00&idtype=PID&context=1516831)

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36. [*PANDEMIC AND ALL-HAZARDS PREPAREDNESS AND ADVANCING INNOVATION ACT OF 2018 (House of Representatives - September 25, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5TC0-21R1-F0YC-N47M-00000-00&idtype=PID&context=1516831)

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37. [*Tim Bommer: Rural and coastal communities in Yorkshire need a voice with power*](https://advance.lexis.com/api/document?id=urn:contentItem:5S3Y-XYK1-JDPH-B4GN-00000-00&idtype=PID&context=1516831)

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38. [*Commission throws the ball to EU capitals on future of short food chains*](https://advance.lexis.com/api/document?id=urn:contentItem:5SMX-S1D1-DYXB-V223-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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39. [*BBC Radio 4 - 06:35 AM GMT*](https://advance.lexis.com/api/document?id=urn:contentItem:5RV3-GWF1-DY08-31TW-00000-00&idtype=PID&context=1516831)

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40. [*Washington: INTERIOR, ENVIRONMENT, FINANCIAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2019--Continued (Senate - July 31, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5S23-H871-F0YC-N01N-00000-00&idtype=PID&context=1516831)

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41. [*Nigeria 's insurance sector to expand as new regulations come into effect*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4Y1-DXYV-714X-00000-00&idtype=PID&context=1516831)

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42. [*Washington: EXECUTIVE SESSION*](https://advance.lexis.com/api/document?id=urn:contentItem:5RCY-C991-JDG9-Y300-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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43. [*Taking the long view on solving fodder issues This year's extreme weather could lead to smarter approaches on farm fodder requirements, writes Martin O'Sullivan*](https://advance.lexis.com/api/document?id=urn:contentItem:5TD1-C6F1-DYTY-C01B-00000-00&idtype=PID&context=1516831)

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44. [*Monthly Budget Review: Summary for Fiscal Year 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5TNX-MCC1-JDG9-Y3G0-00000-00&idtype=PID&context=1516831)

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45. [*Private sector to help Nigeria achieve its natural energy potential*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4Y1-DXYV-714V-00000-00&idtype=PID&context=1516831)

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46. [*SNP 'leave farmers in the dark' on Brexit Russell 'desperate to be herald of doom'*](https://advance.lexis.com/api/document?id=urn:contentItem:5T7R-ST61-DYV0-63CK-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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47. [*Non-oil revenue and infrastructure upgrades stimulate sustainability and long-term development in Nigeria*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4Y1-DXYV-715T-00000-00&idtype=PID&context=1516831)

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48. [*Council of the European Union: COMMISSION STAFF WORKING DOCUMENT Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Pollinators Initiative PDF document ST 9744 2018 ADD 1 REV 106-06-2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5T4K-PM61-F0YC-N2H0-00000-00&idtype=PID&context=1516831)

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49. [*Federal Register: Raisins Produced From Grapes Grown in California ; Order Amending Marketing Order No. 989 Pages 53965 - 53974 [FR DOC # 2018-23089]*](https://advance.lexis.com/api/document?id=urn:contentItem:5TKC-K1M1-JDG9-Y2HV-00000-00&idtype=PID&context=1516831)

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50. [*FEDERAL REGISTER: Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019 Pages 58486 - 58527 [FR DOC # 2017-26426]*](https://advance.lexis.com/api/document?id=urn:contentItem:5R5J-9HW1-JDG9-Y1M8-00000-00&idtype=PID&context=1516831)

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51. [*Register of Commission documents: OPINION on the draft general budget of the European Union for the financial year 2019 Document date: 2018-09-06 DEVE\_AD(2018)623732 Opinions*](https://advance.lexis.com/api/document?id=urn:contentItem:5TBB-X7P1-F0YC-N0Y0-00000-00&idtype=PID&context=1516831)

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52. [*Register of Commission documents: CAP strategic plans Document date: 2018-12-04 EPRS\_BRI(2018)630324 Briefing*](https://advance.lexis.com/api/document?id=urn:contentItem:5RWJ-R201-F0YC-N1N7-00000-00&idtype=PID&context=1516831)

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53. [*FEDERAL REGISTER: Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions Pages 45535 - 45539 [FR DOC # 2018-19152]*](https://advance.lexis.com/api/document?id=urn:contentItem:5S82-D6J1-JDG9-Y022-00000-00&idtype=PID&context=1516831)

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54. [*FEDERAL REGISTER: Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions Pages 45535 - 45539 [FR DOC # 2018-19152]*](https://advance.lexis.com/api/document?id=urn:contentItem:5S8H-Y4K1-JDG9-Y04Y-00000-00&idtype=PID&context=1516831)

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55. [*BRIEF NEWS BULLETIN NO. 10439*](https://advance.lexis.com/api/document?id=urn:contentItem:5SDB-5J11-F12K-R2W6-00000-00&idtype=PID&context=1516831)

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56. [*Ghana 's insurance sector targets double-digit penetration by 2021*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4X1-DXYV-744V-00000-00&idtype=PID&context=1516831)

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57. [*U.S Government Fully Re-Imposes Sanctions on the Iranian Regime As Part of Unprecedented U.S Economic Pressure Campaign*](https://advance.lexis.com/api/document?id=urn:contentItem:5TNH-8BT1-F0YC-N018-00000-00&idtype=PID&context=1516831)

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58. [*Cosmetics Weekly Trademark Review - Jan 23, 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5RJ2-RJ81-F0JS-Y0KG-00000-00&idtype=PID&context=1516831)

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59. [*13th Five-Year Plan: Key Points*](https://advance.lexis.com/api/document?id=urn:contentItem:5TD4-4JX1-F0J5-8077-00000-00&idtype=PID&context=1516831)

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60. [*Programme summary of Iranian TV news 0930 gmt 23 Jun 18*](https://advance.lexis.com/api/document?id=urn:contentItem:5SMH-J5K1-JC8S-C0DW-00000-00&idtype=PID&context=1516831)

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61. [*13th Five-Year Plan: Key Points*](https://advance.lexis.com/api/document?id=urn:contentItem:5SS6-JW21-F0J5-80HX-00000-00&idtype=PID&context=1516831)

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62. [*Uzbekistan - Q1 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5RBD-7221-JD33-J0F4-00000-00&idtype=PID&context=1516831)

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63. [*Register of Commission documents: REPORT on the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013 and (EU) No 652/2014 of the European Parliament and of the Council Document date: 2017-11-28 P8\_A(2017)0380 Reports*](https://advance.lexis.com/api/document?id=urn:contentItem:5R8R-X2Y1-JDG9-Y17D-00000-00&idtype=PID&context=1516831)

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64. [*13th Five-Year Plan: Key Points*](https://advance.lexis.com/api/document?id=urn:contentItem:5RVP-87H1-F0J5-834C-00000-00&idtype=PID&context=1516831)

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65. [*13th Five-Year Plan: Key Points*](https://advance.lexis.com/api/document?id=urn:contentItem:5RVX-7FR1-F0J5-83PY-00000-00&idtype=PID&context=1516831)

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66. [*13th Five-Year Plan: Key Points*](https://advance.lexis.com/api/document?id=urn:contentItem:5RGN-MVF1-F0J5-82N4-00000-00&idtype=PID&context=1516831)

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67. [*Register of Commission documents: Commission staff working document Empowering Development: Implementation of the new European Consensus on Development in energy cooperation Document date: 2017-12-15 COM\_SWD(2017)0482 SEC documents*](https://advance.lexis.com/api/document?id=urn:contentItem:5R96-RG01-JDG9-Y416-00000-00&idtype=PID&context=1516831)

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68. [*Washington: LEGISLATIVE SESSION (Senate - August 23, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5T4T-PJT1-JDG9-Y3K6-00000-00&idtype=PID&context=1516831)

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69. [*Foreign direct investment hits record high in the Philippines amid uncertainty over regulatory reforms*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4Y1-DXYV-703J-00000-00&idtype=PID&context=1516831)

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70. [*Airtel Africa - Q2 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5RVX-7FR1-F0J5-83X7-00000-00&idtype=PID&context=1516831)

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71. [*DOCUMENTATION: S&P puts Poland back to A- from BBB+ outlook to stable Following is the statement from S&P*](https://advance.lexis.com/api/document?id=urn:contentItem:64R8-NRF1-JCG5-H3BX-00000-00&idtype=PID&context=1516831)

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72. [*Washington: EXECUTIVE AND OTHER COMMUNICATIONS (Senate - April 16, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5S4D-JCB1-JDG9-Y3HM-00000-00&idtype=PID&context=1516831)

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73. [*Airtel Africa - Q1 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5R17-G431-F0J5-84N0-00000-00&idtype=PID&context=1516831)

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74. [*Washington: SECURING AMERICA 'S FUTURE ACT OF 2018 (House of Representatives - June 21, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5SMX-0DH1-JDG9-Y51K-00000-00&idtype=PID&context=1516831)

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| News | Timeline: 07 dec 2017 tot 07 dec 2018; Locatie: International; Plaats van publicatie: Europe; Taal: English |

75. [*A lot done - much more to do*](https://advance.lexis.com/api/document?id=urn:contentItem:5SD4-FT81-JCXV-K1S8-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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76. [*Council of the European Union: Association Implementation Report on Ukraine PDF document ST 14037 2018 INIT09-11-2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5SR7-M131-F0YC-N1W0-00000-00&idtype=PID&context=1516831)

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77. [*US and Brazil airline JVs to progress with senate approval E US and Brazilian carriers are eager to move ahead with joint venture plans, following the approval of the US - Brazil open-skies deal by the Brazil senate on 7 March.*](https://advance.lexis.com/api/document?id=urn:contentItem:5RWM-PP11-JCF2-H009-00000-00&idtype=PID&context=1516831)

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78. [*Washington: AGRICULTURE AND NUTRITION ACT OF 2018 (Senate - June 27, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5SNS-PMW1-JDG9-Y2FG-00000-00&idtype=PID&context=1516831)

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79. [*Trinidad and Tobago: Staff Concluding Statement of the 2018 Article IV Mission*](https://advance.lexis.com/api/document?id=urn:contentItem:5RWJ-R201-F0YC-N15T-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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80. [*Washington: AGRICULTURE AND NUTRITION ACT OF 2018 (Senate - June 27, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5SNS-G5G1-F0YC-N212-00000-00&idtype=PID&context=1516831)

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81. [*Links between Polish ruling party, Catholic radio examined*](https://advance.lexis.com/api/document?id=urn:contentItem:5RCS-96P1-DYRV-335T-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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82. [*Kenya – Q3 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5SF7-T4M1-JD33-J1V6-00000-00&idtype=PID&context=1516831)

**Client/Matter:** -None-

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83. [*MHP SE Financial results Q4 12M 2017 -30-*](https://advance.lexis.com/api/document?id=urn:contentItem:5RTM-JY51-F0CC-S14B-00000-00&idtype=PID&context=1516831)

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84. [*Punjab Infrastructure Development Board: Rating downgraded to [ICRA]BBB-(SO)(Stable)*](https://advance.lexis.com/api/document?id=urn:contentItem:5RJG-2KJ1-JDVR-00NN-00000-00&idtype=PID&context=1516831)

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85. [*Register of Commission documents: Report from the Commission to the European Parliament and the Council 29th Annual Report on the Protection of the European Union’s financial interests — Fight against fraud - 2017 Document date: 2018-09-03 COM\_COM(2018)0553 COM documents*](https://advance.lexis.com/api/document?id=urn:contentItem:5T9P-W781-JDG9-Y1HH-00000-00&idtype=PID&context=1516831)

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86. [*Kenya – Q2 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5S3F-4K11-JD33-J3SC-00000-00&idtype=PID&context=1516831)

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87. [*Bitcoin is a bubble, but the technology behind it could transform the world Blockchain poses as big a threat to banks as Facebook and Amazon did to conventional media firms*](https://advance.lexis.com/api/document?id=urn:contentItem:5R7W-D0N1-JCJY-G0MD-00000-00&idtype=PID&context=1516831)

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88. [*Russia : Volgograd Region media highlights 30 Apr - 6 May 18*](https://advance.lexis.com/api/document?id=urn:contentItem:5S94-14K1-DYRV-33VV-00000-00&idtype=PID&context=1516831)

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89. [*Infrastructure upgrades and cross-network agreements benefit Kenya 's already robust ICT sector*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4Y1-DXYV-70X6-00000-00&idtype=PID&context=1516831)

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90. [*Infrastructure Investment Opportunities Emerging In Bhutan*](https://advance.lexis.com/api/document?id=urn:contentItem:5STX-B9S1-JD33-J1Y4-00000-00&idtype=PID&context=1516831)

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91. [*Infrastructure Investment Opportunities Emerging In Bhutan*](https://advance.lexis.com/api/document?id=urn:contentItem:5SV4-9JW1-F0J5-847B-00000-00&idtype=PID&context=1516831)

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92. [*Register of Commission documents: DRAFT AGENDA Meeting 12/06/2018 STRASBOURG Document date: 2018-06-12 CPCO\_OJ(2018)06-12 Agendas - Conference of Committee Chairs*](https://advance.lexis.com/api/document?id=urn:contentItem:5RYY-3W91-F0YC-N004-00000-00&idtype=PID&context=1516831)

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93. [*Register of Commission documents: MINUTES of the meeting of 12/06/2018 - STRASBOURG Document date: 2018-06-12 CPCO\_PV(2018)06-12 Minutes - Conference of Committee Chairs*](https://advance.lexis.com/api/document?id=urn:contentItem:5SVS-0R71-F0YC-N1RT-00000-00&idtype=PID&context=1516831)

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94. [*Washington: EXECUTIVE SESSION (Senate - May 23, 2018)*](https://advance.lexis.com/api/document?id=urn:contentItem:5SD9-W1K1-JDG9-Y4JR-00000-00&idtype=PID&context=1516831)

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95. [*FFBH - Bulgaria Daily Update, Jun 18, 2018*](https://advance.lexis.com/api/document?id=urn:contentItem:5SKF-Y391-JDVR-0445-00000-00&idtype=PID&context=1516831)

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96. [*Hemp and CBD set to Eclipse the THC Marijuana Market*](https://advance.lexis.com/api/document?id=urn:contentItem:5THC-WHY1-JB72-13T4-00000-00&idtype=PID&context=1516831)

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97. [*Airtel Africa - 2017*](https://advance.lexis.com/api/document?id=urn:contentItem:5PXN-V2W1-JD33-J259-00000-00&idtype=PID&context=1516831)

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98. [*Myanmar government implements reforms to increase financial inclusion*](https://advance.lexis.com/api/document?id=urn:contentItem:5WS6-C4X1-DXYV-74TB-00000-00&idtype=PID&context=1516831)

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99. [*BRIEF NEWS BULLETIN NO. 10411*](https://advance.lexis.com/api/document?id=urn:contentItem:5S6C-08Y1-JDKJ-12YR-00000-00&idtype=PID&context=1516831)

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100. [*Federal Register: Fees for the Administration of the Toxic Substances Control Act Pages 52694 - 52724 [FR DOC # 2018-22252]*](https://advance.lexis.com/api/document?id=urn:contentItem:5THF-77K1-F0YC-N0SG-00000-00&idtype=PID&context=1516831)

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# [***Washington: PUBLIC BILLS AND RESOLUTIONS (House of Representatives - July 24, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S18-H1N1-F0YC-N12T-00000-00&context=1516831)

Impact News Service

July 26, 2018 Thursday

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**Length:** 2012 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows: By Mr. RUIZ: H.R 6479. A bill to amend title XXVII of the Public Health Service Act to include short-term limited duration plans in the definition of individual health insurance coverage; to the Committee on Energy and Commerce. By Ms. BORDALLO: H.R 6480. A bill to allow the Governor of Guam to determine temporary need of nonimmigrant workers on Guam, and for other purposes; to the Committee on the Judiciary. By Mr. DeSAULNIER: H.R 6481. A bill to direct the Secretary of Health and Human Services, for the purpose of addressing public health crises, to require the manufacturers of covered products to develop, maintain, and update a plan to mitigate the effects of such products on public health, and for other purposes; to the Committee on Energy and Commerce. By Mr. DUNCAN of South Carolina (for himself, Mr. Norman, Mr. DesJarlais, Mr. Gosar, Mr. King of Iowa, Mr. Yoho, Mr. Gohmert, Mr. Meadows, and Mr. Babin): H.R 6482. A bill to prohibit Federal ***payments*** to a unit of local government that allows individuals who are not citizens of the United States to vote in elections for State or local office, and for other purposes; to the Committee on Oversight and Government Reform. By Ms. BLUNT ROCHESTER (for herself and Mr. Kind): H.R 6483. A bill to amend the Trade Act of 1974 to provide adjustment assistance to farmers adversely affect by reduced exports resulting from tariffs imposed as retaliation for United States tariff increases, and for other purposes; to the Committee on Ways and Means.

By Mr. DeFAZIO (for himself, Mr. Blumenauer, Mr. Schrader, and Ms. Bonamici): H.R 6484. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes; to the Committee on Natural Resources. By Mr. KHANNA (for himself, Mrs. Watson Coleman, Ms. Wilson of Florida, Ms. Moore, Ms. Clarke of New York, Mr. Grijalva, Mr. Pocan, Mr. Serrano, and Mr. Thompson of Mississippi): H.R 6485. A bill to direct the Secretary of Labor to carry out a Federal subsidized employment ***program***, and for other purposes; to the Committee on Education and the Workforce. By Mr. LaHOOD (for himself and Ms. Sewell of Alabama): H.R 6486. A bill to amend the Internal Revenue Code of 1986 to exclude certain post graduation scholarship grants from gross income in the same manner as qualified scholarships to promote economic growth; to the Committee on Ways and Means. By Mr. BEN RAY LUJAN of New Mexico: H.R 6487. A bill to provide for greater consultation between the Federal government and the governing bodies of land grant-merceds and acequias in New Mexico and to provide for a process for recognition of the historic-traditional boundaries of land grant-mercedes, and for other purposes; to the Committee on Natural Resources. By Mr. BARTON (for himself and Mr. Michael F. Doyle of Pennsylvania): H.R 6488. A bill to amend title XI of the Social Security Act to exempt from certain criminal penalties the offering and use of certain pharmaceutical manufacturer copayment coupons to waive or reduce cost-sharing otherwise applied under the Medicare prescription drug benefit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Ms. BARRAGAN: H.R 6489. A bill to direct the Secretary of Transportation to establish a grant ***program*** for the relocation of certain petroleum storage facilities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. CARTER of Georgia (for himself, Mr. Cole, Mr. Brendan F. Boyle of Pennsylvania, Mrs. Mimi Walters of California, Mr. Gene Green of Texas, and Mr. Scalise): H.R 6490. A bill to amend title 5, United States Code, to treat the service of Members of the United States Capitol Police who are ***transferred*** directly to an administrative or supervisory position with the Federal Law Enforcement Training Center as a law enforcement officer service for purposes of the Federal Employees' Retirement System, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Ms. CASTOR of Florida (for herself and Mr. McKinley): H.R 6491. A bill to amend the Controlled Substances Act to require the Drug Enforcement Administration to report certain information on distribution of opioids to manufacturers and distributors to help identify, report, and stop suspicious orders of opioids and reduce diversion rates, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Ms. DeGETTE: H.R 6492. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Natural Resources. By Mr. DeSAULNIER: H.R 6493. A bill to amend titles 23 and 49, United States Code, to improve public understanding of how transportation investments are made by public agencies through establishing greater transparency and accountability processes; to the Committee on Transportation and Infrastructure. By Mr. ENGEL (for himself and Mr. Connolly): H.R 6494. A bill to expose and deter unlawful and subversive foreign interference in elections for Federal office, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Ms. GABBARD (for herself, Mr. Curbelo of Florida, Mr. Young of Alaska, Mr. Soto, Mr. O'Rourke, Mr. Blumenauer, Mr. Rohrabacher, Mr. Gaetz, Mr. DeFazio, Ms. Norton, Ms. Titus, Mr. Crist, Mr. Garrett, Mr. Correa, Ms. Lee, Mr. Pocan, Mr. Carbajal, Mr. Quigley, Ms. Jayapal, Ms. Hanabusa, Mr. Raskin, Mr. Polis, Ms. Schakowsky, and Mr. Cohen): H.R 6495. A bill to direct the Secretary of Health and Human Services to enter into a 10-***year*** arrangement with the National Academy of Sciences to conduct and update biennially a study on the effects of State legalized marijuana ***programs***, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. JOYCE of Ohio (for himself and Mr. Turner): H.R 6496. A bill to amend the Patient Protection and Affordable Care Act to ensure that preexisting condition exclusions with respect to enrollment in health insurance coverage and group health plans continue to be prohibited; to the Committee on Energy and Commerce. [[Page H7155]] By Ms. MENG: H.R 6497. A bill to enhance rail safety and provide for the safe and covered transport of materials in railroad cars, and for other purposes; to the Committee on Transportation and Infrastructure. By Mr. ROE of Tennessee (for himself and Mr. Blumenauer): H.R 6498. A bill to improve mental health services; to the Committee on Education and the Workforce. By Mrs. TORRES (for herself and Mr. Poe of Texas): H.R 6499. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to issue loans to homeowners in areas at risk for disasters to carry out pre-disaster mitigation activities, and for other purposes; to the Committee on Small Business. By Mr. WALZ (for himself, Mr. Denham, Ms. Pingree, Mr. Panetta, Mr. Bost, Mr. Lawson of Florida, Ms. Kuster of New Hampshire, Mr. O'Rourke, Ms. Esty of Connecticut, Mr. Kind, Mr. Sean Patrick Maloney of New York, Mr. Kilmer, Mr. McGovern, Mr. Ryan of Ohio, Mr. Gonzalez of Texas, and Mr. Carbajal): H.R 6500. A bill to expand the availability of ***programs*** of the Department of ***Agriculture*** to veteran farmers and ranchers, and for other purposes; to the Committee on ***Agriculture***. By Mr. BRENDAN F. BOYLE of Pennsylvania: H. Res. 1017. A resolution requesting the President, and directing the Secretary of State, to transmit to the House of Representatives copies of all documents, records, communications, transcripts, summaries, notes, memoranda, and read-aheads in their possession referring or relating to certain communications between President Donald Trump and President Vladimir Putin; to the Committee on Foreign Affairs. By Mr. PASCRELL: H. Res. 1018. A resolution requesting the President to transmit to the House of Representatives certain documents in the possession of the President relating to the determination to impose certain tariffs and to the strategy of the United States with respect to China; to the Committee on Ways and Means. By Mr. BRADY of Texas: H. Res. 1019. A resolution raising a question of the privileges of the House pursuant to article I, section 7, of the United States Constitution; considered and agreed to. By Ms. JACKSON LEE: H. Res. 1021. A resolution calling upon any agreement reached between the President and Vladimir Putin at their meeting in Helsinki, Finland, to be approved by Congress; to the Committee on Foreign Affairs, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. JOYCE of Ohio: H. Res. 1022. A resolution condemning the ongoing illegal occupation of Crimea by the Russian Federation; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Oversight and Government Reform, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. TED LIEU of California (for himself, Mr. Jones, and Mr. Castro of Texas): H. Res. 1023. A resolution condemning Vladimir Putin's attack on United States officials and reaffirming support for those Americans who have served their Nation; to the Committee on Foreign Affairs. By Mr. SMITH of New Jersey: H. Res. 1024. A resolution reaffirming the commitment of the United States to promote international religious freedom and marking the 20th anniversary of the International Religious Freedom Act of 1998; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. By Mr. TAKANO (for himself, Mr. Grijalva, and Mr. Pocan): H. Res. 1025. A resolution expressing support for policies that maintain a robust, fully-funded and staffed Veterans Health Administration of the Department of Veterans Affairs and do not jeopardize care for veterans by moving essential resources to the private sector; to the Committee on Veterans' Affairs.

**Load-Date:** July 27, 2018

**End of Document**



[***BBC Radio 4 - 11:14 PM GMT***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TK3-MYN1-JBH6-C41P-00000-00&context=1516831)

TVEyes - BBC Radio 4

October 25, 2018 Thursday

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**Section:** U.K. NATIONAL RADIO

**Length:** 837 words

**Body**

**Speech to text transcript:**[[1]](#footnote-2)1

T's for women to they have already broken down most of the barriers that women have already served on the frontline they so far only in support roles like medics but for the first time on this exercise they were also the first female members of the Royal armoured Corps to Beca Dixon is among the first few women to qualify as a gunner on a challenger tank I pass fitness tests which are quite hard to do and then then Yeah I thought was just went on from that and I am now one of the first team was tired it is quite cold the infantry to it has until now been only men aloud but from today it will also be accepting applications from women It's two ***years*** since the government said it was lifting the ban on women serving in close combat today the defence Secretary Gavin Williamson went one step further he wants to see women serving in Britain's elite special forces we very much expect women to be joining elite units such as the SAS and special boat service the the value that they will bring the impact they'll make will be phenomenal into a all their services are very much looking forward to welcoming them the army estimates that less than 5% of those women in the army would be able to pass the physical test required to join the infantry and even fewer would meet the gruelling demands of the elite SAS the army insists it will not be lowering standards but they will no longer be any limits to what women will be allowed to do coroner has called for students to be better educated about the dangers of binge drinking after ruling that the death of the first ***year*** at Newcastle University was caused by an alcohol induced heart attack Ed Farmer who was 20 collapsed and died in 2016 after freshers initiation which banned by the University our correspondent Danny Savage is at Newcastle coroner's court Ed Farmer was a first ***year*** student at Newcastle University he joined the ***agricultural*** society and willingly took part in an initiation style event on December night towards the end of his first term such gatherings are officially banned by the University he confided in a friend beforehand he was nervous because he knew there would be a lot of drinking that he was probably going to get his head shaved the large group of young men when from bar to bar in one of them they ordered around 100 triple vodkas by the time they headed back to continue drinking at a student house 20 ***year***-old Mr. farmer was being carried he was later found unconscious in the hallway of the house and taken to hospital but it was too late he drunk so much alcohol his heart had stopped after today's coroner's ruling his father Jeremy criticised Newcastle University and the tradition of initiation events and this is not the first utterly needless and wasteful there to come about through this potentially fatal practice we heard evidence how initiations have been ongoing at Newcastle University in excess of 10 ***years*** possibly even 30 to 40 ***years*** despite such events being apparently banned by both the University student Union those students who were with him that night released a statement saying he was a dear friend who they deeply mess RAF Mario any is president of Newcastle University's student Union we've heard in graphic detail about the nature of its death I think there's a strong message that she go out students at a University in the City and throughout the country about the dangers of excessive alcohol consumption and initiations the coroner for Newcastle Karen built says she will now write to universities calling for first ***year*** students to be warned about the potentially fatal risks of alcohol along with advice about how to care for drunk friend MPs have accused the Department of work and pensions dismissing evidence that universal credit is causing hardship for claimants the government said earlier this month that it would delay the rollout of the scheme which merges 6 ***payments*** into one but the Commons public accounts committee said there was no guarantee that would solve the problems more details from our political correspondent Lynn natty the working pension Secretary Esther McVey has admitted that some people will be worse off under universal credit but the Commons public spending watchdog says there's a fortress mentality inside her department over the scheme it says there's a wealth of evidence to show the ***programme*** is pushing claimants into debt and towards food banks because of ***payment*** delays and says the Department is turning a deaf ear to these concerns the committee urges ministers to listen two groups on the front line and to work with external organisations to shape a new system it says it has serious concerns about plans to ***transfer*** around 4 million people

**Load-Date:** October 25, 2018

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[***Fine Gael throws down gauntlet over election; Donohoe shares budget spoils as talks on confidence and supply deal loom***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TFM-0T91-JCJY-G1WT-00000-00&context=1516831)

thetimes.co.uk

October 10, 2018 Wednesday 12:01 AM GMT

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**Section:** NEWS; Version:2

**Length:** 775 words

**Byline:** Niamh Lyons, Ireland Political Editor

**Body**

Leo Varadkar has thrown down the gauntlet to Fianna Fáil, indicating that he is prepared to call an election unless a deal to renew the confidence and supply agreement can be swiftly reached.

It comes as Paschal Donohoe responded to the threat of a looming election by doubling the budget spend. The finance minister announced a number of revenue-raising measures including a VAT increase to 13.5 per cent on the hospitality sector, bringing in an extra (EURO)700 million. The move allowed him to deliver income tax reductions, housing initiatives and a buffer against the fallout from Brexit.

The third and final budget of the confidence and supply deal was hammered out between Fine Gael, Fianna Fáil and the independents but fears have escalated that a pre-Christmas ballot can only be avoided if the traditional party rivals agree to extend the arrangement.

The Fianna Fáil leader told RTÉ News last night that he wanted to examine the successes and failure of the current deal and that his "objective" was to conclude this by Christmas.

Micheál Martin also suggested that his party may seek further concessions from the government in the finance bill; the document that gives effect to the budget measures. He said: "The finance bill is due to complete on December 11, so we have space between now and then; we are committed to supporting both the finance bill and the social protection bill. In fact we want more measures in the finance bill; that would be consequent on the budget."

Mr Varadkar, the taoiseach, rejected Mr Martin's proposed timetable for talks and insisted that the deal could be agreed by early next month. He said: "I am happy to do a review but what I would like is to agree a new ***programme*** and for the government to continue to the summer of 2020," he said. "I think if we engage seriously we can get this done by the end of the Hallowe'en recess; that should be our target."

Mr Varadkar's decision to raise the stakes before the first budget votes last night has lead to speculation that he is prepared to call a mid-November election if the talks are unsuccessful.

Mr Donohoe was tight-lipped on whether it was an election budget but said he was confident a deal could be reached with the government's supporting independents and Fianna Fáil.

The minister had already committed (EURO)2.6 billion on increased public sector and planned infrastructure spending for next ***year*** before the budget. He was expected to have another (EURO)800 million to play with but announced spending of (EURO)1.5 billion. The prospect of a no-deal Brexit had influenced planning and he has allocated an extra (EURO)110 million across government departments.

The government increased social welfare ***payments*** by (EURO)5 per week while workers can also expect about an extra (EURO)5 in their weekly pay packet.

Mr Donohoe said he had attempted to keep pace with wage increases and the cost of living while maintaining stability in the public finances. "It is a responsible budget for a modern and caring Ireland that aims to be at the centre of a changing world," Mr Donohoe said.

The hospitality sector's 9 per cent VAT rate was abolished, which will raise (EURO)466 million in 2019. An affordable housing scheme of about 6,000 homes, a key Fianna Fáil budget request, was unveiled.

The health budget was increased by (EURO)1 billion, with an extra (EURO)84 million for mental health. The garda budget rose by (EURO)60 million and a (EURO)1.5 billion 'rainy day fund' is to be set aside next ***year***.

Other highlights (EURO)60 million has been provided in Brexit-related supports for the farming sector Overseas aid funding has been increased by (EURO)110 million An additional (EURO)57 million has been allocated to the Department of ***Agriculture***, Food and the Marine Stamp duty exemption on ***transfers*** of land to young trained farmers, which was due to expire this ***year***, has been extended by three ***years***. Stock relief measures have been extended to 2021 The rate of VAT on newspapers will remain at 9 per cent and online publications will have their rate reduced from 23 per cent to 9 per cent Tax reliefs for the Irish film industry have been extended for four ***years*** An additional (EURO)60 million in funding for An Garda Síochána has been allocated, through which 800 personnel will be recruited The three-***year*** tax relief for start-up companies has been extended to 2021 The mental health budget has been boosted by (EURO)84 million, bringing its funding for 2019 to (EURO)1 billion Funding for disability services has been increased by (EURO)150 million, bringing the department's total spending in this area for 2019 to (EURO)2 billion

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[***Interview with Max Tkachenko, the CEO of iTrue***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TNY-F7H1-F03R-N2VX-00000-00&context=1516831)

TechBullion

November 8, 2018 Thursday 11:15 AM EST

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**Length:** 2116 words

**Byline:** Angela Scott-Briggs

**Body**

Nov 06, 2018( TechBullion: [*http://www.techbullion.com*](http://www.techbullion.com) Delivered by Newstex) iTrue[1] is giving users control of their own data back from big tech firms. Also, business and individual users can earn rewards for participating in the data economy and decentralized app marketplace. The CEOMax Tkachenko will be telling us more about the iTrue project in this interview. 1) Please tell us your name and about yourself?

I'm Max Tkachenko. I was born in Russia, although I have been living in Miami, Flordia, in the US, for the last 15 ***years***. I studied at Broward College in FL, and Computer Science at Harvard. After graduating, I opened my own business in the Cyber Forensics sector. I still have my own business involving in Cyber Forensics and Investigations, which services global clients. In my experience in developing security applications for clients in the financial sector and digital ***payment*** industries, I saw the need to detect and prevent fraud by use of biometric identities, which led me and my team to start iTrue. Prior to iTrue, I founded Genico, a digital security, AI and blockchain development company offering services to enterprises around the world. I have worked with over 280 projects with $107 million in total market capitalization. 2) What is iTrue and what services are you providing to the blockchain market? iTrue is a Blockchain based solution focused on giving users control of their own data back from big technology firms. On the front end, we secure access to the system with facial recognition software, which means your face (we call it 'Face Pass') is the key to your data. On the back end, all data is stored in a state-of-the-art Stone Storage solution, which is a combination of blockchain and distributed database technology. In addition, we offer an incentive system for users on our platform. Business and individual users can earn rewards for participating in the data economy and decentralized app marketplace. iTrue is therefore an innovative platform for storage and biometric identity for the decentralized web. It's not just a blockchain but a merge of blockchain and database. Although blockchain is immutable and data cannot be altered, our unique storage technology actually allows users to delete data upon request - which makes it compliant with GDPR and other existing data privacy rules. And nobody can read that deleted data as it is encrypted. Moreover, the iTrue system actually destroys the link to such deleted data. What remains is the record of deletion itself which is stored on our blockchain-based Stone Storage solution. [embedded content] 3)How does the ITrue ecosystem work and what is the technology behind the project? At the core of iTrue's platform is blockchain, which is the optimal way of storing data online in the future. We are tackling data security issues head on with our state-of-the-art Stone Storage solution, a distributed database that enables users to store information without the need for a centralized server, as it's based off of blockchain distributed ledger principles. With our Stone Storage solution, personal information is stored separately from its record of transaction and can be divided into different levels and categories. This allows users to decide which information to share with which party, putting users in complete control over sensitive information. We are taking data security to the next level by securing information using biometric technology. This means users must successfully verify their identity by scanning their face, eye iris, or other facial feature in order to access their stored data. The iTrue token economy primarily consists of a marketplace for data and a marketplace for decentralized applications. We have 2 models of data monetization: contact data (to get new clients) and UX data (for research purpose and insights how users interact with a product).In the contact data marketplace, participants can benefit as follows: Contractors, or entiites that collect and process data, can earn tokens or get new user data they don't have when they insert user data they have into the platform; Clients, or businesses that require user data, can acquire data by paying in tokens; Users earn token rewards when they share their personal contact data with contractors or clients.It should be noted that all requests for user data will require user approval, and they can also remove their personal data from the system, making iTrue fully compliant with privacy regulations like the GDPR.In the US data marketplace, participants can benefit this way: Clients, developers, or businesses that need testing of their existing or new application or system, can acquire anonymous UX data reports, which will include mimic reactions, eyes movement, fingers interaction with mouse and touch screen during testing of a product, by paying in tokens; Users earn token rewards when they participate in testing and share their UX data in anonymous view with clients.Meanwhile, in the decentralized app marketplace, participants can benefit as follows:Developers can build apps that take advantage of the existing modules (i.e., ID verification, Biometric recognition, Personal information, etc.). They can earn tokens when users or businesses use their turnkey solutions or require customized applications. Devs can also build and share their own modules; Enterprises can utilize either turnkey solutions or request their own customized applications; Individual users can either use tokens to pay for access to unique paid apps and get rewards when they use paid or free apps.4)What is the demand and market size of Blockchain-as-a-Service solutions and what unique benefit is iTrue bringing to this market? iTrue wants to bring together Blockchain technology and Biometric Identity standards in order to get rid of online fraud. Both industries are growth markets on their own, and we believe addressing both BaaS and Biometrics will enable us to make these technologies more accessible to both enterprises and users. The market for BaaS is estimated at US$ 623 million this ***year***, which is set to grow to US$ 15.455 billion in five ***years***. Demand for such services is distributed across industries, but the biggest demand will come from the banking, finance, and insurance industries. In terms of biometrics, smartphone manufacturers like Apple and Samsung have popularized their own versions of biometric authentication, such as fingerprint and face ID. While this pertains to the mass appeal of such technologies, there is a bigger potential, which is in commercial and enterprise usage. In terms of enterprise use, biometrics go beyond fingerprints. The global market for face ID was US$ 3.36 billion in 2016, and it will grow to US$6.84 billion by 2021. By 2022, it will shoot up to US$32.73 billion, according to Markets and Markets. It goes without saying that financial services will benefit greatly from the ability to make secure identification, authentication, and transactions through biometrics. ***Agricultural*** Bank of China is promoting withdrawals by facial recognition scans nationwide. Additionally, China Construction Bank has also announced commercial facial scan ***payments***. Moreover, Shenzhen Metro, Tencent and GRG Banking jointly released a new solution which officially marked a new era of facial recognition - it will enable seamless and secure access to transport, communications, and frictionlness ***payments*** all through biometrics. Given that the growth in demand for BaaS will be supported by industries that relate to finance and fintech, it is only fitting that we also focus on the digital identity and security aspect. iTrue will make access to such financial and other services more convenient and secure through facial recognition. 5)Do you have any Competitors or similar use cases you will like to share with us? We can point out two main fields that we want to disrupt: BaaS and identity verification. In terms of BaaS, we can perhaps count blockchains that allow development of dApps as competitors, including NEO. Our main differentiator is that we have modular architecture, so we can add any new verified module. We can also support smart contracts written on any ***programming*** language, unlimited data capacity, and a robust search capability unmatched by any blockchain solution today. In terms of identity systems, there are a handful of blockchain platforms that have also launched with their own ID verification services, such as Civic and Verime. Here, again, we can highlight our integrated privacy controls, dApp development, and face verification as our main differentiators. 6) Please tell us more about the iTrue Token and token sale Conditions? We are currently on our private sale round. We accept investments from US$25,000 up, and we give 25% bonus during this round. 7) Do you have any major Partners or investors you will like to share with us, or any new opportunities for partners? Events and trade shows are one of the biggest use-cases of iTrue, and we are glad to have partnered with Trade Center Europa, one of the biggest chain of shopping and entertainment centers in Russia. We have partnered with Bancor Network, a decentralized liquidity network based in Zug, Switzerland which completed a historic Token Generation Event in June 2017. We're in negotiations with other e-commerce and offline business companies to launch pilot projects with help of our technologies. 8) On what stage of development is the ITrue platform, what is next on your Roadmap? We have developed our identity verification system, initially using facial recognition in user identification and verification. In terms of the technology, we have also accomplished our hybrid data storage solution, which is a combination of blockchain and database, thus ensuring ability to even run a search engine across the decentralized storage. We are currently working on an API to connect our platform and modules with third-party solutions. 9) Who are the experts behind this project, please tell us about your team and customer support? Our core team has had decades of experience in building secure and encrypted solutions for financial applications. In terms of blockchain and computer vision development, we have several experts on-board: Anton Gorozhankin, our CTO, has 15+ ***years*** experience in software architecture and product development, with expertise in ***payment*** gateways, billing systems, custom enterprise applications, and blockchain integration. Abhishek Gangwar is our Chief Computer Vision Engineer. With a decade experience in biometrics and computer vision technology, he has been associated with Aadhaar project and worked as a researcher in Computer Vision and Machine Learning domain at India's Centre for Development of Advanced Computing (C-DAC), which has around 15 branches all over India with more than 2,500 employees. Maxim Ankinin is our senior software developer. He has 10+ ***years*** experience in ***programming***, creating solutions for variouscompanies from small utilities to big business systems, modelling for computer vision and other scientists' problem. He has worked with C/C++, Python 2/3 and various libraries (for example, OpenCV, ROOT, Boost, Qt 3/4/5 and others). He has experience with Linux (including low-level ***programming*** - writing Linux kernel modules), embedded systems (forexample, MIPS 64) and GPGPU solutions. A published technology author, Maxim has a PhD degree in computer vision (satellite imagery), artificial intelligence and machine learning. 10) How Safe is iTrue, would you like to talk about your legal and security measures? iTrue values user privacy, and thus we have built the platform with GDPR compliance at the outset. In terms of data storage, iTrue's Stone Storage solution utilizes a mix of blockchain transaction recording, along with encrypted database storage, to ensure a balance of security and performance. Encrypted personal data is stored in a decentralized network with controlled access. The system gets biometric data and additional metadata related to an operation in order to generate a crypto key. The data gets encoded by the generated public key, and finally it is ***transferred*** through protected interfaces. Confidential user data is never stored on personal devices for safety reasons, since personal devices are most likely to get hacked with the use of social engineering. 11) Do you have more information for our readers? Apart from our iTrue whitepaper, for quick reference, you can check out our investor deck here: [*https://itrue.io/files/iTrueInvestorDeck.pdf*](https://itrue.io/files/iTrueInvestorDeck.pdf)[2]. Recommended for you [ 1]:   [*https://itrue.io*](https://itrue.io)/ [ 2]:   [*https://itrue.io/files/iTrueInvestorDeck.pdf*](https://itrue.io/files/iTrueInvestorDeck.pdf)

**Load-Date:** November 8, 2018

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[***TOP NEWS SUMMARY: Saudi Arabia Says It Is Committed To Aramco IPO***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5T3H-9BG1-JBCX-N4R0-00000-00&context=1516831)

Alliance News

August 23, 2018 Thursday 10:27 AM GMT

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**Length:** 1746 words

**Body**

LONDON (Alliance News) - The following is a summary of top news stories Thursday.

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COMPANIES

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The Saudi government remains committed to an initial public offering of the state oil giant Aramco, but at a "time of its own choosing," Energy Minister Khalid Al Falih said. His remarks come in response to speculation that Saudi authorities called off plans to list the company on the stock exchange, expected to be one of the biggest in history. The Aramco listing is thought to be part of an ambitious economic reform plan, known as Vision 2030, launched by Saudi Arabia's powerful Crown Prince Mohammed bin Salman to diversify the kingdom's oil-reliant economy. "The government remains committed to the IPO of Saudi Aramco at a time of its own choosing when conditions are optimal," Aramco chairman Al Falih said in a statement, according to the official Saudi news agency SPA.

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CRH reported a rise in both interim profit and revenue, despite poor weather and difficulties in the Philippines during the period. For the six months to June, FTSE 100-listed CRH's pretax profit increased to EUR497 million from EUR475 million a ***year*** prior, with earnings before interest, taxes, depreciation, and amortisation rising 1% ***year***-on-***year*** to EUR1.13 billion. CRH's like-for-like Ebitda increased by 1%, with Europe up 1%, the Americas 3%, though Asia plummeted 59%. Revenue for the interim period was EUR11.94 billion, 1% higher ***year***-on-***year***, while like-for-like sales were up 2%. In Europe, like-for-like sales rose 1%, the Americas by 3%, though in Asia they fell 2%. CRH has lifted its interim dividend by 2% ***year***-on-***year*** to 19.6 cents a share. So far this ***year***, it has bought back EUR350 million from shareholders under its previously announced EUR1.0 billion buyback ***programme***.

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AstraZeneca said the 24-week Aeristo Phase IIIb trial for a fixed-dose dual bronchodilator Bevespi Aerosphere was inconsistent with previous data. The trial aimed to assess the efficacy and safety of Bevespi Aerosphere compared with umeclidinium/vilanterol. In the research, 1,119 patients with moderate to very severe chronic obstructive pulmonary disease were randomised to receive either two inhalations twice a day of Bevespi Aerosphere or one inhalation once a day of umeclidinium/vilanterol. The pharmaceutical company said Bevespi Aerosphere showed non-inferiority to umeclidinium/vilanterol on peak forced expiratory volume in one second in the trial, but did not demonstrate superiority on peak forced expiratory volume in one second or non-inferiority on trough forced expiratory volume in one second.

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Ryanair Holdings said it has reached an agreement with its Irish pilots following a series of strikes. In a statement posted on the airline's Twitter account, Ryanair said it has reached agreement with Irish trade union FORSA and its committee of Irish pilots. The proposals, it continued, will be taken to the Ryanair board once pilots vote on it. Mediator Kieran Mulvey has asked both sides not to comment on the matter until the pilot ballot has been carried out. Irish pilots went on strike for a fourth time earlier in August. Pilots have been unhappy about the company's plans to change seniority rules and its plans for annual leave, ***transfers*** and promotions.

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Playtech said its profit rose in the first-half of 2018, helped by new client wins, license awards and acquisitions. The software company said pretax profit rose to EUR124.2 million in the six months to the end of June from EUR91.4 million reported for the same period a ***year*** earlier, helped by revenue, which improved by 4% to EUR436.5 million from EUR421.6 million. On a constant currency basis, revenue rose 6%. Playtech maintained its interim dividend at EUR12.1 per share. Playtech said its gaming division was the best performer in the first-half, with revenue rising by 53%. The result was boosted by new client wins and new license awards in key markets. During the period, the company acquired Italian gaming company Snaitech, after Pluto - a wholly-owned subsidiary of Playtech - ***transferred*** off the remaining 3.5% minority holding in SnaiTech to the company. Prior to that, Playtech's holding in Snaitech totalled 96.5%.

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OneSavings Bank boosted its interim dividend by 23% as it reported a strong increase in interim profit. The lender's pretax profit for the six months to June-end was GBP91.8 million, 17% higher ***year***-on-***year***, and it is now to pay a 4.3 pence per share interim dividend from the 3.5p it paid for the same period a ***year*** earlier. The challenger bank's net loan book has grown 11% to GBP8.1 billion, fuelled by 17% growth in gross organic origination to GBP1.44 billion. OneSavings said it was "delighted" with the "excellent" progress it has made in the first six months of 2018, with its core buy-to-let & small to medium enterprise segment doing well.

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MARKETS

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London shares were higher as investors shrugged off the latest round of tariffs between the US and China came into effect. The pound was down against the dollar after minutes from the latest US Federal Reserve meeting pointed to the likelihood of further interest rate hikes. Wall Street was pointed to a flat open with Chines e-commerce company Alibaba and personal computer maker HP set to report earnings.

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FTSE 100: up 0.1% at 7,582.38

FTSE 250: up 0.2% at 20,592.85

AIM ALL-SHARE: up 0.3% at 1,088.17

GBP: down at USD1.2860 (USD1.2906)

EUR: soft at USD1.1560 (USD1.1599)

GOLD: down at USD1,188.54 per ounce (USD1,195.95)

OIL (Brent): firm at USD74.39 a barrel (USD74.26)

(changes since previous London equities close)

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ECONOMICS AND GENERAL

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The euro area private sector continued to expand in August, albeit with the rate of expansion remaining one of the weakest seen over the past ***year***-and-a-half, flash data from IHS Markit showed. The composite output index rose marginally to 54.4 in August from 54.3 in July. But the score was slightly below the forecast of 54.5. The services Purchasing Managers' Index also came in at 54.4, up from 54.2 a month ago. The score came in line with expectations. Meanwhile, the manufacturing PMI fell unexpectedly to a 21-month low of 54.6 from 55.1 in July. The reading was expected to rise slightly to 55.2.

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The US enacted a new round of tariffs on Chinese products worth USD16 billion, escalating the trade war between the world's largest economies. The 25% duties affect Chinese goods ranging from drainage pipes to ***agricultural*** products and railway wagons. In response, China enacted retaliatory tariffs on US products worth USD16 billion, according to state media. The 25% Chinese tariffs went into effect at the same time as US duties on the same amount of Chinese products, Xinhua news agency reported. China also intends to file a complaint with the World Trade Organization. This is the second salvo in the countries' trade war, after last month Washington imposed tariffs on USD34 billion worth of Chinese goods, with Beijing retaliating with duties on the same amount of US products. A Chinese trade delegation arrived in Washington this week for negotiations aimed at defusing the tensions.

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Brexiteer Jacob Rees-Mogg has urged Theresa May to "chuck Chequers" and "believe in Britain" in a letter to grassroots Conservatives. The backbench Tory and 60 colleagues have signed the letter, which describes the prime minister's Brexit Chequers compromise as the "wrong deal for Britain". It states the UK "does not need to do a deal with the EU", but the bloc "needs to do a deal with us at all costs". In the letter, leaked to the Telegraph, Rees-Mogg says: "The government would be wrong to be fearful of Britain enjoying an independent future. Theresa May's Chequers proposals would shackle us to the EU forever. "We would be out of Europe yet still run by Europe. This is why the prime minister should 'chuck Chequers' and instead seek a Canada-style free trade agreement with the EU to make the most of the global opportunities that lie ahead. Brexit Secretary Dominic Raab is due to give a speech on Thursday to coincide with the release of the first of a raft of papers on more than 80 subjects.

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Another interest rate hike may be coming, according to the minutes from the latest meeting of the US Federal Reserve's monetary policy committee. The Fed's monetary policy committee suggested that, if economic data continue to stay strong, "it would likely soon be appropriate" to take another step toward raising rates, minutes from the committee's July 31-August 1 meeting show. "Participants discussed the economic forces and risks they saw as providing the rationale for gradual increases in the federal funds rate," the minutes said. But they also note that there are scenarios that might alter that expected path. The committee members cited a strong labour market, positive earnings results, a slight increase in wages, an inflation level near the Fed's target and rising equity values in saying that they see an economy that is strong enough to bear tighter monetary policy. The Fed has raised rates twice this ***year***, but, at its last meeting, left its target range of 1.75 to 2% unchanged. Its next meeting is scheduled for September 25-26.

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Donald Trump has accused his former lawyer Michael Cohen of lying under pressure of prosecution as his White House grappled with allegations that the president had orchestrated a campaign cover-up to buy the silence of two women who claimed he had affairs with them. Confronting mounting legal and political threats, Trump tweeted to accuse Cohen of making up "stories in order to get a 'deal'" from federal prosecutors. Cohen pleaded guilty on Tuesday to eight charges, including campaign finance violations that he said he carried out in coordination with Trump. At a White House briefing, press secretary Sarah Huckabee Sanders insisted at least seven times that Trump had done nothing wrong and was not the subject of criminal charges. Trump himself publicly denied wrongdoing, sitting down with his favoured ***programme*** Fox & Friends for an interview set to air on Thursday. In the interview, he argued, incorrectly, that the hush-money payouts were not "even a campaign violation" because he subsequently reimbursed Cohen for the ***payments*** personally instead of with campaign funds.

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By Arvind Bhunjun; [*arvindbhunjun@alliancenews.com*](mailto:arvindbhunjun@alliancenews.com)

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**Load-Date:** August 23, 2018

**End of Document**



[***Russian nationals dominate list of global rich who are now 'Maltese'***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RC9-T0C1-F11P-X4M0-00000-00&context=1516831)

Malta Today

January 9, 2018 Tuesday

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**Length:** 1884 words

**Byline:** Yannick Pace

**Body**

Billionaires, magnates, politicians and a Saudi prince... the new 'Maltese' who buy themselves a €650,000 passport may never step foot in Malta but are buying ease-of-movement across the world

9 January 2018, 8:14amLast week the government published the full list of people who were granted Maltese citizenship during 2016, including those who had purchased their citizenship through the Individual Investor ***Programme*** (IIP).

Under the IIP, high-net worth individuals can obtain Maltese, and therefore EU citizenship, against a fee of €650,000, as well as €150,000 in government bonds and a €350,000 investment in property. A physical presence is not required for applicants to prove residency.

The scheme has been controversial since its inception, and while Prime Minister Joseph Muscat has insisted that IIP would allow Malta to attract talent towards its shores, opponents have argued that the government is effectively prostituting the country for a measly sum, insisting citizenship should not be for sale.

The ***programme*** was also at the centre of allegations last ***year*** that the Prime Minister's chief-of-staff Keith Schembri, and Nexia BT owner Brian Tonna were involved in the laundering of money coming from kickbacks from applicants.

Doubt has also been cast on the individuals being granted citizenship, despite the government's reassurances that the strictest of due diligence processes is carried out before applicants are approved.

Why do people buy passports?

For some, acquiring a passport is simply a status symbol like cars or summer-houses. Others from countries with restrictive passports might choose to do so to facilitate their travels around the world, or as insurance in the eventuality of sanctions, natural disasters or war.

According to a 2015 IMF report on Economic Citizenship ***Programmes***, "high net-worth individuals consider citizenship/residency as a means to improving international mobility, tax planning, and family security while also seeking investment opportunities".

Who's on the list?

The list includes over 2,000 names, of which around half are relatively common Maltese names and therefore likely to belong to naturalised citizens. From the remaining list of names looked into by MaltaToday – a relatively small sample when considering the total number of names on the list – it emerged that a majority are from Russia and other Eastern European countries. The list also includes a high proportion of people from Gulf states, Middle-Eastern and African countries.

These are some of the more notable names that appear in the list. There is no implication of any wrongdoing on the part of the applicants.

Faisal Alibrahim – Saudi Arabian strategy, investment and business development advisor. According to his LinkedIn profile he is currently an advisor to Saudi Royal Court, the Saudi ministry of Economy and Planning, and a former advisor to Uber. He has held a number of roles in Saudi Aramco believed to be the most valuable company in the world, with $2 trillion to $10 trillion dollar value estimation.

Faisal Alibrahim, Saudi Arabian investment advisor

Gilbert Teodoro – Former secretary of the national defence of the Republic of the Philippines, a post he held between 2007 and 2009. Having previously been a member of the house of representatives, Teodoro ran for the president in the 2010 elections, losing to Noynoy Aquino.

Following his time in politics he was appointed an independent director of Banco de Oro, one of the Philippines' largest banks and was named chairman of the Sagittarius Mines Incorporated in August 2015.

In June 2016 he declined an offer by Philippine president Rodrigo Duterte for him to return to his post as Secretary of National Defence.

Gilbert Teodoro, Former secretary of national defence of the Philippines

Leonid Viktoryvich Korotkov – He is a member of Russia's Communist Party and is a former governor of Amur Oblast in Siberia in Russia. He was nominated to a second term by Russian President Valdimir Putin but was sacked, again by Putin, when he was accused of abuse of power.

In 2010, Kortkov is reported to have been acquitted of the charges of rising electricity tariffs to illegally fund a local football team, buying cars at inflated prices as well as ***payment*** for shares in a company that were never ***transferred*** to his government.

Leonid Korotkov, Former governor of Amur Oblast in Siberia

Dmitry Vladimirovich Semenikhin – He is a 21-***year***-old Russian writer and businessman. He is the author of five science-fiction novels and was a regular contributor to the publication Business Insider.

He is the founder of Yacht Harbour media holding, which generated an estimated $4.4 million in revenue in 2016. Yacht Harbour is based in Monaco and Moscow and runs databases and online news portals in the yachting sector.

Dmitry Semenikhin, Russian writer and businessman

Alexey Alexandrovich Marey – Was the CEO of Alfa Bank Russia, the country's largest private bank by assets. According to a Reuters report published in November of this ***year***, the bank announced in a statement that Marey had left his post "as his family is moving to another location".

Sheikh Ibrahim Waleed Alibrahim - Saudi founder of the Middle East Broadcasting Company (MBC). He was recently arrested as part of a corruption probe by Saudi Arabia's crown prince Mohammed bin Salman.

Ibrahim Waleed Alibrahim, Saudi founder of MBC channel

Dragan Solak – He is the executive chairman of the United Media Group – one of the largest telecommunications groups in the Balkans. According to European Investigative Collaborations partner Nacional – tax could have been avoided on the ***payment*** of €6.7 million of TV rights by Balkan television stations, which ended up in Malta, Cyprus and Liechtenstein.

Dragan Solak, Serbian media magnate

Alexander Iosifovich Rubanov – Chairman of the management board at TNS energo Rostov-on-Don PJSC which is an 0.17% shareholder in TNS Energo LLC group, which is involved in the generation and distribution of power and electric energy. The Government of Russia owns 33.48% of the shares.

Roman Evgenievich Trushev – chairman of Petroneft, an oil and gas exploration and production company based in Russia.

Elena and Anna Rybolovleva – Former wife and daughter of AS Monaco owner Dmitry Rybolovlev. In May 2014, a Swiss court ordered him to pay over $4.5 billion to Elena in a divorce settlement which was later reduced to $580 million on appeal.

Gennady Yurievich Brovchuk – The name comes up in the ICIJ's Offshore Leaks database, where Brovchuk is listed as having been a shareholder in the company Nord Avia Group Ltd, which was incorporated in the British Virgin Islands and struck off the register in October 2012.

Matthys Du Toit – Du Toit is a South Africa national who is the chairman of KWV Holdings, which sells wine, brandy and other spirits in South Africa. He is also a director at an investment holding company called PSG Group Limited, and a non-executive director of Pioneer Food Group Limited.

Alexander Pavlovich Grachev – He is a former competitive ice dancer whose best claim to fame was winning the 2004 World Junior championship with Elena Romanovkaya.

Alexey De-Monderik - Co-founder of major cybersecurity and anti-virus provider firm Kaspersky Lab, which is headquartered in Moscow. Kaspersky Lab ranks fourth in the global ranking of antivirus vendors by revenue.

Alexey De Monderik, Co-founder Kaspersky Lab

Andrey Petrovich Gomon – Non-executive director at Globaltrans Investment Plc, director of Joint-Stock Company New forwarding Company, and director at OOO BaltTransServis. All three are Russian transportation and logistics companies. Gomon also held various roles within Transoil LLC, one of the largest oil transportation companies in Russia.

Gurinder Jit Singh - Founder and Chairman of the GJ GROUP which operates in the hospitality sector in New Dehli, India.

Bimal Kantaria – Director of Elgon Kenya, a company dealing in ***agricultural*** products including fertilizers, seeds, irrigation systems and agro-chemicals.

Amar Kantaria – The executive director of Prime Bank Limited. He also serves as Director of Kenya Community Development Fund and Treasurer of the Rotary Club Nairobi. He has also been the director of Tausi Assurance Company Limited since July 2010.

Amar Kantaria, Executive Director Prime Bank

Igor Vyacheslavovich Khudokormov – According to Panama Papers leaks, Khudokormov was a shareholder in Magna Investments, which was registered in Samoa. The company was struck off the register in February 2016. He was also a shareholder in BVI company Quarant Limited, which was also stuck off the register in October 2016. He is the chairman of Prodimex Trading House, a Russian ***agricultural*** producer of sugar.

Alexey Kirienko – Russian CEO of Exante, an investment brokerage firm based in Malta which was at the centre of fraud accusations in the United States. The company has since been cleared of all charges.

Alexey Kirienko, CEO Exante

Leonid Levitin – Named in the Panama Papers as a shareholder of Godfrey Business Development Limited, a BVI company which was established in 2013 and is still active.

Dmitry Yuryevich Lipyavko – Founder of Roza-Mira OOO which is a wholesale distributor of petroleum and petroleum products. The company markets diesel, gasoline, heating oil and other petroleum products through retailers throughout the Russian Federation. He is also a director at Blueline Project and a member of the board of directors of GEOTECH holding, CJSC and IG Seismic Services Ltd.

Anatoly Igorevich Loginov – Loginov is the founder, CEO, president and chairman of BPC AG. He holds an MSc in cybernetics and a PhD in computer science. BPC AG provides open-system e-***payment*** solutions for the global financial industry.

Alexander Mechatin – Russian CEO of Beluga Group, Russia's largest private spirits company.

Andrei Melnikov - CEO and director of Global Cobalt Corporation. He is a mining executive with background in engineering and experience in the mining industry. Melnikov is also a director of engineering of uranium mining company, Uranium One Holding N.V.

Clyde Stefan Rossouw – South African portfolio manager at asset management firm Investec Asset Management.

Yannick joined MaltaToday as a journalist in 2016. His main areas of interest are politics...

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Faisal Alibrahim, Saudi Arabian investment advisor

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Gilbert Teodoro, Former secretary of national defence of the Philippines

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Leonid Korotkov, Former governor of Amur Oblast in Siberia

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Dmitry Semenikhin, Russian writer and businessman

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Ibrahim Waleed Alibrahim, Saudi founder of MBC channel

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Dragan Solak, Serbian media magnate

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Alexey De Monderik, Co-founder Kaspersky Lab

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Amar Kantaria, Executive Director Prime Bank

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Alexey Kirienko, CEO Exante

**Load-Date:** January 9, 2018

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[***-World Bank Maintains FY2018 Growth Projection at 4.6 Percent***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S4F-Y021-F0K1-N2TR-00000-00&context=1516831)

ENP Newswire

April 18, 2018 Wednesday

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**Length:** 892 words

**Body**

'Fiscal and current account deficits key challenges as Nepal transitions to federalism'.

The forecast of Nepal's economic growth in FY2018 remains unchanged at 4.6 percent and is expected to average 4.3 percent in the subsequent two ***years***, according to the latest edition of the World Bank's twice-***yearly*** Nepal Development Update released today. The key challenge during this period will be managing both fiscal and current account deficits, which are likely to increase substantially as Nepal transitions to federalism, it says.

***Agriculture***, which was expected to progress well in FY2018, was set back by floods and sub-par rainfall in the winter crop season. It is expected to rebound thereafter, but in line with its historical average growth rate as no major irrigation projects are expected to be completed during the forecast period, according to the update. The service sector, particularly trade, tourism and transport, is expected to continue driving growth but is likely to be affected by uncertainty stemming from a further slowdown in remittances, it says.

Industry is likely to continue getting a boost in FY2018, as the construction subsectors continue to perform well. Reconstruction activities are expected to continue to pick up at a relatively faster pace in the remainder of FY2018 and are expected to grow during the forecast period. Manufacturing is also expected to pick up due to better availability of electricity and improving prospects for export to India.

Meanwhile, the current account deficit, which was marginal in FY2017, is expected to widen substantially as the growth of imports remains strong while remittances ease and exports grow modestly. The persistence of a large current account will likely put pressure on Nepal's currently adequate foreign exchange reserves.

'The decline in migrant worker outflow has continued; growth of remittances has significantly slowed over the last two ***years***; and further slowdown could result in a sharper deterioration in the balance of ***payments***,' said Sudyumna Dahal, Economist and co-author of the update. 'In addition to the external sector, slower growth of remittances could further slow accumulation of deposits in the financial sector,' he added.

With increased government expenditure the fiscal deficit is expected to widen in FY2018 and during the forecast period. Financing is not expected be a challenge due to ample fiscal space and a low debt-to-GDP ratio of 27.0 percent in FY2017. Debt is likely to grow relatively faster but remain sustainable during the forecast period.

In its Special Focus section, the update notes that at the fiscal deficit had already reached 4 percent of GDP in FY2017 owing, in large part, to hikes in civil service wages, pensions and social security spending. Thus, fiscal pressures had mounted even before the transition costs of federalism were considered.

'The cost of establishing and running a federal system of government, the need for post-earthquake and flood reconstruction, higher spending on social assistance ***programs***, and larger outlays on much-needed infrastructure are likely to result in significant increases in government spending,' said Damir Cosic, Senior Country Economist and lead author of the update. 'In addition, improving human resource capacity in the newly created subnational governments remains a critical priority,' he said.

Based on a number of critical assumptions, the update estimates the transition costs of restructuring the government at 3-4 percent of GDP per ***year*** over the next four ***years***. The first assumption is that the consolidated wage bill of the overall government will not change significantly. A second assumption is that spending by subnational governments, and fiscal ***transfers*** financing this spending, will grow gradually as the capacity of local and provincial government increases. The third assumption is that one-off establishment costs of subnational governments will account for the bulk of additional spending needed. Should any of these assumptions not materialize, the estimates could be radically different, notes the update. If not addressed adequately, the increased spending needs could lead to fiscal vulnerabilities in the future, it says.

The government has carried out considerable preparatory work for the transition to a federal structure, particularly on three thematic areas-fiscal, administrative, and functional restructuring. However, a comprehensive transition plan and a responsible authority to oversee the transition are needed, says the update.

'In the absence of a clear transition management plan, the implementation of the federal constitution in terms of devolution of functions, funds and functionaries will be neither smooth nor well sequenced,' said Cosic. 'To ensure that state restructuring is a success, a credible plan that is executed efficiently is really important,' he said.

To successfully transition to the new government structure, authorities should (a) eliminate wasteful or duplicative spending, (b) improve efficiency of spending to reach the greatest number of neediest citizens, and

Download the update here.

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**Load-Date:** April 18, 2018

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[***Washington: Rubio Supports Farm Bill with Important Provisions for Florida Citrus and Agriculture***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SR1-SCR1-F0YC-N0J1-00000-00&context=1516831)

Impact News Service

July 4, 2018 Wednesday

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**Length:** 479 words

**Body**

Washington: Office of the Senator Marco Rubio has issued the following news release:

Today the U.S Senate approved the ***Agriculture*** Improvement Act of 2018 (2018 Farm Bill), which includes key provisions advanced by U.S Senator Marco Rubio (R-FL) to authorize funding for research and relief for Florida’s citrus industry, including a provision to ensure that crop insurance policies be improved to meet the unique needs of Florida growers.   “Florida’s economy and the livelihoods of many throughout the state rely on vibrant citrus, fruit, and vegetable production,” Rubio said. “There are several important wins for Florida farmers and consumers in this bill, not least of which is the continuation of critical citrus research and reforms to crop insurance, which are badly needed as the industry continues to recover from citrus greening and Hurricane Irma.”   Key Rubio supported provisions included in the ***Agriculture*** Improvement Act of 2018:

Citrus

    Authorizes $80 million per ***year*** for the Specialty Crop Research Initiative     Authorizes $25 million per ***year*** for the Emergency Citrus Disease Research and Development Trust Fund         Establishes a citrus trust fund and directs the Secretary to make ***payments*** annually for the purpose of citrus research and extension activities, technical assistance, and development activities to combat certain pests and diseases as well as to support dissemination and commercialization of certain relevant discoveries.         Prioritizes ***payments*** for research priorities established through the National ***Agricultural*** Research, Extension, Education, and Economics Advisory Board, with consideration towards citrus disease response and other research and extension projects.         Requires that funds provided from the trust fund not supplant funds made available to carry out other activities by the Department of ***Agriculture***, and provides funding for the trust fund for each ***calendar*** ***year*** through 2023.         Reauthorization of the Citrus Disease Subcommittee for Specialty Crop Committee

Crop Insurance

    Amends current law allowing the Commodity Credit Corporation to maintain or improve existing policies crop insurance policies or develop new policies.     Provides direction for the improvement of crop insurance policies related to whole farm plans, citrus, and greenhouse production.

Cuba

    Prohibits U.S taxpayers funded travel and marketing activities of U.S ***agriculture*** trade associations and growers from benefitting the Cuban military by reinforcing directives set forth under the National Security Presidential Memorandum,“Strengthening the Policy of the United States Toward Cuba,” issued by the President on June 16, 2017.

Flood Insurance

    Extends the National Flood Insurance ***Program*** (NFIP) through January 31, 2019.

Animal Welfare

    Prohibits dogs and cats from being slaughtered for human consumption

**Load-Date:** July 5, 2018

**End of Document**



[***Central and eastern Europe; CENTRAL AND EASTERN EUROPE WINNERS***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5V07-4WX1-DYTY-C2K4-00000-00&context=1516831)

The Banker

December 1, 2018

Edition 1, National Edition

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**Section:** BUSINESS; Pg. 100

**Length:** 38592 words

**Body**

Mehmet Seyhan Pencabligil, chief executive, BKT ALBANIA Banka Kombetare Tregtare Albania's Banka Kombetare Tregtare (BKT) continues to improve most of its key metrics, including returns and costs, while growing its market share in neighbouring Kosovo. That has given it enough confidence to upgrade the Kosovo operations from branch to subsidiary status.

With 27 branches in Kosovo, BKT's share of the market has reached almost 10%, so the bank reasoned that it was strategically important to decentralise the business. It believes that the resulting special focus will allow it to benefit from opportunities in the "dynamic" economic environment of "the youngest state in Europe".

In 2017, net profits at BKT increased by only 0.7% to $58.9m. Yet the bank was able to continue growing its capital and assets much more aggressively. Tier 1 capital rose by 11.2% to $328m, and assets by 21.2% to $3.66bn. Return on equity improved further from the 19.1% achieved in 2016 to 20.5%. The bank's non-performing loan ratio tightened from 7.5% to 4.9%.

The technology highlight of 2017 was a project to implement a business process management (BPM) platform. This helps the bank to improve the services it offers through both branch and digital channels within very short timeframes, giving it design-once, deploy-anywhere capabilities, and case lifecycle management for better decision making. The BPM project has already allowed the bank to renew existing infrastructure by integrating different types of systems, including Fico scoring and origination, enterprise content management, know your customer and identity services.

The bank has become the first in Albania to launch smart mobile banking for its business customers, who can now access their accounts via their mobile devices.

"Every award we receive is thanks to our dedicated staff and, accordingly, is dedicated to them," says BKT's CEO, Mehmet Seyhan Pencabligil.

Artak Ananyan, CEO, Ardshinbank ARMENIA Ardshinbank Following its acquisition of Areximbank, Ardshinbank has become the largest bank in Armenia by capital and assets. It says that the deal has significantly enhanced its ability to provide a wider range of quality banking services to its corporate and retail customers. Areximbank was previously owned by Russia's Gazprombank. The acquisition, announced in 2016 and completed the following ***year***, has boosted Ardshinbank's branch numbers to 63, making it one of the largest networks in the country. The bank also has a representative office in Paris.

After net profits more than doubled in 2016, they rose by another 34.5% in 2017, to 53.5m dram ($110,000). Return on equity increased from 8.5% to 9.3%, while cost-toincome and non-performing loan ratios were steady at 45.6% and 2.5%, respectively.

The main thrust of Ardshinbank's technology strategy is to encourage self-service adoption. In 2017 it installed self-service machines in all of its branches, so as to enjoy all the associated benefits of this model, from a reduction in paper to greater transparency.

The bank's mobile banking application allows clients to register online and conduct financial transactions around the clock. Options include ***transfers*** and ***payments***, currency exchange, card limit adjustments, card blocking and scheduling appointments.

Since 2017 all of Ardshinbank debit and credit cards have been contactless, providing a secure, quick and convenient method to pay for goods or services. The local nickname is 'tap and go'.

Supporting culture in Armenia is a central pillar of Ardshinbank's corporate and social responsibility ***programme***. It does this in a number of ways, including sponsorship of artists, concerts and cultural events.

"Nowadays stability and sustainability are insufficient for the successful development of the bank," says Ardshinbank CEO Artak Ananyan. "Customers demand a hitech, attractive and convenient product."

Taleh Kazimov, chief executive officer and chairman of the executive board, Pasha Bank AZERBAIJAN Pasha Bank Azerbaijan's Pasha Bank grew its assets and net profits in 2017 with the help of a relationship marketing project. This focused on enhanced cross-selling capabilities and promotion of higher margin products.

Pasha Bank is a leading investment and corporate bank serving domestic clients, as well as foreign companies looking to do business in the region. It aims to deliver banking services to the highest international levels of transparency and service.

Other aims of the relationship management project were to increase the number of clients using Pasha Bank as their main bank, to make pricing and discounting more competitive, and to increase non-interest income as a share of revenues. Customers were classified into segments and industries, based on the 'one decision maker' principle, and a discount management system went live.

In 2017, total assets rose by 17% to 3.6m manat ($2.1m), while net profits grew by 36% to 83,000 manat. Annual non-interest income grew by 56%, and return on equity was 20%, compared with 15% the ***year*** before. Gross return on assets rose from 14.4% to 16.4%.

Last ***year*** was also characterised by new digital perspectives, the bank reports. It successfully launched a host-to-host ***payments*** solution for large corporate clients such as Azercell, Socar (the State Oil Company of Azerbaijan Republic) and Coca-Cola. The business-to-business platform allows the secure exchange of ***payment*** files within a single interface and supports various transaction types.

"During the 2018 to 2020 phase of our strategic plan, we are using digital tools and a flexible approach to transform our business model," says Taleh Kazimov, Pasha Bank's chief executive officer and chairman of the executive board. "The bank continues to follow only the best world practice, and offers a wide spectrum of high-quality services as a result."

Rafal Juszczak, CEO, Alfa Bank Belarus BELARUS Alfa Bank Alfa Bank pioneered the 'mobile first' strategy in Belarus, meaning that online services are regarded not as merely an additional channel but as the key channel for product sales. Subsequent developments have included remote account opening and, most recently, instant online loans.

At the heart of Alfa's mobile banking is its InSync.by application. Using this, and a photograph of their passports, new customers can open an account in 30 seconds, with courier delivery of a debit card to any place in the country. This service is unique in the Belarusian market.

Launched in 2018, InSync Loan allows instant loan approvals for existing customers. 'Time to yes' is seven seconds, and 'time to cash' - cash in the current account - is 30 seconds. Such speeds are fast even by global standards. The share of online loans in Alfa Bank's portfolio is already 10%. It is working with the National Bank of Belarus on blockchain-enhanced video and voice identification, so it can offer its InSync Loan service to new clients as well as existing ones.Net profits grew by 13.6% in 2017, to Rbs45.2m ($21.1m), while assets rose 28% to Rbs1.88bn and Tier 1 capital by 30.2% to Rbs282m. Return on equity was a healthy 17.6%, up from 16.4% in 2016, though rising costs pushed the bank's cost-to-income ratio up further from 58.3% to 61.9%.

The bank wants to remain modern, transparent and convenient for its clients, and has completely changed the way it communicates with them in chat, social media and messengers. Customer support is available 24 hours a day, every day, and agents have no scripts. "We speak the same language as our clients," the bank says.

Rafal Juszczak, CEO of Alfa Bank Belarus, puts that into context. "Modern banking is not about products," he says. "This is about people, culture and emotions. At Alfa Bank we simply do what we believe in, going far beyond the traditional approach."

Dalibor Cubela, president, UniCredit Bank Mostar's management board BOSNIA-HERZEGOVINA UniCredit Bank Mostar Having identified digitalisation as essential to the future of its business, UniCredit Bank Mostar's long-term strategy is to keep improving electronic services while continuously educating clients about their advantages.

In 2017, as a result of these educational efforts, active users of digital services tripled to 100,000, giving UniCredit Bank Mostar the leading position in this market. It has also simplified and accelerated the process of paying bills via its m-ba mobile banking application.

In 2017 it introduced the 'Take a photo and pay' service. Instead of manually filling out a ***payment*** order, users can now use the mobile device to photograph or scan the recipient's account number, ***payment*** amount and reference details. These are then automatically loaded into a ***payment*** order.

UniCredit Bank Mostar was also the first in its market to allow clients to design their own banking package. Called Modula, the package comprises a current account, contactless debit card and m-ba mobile banking. To help guarantee improved security to clients, the bank has completed construction of a modern data centre, conforming to the latest industry standards, including Tier 3. The past ***year*** has also been notable for the completion of the merger process between the bank and UniCredit Leasing. UniCredit is the only bank in Bosnia-Herzegovina to include leasing products in its offering.

The bank was able to increase its net profits in 2017 by 9.8% to Km89m ($51.25m), while growing its assets by 11% to Km5.2bn and its Tier 1 capital by 16.2% to Km616m. Return on equity increased from 11.4% in 2016 to 12.4%.

"We have been able to achieve the best results thanks to the devoted work of every UniCredit team member and the precious loyalty of our clients," says Dalibor Cubela, president of UniCredit Bank Mostar's management board. "We are grateful to our clients for their continued trust."

Oliver Rögl, CEO, Raiffeisenbank Bulgaria BULGARIA Raiffeisenbank Bulgaria In 2017, Raiffeisenbank Bulgaria outperformed its local banking market in terms of profit, total assets, loan portfolio and deposits. It attributes this to a sustained strategy of excellent customer service and low risk profile.

Compared with 2016, the bank's net profits grew 1% to Lv134m ($77.17m) in 2017, while assets rose by 11% to Lv6.99bn. Return on equity was more or less steady at 17.7% while the non-performing loan ratio, at 4.9%, was less than half the local industry average.

The bank has concentrated on customer experience as one of the main pillars of its strategy. As such, it continuously develops innovative financial products, provides high levels of service and is transparent about fees. In 2017 it was rewarded by gaining the highest net promoter score (showing how likely a customer would be to recommend the bank) in the Bulgarian market.

Raiffeisenbank Bulgaria has migrated all its debit and credit cards to contactless technology. Last ***year*** saw a 40% annual growth in the number of cards issued, with the total in circulation now more than 500,000.

The bank's corporate website has been redesigned to provide intuitive navigation and more services. The internet banking platform, Raiffeisen Online, has also been redesigned to allow fast and easy bill ***payments*** and ***transfers***. The number of online banking users has continued to grow and now exceeds 315,000 customers. By the end of 2017, nine out of 10 ***payments*** were being made electronically.

Mobile banking usage is growing too, with downloads of the mobile app up by 40% over 2016. ***Payments*** made via the app have doubled over the same period.

"We use traditional ingredients, such as smart growth, efficiency, a healthy portfolio and transparency, and 21st century ingredients such as innovation and digital transformation," says Oliver Rögl, Raiffeisenbank Bulgaria's CEO. "The result is a customer-oriented, modern and profitable bank."

Mario Zizek, CEO, Addiko Bank Croatia CROATIA Addiko Bank Croatia Addiko Bank Croatia describes 2017 as a "breakthrough" ***year***, it being a ***year*** when the bank recorded above-benchmark growth of new business in all key customer segments.

The Balkan interests of Hypo Alpe-Adria-Bank were rebranded as Addiko Bank in 2016. Its new business strategy is to provide "straightforward banking", with simpler products and convenient services.

That means fewer essential products with greater value, described in the simplest terms so they are universally understood. The new strategy was accompanied by a sales force effectiveness ***programme*** focused on cash loans, primary current accounts and packages.

This had an immediate effect on branch performances, with 2017 ***year***-on-***year*** sales increases in all targeted products. Retail loans increased by 51%, current accounts by 38% and current account packages by 56%. A loan improvement project focused on corporate and small and medium-sized enterprise clients saw new loan disbursements rise by 27%. While Tier 1 capital and assets remained largely unchanged from the previous ***year***, net profits rose by 288% to in 2017 Hrk230m ($34.9m) as revenues rose, costs were reduced and the business returned more meaningfully to the black.

Over the course of 2018, the bank launched Addiko Chat Banking, Croatia's first Viberbased financial transaction service. It allows customers to communicate directly with the bank and make simple ***payments***. After only a few weeks, Addiko Bank had more than 50,000 followers on its public Viber account.

In 2017, the bank also launched its first digital branch. It is still the only bank in Croatia to provide such a service.

"This is about great people working together," says Mario Zizek, CEO of Addiko Bank Croatia. "In 2016, when we launched the Addiko brand, I was convinced that customer centricity, cultural change, hard work, dedication and perseverance would bring results. And we have delivered."

John Hollows, CEO and chairman, CSOB CZECH REPUBLIC Ceskoslovenska Obchodni Banka The strategic highlight of 2017 for Ceskoslovenska Obchodni Banka (CSOB) was the signing of a 10-***year*** exclusive partnership agreement with Czech Post. The partnership hugely extends CSOB's distribution platform for financial and insurance services.

CSOB already operated at post offices under its Postal Savings Bank (PSB) brand, but this was alongside a number of other providers. Czech Post has now simplified this complex business model, with only a single provider. The new arrangement allows CSOB to expand its offer of banking, savings, pensions and insurance products via some 2800 post offices and another 400 franchise outlets. That gives the bank the widest distribution network of any bank in the Czech Republic.

Together with Czech Post, the bank has developed a new cross-selling function for the postal front-end system, which shows which products the client has with PSB as well as CSOB. It then suggests the best new product to offer to the client.

CSOB Mobility focuses on smart ***payment*** solutions for public and personal transportation. This includes insurance and the financing of electric and hybrid cars at home and abroad. The bank is market leader in card ***payments*** for public transport, with more than 600,000 tickets a month paid for with CSOB cards.

In April 2018 the bank acquired Ušetreno.cz, the largest comparison website for household services in the country, reinforcing its strategy to get closer to clients outside banking. It already owns an insurance comparison website.Net profits increased by 16% in 2017, to Kcs17.5bn ($760m), while assets grew 21% to Kcs1315.6bn.

"The Best Bank of the ***Year*** award shows that our work is developing in the right direction," says John Hollows, CEO and chairman of CSOB. "We are constantly striving to improve not only our services and products, but also the overall approach to clients."

ESTONIA SEB Pank Estonia's SEB Pank values its small and medium-sized enterprises (SME) customer base highly and is intensifying efforts to facilitate its growth. In the past 18 months it has launched a number of initiatives in support of this key segment.

Like its sister banks in the neighbouring Baltic states, SEB Pank has established an innovation centre at its headquarters. The centre's principal function is to host seminars, workshops and hackathons for SMEs, young entrepreneurs and start-ups.

The Growth ***Programme*** is set to become a regular event at the centre. Here, SMEs get professional mentoring through workshops and individual training sessions. This is supplemented by an online learning ***programme***, the e-Academy, which has attracted more than 60,000 users so far.

SEB believes that, by creating toolboxes and co-operation formats for SMEs, over the long term it can foster a mutually beneficial relationship. The bank points to the fact that Estonia's SME financing portfolio grew by 15% in 2017, compared with 0.8% in 2016.

The bank sees opportunities rather than threats in new disruptive technologies, and is making its open banking platform available to start-ups and fintechs. It describes this as a 'sandbox' where they can test and develop their products.

Other technological milestones include the launch of Smart-ID, an SEB identification solution that does not require a smart card reader or a special SIM-card, and the introduction of EU-wide instant ***payments***.

SEB was the first bank in Estonia to join the EU system, which allows clients to make ***payments*** of up to (EURO)15,000 in seconds, around the clock.

The bank is active in promoting financial literacy. It has designed a 10-lecture course for use in schools, and created a blog project - Life in the Shoes of a Pensioner - which highlights the need for long-term financial planning.

Kaha Kiknavelidze, CEO, Bank of Georgia GEORGIA Bank of Georgia In 2017, Bank of Georgia completed the transformation of its retail banking operations from a product-led to a customer-centric model. At the same time it has continued to invest in user-friendly and multi-functional digital platforms.

The bank operates in the corporate and investment banking, retail, and wealth management segments. It has three retail brands - Express, which services emerging retail clients with the emphasis on technology and cost-efficiency; Bank of Georgia, which serves mass retail customers; and Solo, for mass affluent clients.

Its overall strategic aims are to grow the product-per-client ratio in mass retail, double transaction volumes in emerging retail and to develop a significant regional franchise in wealth management.

Bank of Georgia has redesigned all of its branches to make them more client centric, retraining staff to become universal product bankers and moving all non-client-facing processes to the back office.

It has reinforced the new approach with a reward ***programme***, Plus+, which awards points for loyalty and benefits for having multiple products with the bank.

A new multi-feature banking application, m-bank, was launched in 2017. Since its launch it has been downloaded by customers nearly three times as often as the bank's previous app.

"Bank of Georgia, with its best-in-class corporate governance standards and premium listing on the London Stock Exchange, has evolved as one of the few truly public financial institutions in eastern Europe," says Bank of Georgia CEO Kaha Kiknavelidze.

"This has allowed the bank to attract financial and human capital - our biggest competitive advantage in the market."Net profits in 2017 grew by 17.2% to La338.9m ($125m) while assets increased by 17.6% to La12.6bn. The bank also issued a landmark international local currency bond.

Sándor Csányi, CEO and chairman, OTP Bank HUNGARY OTP Bank After a string of other acquisitions, OTP Bank more than doubled its market share in Croatia with the purchase of Splitska banka in May 2017. It had had its eye on Splitska, the fifth largest bank in the country, for more than a decade.

OTP bought the Croatian universal bank for (EURO)425m from Société Générale, which had acquired it in 2006. The Hungarian bank had wanted to bid for Splitska at that time but was effectively prevented from doing so by the Croatian regulator on competition grounds. OTP's local subsidiary, OTP banka Hrvatska, already had 4.9% of the Croatian market. The acquisition raises that to 11.6%, alongside 93 additional branches, 255 ATMs and 1334 employees.

In 2017, OTP's net profits rose by 38% to Ft168.6bn ($587.6m), helped partly by the Croatian buy. Tier 1 capital grew 17% to Ft1063bn, and assets by 12% to Ft7704bn. Profitability was reflected in the share price, which rose nearly 30% in 2017, before falling by about 5% in 2018.

While the bank has endured a period of contracting loans, the past two ***years*** have seen a spectacular turnaround in loan volumes at group level. In 2016, performing loans grew 6% and in 2017 by 25% (foreign exchangeadjusted and supported by acquisitions). Part of OTP Bank's Digital Transformation Project, launched in 2015, has been a digital wallet project to make ***payments*** more convenient and simple. After OTP's Simple contactless mobile ***payment*** system, available only to OTP customers, proved a huge success, the bank launched a virtual prepaid Simple card which anyone can use. It can be topped up from any bank card, OTP or not, via the application.

"We believe in stability and continuous innovation," says Sándor Csányi, CEO and chairman of OTP Bank. "OTP's main strength is the traditional respect for cultural differences - this is the basis of our regional development, which is driven by both organic and acquisitive growth."

Arton Celina, CEO, Bank for Business KOSOVO Bank for Business Bank for Business (BpB) is achieving dramatic growth in Kosovo by offering its customers more than just banking services. Its Suppliers Club helps them get better prices from their own suppliers.

The BpB business model focuses on micro and small and medium-sized enterprise (SME) clients. It realised that one of the main barriers to growth for micro customers was their lack of scale in purchasing, which meant less room for price mark-ups.

So the bank has taken an industry-byindustry cluster approach to its clients, and negotiated better price deals with large suppliers on their behalf. The suppliers have a channel through which to communicate with the micro clients. BpB settles their invoices and intermediates in financing their working capital in "a fast and efficient" process.

This win-win triangle has started to pick up and new micro clients are joining the bank to get their supplies through the club.Net profits grew by 40% to (EURO)5.5m in 2017, while assets grew by 25.6% to (EURO)204.9m. Tier 1 capital grew 35.3% to (EURO)19.6m and return on equity was on a similar level to 2016, at 35.6%. Bank staff give professional advice to their clients, reflected, perhaps, in a non-performing loan ratio of 2.97% (in 2016 it was 4.94%).

The bank puts technology at the centre of strategic investment. It has renewed most of its IT structure and its entire fleet of ATMs. It has also deployed new online and mobile banking platforms, and plans to introduce m-POS and wallet ***payment*** services "In the past three ***years***, BpB has experienced an upsurge in performance, especially at its core business segments - SME clients and private individuals," says Arton Celina, BpB's CEO. "Our highly motivated team, improved efficiency and tailor-made products have been the ingredients of our success."

LATVIA SEB Latvia In a busy ***programme*** of new development, the emphasis was firmly on technology for SEB Latvia in 2017. The bank replaced its previous banking system with a new core IT system, introduced an easier solution for client authentication and launched an upgraded version of its mobile banking application.

The new IT platform was by far the bank's largest investment project of the past decade. It took three ***years*** and cost more than (EURO)30m. Developed by SEB engineers in the Baltics, it is already being used by SEB Estonia and will be adopted by SEB Lithuania. The result will be a unified banking software platform across all three SEB Baltic banks.

For clients, the main manifestation of the new system was a new, more userfriendly internet bank, one with more functions to manage their finances in the most convenient way.

Another joint initiative across SEB's Baltic operations was Smart-ID. The application replaces code cards and code calculators to provide easy access to the internet bank and to authorise ***payments*** and other transactions.

The challenge was to persuade clients to change their habits, moving from code cards to a mobile app. Smart-ID proved to be a rapid success, gaining nearly 150,000 users by the end of 2017. It was introduced in all three Baltic states simultaneously, and Latvia has led by some margin in numbers of new users.

SEB Latvia launched a new version of its mobile banking app and was one of the first two Latvian banks to introduce instant ***payments***. The group wants to be a frontrunner in creating the next generation of financial services, taking into account the revised ***Payment*** Services Directive. It has already created an open banking platform in all three Baltic countries and is in discussion with fintechs and other companies who wish to create new opportunities for clients.

Raimondas Kvedaras, CEO, SEB bankas LITHUANIA SEB bankas SEB bankas places a premium on education and innovation, and its initiatives range from encouraging financial literacy among the young to its new innovation centre for fintechs and other fledgling businesses.

The SEB Innovation Centre, opened in March 2018, was created to help enterprises grow and become competitive as quickly as possible, with the help of innovative ideas and services. The idea is that this will then foster faster economic growth in Lithuania. The centre also runs a unique three-month, called the Business Growth ***Programme***, which is free for small and medium-sized enterprises. Fourteen companies participated in the first ***programme*** earlier in 2018, with mentors from a number of countries, including the US.

The bank also offers a free video educational ***programme*** on business and entrepreneurship skills via its e-Academy, SEB's biggest Baltic project targeted at young companies.

In 2017, SEB bankas significantly upgraded its mobile banking application, simplifying the most popular functions. It now allows prompt ***payment*** to other app users using the client's contact list, and fast ***payments*** of up to (EURO)30 without additional passwords. The Smart-ID app allows secure access to an online bank account with just a few clicks.

Smart-ID also provides access to the bank's newly expanded remote advisory service, which analyses clients' needs and gives appropriate financial advice.

"Advanced banking solutions, which allow our customers to address their financial concerns promptly and conveniently from any location, are among our key priorities," says SEB bankas CEO Raimondas Kvedaras. "So is the promotion of entrepreneurship and innovation in Lithuania."

SEB bankas's 2017 net profits were flat at (EURO)93m, while assets grew by 2.7% to (EURO)7.72bn. Return on equity rose slightly from 12.1% to 12.5%, the cost-to-income ratio improved from 45.1% to 42.5%, while the non-performing loan ratio fell from 2.9% to 2%.

MACEDONIA NLB Banka NLB Banka has been upgrading all its channels, including digital services, to improve the customer experience. The result has been a steady increase in customer numbers.

In 2016, the bank introduced NLB mKlik, a mobile banking application for retail customers. In 2017, it followed that with the launch of NLB mProklik for corporate clients. The launch marked the 15th anniversary of the bank's first electronic banking services for corporates.

Work has also been carried out on a new mobile wallet ***payment*** application, NLB Pay. This is an upgrade to the bank's existing contactless technology, and will provide customers with a simple and safe ***payment*** experience at the point of sale. It is already available to Mastercard holders and will soon be extended to Visa users.

NLB Banka is enjoying great success with a co-branded credit card, NLB haPPy, which launched in conjunction with Neptun, a technology and appliance retail chain. A first in its market, NLB haPPy rewards cashless transactions and adds a further percentage of cash back when spending inside the network.

By creating a competitive advantage, the bank has boosted sales and attracted clients. The customer base has been growing by a consistent 5% annually. NLB Banka has completed the first phase of a customer experience analysis. With the resulting client profiles, it hopes to create cross-selling opportunities and to target customers for sales campaigns.

The bank also has a leading position in Macedonia's bancassurance market, and is the only bank selling non-life as well as life products. Last ***year***, overall net profits rose 40% to MKD2.2m ($40,800).

"The success of NLB Banka relies on its ability to constantly transform itself as challenges arise," says CEO Antonio Argir. "At the same time, we preserve our unique character as an innovative and proactive partner, creating a memorable experience for our clients."

Aleksa Lukic, CEO, Erste Bank Montenegro MONTENEGRO Erste Bank Seven ***years*** after it began operations in Montenegro, Erste Bank has completed a new headquarters building that symbolises the bank's aspirations. At a cost of (EURO)9m, it brings together all the back-office functions that were scattered in three separate buildings.

The building introduces an open-space working environment, promoting open communication and an open culture. It is energy-efficient and environment-friendly, and is accessible to people with disabilities. The new working environment supports the bank's organisational culture project, Cooltura4U - "kultura" meaning "culture" in Montenegrin, "tura" meaning "the trip".

Erste Bank was the first bank in Montenegro to tackle organisational culture systematically. It has implemented the group certification project, known as Guide to Excellence, and carried out an educational ***programme*** for tellers and retail advisers, aligning and upgrading the quality of service throughout the retail network.

A new mobile banking channel, Erste mBanking, has been launched. This offers all the features of Erste NetBanking, and many additional ones, unique to Montenegro. The app is free for NetBanking users and transaction fees are up to 50% lower than at the teller. mBanking user numbers have been growing at around 15% a month.

The bank has also upgraded its offer for pensioners, introducing a consumer loan with ***payment*** protection insurance (PPI) paid by the bank. Because the PPI reduces the risk, the bank can offer the loan on more favourable terms, resulting in a win-win for both.

The pensioner market segment is significant, and Erste's interest rate on these loans can be up to two percentage points lower than the competition.

"The key ingredient is always in the hands of our people, who have the courage to step out of their comfort zone and embrace changes," says Aleksa Lukic, CEO of Erste Bank Montenegro. "We are good at accepting change, but also at leading it."

Gerry Byrne, country head, Santander Poland POLAND Santander Poland Bank Zachodni WBK, since rebranded as Santander Poland, made important strategic progress in 2017 when it bought much of Deutsche Bank Polska's business. The move should help it to consolidate its position as the third largest player in Poland's financial sector.

The transaction, which closed in the final quarter of 2018, includes Deutsche's retail, private and small and medium-sized enterprise banking business and branches, as well as the DB Securities brokerage. Foreign currency mortgage-backed credit facilities were not included.

The deal increases Santander Poland's assets by 12%, its share of the consumer lending market by 11.7% and customer deposits by 11%. It will also make the combined bank the leader in the private banking sector.

Santander was the first bank in Poland to launch the Online Service Trust ***programme***. This enables the electronic signing of documents, including time-stamp and verification services, and allows the bank to introduce paperless processes both internally and with clients.

In 2017, the bank implemented its 'Bank as you want it' brand strategy, introducing a totally new personal account model that has been widely replicated by competitors.

Instead of having to adapt to the bank, customers can decide exactly how they want to use their account. In less than a ***year***, more than 750,000 Poles chose this product.

"Our relationships with customers are based on the sense of security and on advanced solutions that respond to their needs," says Gerry Byrne, country head of Santander Poland. "This ***year***'s transactions further strengthen our position in the Polish market, and the new Santander brand gives us new opportunities, especially in terms of innovative ***payments*** methods and international trade solutions."

François Bloch, CEO, BRD Groupe ROMANIA BRD Groupe-Société Générale BRD Groupe is on a steep growth path, at least in terms of profits, and has now embarked on an ambitious and all-embracing transformation ***programme***. The ***programme*** has four distinct pillars: retail, non-retail, operations, and information systems and projects.

The overall goals are to enhance the quality of service for clients, and to increase operational efficiency. The digitalisation of major processes is designed to achieve both of these aims, while improving the remote channels offering.

This digitalisation starts in the retail business. BRD plans a full renewal of its mobile and internet banking platforms, to provide a unified channel experience. Consumer lending and client on-boarding will be digitalised, accompanied by a shift from a transactional to a customer interaction-based call centre. Self-service capabilities will be upgraded.

In non-retail, BRD is focusing on maintaining its strong position in the corporate market while strengthening its relatively weaker performance with small and mediumsized enterprises. The plan includes process efficiency enhancement, more leverage on global transaction banking, increased loan origination volumes and more leverage on synergies with retail and local subsidiaries.

Under the operations pillar, the bank will build an increasingly centralised and automated structure for mass banking operations, with more dematerialisation, straightthrough processing and reorganisation of back-office activities under one reporting line.

The value of information systems will be further enhanced via the decoupling of the core banking system and the integration of value-adding platforms and services.

BRD increased net profits by 85% in 2017, to 1.42bn lei ($348m). "In 2017 and the first half of 2018, we capitalised on a combination of a comprehensive and up-todate product range, thorough risk management and a firm-wide effort to improve customer service," says François Bloch, CEO of BRD Groupe.

RUSSIA VTB Bank In January 2018, retail arm VTB24 was merged with VTB Bank as one of the key initiatives of the group's 2017-19 strategic plan. Within the unified bank, the retail business has improved lending and deposit market shares, while ensuring funding for the development of retail technology.

The merger has produced business synergies and cost savings, with management and systems centralisation and integration across corporate and investment banking, mid-corporate banking and retail business.

In retail, as a result, the bank enjoyed a number of achievements in the first half of 2018. It passed the milestone of 11.5 million active clients for the first time. Sales of loan products rose by 33%, driven by mortgages and cash loans, and private banking funds grew by nearly one-quarter.

VTB became one of the first Russian banks to introduce biometric identification technology. Using a digital platform, VTB can remotely identify a person by individual characteristics such as face or voice. This gives users secure access to digital services "without leaving home", meaning more accessibility for remote areas or low-mobility customers, and more convenience for all. The bank's new (and award-winning) Multicard allows users independently to select a loyalty ***programme***, choosing between accumulation of bonuses or miles, or a cash-back arrangement. It acts as a 'super product' for all operations, including card ***payments***, savings, ***transfers*** and obtaining a credit card loan.

Multicard's launch prompted a fivefold increase in card applications in the second half of 2017, and it has become the leading product in sales of payroll products in Russia.

As part of its strategy of developing its presence in Europe, the group has merged its operations in Austria, Germany and France into VTB Bank (Europe) SE - the new legal form of Societas Europaea. The centralisation will allow the bank to make its entire product portfolio available to all clients across Europe.

Draginja Ðuric, president, Intesa's executive board SERBIA Banca Intesa Beograd Banca Intesa has embarked on a comprehensive digital transformation ***programme*** that will fundamentally change its business model, while boosting operational efficiency and redefining the banking experience for its clients. The bank has developed an end-to-end consumer-centric journey that enables retail customers to get cash loans and overdrafts via an online solution from the convenience of their homes.

It has also launched a state-of-the-art mobile banking app for businesses, particularly smaller ones, allowing them to check their accounts and make ***payments*** of all kinds on the move.

A new virtual branch gives customers the best of both worlds - a digital experience in terms of promptness and convenience, but the human touch in advice and support. They can communicate via text chat, video or audio call, or desktop sharing, without visiting the branch but retaining the personal experience.

The branch network is also being transformed, migrating most transactions to selfservice facilities and digital channels. This will include 24/7 self-service zones, and new functionalities added to the ATM network. At the same time, Intesa will place a strong focus on building long-term relationships with customers.

The bank has completed the first stage of Constellation Serbia, a core banking information system modernisation project. It is replacing its core IT platform with the Oracle Flexcube Universal Banking solution. Net profits increased by 19.4% to RSD11.8m ($114m) in 2017. "Our strong performance across all segments, reflected in our outstanding market and financial results, rests on stable fundamentals, sustainable growth and responsible governance," says Draginja Ðuric, president of Intesa's executive board.

"This has enabled us to embark on a comprehensive digital transformation ***programme*** that will create more value for both our bank and our customers."

SLOVAKIA Tatra banka While Tatra banka has been co-operating with start-ups and fintechs for more than a decade, it has now gone a step further by launching 'Elevator Lab powered by Tatra banka', described as an ecosystem for fintechs.

Located at HubHub, Bratislava's largest coworking space, Elevator Lab has a technology showroom, offering access to innovative technologies. It provides mentoring and direct support as part of the Raiffeisen Bank International's accelerator ***programme***. It also hosts technological and business hackathons, lectures and conferences. In response to ***Payment*** Services Directive 2, Tatra banka has introduced an open banking application ***programming*** interface and developer portal and will allow fintechs access to anonymous and scrambled data.

For its banking customers, it has introduced face biometrics to mobile customer identification. One result is 100% automation of loan approval. It also reduces the time taken to open an account - by 70%, compared with account opening in a branch. Mortgage loan applications can now be discussed and submitted remotely, via the bank's Dialog Live contact centre. In most cases a binding mortgage offer is made during the first telephone contact.

Part of Tatra banka's mission is to extend the boundaries of banking, and it has chalked up a number of recent innovations. One is an online pensions saving supplement scheme. The bank notifies savers of the pensions they can expect and then facilitates additional savings. The number of these 'upsells' grew by 67% ***year*** on ***year*** in the first quarter of 2018.

The bank has introduced a 'mailbot' to its call centre, to reduce the number of e-mails for clients. A chatbot is being used on Facebook, where it can provide information about mortgages and hand over to the call centre.

"Tatra banka is defined by a strong local brand, great people and a lasting combination of temperament, curiosity and openness to the changing world," says Michal Liday, CEO of Tatra banka.

Andre Gardella, CEO, SKB SLOVENIA SKB banka In a tough environment with very low interest rates and increased competition, SKB banka increased its market share and posted the second highest profits in its history in 2017.

While net profits fell, on the face of it, by 32% to (EURO)43.4m, the 2016 figures had been boosted by exceptional gains. On a like-forlike basis, profits grew by 12.7%. Assets also increased by 7.4% to (EURO)3.17bn.

The bank's share of the market for retail loans rose slightly in 2017, from 11.4% to 11.6%, boosted by a favourable fixed-rate housing loan. Market share in corporate loans rose from 9.1% to 9.6%.

As part of its digitalisation ***programme***, SKB introduced contactless debit cards, and mobile banking via MOJ@SKB. It also launched Info SMS to keep customers in touch with the state of their accounts and cards via text message.

SKB's banking focus is on individuals, sole proprietors and small and mediumsized enterprises. It believes that its responsiveness to their needs and continual improvement of network locations accounts for existing client satisfaction while attracting new customers. In recent net promoter ratings it scored 17 points above its nearest local rival.

The group supports larger companies through SKB Leasing, which continues to rank among the leading leasing companies in Slovenia. In 2017 its leasing book grew by 13.9% to (EURO)438.5m.

The SKB group is owned by Société Générale. In 2017 it expanded its private banking offering with the support of Société Générale Private Banking. It believes that the expertise involved has no competition in the domestic market.

"Financial robustness surely plays a role in explaining SKB's success," says Andre Gardella, SKB's CEO. "But it would be nothing if not supported by a highly committed and professional team, and if it was not devoted to the implementation of a clear strategy under strict ethical rules."

Volodymyr Lavrenchuk, CEO, Raiffeisen Bank Aval UKRAINE Raiffeisen Bank Aval In 2017, Raiffeisen Bank Aval had its most successful ***year*** since joining the Raiffeisen group in 2005. Net profits grew by 43% to Hrv5.32bn ($193m), which was the highest among all Ukrainian financial institutions.

The bank attributes this to building longterm relations with reliable customers. In 2017, record loan volumes helped to boost assets by 17% to Hrv67.02bn. Its non-performing loan ratio improved dramatically, from 52.1% in 2016 to 20.6%. It has also managed to increase process efficiencies, maintain reasonable cost savings and introduce further up-to-date technologies for online services.

One theme the bank has successfully pursued was to increase lending to energyefficient projects, exceeding a Hrv1bn target in 2017. Raiffeisen Bank Aval has signed a risk-sharing facility with the European Bank for Reconstruction and Development to support up to (EURO)20m of small and medium-sized enterprise (SME) loans over three ***years***.

The bank has created a digital hub, which focuses on the development of online solutions for internet and mobile banking, digital wallet and joint projects with fintechs. It has also launched Raiffeisen Pay, a mobile wallet app, and introduced Raiffeisen Business Online, a new platform for SME customers.

This ***year*** the bank launched its new Raiffeisen Online internet banking system for private customers. This provides remote registration, extended functionality and a single platform for mobile and web versions.

Raiffeisen Bank Aval is now rolling out a phased renovation of the branch network with contemporary design and a digital concept of customer services, due for completion in 2021.

"Our success is built on long-term relationships with our clients, our deep expertise, the ongoing improvement of processes via our lean and agile methodologies and a strong risk management reflected in the good quality of our loan portfolio," says Volodymyr Lavrenchuk, CEO of Raiffeisen Bank Aval.

Asia-Pacific Anthony Barned, CEO, Afghanistan International Bank AFGHANISTAN Afghanistan International Bank This ***year*** sees the continuation of an impressive run of wins by Afghanistan International Bank (AIB) for the Bank of the ***Year*** award in Afghanistan. Despite the difficult conditions in which the bank operates, it continues to innovate and provide modern banking services to international standards.

AIB has received a huge boost in the past ***year*** with the International Finance Corporation (IFC) increasing its share in the bank by 7.5%, to hold 15% by October 2017. The IFC's stated aim at the time was to build a partnership with the bank to improve rates of financial inclusion in the country, and in doing this it gave the bank an international seal of approval.

With the backing of the IFC, AIB has successfully positioned itself as a correspondent bank for European banks, and set itself up as US dollar clearer. This has been significant for the bank at a time of de-risking, which has seen a number of banks exiting partnerships.

Taking on the complications that come with operating in Afghanistan, AIB has bulked up its financial crime compliance screening. Using Accuity's Firco Compliance Link, AIB can provide an overview of accounts, transactions and trade. This partnership has been crucial in international institutions recognising the bank's compliance standards. Over the past ***year***, AIB has also been ensuring homegrown businesses are given the opportunity to thrive. Through working with the Afghan Credit Guarantee Foundation, the bank has been able to provide assistance to family-operated businesses and help them to grow into a new generation of small and medium-sized enterprises.

Anthony Barned, CEO of AIB, says: "We're delighted to have won this award for the seventh consecutive ***year***. Banking in Afghanistan has its own distinctive challenges, and we are proud of the essential service we are able to provide to our customers and to the country."

Syed Mahbubur Rahman, managing director and CEO, Dhaka Bank BANGLADESH Dhaka Bank Bringing its operations up to date while providing the best possible assistance for its domestic business customers helped Dhaka Bank to secure its place as the winner of the Bank of the ***Year*** award in Bangladesh.

Dhaka Bank carried out extensive updates to its IT and operating systems over the past ***year***. The bank replaced its full backoffice system by implementing the latest version of Oracle's Flexcube system.

Syed Mahbubur Rahman, managing director and CEO at Dhaka Bank, says: "Dhaka Bank always aspires to render worldclass services to its customers through continuous innovation in every step of the value chain, either through technological changes or re-engineering processes. This in turn leads to achieving excellence in banking."

Ser ving Bangladesh's small and medium-sized enterprises (SMEs) has been a focus for the bank, and one that saw the creation of tailored products. More than half of Dhaka Bank's SME customers were first-time borrowers following a focused approach of bringing in new customers, even if they did not hold accounts with the bank. Its overall SME portfolio increased by 24% in 2017.

The bank also launched BillsToCash, a financing solution backed by the buyer, marking a first for this type of loan in the country. The Bangladesh dairy industry was also boosted with the creation of the Dairy Loan. This cluster of loan products was developed to assist those operating in remote rural areas, who are in greatest need of support.

Female entrepreneurs were given an added boost too, with the introduction of the Oditiya loan. The bank's overall support saw 10 female-owned SMEs receive support in 2017, bringing the total up to 81 female entrepreneurs taking a share of more than Tk413m ($4.93m) in loan facilities.

BRUNEI Baiduri Bank In the face of changes in Brunei's economy, Baiduri Bank has shown how adapting to new circumstances can bring success. This spirit of innovation has seen the bank scoop the award for Bank of the ***Year*** in Brunei.

With the bank facing a decline in its core business from the drop in oil and gas prices, Baiduri Bank took over the commercial and retail portfolios of HSBC's Brunei branch after the UK-based bank decided to exit the market. To ensure the smooth onboarding of these new business units, Baiduri worked to increase headcount and improve customer service, its systems and facilities.

In improving its systems, the bank has been able to reduce core batch times by 50%, while also improving its disaster recovery. Back-up replication is carried out immediately, and full database back-up can be completed in 20 minutes, compared with the previous five hours. The system has also been future-proofed with additional capacity to handle any increases over the coming five ***years***.

The arrival of the former HSBC customers has given the bank a range of new crossselling opportunities, and has seen 29,000 new credit and debit cards being issued. The cards issued by Baiduri come with a range of features, including contactless ***payments*** and interest-free ***payment*** period, for Visa Infinite and Visa Platinum customers.

Both new and existing customers have benefited from improvements to Baiduri's online banking offering. Customers are now able to apply for personal internet banking through the website and mobile app using their debit, credit or prepaid cards. In the eight months from its launch in April 2017 there were almost 3000 online registrations performed.

CAMBODIA Cambodian Public Bank The success of Cambodian Public Bank (Campu Bank) can be put down to the bank's continued focus on providing the highest possible service for its customers.

Campu Bank celebrated a milestone in 2017 as it reached 25 ***years*** of operation. To mark this the bank launched the My Neighbour, My Customer campaign, as part of its long-term corporate social responsibility and financial inclusion plans. The campaign saw staff from the bank's 30 branches visit their neighbours to explain the bank's products, mobile and internet banking services, and educate them on the importance of keeping proper business accounts.

On the digital front, the bank modified its mobile app with greater enhancements to bring it level with the services available through online banking, including matching transaction processing hours. New features available for the app included fund ***transfers***, overseas remittance and pre-paid product top-ups.

Datuk Phan, CEO at Campu Bank, says: "Our success is attributed to the dynamic leadership of founder and chairman Tan Sri Dato' Sri Teh Hong Piow in setting clear strategies and best practices to build a successful bank with an unbroken track record of profitability since its inception in 1992."

Over the past ***year***, the bank has sought new ways to provide increased services to its customers and in doing so has boosted its own revenue streams. Campu Bank teamed up with AIA (Cambodia) Life Insurance to offer life and health insurance products.

The bank also pushed towards operating in a more environmentally friendly way, moving from using paper towards greater digitisation. Electricity consumption has also been reduced by replacing old and inefficient hardware.

CHINA China Construction Bank In a country with a banking sector as highly competitive as China's, the success of China Construction Bank (CCB) in this ***year***'s Bank of the ***Year*** awards is a marked victory. Following the lead of the Chinese government, the bank has shifted its strategy towards innovation-driven development. This saw it expand its product suite, resulting in its transaction business revenues reaching Rmb13.9bn ($2bn), and debt securities underwriting for non-financial enterprises reaching Rmb400bn.

To give the bank an edge in its home market, CCB boosted its fintech strategy with the initiation of its new generation core system. The goal was to grow its customer base and create new revenue opportunities by implementing new software and system improvements.

The bank's success also comes down to its focus on providing services that will benefit its customers. Following the lead of China's national housing policy, CCB has improved its mortgage loans and rental services. To position itself as a bank to assist with the financing of property, CCB has signed agreements with 300 local authorities to be recognised as a trusted partner. At the end of 2017, the bank had extended individual housing loans of Rmb4210bn, the highest such figure within the global banking industry. The total also represented a 17.5% increase in lending by the bank.

CCB has also taken a strong stance on its corporate social responsibility dedication towards poverty alleviation. By the end of 2017, the bank had donated Rmb149bn towards the most underserved areas in China, with the specific aim of boosting education and providing assistance for new mothers.

Mary Huen, chief executive, Standard Chartered Bank Hong Kong HONG KONG Standard Chartered Bank Hong Kong As China looks outwards through its Belt and Road Initiative, Hong Kong has found itself ideally positioned between the mainland and the rest of Asia to provide a stepping stone between the two when it comes to financial services. Understanding this link, Standard Chartered Bank Hong Kong moved to capitalise, and in doing so scooped the Bank of the ***Year*** for Hong Kong prize.

Standard Chartered has leveraged its long history of working in multiple countries across Asia, with an on-the-ground presence and an understanding of the regulatory and legal frameworks present across these markets.

This focus does not mean that the bank has stopped innovating at home. The past ***year*** has seen the bank move forward with its fintech plans, as it became the first bank in Hong Kong to offer Alipay top-up services. The bank also partnered with ***payments*** platforms Octopus and O!ePay.

Mary Huen, chief executive of Standard Chartered Bank Hong Kong, says: "With almost 160 ***years*** of history in Hong Kong, we are a truly local bank offering global solutions, via both the traditional and digital channels, for our clients to grow their businesses and wealth."

Standard Chartered Bank Hong Kong has also looked to the future of banking by making strides in distributed ledger technology (DLT). The bank has teamed up with the Hong Kong Monetary Authority's fintech facilitation office to be the lead bank in the DLT trade finance working group. Ant Financial has also recognised the bank's position on innovation and named it as a core partner bank for its blockchain cross-border remittance service, offering ***payments*** through AlipayHK and GCash in the Philippines. As well as partnering with third parties, Standard Chartered Bank Hong Kong is looking to take steps into the digital space itself having applied for a virtual banking licence, in order to give customers greater choice when banking.

Aditya Puri, managing director, HDFC Bank INDIA HDFC Bank Covering a country as geographically large and demographically diverse as India presents a set of challenges unique to the country. But by ensuring that even the most remote and financially challenged consumers have access to banking has helped HDFC Bank to capture the title of Bank of the ***Year*** in India for 2018.

The bank has made real progress in the past ***year*** in bringing banking services to the more remote parts of the country. Opening 72 new branches over the past fiscal ***year***, and establishing 375 new ATMs in the ***year*** to June 2018, the bank is working to tackle the issues of the underbanked and underserved communities in rural India. Indeed, 35 of these new branches are located in areas where the local population previously had no access to formal banking services.

Ensuring that the bank is providing onthe-ground services does not mean it has neglected its digital offering. The bank has launched an open application ***programming*** interface platform that will allow different parts of the business to easily access the same information, regardless of location.

With the growth of mobile and digital ***payments*** among its user base, HDFC has also been taking steps to ensure ***payments*** can be made across multiple channels.

Streamlining its processes within its branches, HDFC has implemented a digital application platform (DAP) that pulls together various processes to streamline the provision on banking services to customers, including loans, overdrafts and credit card applications. The bank now sees 95% of all applications for these services conducted through its DAP.

Aditya Puri, managing director at HDFC Bank, says: "I accept this award with humility on behalf of all my colleagues at the bank, without whom this would not have been possible. I'd also take the opportunity to thank all our customers and stakeholders who've [retained] their faith in us. We view this as an added responsibility towards them."

INDONESIA Bank OCBC NISP Over the past ***year***, Bank OCBC NISP has provided a range of services that give its customers a greater level of autonomy over how they run their banking services.

Through the creation of its ONe Mobile app, the bank boasts that it has brought 'branch-in-your-pocket' banking to its customers. While ONe Mobile has a range of standard functions such as making ***transfers*** and ***payments***, it goes a step further in providing specialised services such as wealth management and tax reporting statements. The app's security features are also extensive, giving customers the control to block and unblock their ATM cards. Customers can also withdraw funds from ATM machines using QR codes within the app, the first time this service has been made available in Indonesia.

OCBC gave its customers even more choice over how they make their funds work for them with the development of the Tanda 360 Plus savings product. Users are able to hold 12 different currencies in the account simultaneously, a product that is of huge benefit to customers who regularly use foreign exchange facilities. Holding the funds in one place removes the need to open multiple bank accounts, and significantly reduces the errors that can arise from moving funds and recording transaction details.

To be able to offer such an innovative product, the bank had to bring in a number of new processes to ensure a low risk of error. OCBC implemented double checking in branches for correct currency matching. The details of transactions across currencies are provided in a single e-statement to give an easy overview to customers. Customers wishing to set up an account are able to do so at any time through the bank's app.

JAPAN Mitsubishi UFG Financial Group Holding a solid place in your home market gives a strong starting point to explore expansion into other countries. Mitsubishi UFG Financial Group's (MUFG's) ambitious plans for the future of the business to take it beyond its traditional parameters gave the bank the edge to win the Bank of the ***Year*** award for Japan.

Recognising that the Japanese economy will likely continue to have a low growth and low interest rates, the bank devised a threeyear business plan to expand its horizons to bring in new services and expand its reach into new territories.

Most notable in these developments was the bank's decision to put strategic investment into Bank Danamon Indonesia. In December 2017, MUFG entered into a share purchase agreement to take the majority stake in Danamon.

Recognising the high growth potential of Indonesia, MUFG will now be able to operate as a partner bank and integrate its own customer, service, network and operational expertise. It will also allow MUFG to diversify its portfolio, giving exposure to the local retail business and small and medium-sized enterprises, an expansion from its core business of wholesale and corporate banking. The bank's focus is also on how it can adapt to digital to keep pace with the changing demands of its customers. MUFG has teamed up with Akamai Technologies to develop a blockchain technology that will enable the bank to manage the increased flow of transaction volumes and expected rise in micropayments. Through testing out the functionality, the bank was able to process transactions in less than two seconds, and handle 1 million transactions each second. With further development, it is expected this will increase to 10 million transactions per second.

KAZAKHSTAN ForteBank Over the past ***year***, ForteBank has been able to take a step forward in international banking, having seen its Moody's and Standard & Poor's ratings move from 'positive' to 'stable'. With this in mind, as well as the bank's commitment to digital development, it was able to take this ***year***'s Bank of the ***Year*** award for Kazakhstan.

ForteBank has worked to combine the merger of three banks into its present format. This has meant overhauling its internal technology platforms to create a cohesive experience across all parts of the bank.

Embracing innovation, the bank has forged ahead with providing alternative banking methods for its customers. Self-service outlets have been introduced in branches. Telesales have also been initiated, with 25% of unsecured retail loans being issued through telesales within a month of the service's launch in April 2018.

The bank has been active in improving the foreign exchange experience with the implementation of ForteX. In the 12 months since the introduction of the service, Forte-Bank has seen 67% of all non-cash currency conversion transactions being made through ForteX. Thanks to the new system, transactions can be processed more quickly, resulting in a 62% increase in transaction volume over its first ***year***.

Consumer banking was brought up to date with the arrival of FortePay. Consumers can now make cash ***transfers*** using only the telephone number of the recipient. They also have the option of how to withdraw the funds, whether through ***payments*** into their bank account, by card or through withdrawal from an ATM.

Customers have also benefited from the arrival of ForteTravel, which enables the online purchase of travel tickets or accommodation.

KYRGYZSTAN Kyrgyz Investment and Credit Bank Over the past ***year***, Kyrgyz Investment and Credit Bank (KICB) has undergone a raft of changes that have seen the lender completely overhaul its internal operating systems and refocus its strategy towards its customers.

In order to put its customers at the front and centre of its business, the bank has created the new role of relationship managers by retraining its existing members of staff. With the help of external consultants, KICB has brought together the previously separate credit and deposit operations departments. Customers now have one point of contact within the bank to give them easier access to the services they need. It has also helped the bank to increase its cross-selling opportunities.

This refocusing towards the customer was also seen in KICB's move to overhaul its IT systems. As well as upgrading its existing Oracle platform, the bank introduced a customer relationship management system at the start of 2017. This gives a full overview of a customer's activities, and identifies areas where the customer could benefit from additional support or a new product.

Developing new business lines also means looking at how the bank can continue doing some of its more traditional business in a changing environment. Following the imposition of strict regulations, US banks closed correspondent banking operations in Kyrgyzstan. However, KICB has worked to find a way to recommence activities with US financial institutions. Working with law firm Baker McKenzie, a white paper was created outlining the legislative and compliance rules that the bank operates within. The hope is this will be enough for the bank to win back its US partners.

Arnaud Caulier, CEO, Banque Franco-Lao LAOS Banque Franco-Lao Investing in the bank in order to bring about greater returns in the future was the strategy of Banque Franco-Lao (BFL) over the past ***year***, and this helped it to take the title of Bank of the ***Year*** for Laos.

The bank recognised that while updating its core banking systems would come at signification short-term costs, the possibility for increased business and efficiencies in the future would make the investment worthwhile.

Overhauling the systems allowed the bank to offer e-banking as standard to all of its customers for the first time. Alongside this, the bank improved its customer support team with the implementation of a ticketing system. When a customer raises an issue, the support team can issue a ticket against the department, such as the cards team. It can then be tracked to show updates and the customer can be contacted accordingly.

Through these developments, BFL has created an impressive plan for further innovation, including bill ***payments*** though its mobile app. The bank's goal was to bring about a cohesive omnichannel experience, regardless of whether the customer was reaching out in branch, through its online platform or via social media.

Arnaud Caulier, CEO at BFL, says: "The bank's operations are constantly evolving, and driven by customer-centric teams who are empowered to make decisions. It is a value-led bank that has a responsible approach to economic development, in terms of value creation and promoting business development."

Furthermore, the bank has developed systems tailored towards small and mediumsized enterprises, from setting up its Banking on Women Initiative to supporting female entrepreneurs, through to extending branch opening hours to evenings and weekends.

Jiang Yi Sheng, chairman, ICBC (Macau) MACAU ICBC (Macau) The past ***year*** has seen ICBC (Macau) evolve its existing e-commerce and mobile technology to create an even more integrated service for its customers. And with the bank's added position for cross-border business with mainland China, ICBC (Macau) scooped the award for Bank of the ***Year*** in Macau.

This combination of cross-border business and technology has enabled ICBC (Macau) to develop a number of new services. The bank promoted the use of private banking products by working with branches located in mainland China. It also developed an asset management sector, offering tailored financial and non-financial services to its clients.

Jiang Yi Sheng, chairman of ICBC (Macau), says: "Under the support of ICBC Group, the bank has focused on building a new-generation smart bank system, and made a number of achievements in product innovation, customer service, business management, risk prevention and control, and internationalised and diversified developments."

For consumers, the bank added further functionality to its existing ICBC Mall (Macau) platform. Operating as an e-commerce platform with an online to offline model, the bank expanded the product in 2018 to permit a cross-border channel. This enables goods to be sent directly from sellers in Macau to customers in mainland China, and resolve the issue of sending products outside of Macau, which had been impacting local e-commerce. During 2017, the ICBC Mall (Macau) saw a total of Rmb20m ($2.88m) in transactions.

With local customers in mind, the bank launched an insurance function on its mobile app in 2017. The overall functionality of the app was also upgraded to create a more personalised experience. Additionally, it was the first bank in Macau to integrate WeChat ***payment*** services.

Datuk Abdul Farid Alias, president and CEO, Maybank MALAYSIA Maybank Maybank clinched the Bank of the ***Year*** in Malaysia award thanks to its fresh thinking on how to provide the best quality of service to previously underserved consumers. Recognising a gap in the market to provide services to Islamic banking customers, it launched HouzKEY, an innovative rent-to-own product that is the first of its kind in Malaysia.

With a growing demand for affordable homes in the country, Maybank created this alternative solution, which allows for home ownership through a leasing scheme that does not require a deposit.

Customers have a flat rate rental ***payment*** for five ***years***, and at the end of that time have the option to purchase the property at a price agreed at the start of the contract, continue to rent with a 2% annual rent increase, or to terminate the contract with no obligation. The scheme is sharia compliant, being based on the ijarah principle of leasing.

Datuk Abdul Farid Alias, president and CEO at Maybank, says: "The bedrock of our success is predicated on our mission of 'humanising financial services', which drives us to innovate and offer financial solutions that enrich the lives of our customers and the communities we serve across our global network."

The bank has also embraced mobile with its new edition of the Maybank2u app. To improve the customer experience it was relaunched with a new look to make it more accessible and faster to use. It is also the first banking app in Malaysia to have integrated three biometric security features, removing the need for SMS approval of transactions made within the app. Cashless ***payments*** are now available for customers using the Maybank QRPay option.

MONGOLIA Golomt Bank In recent ***years***, Mongolia has seen a sharp increase in the number of people with smartphones, creating a huge change in this emerging market. The way in which Golomt Bank has stepped up to these challenges is what saw the bank secure this ***year***'s Bank of the ***Year*** award for Mongolia.

Recognising that consumers are now looking to run their banking operations through their phones, Golomt launched Social Pay. A sophisticated mobile ***payments*** solution, customers can ***transfer*** funds with just the phone number, e-mail address, Twitter or Facebook account details of the recipient. More remarkably, they can even do this with just the recipient's current location. The app also supports QR code ***payments***. Users are also able to send an invoice for ***payment***.

Social Pay has also proved successful as users are given the option to become a Golomt Bank customer. Social Pay can also be used to pay bills, pay for e-commerce purchases and top-up mobile phones. Within a ***year*** of its launch, the bank had performed 300,000 transactions with a total value of Tg13bn ($5m).

Customers preferring more traditional ***payments*** methods have the choice of new cards. The Gan card has been designed for frequent travellers through collaboration with UnionPay. The existing Zes Visa card has grown in strength thanks to an education campaign by the bank on the benefits of using a credit card. As a result of this, by the end of 2017 the Zes card accounted for 62% of the entire Mongolian credit card market. Both cards can be applied for online, and non-Golomt Bank customers are able to apply.

social pay has also proved successful as users are given the option to Become a golomt Bank customer MYANMAR KBZ Bank In a country undergoing huge change and the implementation of a new regulatory system from the Central Bank of Myanmar, KBZ Bank showed that it was flexible enough to meet the demands of these changes, while still providing exceptional client services.

The bank overhauled its management to meet the new requirements, including providing all members of staff with a job description and creating a performance management ***programme*** to assist career progression among its workforce.

In order to ensure customers are receiving the best quality of service, the bank introduced net promoter scores. These help staff to better understand customer satisfaction and identify areas open for improvement. On a local level, each branch is able to access their own productivity scores generated by the number of customers served each hour. Using the big data available to them, the bank can benchmark the results of different branches and members of staff.

One of the greatest challenges the bank has faced is around financial inclusion, with just 10% of Myanmar's population holding a bank account. Recognising the mobile-first potential of the customer base, KBZ launched a digital wallet to enable users to send cashless ***payments*** and withdraw funds through authorised agents.

The mobile app was modified to create a more pleasant experience for customers, beyond the solely functional. With the introduction of the Remit2U functionality, users are now able to send funds through their app. Customers can also obtain the funds that have been sent without the need for their bank card by using a code provided by the sender and an additional code received via text message from the bank. This code can then be used to withdraw funds from an ATM.

Sunil KC, CEO, NMB Bank NEPAL NMB Bank Taking a proactive step in providing assistance for a customer base and developing the domestic economy, in the face of real challenges from the country's overall outlook, has been a hugely ambitious step for NMB Bank. However, these ambitious plans have been met with success, and picking up the Bank of the ***Year*** award for Nepal.

In recognition of the need for better banking services for the whole population to foster economic growth, NMB employed the assistance of consulting firm Si-Creva to provide guidance. The result was plans to target Nepal's small and medium-sized enterprise (SME) segment, as well as the country's entrepreneurs, with a ***programmes*** to support them along the value chain.

On the advice of Si-Creva, the bank is also establishing a ***programme*** to tackle the gender imbalance in financial inclusion. NMB is first bank in Nepal to create such a scheme, in recognition of the role women have to play in the continued growth and development of the country as a whole.

The bank's own strong position has paid off as it became the first bank in Nepal to sign a mandate with the International Finance Corporation for a loan of $15m. The loan will be used to promote SMEs and boost tourism in the country.

Sunil KC, CEO at NMB Bank, says: "The most important elements in the bank's success have been trust and respect earned from our stakeholders by demonstrating a high degree of corporate governance standards, ensuring our customers and people are at the core of our strategy with a high emphasis on value and a sustainable banking business model. [This] has been the key to our success."

David Hisco, CEO, ANZ New Zealand NEW ZEALAND ANZ Bank New Zealand Over the past ***year***, ANZ New Zealand realised there were significant efficiencies to be made in how it ran its business banking division. The aim was to provide the best possible service to customers, regardless of their financial position, and encourage staff to assist customers by drawing on their own personal experience and expertise.

After assessing its existing operations, ANZ identified issues with a model that was high cost but did not provide additional support to its highest value customers. The bank reassessed how to best use its staff, deciding to focus its relationship managers on only its top 20% customers, with the remaining 80% having access to a business banking manager whenever they need.

Internal processes have been centralised so staff are able to spend more time supporting customers. The changes proved successful, as the bank saw a 30% increase in the acquisition of customers in 2018 to November, compared with the same period in 2017 prior to the changes being implemented.

David Hisco, CEO of ANZ New Zealand, says: "ANZ New Zealand is one of the country's most successful companies because we're relentlessly focused on simplifying banking for our customers, whether it is in helping them get into a home, start and expand a business, trade with the world, save for retirement or protect their families with insurance."

On a consumer level, the bank improved its customer service with the launch of chatbot Jamie. The bot helps customers to find answers to simple questions, such as branch location and contact details. Customers can also verbally ask the question, and receive a spoken response. The aim is to increase Jamie's knowledge over time to answer more complex banking questions.

PAKISTAN UBL Bringing banking to a market where thousands of people are still to open their first accounts is a huge challenge, but one that UBL has been undaunted in taking on. And after seeing remarkable success in bringing banking to whole communities for the first time, the bank was a worthy recipient of Bank of the ***Year*** award for Pakistan.

UBL has taken on an ambitious project of financial inclusion, and in 2017 acquired 450,000 new-to-bank customers. The result of this was current account deposits growing by 18% ***year*** on ***year***, with an additional Rs60bn ($446m) over the ***year***. Because of this increase, the bank saw a landmark Rs1trn in deposits for the first time.

With such huge numbers of customers coming on board, the bank has made significant investments to boost both its online and in branch banking services. Understanding the needs of customers in rural communities, 614 of the bank's 1359 branches are in rural areas. In order to increase financial literacy the bank has held 'Zarai Baithaks' educational gatherings of farmers. The result has been 5000 new farming customers joining the bank over the past ***year***.

The bank also has its eyes firmly on the future of banking, and in 2017 set up Pakistan's first digital lab in collaboration with IBM. Within the lab, UBL is able to collaborate with fintechs and tech start-ups to create new services for customers.

UBL also entered into mobile banking with the release of its UBL Digital app, giving customers round-the-clock access to their accounts. Features include a built-in QR code ***payments*** system and biometric authentication with retina scans and facial recognition.

Alfonso L Salcedo Jr, president and chief executive officer, Security Bank Corporation PHILIPPINES Security Bank Corporation The growth of its consumer banking business has been a main focus for Security Bank Corporation (SBC) over the past ***year***, and one that has helped the bank to improve its financial results.

Over the past ***year*** the bank implemented a number of new products to support its consumer finance business. Salary Advance and Business Express Loan were released, with the former offering personal loans through text messaging and the latter offering small business loans. These innovations were behind the bank's consumer loan portfolio growing by 49% over the ***year***.

Further benefits were extended to current account customers with the bank offering free insurance to its All Access Account customers. This proved to be a successful move, as the bank saw the number of applications to open an account double in the final months of 2017.

The bank expanded its retail banking segment with the use of third-party channels over the ***year***, with the release of the Dealer Channel for Auto Loans and Direct Sales Agent for Personal Loans.

Credit card customers were also given a boost, with the Click-Card Mastercard providing up to 5% cash back on all online purchases. The funds are credited instantly into the card account following the transaction. The bank bulked up security for e-commerce transactions with the use of a one-time password being sent to the buyer's mobile at the time of purchase.

Alfonso L Salcedo Jr, president and chief executive officer of Security Bank Corporation, says: "Our success could be attributed to our commitment to become a better bank for our customers and to our adherence to executing excellence as we build our third business pillar - retail banking."

SINGAPORE DBS Bank DBS Bank pushed forward with its key strategy of innovation in 2017 in an impressive way, doing enough to take the title of Bank of the ***Year*** in Singapore. The lender demonstrated impressive agility in its response to new regulations within Singapore, and the ability to deliver products to market in a timely manner.

Responding to the announcement by the Monetary Authority of Singapore that banks would be allowed to operate digital platforms that could match buyers and sellers of goods and services, the bank sprang into action to create a marketplace.

This move made it the first bank in Singapore to respond to these changes with the launch of its DBS Car Marketplace in August 2017, just two months after the announcement. The marketplace provides a link between car sellers and buyers, as well as facilitating transactions including purchases, loans, insurance and car accessories. Customers can also book in-car services from vehicle inspection companies.

DBS quickly followed this with the launch of the Electricity Marketplace in March 2018 and the Property Marketplace in July 2018. Electricity Marketplace allows customers to look for better deals on their energy providers and apply online. Meanwhile, Property Marketplace lists properties for sale and rent, while also providing a home financial planner to let users check the affordability of a new home.

DBS also made a strong commitment to environmental issues by becoming the first bank in Singapore to issue a green bond. It was also the country's first bank to be listed on the international FTSE4Good Global Index. The bank's dedication to green issues runs deep, as it announced it would use 100% renewable energy in its Singapore operations by 2030.

Tae-Seung Sohn, president and CEO, Woori Bank SOUTH KOREA Woori Bank Taking bold steps forward in banking can bring success, especially to those in a country with a tech-savvy and affluent consumer base. Seeing the opportunities to adopt new technology, Woori Bank took that initiative, and made changes that saw it win the Bank of the ***Year*** award for South Korea.

Recognising the trend for voice-activated technology, Woori Bank launched SORi, an AI-backed system that allows for banking transactions to be made through voice commands. The system converts the user's voice to text to perform the transaction. Biometrics are then used to complete the ***payment***, removing the need for authentication and the input of account numbers. AI was further used for investors with the Woori Robo-Alpha service, which analyses customer data to suggest a customised portfolio and possible investment choices. It can also assess the customer's existing portfolio and make suggestions for improvements through the bank's messenger service, WiBee Talk, or via SMS.

Customers visiting the branches also have had the chance to experience the move towards robotics, as AI-equipped Pepper robots were placed in branches to give recommendations on products such as loans and insurance. Pepper can also be used by customers to ask for information such as the weather forecast and cinema times.

Tae-Seung Sohn, president and CEO of Woori Bank, says: "Amid challenging market conditions we were able to level up the bank's fundamentals by continuously improving profitability in wealth management, capital markets and global business, etc, along with strong asset quality. I am confident that the bank's profitability will further improve by enhancing non-banking businesses and diversifying revenue sources after converting to a holding company structure."

Dimantha Seneviratne, group CEO, NDB SRI LANKA National Development Bank A successful ***year*** for National Development Bank (NDB) came off the back of the bank's plans to overhaul its operations over the next few ***years***. Through the Transformation 2020 plan, the bank highlighted 150 initiatives to undertake across the bank.

NDB sought to tap into the increasing spending power of the female population by identifying three segments -home-makers, the salaried female workforce and entrepreneurs - with the aim of becoming the bank of choice for financial and non-financial assistance across the three groups.

To boost cash collection, the bank launched Cash Recycle Machines, which allow for both cash deposits and withdrawals. The service has appealed to customers who can use the deposit services outside of branch opening hours.

Branchless banking was introduced as a novel way of reaching the unbanked for the first time. Bank officers would remotely connect to the bank's systems to allow people to set up accounts and utilise banking services, with the benefit of assistance from a bank employee. Recognising that there was an underserved population in taxi drivers and vendors at fairs and markets, the bank promoted branchless banking as way to serve these potential clients.

This focus on customer service was further exemplified in the bank's overhaul of its complaints procedure and the addition of a data analytics team to assess data on customer behaviour.

Dimantha Seneviratne, group chief executive officer of NDB, says: "Our relentless passion for exceptional customer service augmented by digital capabilities, and a committed team rallying around the one goal of taking NDB to great heights, have been the key enablers of our success."

Joseph NC Huang, CEO, E.Sun TAIWAN E.Sun Commercial Bank The past ***year*** has seen Taiwan's E.Sun Commercial Bank seeking to cement its presence in international markets. Taking ambitions steps in expanding its horizons has pushed the bank to its Bank of the ***Year*** in Taiwan win.

In its aim to expand its reach overseas, E.Sun has leveraged an integrated platform that provides the same experience across its countries of operation, bringing greater coordination between the bank's headquarters and its regional operations.

E.Sun moved stridently to adapt its banking strategy to work more with overseas customers on matters of foreign exchange. In the 18 months to June 2018, the bank's foreign currency loan book increased by 23%, and now represents 17% of its overall loan portfolio. The move has also seen the bank deepening relationships with these international corporate clients.

The past ***year*** also saw the bank take its first steps in private banking. With the market dominated by the global banks, E.Sun sought to bring a service to high-net-worth individuals in Taiwan on taxation and family wealth planning.

Joseph NC Huang, CEO of E.Sun, says: "Beholding integrity, professionalism, a long-term commitment to human resource and sustainability, E.Sun's vision is to become the best bank and the most respected company in Taiwan."

Technology was also given a boost, as the bank implemented the E.Sun Enterprise Data Cloud to improve data analysis processing by allowing operations staff to provide the data needed for automated analysis. This has helped to increase operational efficiency and improve the design of products and services. The bank calculated that using the system for automated reports helped to save 4800 hours across all businesses over the ***year***.

THAILAND Siam Commercial Bank Siam Commercial Bank (SCB) created an ambitious plan to overhaul multiple areas of the bank's operations under its Foundation Transformation plan. With the four sectors of people, process, product and technology to be improved, the bank got to work.

In 2018, the bank launched the second stage of its SCB Easy lifestyle banking app, introducing greater levels of security, faster processing and a higher capacity to account for an expanding user base. The app seeks to go beyond providing just financial services, with privileges and discounts provided via the Easy Bonus feature. Customers can also use the app for cardless ATM withdrawals with the use of a six-digit PIN code requested within the app. Take-up of SCB Easy has been significant, with 6.5 million users recorded by the end of the first quarter 2018.

The bank also developed an innovative way of getting unbanked vendors in markets to digitise with the creation of the Chatuchak Guide app. Providing a guide to the vendors in the historic market, the app contains a detailed location map and shop information that consumers can browse before visiting. Following on from this success, the bank created a similar app named Rattanakosin Guide for Bangkok Old Town. Accessible for both locals and foreign tourists, the app includes promotions and details on the services available in the area.

Responding to the booming access to big data, the bank created the SCB Abacus to utilise artificial intelligence, machine learning and data science to extract business insights to help steer customers to the correct point of contact and give higher levels of customer service.

TURKMENISTAN Senagat Bank Working with developments introduced by the Turkmenistan government has helped Senagat Bank to establish a sophisticated banking network in the country, one which brings it up to international standards. It is with this in mind that the bank has been named this ***year***'s Bank of the ***Year*** for Turkmenistan.

Senagat Bank has been integral in working with the government to implement the new ***payment*** system on public transportation. In conjunction with the Ministry of Motor Transport of Turkmenistan, an electronic ***payments*** platform was introduced in Ashgabat which completely removed the need for cash ***payments***, simplifying the process between the passenger and driver. These cards can be replenished automatically every 30 days, or by the individual when they choose through the post office, branches of Senagat Bank, or the bank's ATMs. Customers without the necessary funds on their cards will still be able to complete several more journeys, with the debt owed being repaid once the card is topped up.

A benefit of these cards is the greater degree of data they will provide on the types of journeys customers are taking, which can in turn be used to modify bus timetables to best suit passenger needs.

Senagat Bank has sought to bring the bank, and the country, into the international financial space with the continued promotion of plastic ***payments*** cards. The bank's own Altyn Asyr card is tied to the national ***payments*** system. The bank is also committed to the increased use of ATMs across the country, something that has been achieved with greater collaboration between both domestic and international financial institutions.

UZBEKISTAN InFinBank Working in an environment where many consumers still prefer to use traditional banking methods presents a set of challenges to a bank that is also trying to improve its systems. However, InFinBank managed to pull off this difficult juggling act of meeting customer needs while updating its backoffice facilities. InFinBank took the award for Bank of the ***Year*** Uzbekistan off the back of its largescale project to completely overhaul its digital systems. Working in collaboration with SAP and Pegasystems, the bank has fully updated and automated credit workflow, managerial reports and customer relationship management systems. The development marks a first for banks in Uzbekistan. Implementing automated flows has allowed the bank to significantly speed up the process of credit approval. The process of application for credit, document review, assessment and final credit approval are all carried out digitally.

Understanding the differing needs of the consumers in the country, the bank has taken steps to improve both digital and also branch-based services. The bank has an extensive branch network across the country to service its clients who would prefer to conduct their banking in person.

In the past 12 months, InFin has become the first bank to issue credit cards in Uzbekistan. Previously, the bank only issued debit cards, and the proliferation of ***payments*** cards across the country remains low. The introduction of cards has been one of the most popular products available from the bank over the past ***year***.

InFin also has a strong presence in international banking, providing trade finance support for a number of European finance institutions. The bank has seen credit lines of more than $40m extended.

Nghiem Xuan Thanh, chairman, Vietcombank VIETNAM Vietcombank For Vietcombank, the past 12 months have been notable for the manner in which it has transformed the digitisation of its banking systems, and the experiences of its customers. The bank has taken on the challenge of shifting its focus towards retail banking and has yielded some impressive results.

Due to the complications of replacing the whole back office, the bank has devised a staged implementation timetable that it is currently working through. Trade finance is one of the businesses to have been improved, and the bank has become the first in Vietnam to adopt Swift's gpi ***payments*** standards.

Vietcombank also updated its mobile banking app to bring it in line with consumer expectations. The app was first launched in 2012 and needed to be changed to integrate new services, including working alongside a number of partners to initiate easier transactions. The new app allows QR code technology, and is accepted in 10,000 stores and e-commerce sites.

The app has proven to be a huge success for the bank, attracting more than 1 million new users since the relaunch. This user base helped to generate almost 10% of the bank's total fee revenue in 2017. The bank's overall improvements to its customer banking platforms have helped to boost the revenues recorded, with the total income from cards and e-banking combined increasing by 36% ***year*** on ***year*** in 2017.

Nghiem Xuan Thanh, chairman of Vietcombank, says: "The bank's success is down to customer satisfaction gained from comprehensive financial solutions and superior services quality; knowledgeable and skilful staff working with great dedication; and a management vision to formulate the right strategy and provide timely actions."

Americas Enrique Cristofani, chief executive, Santander Rio ARGENTINA Santander Rio Much can change in one ***year***. Argentina's deteriorating economic conditions and a currency crisis that resulted in a recordbreaking bailout by the International Monetary Fund are a stark contrast to the buoyant spirit of 2017, which was fuelled by signs of development in the banking sector.

Because of high inflation and bitter memories of account freezes from nearly two decades ago, Argentines have grown wary of trusting banks with their long-term savings and investments. Macroeconomic conditions and short-term funding have meant that tenures on loans have hardly passed the 20-***year*** mark. In 2017, however, thanks to government-sponsored inflation-linked mortgages, banks were finally able to offer affordable, longer dated credit. This was true not just for public sector banks, which have an economic development mandate and can afford to pay less attention to profits, but changed the market for private sector lenders too.

Santander Rio built on the opportunities offered by such government ***programmes*** and improved its mortgage application and management process by allowing it to run entirely through digital channels. This resulted in greater ease of use for customers and cheaper costs for the bank.

In particular, the automation of asset appraisals through machine learning slashed the cost per appraisal from $60 to $5 as no human interaction is now required. The process that analyses property prices was also fully digitised; geolocalisation and digital comparison with similar real estate complements customers' own descriptions leading to a reduced error margin in the pricing process, according to Santander, of less than 5%.

Santander Rio chief executive Enrique Cristofani says: "On behalf of the more than 9000 employees of Santander Rio, I thank The Banker for this award. It is a well-deserved recognition of our work [and] at the same time challenges us to try harder to become more agile and digital for our customers and more committed to serving our community."

BAHAMAS CIBC First Caribbean CIBC First Caribbean continued to outperform the financial system in the Bahamas in 2017, with net profits increasing by 8.8% to Bh76.7m ($76.7m) and the non-performing loan ratio dropping to 6.8%, compared with 9.2% in the system, according to the International Monetary Fund.

It is not surprising, then, that CBIC First Caribbean, has been named Bank of the ***Year*** for the Bahamas for three ***years*** running.

The bank has honed its focus since mid-2017 on improving the mobile banking service it provides customers. It recently implemented eight new features, all firsts for the Caribbean, to enhance its already awardwinning mobile banking app, which was launched in 2016.

New additions include fingerprint and facial recognition, and a mobile location confirmation. This final component allows for a customer's location to be compared to credit card transactions, not only cutting down on fraud but eliminating the hassle of charges being declined during travel.

A new feedback upgrade allows customers to let the bank know about their experience, providing input for the future digital roadmap.

The numbers speak for themselves. Client penetration increased by 70% between the launch in 2016 and February 2018, with transactions conducted via the app up 260%.

"Harnessing technology to improve our products, services and operational efficiency, as well as prudent risk management practices, contributed to our success," says CIBC First Caribbean managing director Marie Rodland-Allen.

The bank is in an ongoing process of simplifying transaction processes and cost structures with the goal of removing paper from the banking experience.

This does not mean keeping customers from visiting branches, however, which are in the process of being modernised, but to allow the bank to fit into the lives of customers in a seamless fashion. Ms Rodland-Allen says the accomplishments come from technological advances, but are made possible by the bank's staff.

"Winning this award for a third consecutive ***year*** is a fitting testament to the high standards, dedication and commitment of our loyal staff and trust of our cherished customers," she says.

David Parks, managing director, Scotiabank Barbados BARBADOS Scotiabank Barbados Digital, but with a human touch, is a winning combination for Scotiabank Barbados. The first digital branch in Scotiabank's Caribbean system was opened in Barbados in August 2017. The branch has a more open layout and is designed to enhance the interaction between customers and employees. It has a social area and an educational space for workshops and informal discussions on key topics. This was complemented by the systemwide introduction of digital ambassadors, who work individually with customers to enrol them for online and mobile banking. The result has been a 31% increase in customers using online and mobile banking channels. On the flip side, there has been a 22.5% decrease in in-branch transactions, such as deposits, withdrawals and bill ***payments***, all of which can be done digitally. "It is important to note that the digital process for Scotiabank does not eliminate the human element from customer service. The human element is still critical - it is simply a shift in focus," says David Parks, managing director of Scotiabank Barbados. An example of this dual focus has been the appointment of a customer experience manager. This new managerial position responds to customer feedback and resolves issues that could otherwise pose a roadblock to client satisfaction. At the same time, the manager has been a driving force in helping customers transition to digital options.

In many ways the position reflects Scotiabank's strategic agenda and five-pillars - business mix, c us tomer foc us, digital transformation, leadership and structural cost transformation. The position is in flux and taking on a much broader scope to create a customer relationship management system so that the bank can engage with customers on an intricate level as it continues to grow.Net profits at Scotiabank Barbados in 2017 were Ba66.3m ($33.16m), while Tier 1 capital was Ba672.8m, an increase of 55% from the previous ***year***.

BERMUDA The Bank of NT Butterfield & Son The Bank of NT Butterfield & Son celebrated its 160th anniversary in 2018 by completing two acquisitions to extend its global reach.

In February 2018, it agreed to acquire Deutsche Bank's banking and custody business in the Channel Islands and the Cayman Islands, a move that will increase the bank's overall deposits by approximately 20%. A month later, it reached a second agreement with Deutsche Bank to take over its global trust solutions business, adding to its existing holdings in Guernsey, the Cayman Islands and Switzerland, as well as giving it a footprint in Singapore.

The acquisitions reinforce Butterfield's vision of being the world's leading independent offshore bank, allowing it to expand in jurisdictions that other global players are mostly leaving.

The bank also continued to build on its technological infrastructure, creating links between its European and North American/Caribbean platforms. In 2017, it completed its conversion of credit cards to a new contactless system.

Butterfield's newest focus, which started in 2018 and is extending into 2019, is to improve its online channels, with the bulk of attention being on online and mobile banking in Bermuda and the Cayman Islands. In Bermuda, it was the first bank to transition its credit cards to contactless technology.

The bank has seen strong growth since it listed on the New York Stock Exchange in September 2016. Stock prices doubled in the 20 months from the initial public offering launch.Net profits in 2017 were $153.2m, up 32.2% from the previous ***year***, while Tier 1 capital reached $772.2m, up 15.8%. Return on equity was 19.9%, compared with 8.9% the previous ***year***, and the non-performing loans ratio was 1.3%, down from 1.6% in 2016.

Valdés Andreatta, CEO, Banco Mercantil Santa Cruz BOLIVIA Banco Mercantil Santa Cruz In 2018, Banco Mercantil Santa Cruz (BMSC) finalised the largest move in the country's financial system in the past 10 ***years***, acquiring another institution to solidify its role as Bolivia's largest bank.

The acquisition of Banco PyMe Los Andes Procredit allowed BMSC to consolidate its position with traditional products, such as housing loans, and also boost its presence in Bolivia's important small and medium-sized business segment. After the transaction was completed in August 2018, BMSC had 143 branches, 444 ATMs and 33 field offices and other points of services. The bank now has the largest ATM network in Bolivia.

BMSC forecasts that its acquisition will help improve its already strong position in the country. Net profits were up by 16.2% in 2017 compared with the previous ***year***, while assets were up by 22.6% and Tier 1 capital by 12.4%. Return on equity was 18.9%, up a few decimal points from the previous ***year***.

The bank has simultaneously been working on a complete overhaul of its operating system through a project known as Renovar. The project is renovating the bank's core banking operations and data management system. It will be finished in 2019, making BMSC the most technologically advanced bank in Bolivia.

The bank has been offering new mobile operations for corporate customers as the project moves forward. Some of the changes already introduced include enhanced transactions through mobile devices that allow for third-party ***transfers***, loan ***payments***, and payroll and supplier ***payments***. On a broader scale, the bank has also introduced fingerprint and facial recognition to mitigate risk for all card holders.

"We are convinced that one of our greatest competitive advantages is our human resource. This, combined with our strong focus on the client, our ethics and innovation, gives us the leadership in the market," says BMSC CEO Valdés Andreatta.

Octavio de Lazari Jr, chief executive, Banco Bradesco BRAZIL Banco Bradesco While Brazil's economic performance was weak in 2017 and political volatility ramped up ahead of presidential elections, Bradesco's financial results held steady. In fact, they improved. Net profits grew by more than 10% from the previous ***year*** and a slightly higher return on equity was secured for investors. Encouragingly, the ratio of non-performing loans over the total portfolio reduced to 5.6%.

Of even greater note is Bradesco's digital progress. This has seen efforts to improve customer interactions via chatbots, which the bank says led to an impressive level of customer satisfaction in 2017, as well as more recent development such as the ability to use verbal instructions on the banking platform, which was introduced in 2018.

Other initiatives include the ability to open accounts through the Bradesco app by providing all required information, proofs of identity and signatures digitally, as well as customising the parameters of the account such as the personal credit limit, the overdraft and credit card selection. Generally, technological innovation can help not only to beef up portfolios and customer satisfaction but also to combat fraud. Bradesco's digital efforts moved in this direction too, using solutions based on geolocation to detect fraud.

Moreover, the bank has been promoting innovation outside of its organisation with a series of hubs and ***programmes*** to connect start-ups, large tech companies and investors, both locally and internationally. This activity has been growing over the ***years*** and now counts a total of eight ***programmes*** thanks to the introduction of a digital platform and a physical lab in 2017, a new space for collaborative work in São Paulo and the creation of a team in New York to capture tech trends.

Banco Bradesco chief executive Octavio de Lazari Jr says that the bank's focus is "on providing the best experience to our clients, based on the expertise of our people, with cutting-edge banking technology and [our important] presence in Brazil".

CANADA RBC Canada has been vocal about its openness as a country in terms of international trade and immigration, and it appears equally keen to establish itself as a global tech hub. The idea is to retain and attract talent from all over the world to support local innovation ***programmes***.

Royal Bank of Canada (RBC) is committed to the same goal. The lender has created a research institute that focuses on artificial intelligence, Borealis AI, the first of its kind in Canada, according to RBC, which groups more than 65 researchers and scientists to solve practical problems with a global impact.

The bank has been busy with other interesting innovation projects too. RBC Ventures, for example, creates solutions for problems that are not necessarily financial with the aim of onboarding new customers in the future. One of these helps users to manage their vehicles in one place by allowing them to book service appointments with dealers, arrange for tyres to be serviced at home or at the office, rather than at a mechanic's, or receive and store vehicle information such as recall notices and maintenance records. Customers do not need to bank with RBC to access the app, but the rewards they earn from the tool can be used when financing the purchase of a car through the bank.

Furthermore, RBC is investing in emerging technology such as predictive analytics to help customers manage their day-to-day finances and, in 2017, launched a mobile app that the bank says was the first of its kind in Canada as it offers clients personalised financial analysis.

These initiatives, along with the development of other projects, resulted in solid profits with net profits representing nearly 20% of Tier 1 capital.

Stuart Dack, president, Cayman National Bank CAYMAN ISLANDS Cayman National Bank Cayman National Bank had a banner ***year*** in 2017, with net profits up 35% to $19.3m and return on equity at 18.3%, up from 14.1% the previous ***year***. The bank's philosophy is twopronged: providing more products and greater security to clients, while at the same time maintaining a sharp focus on having world-class staff.

In 2018, the bank began testing a new service, Notify, that uses mobile phone technology to provide customers with instant notification of card-related transactions. The service not only provides information on card use to ward against cyber risk, but a series of notifications, such as ***payments*** due and card expiration dates, to guarantee that customers are never caught off guard.

Bank president Stuart Dack stresses that services depend on human resources and the bank is serious about making sure its staff are well trained and on top of their game. "In an age of homogeneity in financial products, we found that building up our human resources capacity and delivering consistent, unrivalled client service provides the critical pathway to sustainability and growth," he says.

The bank completed an employee engagement survey in March 2018 to figure out what was working well and areas where improvements were required. The staff are working on a developing an innovation centre to enhance operations. They are also completing the final touches to implement a bankwide human resources information system. Cayman National Bank offers opportunities for employees to attend local and international training seminars and fully covers the cost of academic and professional endeavours pursued by personnel.

Mr Dack says that while many banks seek to reduce staff numbers in the name of efficiency or profit margins, Cayman National Bank strives to increase personnel alongside furthering its digital banking to comply with the needs of clients. "We realise that a solid organisation starts from inside out," he adds.

Claudio Melandri, chief executive, Santander Chile CHILE Santander Chile Santander Chile is powering through its digital strategy. Among its new intiatives is the 'tax folder' solution that uses small businesses' tax information, given with consent, to generate reports for the bank, sparing the customer the need to bring paper documentation to the branch to discuss financing and, crucially, providing a fast solution to the lender too.

The 123 Click loan, which customers can obtain online or through the bank app in three steps, is another example, as is the on/off swipe that allows a customer to block a card through the app, without needing to speak to an operator, reducing the risk of fraud.

Santander also introduced a merit system that rewards 'positive behaviour' such as meeting repayments on time. This allows clients to receive exclusive benefits such as additional interest-free instalments and flexibility in the repayments, among others.

Thanks to these and other initiatives, the number of monthly transactions executed through digital channels more than doubled in 2017. Naturally, the digital push translated in a smaller physical presence with a reduction of branches - and costs - and a focus on physical locations of greater value, such as Santander's WorkCafes: prime location branches aimed at attracting existing and potential customers by offering free work-spaces and wi-fi. Such initiatives contributed to the bank's record results in 2017, with net profits growing by more than 20% and a larger return on equity of 19.2%. The efficiency ratio also improved and shed a few percentage points to reach 40.8%.

Chief executive Claudio Melandri says: "We set ambitious objectives for ourselves. We have loyal customers that enjoy improved service; our digital and physical transformation has progressed and we've enhanced our reputation. We are a better place to work and becoming a more sustainable bank. This recognition reflects the efforts of our team, and it motivates us to continue working to help people and businesses prosper".

Alejandro Figueroa, chief executive, Banco de Bogota COLOMBIA Banco de Bogota In 2017, the most pressing issue for Banco de Bogota was technology. One of Colombia's largest banks, it is keen to keep up to speed with innovation and the changes in customers' habits.

Banco de Bogota has launched its Digital Lab BDB, where multidisciplinary teams come together to create and launch new products over a short period of time. Currently, the lab teams are working on five products - in the areas of savings accounts, credit cards, payroll loans, mortgages and other consumer loans - and two digital channels, one for the web and one for mobile phones.

The bank is particularly proud of its efforts to improve accessibility to bank services. It might seem intuitive that a digital product should be opened through digital channels without the need to visit a branch, but customer habits are hard to change and many still prefer a physical location. Banco de Bogota's 'self-service' points within its premises are still the preferred way to open a digital product. Encouragingly, however, more than one-third of digital savings accounts were opened through either the bank's website or the mobile app - a positive development.

Among Banco de Bogota's other initiatives are a number of solutions. One allows customers to run balance enquiries or make certain ***payments*** through the Facebook Messenger app. Another allows customers to pay bills through 'intelligent' ATMs. Another still simplifies processes to ***transfer*** funds with the group's operations in central America and other subsidiaries abroad. Other initiatives have looked at digitally adapting both customer service and the bank's own work environment.

Banco de Bogota chief executive Alejandro Figueroa says: "The success of our strategy is based on our human talent at all levels of the bank, who with their knowledge, professionalism and adequate risk management make possible the fulfilment of goals and objectives."

COSTA RICA Banco Lafise Banco Lafise's key focus is risk. Or, better stated, managing risk to provide the best quality service to its customer base.

The bank has a three-tiered system to minimise risk, including a highly trained risk management unit, a risk manager for each area, and a system of internal and external audits. Fifteen mitigation and control actions were employed in 2017 as part of the system. Among other procedures, actions included a new organisational structure for the risk management unit, and the creation of new indicators and methodologies for financial risks.

Banco Lafise also created new products in all areas of its client base, as well as specialised wealth management services for high-volume customers, in line with its risk management strategy.

It began a mass roll out of contactless technology for credit and debit cards to make ***payments*** easier and safer. The goal was to have customers switch to the new technology by the end of 2018.

The bank also introduced the Lafise Advisor app in July 2018, the first in the country, that allows customers to check investment portfolios in real time with risk and performance indicators.

The new app complements the bank's three products for high-end customers, including one with a minimum investment of $250,00 for clients who want a low-risk, long-term portfolio, and two others, each requiring a minimum of $500,000 and seeking high profits, but with a moderate to high risk.

"The success of Banco Lafise is the result of the commitment and excellence of our people, which allows us to offer our customers innovative financial solutions tailored to their needs," says a spokesperson for the bank.

Banco Lafise's total assets were up 7.45% in 2017, while Tier 1 capital expanded a more modest 0.3%. The non-performing loan ratio was 2.24%, an increase from the previous ***year***, but below the country average.

DOMINICAN REPUBLIC Banco Popular Dominicano One of the shining stars in the Latin America and Caribbean region, the Dominican Republic's economic growth is set to continue to outpace its neighbours. Forecasts from the International Monetary Fund project growth of 6.4% for 2018 and 5% for 2019, against significantly lower regional averages.

This buoyant growth is particularly evident when looking at the development of a number of sectors in the country, from tourism to construction - and to banking too. While still relatively small - total assets of full-service banks represent about one-third of the Dominican Republic's gross domestic product - local lenders have invested to make their products more accessible, both in terms of ease of use and in terms of social inclusivity.

Of note are Banco Popular's efforts in these areas. The lender re-launched its mobile banking app in 2017, adding new features and improving security - efforts that have continued well into 2018. The app now offers a Visa wallet and can be used to request cash advances, among other features. It has more than 500,000 users, according to the bank, and nearly two-thirds of customers make transactions through this channel.

On the financial inclusion front, Banco Popular has widened its network of agents to reach larger parts of the population through nearly 2000 stores across provinces where banks often lack any formal presence. New functions such as cash withdrawals and bill ***payments*** have boosted the number of transactions through Popular's agents network, providing new income to stores too thanks to the ***payment*** of bank commissions when customers use bank services in the premises. Chairman Manuel Alejandro Grullón says: "Banco Popular Dominicano has [created] a successful banking model based on innovative digital solutions, products and services; technological and operational excellence; outstanding performance through the skills of our employees; and strong risk management."

ECUADOR Banco Internacional Ecuador's Banco Internacional (BI) has taken to heart the adage that the customer comes first, making it the key component of its strategy in the past 18 months.

The bank has changed the role of its branch managers, keeping their focus on commercial operations, but also putting much greater emphasis on operational and service indictors to create more cohesive teams.

Personnel at the branch level meet daily to organise a schedule to attend to customers' needs. They meet every 15 days to address issues of customer satisfaction, and on a monthly basis to analyse operational indicators. Branch managers also meet monthly in zone committees to compare data.

BI has also launched a host of new ***programmes***, including online banking for individuals and a corresponding mobile banking app. Online banking now allows for ***payments*** and ***transfers*** abroad. The bank is now working on version 2.0.

The app, one of the most complete in the Ecuadorian banking system, attracted immediate attention, with 31% of BI's customers using it in the first six months of the roll out in 2017. Version 2.0 will include fingerprint and facial recognition, and a cheque deposit option. This last function is already available to companies, and it allows companies to deposit cheques remotely using a scanner.

BI increased its domestic market share in 2017, with deposits increasing to 9.8% of the financial system, and it maintained its role as the top lender for companies with sales above $400,000 annually. It had 17.1% of the market share in this segment in 2017, up a point from the previous ***year***.Net profits in 2017 were $44.2m, up 46.7%, while assets were $3.5bn, up 14.8%.

Rafael Barraza, CEO, Banco Agricola EL SALVADOR Banco Agricola Banco Agricola is always looking for new options to expand its portfolio and build on its status as El Salvador's leading bank for loans and deposits.

The bank began down two new avenues in 2018, becoming the first lender in the country to launch an investment fund, and moving into the insurance market with its new 'insurance banking in the cloud' platform.

"Our passion for achieving the satisfaction and preference of our customers motivates us to continuously innovate in products and services relevant to their needs, thus, allowing us to maintain our leadership," says Banco Agricola CEO Rafael Barraza.

The bank received authorisation for the investment fund in 2016 and launched the first product in January 2018. It had 204 clients in the first five months of operation, managing close to $5m. Another fund is planned.

As part of its new insurance platform, Banco Agricola launched two new products. In April 2018 it began testing Business Plan, which provides inventory coverage for small and medium-sized enterprises. In June, it obtained permission to begin a health insurance product, Ideal Health Plan.

The bank is also working on a new project, Omnichannel, to create a more user-centered platform for mobile banking and e-banking. It allows easier ***payments*** between customers, mobile phone recharging ***payments*** and remittance collection. This final component is critical in El Salvador, with remittances equivalent to nearly 20% of the country's $24bn gross domestic product. Remittances in the first nine months of 2018 were $4.04bn, an increase of 9% over the same period in 2017, according to the country's central bank. Banco Agricola's strategic management and constant innovation are reflected in its numbers, with return on equity improving to 13.2% and its non-performing loan ratio falling to 1.6% in 2017. Net profits were $67.8m in 2017, up 4.1%.

Diego Pulido, CEO, Banco Industrial GUATEMALA Banco Industrial Guatemala's Banco Industrial is the largest bank in Central American's largest economy. This economy has been sluggish in recent ***years***, however, growing by 2.8% in 2017, but that has not slowed Banco Industrial. Net profits were up by 15% in 2017, assets by 7.1% and return on equity was 18.6% The bank has the largest market share in Guatemala, with 28.4% of total assets, 28.6% of net loans and 24.8% of deposits. Its client base is just shy of 1.5 million and the product-per-client ratio is 5.0, increasing annually since early in the decade.

"Our success is based on the professional education and honesty of our staff. The culture at Banco Industrial is one of respect for each other and this makes us innovative and productive," says CEO Diego Pulido.

The strategy going forward focuses on retail banking, which represented 13.3% of the market share in 2017, compared with 37% for corporate banking.

While still comparatively low, Banco Industrial's retail banking segment has grown by 1.5% in the past 18 months and options for faster expansion abound, given the country's slow banking penetration and efforts to boost financial inclusion. The loanto-gross domestic product ratio is 32%. Banco Industrial plans on expanding its already large network, made up of 3485 points of service as of mid-2018, including 629 branches and mini-branches.

Banco Industrial continues to innovate its Bi-Check ***programme***, adding a new consumer loan component. The loan ***programme*** allows customers to get a quick loan equal to one salary ***payment*** as long as they have an account and credit card with the bank. They can receive the sum in cash or have it applied to a retail establishment.

A new digital sales component on the bank's website introduced in 2017 allows clients to request a loan or an investment fund digitally, speeding up the process for clients and customer representatives alike.

Raymond Smith, country manager, Scotiabank Guyana GUYANA Scotiabank Guyana Scotiabank Guyana celebrated its 50th anniversary in 2018 coming off one of its strongest showings in recent ***years***. Assets increased by 6.6% in 2017, net profits by 16.9% and the return on equity was 17.7%. The bank's nonperforming loan ratio was 7.3% in 2017, compared with a 12.2% national average, according to data from the International Monetary Fund (IMF).

The bank has been working through a process of guaranteeing customer satisfaction through greater efficiency and new products to ease transactions. Significant changes were made to back-office support in October 2017, with services such as loan processing and verification moved out of the country to Scotiabank's Caribbean South Hub in Trinidad and Tobago.

Scotiabank Guyana country manager Raymond Smith says the move has helped reduce duplicate functions and costs, allowing the bank to be more responsive to client needs.

New services, such as a top-up mobile service, have been introduced in the past ***year*** to provide new tools for clients. The service allows customers to use ATMs or Scotiabank's e-banking services to add credit to prepaid mobile phones. While the service allows customers to remain connected to their networks, Mr Smith says it also provides the bank with the opportunity to stand out from the competition and showcase its digital banking channels.

"As we celebrate our 50th ***year*** of operations in Guyana, Scotiabank remains committed to helping our customers become better off," he adds.

The bank could get a boost as Guyana's economy looks to take off. The government and international financial institutions, such as the IMF, are predicting a bright future as the country prepares to become an oil economy thanks to a huge field discovered by ExxonMobil that will begin operating in 2020.

María del Rosario Selman-Housein, CEO, Banco del País HONDURAS Banco del País When Hondurans are looking for a loan, they are increasingly turning to Banco del País (Banpaís) to meet their needs.

The bank saw a 27% increase in personal loans in 2017. This is a big jump, but even more impressive compared with the 2.4% growth achieved by the Honduran financial system as a whole.

Banpaís holds a strong second place in mortgages in Honduras, with a 15.2% market share, and is emerging as national leader in the microfinance sector, with a 18.5% share. The loan portfolio is one of a string of positive figures, with Banpaís seeing assets increasing by 12.3% in 2017, to $2.2bn, and non-performing loans falling to 1%. The non-performing loan ratio dipped further at the end of the first quarter of 2018, falling to 0.98%.

Banpaís also witnessed a huge jump in processing remittances in 2017, registering an increase of 41.2%. A new ***programme***, 'receive remittances without leaving home', led to more than 8000 new accounts so customers can receive deposits directly into their accounts. Like many countries in the region, remittances are an important economic component of the Honduran economy, equivalent to 18.5% of gross domestic product in 2017, according to the World Bank.

Banpaís continues to innovate, becoming the first bank in Honduras with facial recognition technology for its mobile application, which allows customers to make transactions faster and safer. About 30% of the bank's clients now regularly use self-service electronic services.

María del Rosario Selman-Housein, Banpaís CEO, believes the strong numbers result from a solid team that offers agility, efficiency and innovation. "Preparation, attitude and perseverance are key in developing strategies that challenge and inspire team members to produce outstanding results," she says. A study by Prodatos, a marketing firm covering Central America, supports her thesis. According to the study, 93% of the bank's customers are satisfied with the service they receive.

Patrick Hylton, president and group CEO, National Commercial Bank JAMAICA National Commercial Bank National Commercial Bank (NCB) is Jamaica's leading financial institution and its digital transformation strategy is facilitating even faster growth.

A new self-service platform allows potential customers to open an account digitally in less than 30 minutes. Another recent introduction is a service that sends customers credit card alerts to quickly recognise fraudulent transactions. Internet banking and debit card transactions will soon be added to the system.

These are just two innovations in the bank's armoury, which is far from over as it pursues its three priorities of building a digital future, accelerating its regional footprint and reinventing its core operating model.

"We have enjoyed significant growth over the past few ***years*** and our success has been amplified by the execution of our strategy across our three business priorities," says Patrick Hylton, NCB's president and group CEO. The bank is currently testing a host of new digital applications that will be launched in the next ***year***, including a pivotal container service, which is a cloud-based technology that will reduce time and provide options for non-standard products.

Indicators point to the plan working. NCB had record profits in 2017 for the second consecutive ***year*** and continued to expand in the English-speaking parts of the Caribbean. It acquired a controlling 50.1% stake in Bermuda's Clarien Group (owner of Clarien Bank) in 2017. This followed NCB taking a near 30% share in Trinidadian insurance company Guardian Holdings the previous ***year***.

It does not hurt that Jamaica's economy is starting to pick up after ***years*** of low or no growth. The economy expanded by 2.2% in the second quarter of 2018, the best quarterly expansion since 2009. The World Bank sees economic growth for 2018 at 1.7% and unemployment in April was down to 9.7%, dropping into single digits for the first time in many ***years***.

MEXICO Grupo Financiero Banorte With the acquisition of a specialist lender, Grupo Financiero Banorte has beefed up its presence in Mexico and plans to take advantage of new infrastructure financing opportunities in the country. Grupo Financiero Interacciones, which Banorte bought at the end of 2017, has a great deal of experience of working with the public administration and expertise in the structuring of short-term infrastructure loans at state and municipal levels. This is a valuable complement to Banorte's existing project financing abilities, which are traditionally on longer term financing.

Banorte sees growth opportunities in infrastructure, as the new Mexican government - which takes office in December 2018 - plans to focus on the sector in its first budget.

Banorte has been active on other fronts too. It has created a system to improve the activation rate of issued credit cards, as typically a large proportion of new cards never get used.

It has also joined forces with Amazon's local operations to issue a debit card that can be offered to customers who do not yet have a debit or credit card and who, therefore, would not be able to shop online. Despite the size of Mexico's economy, Latin America's second largest after Brazil, 56% of the population still does not have a bank account or a debit card. Although a small step towards increasing banking penetration, the card helps to create a credit history that can be used to access wider banking services. Furthermore, it helps to digitalise the provision of such services in a market that traditionally favours cash.

NICARAGUA Banco de la Producción Nicaragua's Banco de la Producción (Banpro) has established an important model in the country, focusing attention on financing value chains, and sustainable and renewable production.

It has made loans for renewable energy projects and coffee plantations, not only contributing economically, but allowing the target companies to help mitigate the country's carbon footprint. It has financed projects for cassava growers and a plant to turn the root into flour, and has also provided a loans for 600 fruit growers and a corresponding processing plant.

Banpro's goal is to finance each link of the supply chain, as a way of building value chains in key areas of the economy. It has currently financed close to $50m in green lines.

At the same time, Banpro has maintained its core business, with commercial loans representing 65% and personal loans 35% of its portfolio.

This combination has helped it solidify its role as the leading bank in Nicaragua, with $1.4bn in gross loans as of December 2017. It also has the lowest non-performing loan ratio in the country at 0.75%. Net profits were up 7% in 2017, while assets increased 7.2%.

The bank took another technological step in March 2018, inaugurating Banpro Chatbot, one of the first artificial intelligence financial assistance systems in the region using natural language processing techniques. The system allows clients to use mobile devices to check balances of products with the bank. It has a geolocation function that points customers to nearest branch or ATM.

The system is designed for standard questions, with a feature that allows customers to speak with a service representative when required.

Chatbot strengthens the bank's already strong alternative service channels, with 50% of transactions now done outside a branch.

Aimeé Sentmat de Grimaldo, chief executive, Banistmo PANAMA Banistmo Banistmo has ramped up its focus on data and analytics through a series of interesting and successful initiatives. The bank has created a data tool that estimates customers' income in order to tailor sales pitches to their specific monetary and lifestyle needs - it says that the technology used allows for near-perfect estimations. Customers' data is not only shared with sales teams, it is also filtered throughout the bank, including at the branch level and in call centres, to improve customer service.

Initiatives for a more sophisticated use of data did not stop with retail customers, however. The same tools were applied to corporate and government clients too, providing the bank not only with a higher degree of automation in the internal reporting processes about those client groups, but also with forecasting tools on clients' activities. For example, it has created predictive models that allow the bank to understand corporate customers' cash flows and anticipate deviations from the norm, as well as models that use data on business transactions of existing clients to assess and mitigate risks related to new potential clients.

Furthermore, new fully digital services have boosted sales. A credit card can now be issued in minutes and through a fully digital process from enquiry to approval - the only bank in Panama that can offer such a service, according to Banistmo.

Another key development was the introduction of a more collaborative work environment, where procedures have been modified to encourage internal communication and reduce formality. Banistmo chief executive Aimeé Sentmat de Grimaldo says that the bank's success "is the result of having a balance between a team of committed professionals in a space where leadership is shared and where our clients are the centre of our operations".

Banistmo's success is visible in its financial data, with the bank becoming more profitable and efficient. Net profits grew by nearly 80% in 2017 while the cost-to-income ratio shrank to just over 53%.

Ignacio Sanz y Arcelus, president, BBVA Paraguay PARAGUAY BBVA Paraguay The ***year*** 2017 was particularly successful for BBVA Paraguay. The bank displayed a large net profit increase and a steadily rising return-on-equity ratio of 25.31%. Its asset size grew too, mirrored by a similar expansion of its Tier 1 capital, while the efficiency and non-performing loans ratios improved to 44.37% and 2.91%, respectively. The bank's focus on the corporate segment and its catching up with digital solutions implemented elsewhere in the BBVA group explain much of this success.

BBVA Paraguay has beefed up both the offering of foreign trade and foreign exchange products, which have proved particularly successful in the past, and it has launched new products, specifically in the ***payments*** area.

Behind all of the improvements has been the use of digital solutions. The number of corporate clients using digital channels grew by 20% in 2017; they now represent 60% of total. Volumes of ***payments*** have multiplied by a factor of 2.5, while more than one-fifth of consumer loans and an encouraging 5.26% of pre-approved credit cards were sold through digital channels.

Once a larger number of products were available online or on mobile apps, and proving successful, the next logical step was to improve the experience of customers interested in those products. Earlier in 2018, BBVA Paraguay launched its new mobile app, which now offers biometric authentication features and a more intuitive navigation.

Technology will continue to drive growth in the future, according to BBVA Paraguay president Ignacio Sanz y Arcelus. "Focusing on the customer and undertaking a continuous digital transformation allows BBVA Paraguay to be at the forefront of the financial system," he says.

Eduardo Torres-Llosa, chief executive, BBVA Continental PERU BBVA Continental Peru had outpaced Latin America's economic growth for more than a decade, from the 9.8% peak of 2008 to the healthy 3.1% average gross domestic product growth sustained between 2014 and 2017. In 2017, however, the country tilted into recession, and the corruption scandals that led to the president resigning in March 2018 have acted as a drag on the business climate.

It is noteworthy, therefore, that in such conditions banks continued to perform well. BBVA Continental not only put in a solid financial performance, it also improved efficiency and, crucially, pushed ahead with its digital ***programme***, creating products and services that aim to reduce Peruvians' preference for cash.

BBVA Continental worked both on the retail and corporate segments. In the corporate segment, it launched an app that allows businesses to consult accounts, execute ***transfers*** and authorise other operations through mobile devices. This builds on the already solid digital offering the bank is rightly proud of.

In retail, BBVA Continental launched a digital product that replicates the 'envelopes' system widely used by Peruvians to divide up the cash they withdraw as income is paid into their bank accounts. They can now achieve the same results by dividing money into digital savings 'pockets' to manage regular and one-off expenses. The product has enjoyed an encouraging take-up rate since its launch in early 2018, according to BBVA.

Chief executive Eduardo Torres-Llosa says that focusing on both the BBVA Continental's "digital transformation and, at the same time, [the growth of ] all banking product segments allow us [to achieve] positive short-term results and ensure our sustainability in the future."

PUERTO RICO Banco Popular Puerto Rico's Banco Popular continued to expand and grow its customer base, racking up strong numbers in 2017.

The bank saw an 18% increase in total deposits and added another 31,000 customers. Total assets reached $44.3bn and net profits were up 47.6%. The strong numbers are even more impressive given that the bank had to work under emergency conditions for months in the wake of hurricanes that pummelled the island in September 2017.

Popular became one of the first banks in the West to use biometrics for authentication and was the first bank in Latin America to offer mobile ***payment*** and digital wallet service Samsung Pay.

These developments are visible to all. What customers cannot see is even more advanced technology that is making the bank more efficient. Banco Popular has started using robotics and has identified more than 40 manual processes that are being automated. An example is the process needed to comply with the US Treasury Department's Office of Foreign Assets Control, which enforces economic and trade sanctions. The cross-matching process used take up to 180 days. The use of robotics has brought the time down to a maximum of 30 days.

The bank also continued to extend its reach with a February 2018 agreement to acquire two subsidiaries of Wells Fargo - Reliable Financial Services and Reliable Finance Holding Company. The bank will take on $1.5bn in retail automobile loans and $340m in commercial loans. Its auto loan and lease portfolio increased by 8% in 2017.

Popular CEO Ignacio Alvarez says the success in quickly recuperating from the disaster and moving forward in 2018 would not have happened without the bank's committed personnel. "At the heart of our success are our employees, whose steadfast commitment to Popular's customers and communities have set us apart throughout our 125-***year*** history," he adds.

TRINIDAD AND TOBAGO Republic Bank Trinidad and Tobago's economy is pulling out of recession, and is forecast to grow in 2018 after two ***years*** of steep decline.

The International Monetary Fund expects growth for 2018 of 1%, increasing to above 2% at the start of the next decade.

Higher prices for oil and gas are having a ripple effect across the economy, with the central bank reporting a 7.3% increase in manufacturing and 3.4% increase in cement sales - both key indicators - in fiscal ***year*** 2018, which ended on September 30.

This is good news for Republic Bank, which had already shown strong signs of improvement in 2017 even when the economy was contracting by 2.6%.

The bank had net profits of TT$921m ($136.6m) in 2017, up 47.5% on 2016's figures. Profits had declined by 44.2% in 2016. Return on equity was 15.3% in 2017, compared with 9.5% the previous ***year***. The nonperforming loan ratio was 1.8% in 2017, lower than the 3% national average.

Republic Bank continued to improve on its digital strategy to expand its customer base. Its Banking by Appointment plan, the first such plan in the country, reduced the time customers require for transactions and improved staff efficiency.

Its recently introduced online application process for loans and mortgages not only makes the process easier for customers, but the bank has found that it has increased engagement with staff.

The newest innovation was the introduction in March 2018 of 'cardless cash', another first for the country. The system allows clients to obtain cash from ATMs via their own products or from a third party without a card by inputting a code received via text on a mobile device. This opens up options for quick third-party ***payments***.

Jorge Polgar, president, Banco de la Republica O del Uruguay URUGUAY Banco de la Republica O del Uruguay In a relatively small market, Uruguay has one overwhelmingly large bank. Banco de la Republica O del Uruguay (Brou) has grown to hold nearly half of the local banking market share, thanks in part to it increasing its participation in both the private sector credit and deposits markets in 2017.

More than its size, however, what is impressive is Brou's commitment to reaching parts of the population that are still out of the banking system. The launch of new products and improvements to existing ones have not only solidified its role as Uruguay's dominant lender, but also allowed Brou to reach a wider customer base. Its Inclusion Microaccount, for example, is now offered to both companies and individuals, including university students, and it can be opened in both pesos and dollars, which is proving to be helpful when trading. Brou also launched a credit product for small ***agricultural*** producers and other micro and small companies in the industry, trade and services sectors, and a new digital deferred ***payments*** platform for companies that manage both accounts receivables and accounts payables.

Technology has helped provide better customer service too, particularly through the bank's app, e-Brou. In 2017, the number of digital transactions grew by 18% and they accounted for 96% of total transactions. The larger and better use of alternative channels helped to further improve efficiency: Brou's cost-to-income ratio was 53.8% in 2017.

Brou's president, Jorge Polgar, says that "incorporating cutting-edge technology into our wide range of digital channels [has helped] us to reach 38% of the population of Uruguay." The bank's past successes will only incentivise the promotion of digital channels in the future.

Brian Moynihan, chairman and CEO, Bank of America US Bank of America The list of Bank of America's new products and initiatives is long and interesting. It includes new features added to its mobile app, from where retail clients can now access the Zelle person-to-person ***payment*** platform; use voice commands to make ***transfers*** and retrieve information thanks to an artificial intelligence-powered assistant; and view car dealers' inventories, estimate monthly ***payments*** and apply for a loan.

As part of the wider Bank of America Merrill Lynch group, wealth management clients can now use a scanning feature to send documents to their bank adviser, access a budgeting tool and view transactions for their Bank of America accounts and cards, among other features, all through the Merrill Lynch app. Meanwhile investor clients in the US can now benefit from the freshly created capital markets app that provides real-time updates on deals.

Growing numbers of customers use the bank's digital channels, so investing in these areas is crucial. However, so too is ensuring that when customers do need to visit a branch, the staff there are able to provide a fitting service. While digital is generally the preferred option of transactions, physical locations typically tend to be used for loans or investment advice. Bank of America, therefore, boosted its brick-and-mortar operations with more than 5000 extra staff as well as 500 new locations across the US to serve affluent clients, small businesses and corporates.

The bank's financial performance was solid in 2017: its profits were healthy and efficiency improved with its cost-to-income ratio shrinking by three percentage points to 63%.

Brian Moynihan, chairman and CEO at Bank of America, says: "We are driving responsible growth and it is delivering for our clients, for our shareholders and for our teammates. Responsible growth means we have to grow, no excuses. And we have to do it by delivering for our clients and managing risk well."

Middle East Adel El-Labban, chief executive, AUB BAHRAIN Ahli United Bank Ahli United Bank (AUB) emerged as the clear winner in the Bahrain country category this ***year***. The lender enjoyed impressive growth over the 2017 review period with total assets climbing by 6.1%, while net profits increased by 8.4%. More encouragingly, this was accompanied by an improvement in AUB's return on equity, which jumped from 15.6% to 16.5%. Over the same period, the ratio of the bank's non-performing loans fell from 2.3% to 1.9% At the heart of the bank's growth story is its emphasis on information technology. AUB has worked particularly hard to improve its cyber security framework by employing global specialists to conduct a comprehensive assessment of its risk exposures. The recommendations made under this analysis were addressed by the bank to ensure a robust control framework of both information and physical security. Among others, the measures adopted by AUB include the development of a next-generation security operations centre, upgraded distributed denial of service protection, advanced attack detection and prevention, data loss prevention and mobile device management.

AUB's private banking arm also impressed the judges, based on the launch of a number of alternative investment strategies products, which deliver absolute and non-market correlated returns for its client base. For instance, the bank has launched a US real estate private equity fund known as the US Senior Housing Fund with about $20m raised to be invested in a portfolio of senior housing communities.

"AUB's success is driven by its ability to achieve consistent growth in core earnings through its geographically diversified franchise across the Gulf and Middle East and north Africa region. AUB has prudently developed and expanded its business segments, assisted by a robust risk management system, an intelligent cost spend culture and a focus on cross-border opportunities and services extended to its client base," says Adel El-Labban, chief executive of AUB.

Dr Jalal Rasoulof, CEO, Ayandeh Bank IRAN Ayandeh Bank Ayandeh Bank has weathered the ups and downs of a volatile domestic operating environment to emerge as the country winner for Iran. In local currency terms, the bank saw its total assets grow by 44% over the 2017 review period, while net profits jumped by 41%. This occurred as Ayandeh's Tier 1 capital increased by 9%. These encouraging numbers were backed by an array of products, services and wider innovations that ensured the lender scooped the top spot for a second ***year*** in a row.

One of Ayandeh Bank's headline projects is its financing of the Iran Mall complex. Set to be one of the Middle East's largest retail and leisure venues, the Iran Mall is likely to transform the country's commercial, cultural and tourism landscape. The first phase of the project is valued at about $8bn.

The judges were also impressed with Ayandeh Bank's approach to opening banking. The lender has, for instance, opened up its application ***programming*** interfaces to fintechs and other businesses under its Finnotech Open Innovation Platform. In addition, the launch of Finnova, a co-working space and accelerator for fintech, continues to position Ayandeh as a leader in the Iranian market. Finnova not only provides a working space for early-stage fintech startups, it also offers mentoring, technical support and seed money. A total of 49 start-ups have engaged with Finnova.

In the field of corporate social responsibility, Ayandeh Bank has launched a banking services system for the blind. "We trust that, in partnership with all of our stakeholders, we will be able to build more powerful infrastructures in Ayandeh Bank to create a stable future and enjoy further success, says Dr Jalal Rasoulof, CEO at Ayandeh Bank.

ISRAEL Bank Leumi Bank Leumi has matched a strong set of results with a long-standing commitment to product and service innovation to scoop this ***year***'s country award. Over the 2017 review period the lender saw its total assets increase by 2.8% as Tier 1 capital increased by 6.3%. Net profits, meanwhile, jumped by an impressive 13.7%. This was achieved in tandem with a marginal improvement to the bank's return on equity, which climbed from 9.3% to 9.8%. In addition, Bank Leumi's cost-to-income ratio fell from 66.3% to 63%.

In its push to innovate, Bank Leumi has become the first lender in Israel to offer digital mortgage applications. Known as 'Digital Mortgage' the offering allows customers to seek a pre-mortgage qualification through a PC or mobile. Authorisation is granted in a single working day, including an approval, in principle, which specifies the loan amount, customised interest rates, monthly repayments and a link with which to upload documents in order to proceed. Customers can then continue with the application through digital-only channels. Only one visit to a branch is required to sign the final paperwork.

This product offering is a marked improvement from the traditional method of requesting a mortgage, in which a customer was required to visit a branch between two and four times to complete an application. Bank Leumi is the first Israeli bank to offer a product of this kind. Meanwhile, the growth story of Bank Leumi's fully mobile bank 'Pepper' - the first of its kind in Israel - goes from strength to strength.

Nemeh Sabbagh, chief executive, Arab Bank JORDAN Arab Bank As one of the Middle East and north Africa's banking powerhouses, Arab Bank has been exposed like few others to the currency volatility that has afflicted the Middle East in recent times. Despite these challenges, the bank has performed admirably. Profits hit $533m after tax and provisions in 2017, up from $532.6m in the previous ***year***. Excluding the impact of regional currency devaluations, the group's net profits increased by 8%. The group's net operating income increased by 8% over the review period, a figure that jumps to 12% if the effects of currency devaluations are excluded.

Arab Bank's commitment to innovation once again caught the attention of the judging panel. The three pillars of its innovation strategy are based around the bank's innovation hub (known as ABiHub), its fintech accelerator AB Accelerator and its corporate venture capital unit known as AB Ventures. Together, these innovation arms work to create an ecosystem that collaborates with external fintech groups and venture capital institutions.

ABiHub, for instance, acts as an incubator for the exchange of ideas between the bank and leading emerging fintech groups in the region. In doing so, it ensures that Arab Bank's staff are kept abreast of the latest technologies, while allowing fintechs a space in which to test and develop their propositions.

Meanwhile, as part of its wider digitisation drive, Arab Bank has successfully deployed finger vein recognition technology across all of its branches in Jordan and is doing the same in Egypt, Palestine and the Gulf Cooperation Council countries. This technology is used in over-the-counter branch transactions to cut the time of each transaction by half, while also meeting the bank's objective in working towards paperless branches.

"The broad diversification of Arab Bank's business model regionally and globally allows us to continue our strong performance despite the region's challenging conditions," says Nemeh Sabbagh, chief executive of Arab Bank.

KUWAIT National Bank of Kuwait By any measure, the National Bank of Kuwait (NBK) enjoyed an outstanding performance over the 2017 review period. Net profits grew by 9% as total assets increased 7%. Tier 1 capital, meanwhile, rose by 7%. This was achieved as the bank's cost-toincome ratio fell to 32.3% from 33.8% and its return on equity increased, marginally, from 10.2% to 10.8%. Non-performing loans, meanwhile, remained relatively steady at 1.4%.

This strong set of financial results have been backed by NBK's pioneering approach to engaging with new technologies. The bank has joined global blockchain platform RippleNet in what is likely to be a big step forward for the bank's cross-border ***payments*** solutions, particularly when it comes to remittances. It is in the process of applying this technology to its Kuwait business as well as in its branches across the region.

Moreover, the launch of NBK's 'Selfie Pay Service' and biometric authentication, in partnership with Mastercard, is an offering that the lender bills as a first for the region. As part of Mastercard's Identity Check Mobile (IDCM), the service allows NBK Mastercard holders to authenticate online transactions through facial recognition or fingerprint recognition. In doing so, it eliminates the need to enter pin codes, passwords or security questions.

In addition, the bank has launched the NBK World MasterCard Credit Card, which boasts a fingerprint sensor built inside the card. Customers need only provide a matching thumbprint when the card is in use. For merchants with terminals that use conventional technology, a pin code can be used, meaning that the card is universally accepted.

Samir Hanna, chairman and chief executive, Bank Audi LEBANON Bank Audi In a competitive Lebanese country category, the country's largest lender by total assets, Bank Audi, scooped the top spot this ***year***. The bank's strong net profit growth in recent ***years*** is testament to its diversified growth strategy in a challenging domestic and regional market: in 2015, 2016 and 2017 net profits increased by 15.1%, 16.6% and 18.9%, respectively. Though in 2017 net assets dipped by a marginal figure (-1.2%), Tier 1 capital jumped by 14.6%.

Meanwhile, in March 2018 the European Bank for Reconstruction and Development (EBRD) completed an equity investment in Bank Audi. This marks the first ever investment in Lebanon by the EBRD and its first equity investment in a banking institution in the southern and eastern Mediterranean region. The multilateral bank acquired about 2.51% of Bank Audi's total common shares outstanding.

Bank Audi's commitment to technological innovation has seen the lender modernise the core banking system for its Egyptian unit in 2017, while work is under way to update the system for its Lebanese business and is scheduled for completion in 2018. In addition, the bank rolled out debit card instant issuing in its branches, while Bank Audi has also revamped its moblie banking app through an improved interface and enhanced services.

Notably, in a home market and a wider region beset by various political and economic challenges, Bank Audi has been able to maintain its asset quality. Consolidated gross doubtful loans stand at 3.5% of total loans, against a Lebanese system average of 5.7% and 4.2% for the region.

"We are delighted to win. This is a renewed testimony of our sustained performance, despite the many challenges facing our region, and a proof of the soundness of our strategy," says Samir Hanna, chairman and chief executive of Bank Audi.

Abdul Razak Ali Issa, chief executive, Bank Muscat OMAN Bank Muscat Oman's economy has endured serious headwinds in recent ***years***. Sub-optimal growth has accentuated the need to diversify, even as oil prices have gradually increased over the past ***year***. But despite these challenges, Oman's banks have continued in relatively good health. Though profit and asset growth for the sector as a whole has dipped, a number of the country's leading lenders have turned to innovation to bolster their growth. Bank Muscat, this ***year***'s winner, stands apart in this respect.

Its net profits in 2017 were only marginally positive in local currency terms, increasing just 0.1%. Asset growth was also subdued, showing an expansion of just 3%. But over the 2017 review period, the lender's Tier 1 capital grew by 18.1%. Bank Muscat's return on equity was healthy, at 11.4% , though this did represent a small contraction from 2016, in which it was 12.5%. Its cost-to-income ratio, meanwhile, was 42.2%.

Bank Muscat is the first lender in Oman to launch a social media account dedicated to customer service. This Twitter account is available 24 hours a day, seven days a week, and allows customers to post queries and provide the bank with feedback. In addition, surveys and customer feedback initiatives are deployed through this Twitter account, ensuring that Bank Muscat is kept abreast of customer sentiment around its products and services.

In the retail banking sector, Bank Muscat was also the first lender to launch a digital wallet in Oman.

"Bank Muscat is focused on its dynamic customer-centric vision to make a difference in banking excellence and further improve the bank's leadership by offering simplified and integrated banking solutions," says Abdul Razak Ali Issa, chief executive of Bank Muscat.

PALESTINE Bank of Palestine Bank of Palestine continues to prosper in deeply challenging circumstances. Economic growth in Palestine hit 2.7% in 2017, a figure that is expected to fall in the coming ***years*** in light of ongoing restrictions to the operating environment. The unemployment rate in the West Bank in 2017 was high, at 18%, though in Gaza it reached 44%. Meanwhile, only 41% of individuals aged between 15 and 29 were deemed to be active in the labour market in 2017, according to the World Bank.

Nevertheless, Bank of Palestine has once again navigated these difficulties, and others, to post a strong performance. The lender's net profits in 2017 increased by 1.89% after jumping by 22% in the previous ***year***. Total assets grew by 18.5% while Tier 1 capital rose by 10.1%. Underscoring these figures are a set of impressive product and service innovations. This includes Bank of Palestine's 'Pay to Friend' service, in which its customers can easily and securely ***transfer*** funds to merchants or individuals by using their mobile number. This is a faster form of ***transfer***, since routine approvals are not needed, and permits customers to execute one-off, smaller value ***payments*** with ease.

The bank's international expansion is also gaining traction. Following the launch of a representative office in Dubai, Bank of Palestine inaugurated its first representative office outside of the Middle East in Santiago, Chile, in November 2017. This office will act as a hub for the nearly 1 million Palestinians living in Latin America, while also granting Bank of Palestine an opportunity to capitalise on the nascent but growing trade between the region and the Middle East.

QATAR Qatar National Bank Qatar National Bank (QNB) enjoyed another outstanding ***year*** in 2017, despite the various economic and political headwinds that hit both the domestic economy and wider region. Net profits grew by 6% in local currency terms, while total assets increased by 13% and Tier 1 capital rose by 11%. These figures are all the more notable given that QNB posted high growth numbers in the previous ***year***. The bank's return on equity is high, at 18.7%, while its cost-toincome ratio sits at an enviable 29.1%. Beyond the numbers, QNB has also invested heavily in its omni-channel offerings. This includes the launch of interactive teller machines (ITMs). Described by the bank as a 'self-service and semi-assisted new-generation digital banking facility', ITMs allow QNB's customers to conduct banking transactions with a teller over a high-quality video link. This allows customers to access and use all of the services and benefits available at a physical branch 24 hours a day, seven days a week, without an appointment. In turn, ITMs offer a significant cost saving for the bank.

The upgrade of QNB's mobile banking application is also delivering major benefits to its customers. With the ability to access global accounts from across the bank's international network, clients can execute a wide variety of transactions. This includes sending cash to any mobile number, make card and utility ***payments***, request cash advances and deposit cheques, among many other offerings. Customers can also chat to service representatives through the application. In terms of security, QNB has introduced both device registration and biometric authentication for its mobile banking service, ensuring that customers receive the highest levels of protection.

SAUDI ARABIA Al Rajhi Bank Al Rajhi Bank's success story has not been dented by a more challenging domestic operating environment. In fact, the bank has strengthened its position in the market over the past 18 months. Net profits in 2017 hit 12%, after hitting a similarly high 14% in 2016, while total assets also increased by 1%.

Over the same period, Tier 1 capital grew by 7%. More impressively, Al Rajhi's return on capital improved over the review period by reaching 16.94% from 16.49%, while its ratio of non-performing loans was lowered to 0.74%, from 1.24%.

As the lender pushes hard to diversify into corporate banking - it has, over the ***years***, developed a reputation as a predominantly retail bank - impressive results are already being generated. New products, including a trade finance ***payment*** option in Chinese yuan and sharia-compliant treasury offerings, are going hand in hand with investments into service channel diversification. This resulted in more than 100 new corporate banking relationship managers, as well as 20 branches exclusively for corporate banking customers and more than 300 cash deposit machines at client premises.

Consequently, Al Rajhi Bank has doubled its net income from corporate banking to SR1.6bn ($427m) in 2017 from SR800m in 2016. With it, the contribution of corporate banking to the group's net income has increased substantially to 17.6%, from 9.9%.

Al Rajhi Bank has also focused on its female customer base in recent ***years*** by launching new products, including exclusive credit cards and auto finance offerings for women, as well as increasing the share of its branches with a dedicated women's section from 23% to 28%.

UNITED ARAB EMIRATES Dubai Islamic Bank Dubai Islamic Bank (DIB) has emerged as one of the fastest growing lenders in the Middle East in recent ***years***. Much of this growth has come from the bank's priority of creating 'value from within' and the unlocking of internal efficiencies, while driving forward with new business opportunities. But it has also emerged as a result of DIB's approach to capacity creation: in essence, addressing the liquidity and capitalisation constraints that have held back many of its peers.

Basel III implementation has, for example, meant that adequate capital positions have become even more important for regional lenders. As a result, the bank executed two rights issuances, one in 2016 and one in 2018, which have allowed it to continue on the path of its impressive growth agenda.Net profits in 2017 were up by 11%, after increasing by 5% in 2016, as assets grew by 18% and 17%, respectively, over those periods. Notably, the bank's cost-to-income ratio fell from 34% in 2016 to just 30% in 2017. Its return on equity also moved in the right direction over the same period, rising to 18.7% from 17.8%. Meanwhile, its ratio of non-performing loans fell marginally to 3.4%, from 3.9%.

The recent launch of DIB's mortgage proposition 'MyHome' also points to the bank's ability to offer innovative, marketleading products. Not only does MyHome have one of the widest rate offerings in the market, it also lets customers reach decisions over their monthly repayments, or even furnish and decorate a property at discounted rates through DIB's relationships with third parties. Moreover, MyHome comes with its own credit card offering to help customers cover the costs linked to the acquisition of a new home.

Dr Adnan Chilwan, group CEO of Dubai Islamic Bank, says: "Our success is a result of a mindset change - the competition is not out there; it's inside. We have to move up a notch every day from where we were yesterday."

Africa Ramz Hamzaoui, chief executive, Citibank Algeria ALGERIA Citi Algeria Citi Algeria married its strong commitment to customer service with a set of strong financial results to once again scoop the Algeria Bank of the ***Year*** award. The judges were particularly impressed with Citi's ability to continuously innovate and enhance its products, in the face of a changing regulatory environment, to better serve its clients. In local currency terms the bank's net profits increased by 8% in 2017, while total assets grew by 7%. This was accompanied by an impressive jump in Citi Algeria's return on equity, which rose to 17% from 13% in 2016. Its cost-to-income ratio, meanwhile, remained steady at 35%.

Regulatory changes targeting trade transactions in Algeria saw Citi introduce pre-shipment financing for its clients in response to clients' increased funding needs. It also became the first bank in the country to introduce forward contracts, following the central bank's shift in regulatory stance, which has permitted these products to be traded.

Meanwhile, Citi established a north Africa cluster in 2017 to better serve its clients across the region. This cluster has brought a new, regionally focused value proposition to the bank's customers and in turn has increased the lender's client satisfaction rate and a vastly improved cross-sell ratio. This, in part, contributed to the bank's 14% increase in overall revenues.

"Citi offers a unique global network, insights and local market expertise to meet our clients' banking needs. We have been serving our clients with distinction for the past 20 ***years*** of our presence in Algeria and our aspiration is to sustain our achievement and be the best at everything we do," says Ramz Hamzaoui, chief executive of Citibank Algeria.

ANGOLA Banco de Fomento Angola Since João Lourenço assumed the reins of power in Angola, becoming president in September 2017, the country's reform ***programme*** has gathered pace. Fiscal consolidation has resumed and new laws to promote increased private investment have passed. Though the road ahead is likely to be long and difficult, the government is nevertheless considered to be on the right path.

For Angola's banks, this bodes well. The winner of this ***year***'s country award, Banco de Fomento Angola (BFA), emerged on top in a competitive category based on its technological innovation as well as the role it is playing in the country's wider reform story.

In local currency terms net profits increased by 11.6% in 2017, while total assets were up by 9.9% and Tier 1 capital grew by 8.8%. Though BFA's return on equity dipped to 35% from 38%, its cost-to-income ratio fell by an impressive margin - from 35% in 2016 to 24% in 2017. These strong results were accompanied by a number of organisational changes designed to reinforce its governance model over the review period. A number of new committees were created, including an assets and liabilities committee, which keeps track of BFA's balance sheet, and an IT and innovation committee. These committees are comprised of board members as well as employees from relevant sectors of the bank.

BFA is also playing a pivotal role in supporting the development of Angola's capital markets. In the first quarter of 2018 it executed 79% of all government debt trades - government securities are the only product traded on the debt and stock markets. The bank has also launched an asset management unit that is now one of the largest of its kind in the country.

Samuel Minta, chief executive, Stanbic Bank Botswana BOTSWANA Stanbic Bank Botswana It is hard not to be impressed by Stanbic Bank Botswana's growth story. Between 2015 and 2017 the lender's return on equity increased from 14% to 21%, as its cost-toincome ratio fell from 66% to 57%. An effective asset quality strategy has seen Stanbic Bank's ratio of non-performing loans also fall over this period, from 6.4% to 4.4%. In local currency terms, the bank's 2017 net profits surged by 24%, after growing by 48% in the previous ***year***. Total assets and Tier 1 capital, meanwhile, grew by 2.7% and 4.4%.

Underscoring this growth is the bank's approach to digital innovation. The launch of products such as eMarket Trade is a case in point. Billed as an advanced cross-asset electronic trading platform, eMarket Trader brings together market intelligence and research, real-time pricing, trade execution and post-trade services through a single web-based platform. As the platform runs through a standard web browser, no installation is necessary and clients are able to log in and use the offering as soon as they receive their security details.

Meanwhile, updates to the bank's ATM network have improved the ways in which Stanbic Bank can reach and engage with its customers. Some ATMs have now been fitted with a rand-dispensing function, while most have been fitted with deposit-taking technology. The total ATM network increased in size to 48 by June 2018, up from 31 in December 2016.

"[The bank's success] comes down primarily to the passion of our people, who are consistently delighting our clients and fulfilling aspirations in this great country we call home. We feel emboldened to do more for our people, clients and communities," says Samuel Minta, chief executive of Stanbic Bank Botswana.

Martial Goeh-Akue, chief executive, Orabank Burkina Faso BURKINA FASO Orabank Burkina Faso This is the second ***year*** in a row in which Orabank Burkina Faso has won the country award. Backed by stellar financial results, a focus on digital banking and a strengthening of the customer experience, it is little surprise that it emerged as the clear winner in 2018.

Product offerings such as OraMoney, an integrated solution for secure ***payments***, have helped the bank's major customers, which include the national electricity and water companies, to speed up their bill ***payments*** processes through the use of electronic ***payment*** terminals. This technology is deployed in house by the utility companies, as well as at Orabank locations across the country and by more than 200 authorised Orabank agents.

Orabank Burkina Faso also impressed the judges with its sustainable use of natural resources and an energy finance (Sunref ) ***programme***, in partnership with the French Development Agency. Through the ***programme***, Orabank can supports its clients across the West African Monetary Union when their projects are geared towards energy efficiency, sustainable development or renewable energy. In turn, this has allowed the bank to capture greater market share in key industries.

Meanwhile, the bank's financial performance went from strength to strength over the 2017 review period. Net profits increased by 22%, while total assets jumped by 34%. Tier 1 capital grew by 32.8%. These results went hand in hand with a strong return on equity, which reached 23.8%, and a cost-toincome ratio of 61%. "Burkina Faso is a fast-growing and very competitive market with a very dynamic private sector. We are particularly proud to have won this award twice in a row," says Martial Goeh-Akue, chief executive of Orabank Burkina Faso.

CAMEROON Société Générale Cameroon Cameroon's economy is on the up. After posting growth of 3.2% in 2017, the International Monetary Fund (IMF) expects an uptick closer to 4% by the end of 2018. This improvement is emerging off the back of new natural gas production and the infrastructure spending around the 2019 Africa Cup of Nations, according to research from the IMF.

Over the medium term, growth is expected to reach close to 5% as the momentum from these trends, and others, begins to accelerate. Cumulatively, this points to a healthy outlook for the country's banks.

The winner of this ***year***'s country award, Société Générale Cameroon, is no exception. The lender has, for instance, enjoyed consistently strong growth in recent ***years*** and this trajectory shows little sign of slowing. Net profits grew by 23% in 2017, which followed a 12.6% growth in 2016 and a massive 80% rise in 2015. Total assets, meanwhile, rose by 15% in 2017, as Tier 1 capital posted a marginal gain of 0.32%. This growth story is reflected in the bank's improving return on equity. In 2015 it stood at 12% and has since improved to reach 15% in 2017.

In June 2018, Société Générale Cameroon launched its mobile banking application, known as 'Connect'. This offering boasts several notable features, allowing the bank's customers to conduct ***transfers***, check their balance, pay bills and purchase additional phone credit, among many other services. Available both on Apple's Appstore and Google Play, its features will permit customers to manage their domestic and international accounts more easily. In launching this product, customers have now been granted 24/7 access to their bank accounts in a secure and easy-to-use format.

CAPE VERDE Banco Interatlântico Banco Interatlântico scooped this ***year***'s Cape Verde country award based on its strong financial performance, as well as the introduction of innovative new technologies and product offerings. The bank's net profits increased by a staggering 354% in 2017, a performance that the lender attributes to its new strategic priorities. It has, for example, targeted the prevention of overdue credit, which has decreased by 25% since 2014. The lender has also increased the number of new loans issued while, between December 2016 and May 2018, lowering its average cost of funds from 2.8% to 0.98%.

As a result of these measures, and others, Banco Interatlântico's return on equity has increased considerably over the past three ***years***. In 2015 the figure stood at 0.29%. By 2017 this number had jumped to more than 3%. Its cost-to-income ratio has also moved in the right direction. In 2015 this figure was 85.1% but by 2017 it had fallen to 66.9%.

Meanwhile, in June 2017 the bank completed the migration of its core banking platform to a new system. This feat has ensured that Banco Interatlântico now operates a modern core banking system that will improve the scope of products the lender can offer to its customers. In addition to this, the lender also implemented the Fatca framework to ensure it is fully compliant with international requirements.

"[The bank's success comes down to the] solid commitment of the staff, strong social responsibilities and sustainability policies, innovation and personal relationships. Our motto - Distinga-se! (Distinguish yourself ) - intends to represent that every customer is the customer, not just another one," says Pedro Gomes Soares, chief executive of Banco Interatlântico.

CÔTE D'IVOIRE Société Ivoirienne de Banque Few economies in Africa can boast the kind of growth trajectory enjoyed by Côte d'Ivoire. In 2017 it expanded by about 7.6%, a performance that was in part attributable to improved ***agricultural*** output. Growth rates for 2018 and 2019 are expected to be similar, at about 7%, according to the World Bank.

This is occurring as the government enacts a number of market-friendly reforms, executes prudent fiscal policies and accelerates efforts to enact public-private partnerships. For the country's banking sector, the future looks particularly bright.

Nevertheless, serious short-term challenges do exist. For one, the country's lenders are overexposed to a small number of large borrowers and diversifying their customer base will take time in a country where only about 15% of the population has a bank account. But the winner of the 2018 country award, Société Ivoirienne de Banque, is making efforts to reach out to new customers through diversified products and services. It has also significantly strengthened its Tier 1 capital position in recent ***years***. These reasons, combined with a strong financial performance, ensured that it came out on top in a competitive country category.Net profits increased by 31% in 2017, while total assets grew by 10%. Against this backdrop, Tier 1 capital increased by 46% over the period. Meanwhile, the lender's return on equity reached a healthy 37.4% while its cost-to-income ratio came in at 48.4%.

Underscoring this performance was Société Ivoirienne de Banque's upgrade of its innovative mobile app, known as Sibnet. Customers using Sibnet can execute a wide of range of transactions safely and securely, while also keeping up to date, in real time, on flows in and out of their accounts.

Oliver Meisenberg, chief executive, TMB DEMOCRATIC REPUBLIC OF CONGO Trust Merchant Bank Trust Merchant Bank (TMB) has been a strong contender in the Democratic Republic of Congo (DRC) country category over the ***years***. In 2018, based on its solid growth numbers and continuing commitment to customerfocused innovation, it has scooped the top spot. The bank's return on equity in 2017 was 10.1%, while its cost-to-income ratio stood at 70.9%. Non-performing loans (NPLs), meanwhile, were relatively high at 11.9%.

But the bank strictly adheres to the central bank's NPL definitions, which class any loan that is overdue by one day onwards as non-performing. This, accompanied by the late ***payment*** of salaries over the review period impacting salary-loan instalments, accounts to a large extent for this figure.

Meanwhile, in mid-2018 TMB reached an agreement with South Africa's Standard Bank to partner in the provision of banking services to its corporate clients in the DRC. In addition, Standard Bank made the decision to withdraw from the retail and business banking segments of the market and appointed TMB as its preferred provider of these services to its legacy customers. For its part, TMB has gained considerably from this arrangement. For one, it has acquired a wide array of new clients at no extra cost.

As a retail-and small and medium-sized enterprise-focused lender, it has also diversified its customer base by branching out, to a greater extent, to serve corporates. Looking ahead, TMB expects to provide Standard Bank corporate clients with on-site or nearsite low-cost branches, which in turn will extend the bank's presence to new areas of the country.

"[TMB's success is down to] our relentless drive to innovate, our single-minded focus on relationship banking, and our unique private sector approach to financial inclusion that not only empowers some of the most disadvantaged, but also contributes to the bank's financial strength," says Oliver Meisenberg, chief executive of TMB.

DJIBOUTI Exim Bank Djibouti Exim Bank Djibouti impressed the judging panel for a number of reasons. A stellar financial performance, which saw strong growth across all key indicators, has gone hand in hand with the development of customer-centric services and products. These include the build of a digital ***payments*** platform for the Djibouti Port Community System (DPCS), which is a single-window online service delivery for the port authority, terminal operators, shipping lines and government entities.

Exim Bank's ***payments*** platform augments this system by digitising all ***payments*** at source, providing real-time confirmation to the DPCS and offering streamlined reconciliation for all ***payments*** received. The outcome of this digital ***payments*** platform is that it unites more than 10 shipping lines, 18 government entities, more than 50 corporates and over 200 freight, logistics and forwarding agents under one ***payments*** window.

The lender has also developed an electronic collections platform for Djibouti's national electricity board. This system automates utility bill collections with the reconciliation of customer ***payments*** occurring against invoice numbers. The offering has the added advantage of validating and processing different business rules including late and partial ***payments***. Looking ahead, the system is both scalable and replicable, meaning that it could be applied to other public and private sector clients.

Beyond these initiatives, the bank also posted exceptional growth numbers. In 2017, Tier 1 capital surged by 47.7%, while total assets and net profits increased by 22% and 11.9%, respectively. Exim Bank's return on equity hit 30.4% over the period, and its cost-to-income ratio moved to 55.5%, down from the 58.1% posted in 2016. Gross non-performing loans stood at 0.8%.

Mohamed Mahmoud Ahmed Eletreby, chairman, Banque Misr EGYPT Banque Misr Banque Misr has been awarded the Egypt country award in 2018 based on its impressive multi-***year*** growth story and its commitment to financial inclusion and the financing of small and medium-sized enterprises (SMEs). The judging panel were particularly impressed with the ways in which the bank has harnessed technology and innovation to meet these goals.

"Founded with the mission to substantially contribute to the welfare and prosperity of Egypt, Banque Misr continues to adhere to its mission steadfastly, through an unwavering commitment to the interests and demands of the Egyptian masses, whose welfare has always been at the very core of our operation," says Mohamed Mahmoud Ahmed Eletreby, chairman of Banque Misr.

The lender has implemented a modern, end-to-end automated SME workflow system to improve the way it engages with this business segment. As a result, the solution has automated the workflow linked to SME loans, including the review, study and approval phases, among numerous other improvements. It took Banque Misr only four months to introduce this new system. Meanwhile, the bank is also playing a central role in Egypt's financial inclusion drive. This includes financial literacy and education ***programmes***, as well as the distribution of publications and the delivery of lectures.

In 2016/17 financial ***year*** the bank's net profits reached 48%, while total assets grew by 83% in local currency terms. Banque Misr's return on equity over this period was 16%, while its cost-to-income ratio was 32.2%.

"We do not simply strive only for financial profitability, but also to serve as a catalyst to national and strategic development, underlining our commitment to sustainability and continuous development," says Mr Eletreby.

Manuel Osa Nsue, chief executive, the Banco Nacional de Guinea Ecuatorial EQUATORIAL GUINEA Banco Nacional de Guinea Ecuatorial Banco Nacional de Guinea Ecuatorial (BNG) may be a relatively small lender but it is one with big ambitions. In the face of severe domestic headwinds - Equatorial Guinea's gross domestic product has witnessed a cumulative decline of 25% since 2014, according to the International Monetary Fund - BNG is now looking further afield to diversify its growth opportunities.

One notable step forward in this regard was the opening of an overseas representative office in January 2017. But having received regulatory authority from the Central African Banking Commission to change the status of its activities in Spain to fully and commercially operative in nature, the lender is now preparing for the second phase of its plan to grow in Spain. This includes opening retail branches in areas of Madrid other than where it is already present, as well as in Barcelona, Valencia, Bilbao or Zaragoza. BNG has determined that these locations have the highest percentage of people and businesses with ties to either Equatorial Guinea or the constituent states of the Economic and Monetary Community of Central Africa.

Meanwhile, BNG is in the process of creating a subsidiary unit in Cameroon. All relevant regulatory approvals have been granted and the new subsidiary will have its head office based in the country's commercial capital of Douala. Further afield, the bank is also looking into the development of a representative office in China.

"The success of Banco Nacional de Guinea Ecuatorial is based on the training of our staff, our relations with main finance actors, a focus on compliance, strong presence in events and the domestic expansion and engagement within the Guinean society," says Manuel Osa Nsue, chief executive of the Banco Nacional de Guinea Ecuatorial.

ESWATINI Nedbank Swaziland Nedbank Swaziland secured the top spot in the Eswatini (formerly known as Swaziland) country category based on the array of new products and services it has introduced over the past 18 months, as well as its strong financial performance. The bank's net profits grew by 9% in local currency terms in 2017, while total assets and Tier 1 capital increased by 19% and 22.2%, respectively. By the end of 2017, the lender's return on equity was strong, at 15%, while its cost-to-income ratio was 57%. Non-performing loans were an impressive 0.75%.

The upgrade of Nedbank Swaziland's mobile banking application has been a notable success for the lender in recent times. For its customers, the enhanced offerings on the app have delivered benefits including utilities ***payments*** and airtime and data purchases. It also allows third-party ***payments*** to bank-or customer-designated beneficiaries. The mobile app is now bundled with new customer accounts with an emphasis on the bank's student account offering. To this end, Nedbank has also positioned staff at local tertiary institutions during the start of the academic ***year*** to capture a larger market share of young people across the country.

Meanwhile, Nedbank has also implemented an electronic filing system. This system eliminated the need for the physical filing of documents, which in turn has prevented the loss of data through misfiling while cutting back on the physical storage space needed to house paper-based information. As a result of this investment, document retrieval has been cut from 12 hours to real time, while the additional space generated through the loss of filing cabinets has freed up room for the bank to accommodate additional working space.

GABON United Bank for Africa Gabon United Bank for Africa Gabon (UBA Gabon) has combined a commitment to financial inclusion with a strong financial performance to secure the winning position for the Bank of the ***Year*** award for Gabon in 2018. For the past three ***years*** the bank's net profits have increased at rate of more than 50%, while total assets grew by 14% in 2017 and 19% in 2016. At the end of 2017, the lender's return on equity was a sky-high 54%, while its cost-to-income ratio had fallen to 60%, from 73% in 2016. These strong numbers were generated despite a faltering economy, which expanded by just 0.6% in 2017.

One of UBA Gabon's key successes has been the introduction of mobile banking into the market. The USSD code of \*919# permits clients to perform a range of tasks, from opening an account, to ***transferring*** funds to viewing mini-statements and paying bills. Fast and convenient, this product does not require mobile data and therefore meets the bank's objectives of serving the unbanked and enhancing financial inclusion through technology.

The bank is also addressing financial inclusion through other means. The introduction of an agency banking network, for example, has helped microfinance institutions provide access to finance for small and medium-sized enterprises and the underserved and unbanked segments of the population across the country.

Meanwhile, the roll out of pre-paid card solutions for customers without bank accounts has also been a big success for the bank. This product is used by the general public as a secure way to store their funds, as well as by government entities and corporates to pay salaries and manage their expenses.

GAMBIA Ecobank Gambia Gambia's tourism-and ***agriculture***-dependent economy ticked along at a respectable pace in 2017, expanding by 3.5%. Lower interest rates played a part here, as did stronger growth in the country's services sector, according to research from the World Bank.

Nevertheless, the economy faces a number of challenges, including high debt levels as well as its undiversified structure. The country's banks are playing a role in tackling some of these challenges as efforts to improve the ease of doing business and encourage financial inclusion become more urgent. The winner of this ***year***'s country award, Ecobank Gambia, impressed the judging panel for these reasons and more.

The bank's net profits increased by 22% in 2017, while total assets rose by 1% and Tier 1 capital jumped by 8%. This performance was accompanied by encouraging performance indicators in other areas. The lender's return on equity, for instance, expanded to 25% in 2017, from 22% in the previous ***year***. Over the same period, its costto-income ratio fell to 52%, from 58%. Nonperforming loans, meanwhile, almost halved from 1.5% to 0.8%.

In September 2017, Ecobank launched Ecobank Scan+Pay in partnership with Visa. This offering provides a quick, secure and cashless ***payment*** mechanism for goods and services to the bank's customers. By scanning a QR code on a smartphone or entering a unique merchant identifying code on feature phone, the ***payment*** moves straight from the customer's account to that of the merchant. Both parties then receive realtime notification of the ***payment***. This offering is accelerating digital commerce in the country and tackling the challenges that merchants face with traditional point-ofsale systems.

Henry Oroh, chief executive, Zenith Bank Ghana GHANA Zenith Bank Zenith Bank was the outstanding entry in a highly competitive Ghana country category. The judging panel were impressed by the lender's strong, multi-***year*** growth story, its commitment to technological upgrades and innovative service offerings, and its enviable capital and liquidity positions.

In 2017, the bank's net profits, in local currency terms, increased by 24%. Total assets and Tier 1 capital rose by 37% and 30%, respectively. Against this strong 2017 performance, Zenith Bank's return on equity reached 38% while its cost-to-income ratio was a respectable 39%.

Following the Bank of Ghana's September 2017 directive for all lenders to raise their minimum capital from 120m cedis ($24.5m) to 400m cedis by December 2018, Zenith Bank moved quickly to address this requirement and assume a leading position in the market. The new capital level was met by the bank in February 2018, more than 10 months ahead of the regulatory deadline. The pace of this move shored up confidence in Zenith Bank, at a time when a number of other lenders are struggling to meet the requirement.

Meanwhile, Zenith Bank has upgraded its core banking system to improve its service delivery as well as to drive internal efficiencies. Among other benefits, this upgrade has permitted enhanced foreign exchange dealing functionality and the ability to automate fixed-income deals in bond operations. It has also upgraded the lender's interface with the Ghana Interbank ***Payments*** and Settlement System and now allows the ***transfer*** of mobile money from e-wallets across different networks.

"Zenith Bank has built a strong corporate culture around its people and service delivery, where everyone has an internal aspiration to be competitive at all times," says Henry Oroh, chief executive of Zenith Bank Ghana.

KENYA Equity Bank Kenya's Equity Bank continues to go from strength to strength. The lender saw its net profits increase by 14%, in local currency terms in 2017. And there has been little sign of this slowing down in 2018 - in the first quarter of the ***year***, profits after tax were up by 22%. Total assets and Tier 1 capital in 2017 increased by 11% and 16%, respectively. Equity Bank's return on equity at the end of 2017 was a healthy 21.6%, and its cost-toincome ratio was 53.5%.

These results, in part, reflect the bank's recent emphasis and strategic focus on eight key growth drivers. These include nonfunded income growth, covering various bank charges and transaction fees. With more than 96% of transactions occurring outside bank branches, Equity Bank is capitalising on this trend to provide better services for its customers while ensuring the sustainability of this income line. Non-funded income for 2017 stood at Ks16.5bn ($160m), amounting to about 41% of total income.

In addition, a cap on commercial interest rates in Kenya has led Equity Bank to scale up its regional operations and nonbanking business. As a result, regional subsidiary contributions to the wider group performance have increased from 14% to 19%. On the digital front, Equity Bank rolled out its digital banking proposition, Eazzy Banking, which includes online and mobile banking, to Uganda, Rwanda and Tanzania in 2017.

The bank's strong growth has been accompanied by improving asset quality. Its ratio of non-performing loans stood at 6.3% in 2017 against a country average of 12%. Better credit risk management, as well as customer relationship management, are the source of this market-beating position, according to the bank.

MALI Ecobank Mali For a country beset by challenging security conditions, Mali's economy is doing well. Growth reached 5.3% in 2017 and has averaged 6.3% since 2013, according to research from the International Monetary Fund. In recent times, good harvests and strong domestic demand have underpinned this growth. But challenges do remain, particularly for the country's banking sector.

For one, although banks' capitalisation has increased, there remains a persistently high degree of non-performing loans in the wider system. As of December 2017, this stood at 16.7%. In addition, most of the country's lenders suffer from high degrees of loan concentration with little opportunity to diversify in a relatively small economy.

These difficulties aside, for now, Mali's banks are performing strongly. The winner of this ***year***'s country award is Ecobank Mali, which stood out for its efforts to promote digital financial services across the country. Indeed, the spread of mobile banking across the country is one of the biggest stories to emerge from Mali's financial sector in recent times.

Ecobank Mobile, the lender's major investment in digital banking, falls under this umbrella. Through this offering, customers are granted full access to their accounts and associated services, including ***transfers***, ***payments*** and mobile phone topups, among others. Users of Ecobank Mobile can also pay merchants at key retail outlets, such as supermarkets, pharmacies and restaurants, quickly and securely through this service.

Beyond digital financial services, Ecobank Mali has also posted strong growth figures. The bank's return on equity at the end of 2017 was 31%, while its cost-toincome ratio was 66%. Importantly, the lender's Tier 1 capital also received a boost to the tune of 20%.

Andrew Bainbridge, group chief executive, SBM Holdings MAURITIUS SBM Holdings In the highly competitive Mauritius country category, SBM Holdings emerged as the clear winner. The judging panel reached this decision on the basis of the group's inroads into its five-***year*** growth strategy, which includes progress in terms of its regional footprint, as well as advances in digital finance and technological innovation.

Beyond this, the group also posted exceptionally strong numbers. Net profits grew by 11.5% in 2017, while total assets and Tier 1 capital increased by 32.1% and 7.6%, respectively. In addition, its return on equity reached 10.5% by the end of 2017, as the cost-to-income ratio came in at 44.7%, while gross non-performing loans to gross advances were 4.47%.

In 2016, the group launched a new fiveyear strategy aimed at doubling its assets from their 2015 size by 2020, while maintaining a top-tier return on equity. To get there, the group has focused on regional and international growth. This includes the acquisition of Fidelity Commercial Bank in Kenya in May 2017, and initiating the acquisition of the carved out assets of Kenya's Chase Bank, which will help the group to build scale in the country.

In addition, in 2017 the group's Indian unit was awarded a wholly owned subsidiary licence by the Reserve Bank of India, becoming the first foreign lender to achieve such a status. These events, and others, will help the bank achieve its vision of tapping into the Africa-Asia trade and investment corridor.

"In addition to our great Mauritian franchise, we successfully expanded into the Kenyan market, and are on the verge of establishing a wholly owned subsidiary in India. Through our entities in Mauritius, India, Kenya and Madagascar we are building a stronger and more diversified group," says Andrew Bainbridge, group chief executive of SBM Holdings.

MOROCCO Société Générale Maroc Morocco's economy expanded by more than 4% in 2017 after strong rainfall contributed to better than expected ***agricultural*** output. This momentum is expected to slow somewhat over the coming ***years***, with most estimates indicating that gross domestic product growth will hover around the 3% mark over 2018 and 2019.

Faster growth will be needed in an economy that is grappling with high levels of unemployment. To this end, the government is investing in infrastructure and enacting a number of much-needed economic reforms. And the country's banks, which are well capitalised and secure, are playing their part by opening up new avenues of financing to support the country's growth.

The winner of the 2018 Morocco country award, Société Générale Maroc, is no exception. In 2017 the bank successfully launched its Islamic window, Dar Al Amane, in the wake of the central bank's approval of Islamic lending in the country. Dar Al Amane will operate from a network of agencies across Morocco and is already operating out of eight locations in the country's largest cities. The bank is aiming to increase this number to 20 over the next few ***years***.

Meanwhile, the bank enjoyed strong growth over the 2017 review period. Net profits increased by 14%, while total assets jumped by 5% and Tier 1 capital grew by 6%. The lender's return on equity at the end of 2017 was 9%, while its cost-to-income ratio was 50%.

"The bank's success stems from our ability to provide the close human relationship and strong market understanding of a Moroccan bank combined with the international standards of transparency, confidentiality and expertise ,as well as a wide network in Africa and beyond," says François Marchal, chief executive at Société Générale Maroc.

MOZAMBIQUE Banco Único In recent ***years***, Banco Único has emerged as one of the most exciting growth stories in Mozambique's financial sector. Despite facing some challenging headwinds in the domestic economy, the lender has married digital innovation with customer service excellence to become one of the leading financial institutions in the country.

By the end of 2017, Banco Único's return on equity was 18.5%, while its cost-to-income ratio was 51%. And, despite a very challenging macroeconomic environment, its ratio of non-performing loans was just 3.6%, against a country average of 12%.

Meanwhile, Banco Único has been working hard on its suite of digital banking propositions. In November 2017 the lender launched its mobile banking application designed specifically for companies. Less than a month after its launch, the app had achieved a penetration rate of 7% among the bank's customer base. In addition, in June 2018, Banco Único also launched its innovative social banking app, called Único Social-App. This offering, which is a first of its kind for Mozambique, allows customers to create a social banking network through their smartphones and ultimately to facilitate peer-topeer lending.

"Treating each customer as unique, with sympathy, total availability and proximity, and responding to their needs with rigour, quality and [speed], is the attitude that the entire team of Banco Único has in its DNA. In fact, it is precisely this secret element that has taken us along the right and consistent path that the Mozambican market recognises today," says António Correia, chief executive of Banco Único.

NAMIBIA Standard Bank Namibia Standard Bank Namibia has enjoyed a sustained period of growth in recent ***years***. Strong performance indicators, coupled with an impressive suite of strategic initiatives and product and service innovations, ensured that it scooped the Namibia country award this ***year***.Net profits were up by 1.2% in 2017, while total assets and Tier 1 capital expanded by 13.6% and 11%, respectively. More encouragingly, the bank's return on equity was high, at 18.56%, while its cost-to-income ratio came in at 59.82%. Non-performing loans, meanwhile, were exceptionally low at just 0.49%.

Beyond the figures, Standard Bank Namibia also impressed the judges with its Tuyende Series, which is a three-day leadership engagement ***programme*** for its staff. This ***programme*** is tailored to prepare the bank's team for changes to the business, while also encouraging individuals to think creatively and to innovate in order to take each area of the business to the next level. To date, 14 sessions have been conducted with more than 1000 employees from across all levels of the organisation.

In terms of its approach to technology, Standard Bank Namibia is presently focused on a number of 'signature projects'. These include the Namibia Customer Migration project, which is seeing the migration of remaining corporate and business banking customers off South Africa-based legacy systems to local Namibian systems.

The bank is also working to expand its Business Online offering, which provides corporate and business banking clients with 24/7 access to services, including trade and investor offerings across countries and currencies, through an online portal. About 25% of the bank's corporate and business customer base are currently using the service.

NIGERIA Guaranty Trust Bank Guaranty Trust Bank (GTBank) has, once again, emerged as the country winner for Nigeria. The judges reached this decision based on the bank's peerless commitment to technological innovation, as well as a set of impressive performance indicators.

Taking this award for the second ***year*** in a row is testament to the kind of long-term thinking that lies behind GTBank's development. This can be seen in the improvement to its pre-tax return on equity (ROE) over the past three ***years***. It ended 2015 with an ROE of 29.5% but by the end of 2017 this figure had climbed to 35%. Similarly, the bank's cost-toincome ratio has fallen over this horizon from 41% in 2015 to 33% in 2017.

Sitting alongside these figures, the bank's 2017 financial performance was equally impressive. Net profits increased by 27.2% as total assets and Tier 1 capital climbed by 8.1% and 13.4%, respectively.

These results were accompanied by the bank's signature investments in its technology, with the 2017 launch of a new data centre being a case in point. This state-of-the-art facility, which runs on 10G network capacity, will vastly improve the bank's operational and processing capacities. It is also powered by a sub-station and three standby generators, meaning that it drastically reduces the scope of data being lost through power outages or system shutdowns. But the data centre will primarily drive product and service design and help the bank to push forward with its goal of driving the future of digital banking in Africa.

Meanwhile, the launch of new products such as the GTPatriot Account also caught the judges' attention. Designed for those serving in the Nigerian armed forces, the account offers a unique salary account package with a number of benefits, including no minimum opening balance.

REPUBLIC OF CONGO United Bank for Africa Congo Despite its new oil field, Moho Nord, coming on stream in 2017 and an accompanying increase in oil prices, the Republic of Congo's economy has suffered in recent times. An economic contraction of -2.8% in 2016 deteriorated further in 2017 with the economy shrinking by -4.6%.

Spiralling government arrears have hit the non-oil economy hard, with the telecommunications, construction and transport sectors particularly affected. This situation led to a -9.2% contraction in the non-oil economy in 2017, leading many companies to reduce their activities and staff levels in the country, according to the World Bank.

Banking in an environment of this type is clearly difficult but the winner of this ***year***'s country award, United Bank for Africa Congo (UBA Congo), is turning to innovation to secure its future growth. After posting strong growth numbers across all metrics, including Tier 1 capital, net profits and total assets over 2015 and 2016, the lender saw net profits and assets dip in 2017. Tier 1 capital, meanwhile, continued to increase by 12.7%. Nevertheless, the bank's return on equity remained healthy at 31% and its cost-to-income ratio fell to 50%, from 54% in 2016.

Meanwhile, UBA Congo's commitment to service innovation has seen the launch of its 'chat banker', Leo. This service is offered through customers' social media accounts - specifically Facebook Messenger - and enables them to ***transfer*** funds, open new accounts, pay bills, apply for loans and top up their mobile air time, among many other offerings, through this social media function. The bank is planning to extend its Leo service to other social media platforms in the future. In terms of security, Leo generates a one-time password that is sent to the phone number registered with the account.

RWANDA Bank of Kigali Building on its success from the 2017 awards, the Bank of Kigali has once again taken the top spot in the Rwanda country category. The judges were impressed with the bank's strong set of performance metrics, as well as its ongoing drive to offer digital products and services.

In 2017, the lender's net profits expanded by more than 12%, while total and assets and Tier 1 capital grew by over 13% and 15%, respectively. Bank of Kigali's return on equity remained steady, at a strong 20%, while its cost-to-income ratio fell by a decent margin, from 47.4% in 2016 to 45.2% in 2017. Meanwhile, non-performing loans registered a marginal increase, rising from 4.5% to 5.6% over the review period.

Over the past 18 months, the Bank of Kigali has launched a number of digital service offerings. These include the BK Mobile application, available on Apple and Android (the lender also offers USSD banking on feature phones) and BK online banking. Both offerings allow customers to pay bills, ***transfer*** funds and check their balances at their convenience. Bank of Kigali has also launched its 'Quick Loan' service that offers an easily accessible loan with a repayment time frame of six [*www.months.No*](http://www.months.No) forms are required to secure this loan and if a customer repays the facility inside the time limit they can generate higher loan limits in the future.

In tandem with its digital offerings, the Bank of Kigali has also expanded its physical footprint. Its network of branches today stands at 71 locations, while it also boasts 91 ATMs and a network of 1437 agents across the country.

Luc Morio, chief executive, Orabank Senegal SENEGAL Orabank Senegal Orabank has only been present in Senegal for the past four ***years*** but in that time the lender has made quite a splash. While its growth numbers - which are high - partly reflect the lower base from which it is starting, it has also demonstrated the kind of innovation and ingenuity required to challenge more established institutions in a competitive landscape.

This approach has led to the development of market-leading products, including the Executive Package, which is a bundle of offerings designed for senior executives at the country's largest corporate groups. This package is tailored to their lifestyle needs and, for example, includes credit offerings at attractive rates, automatic overdrafts and a subscription of other services linked to their bank accounts. In this way, Orabank has been effective at making inroads into the Senegalese corporate sector.

In addition, Orabank has invested in and deployed 'smart safes' (safe deposit boxes) to its key clients, including Senegal's largest utility company. The bank's smart safes provide real-time deposit and efficient cash processing and are capable of accepting up to 500 notes at a time. They can process 600 notes per minute and are able to store a total of 10,000 bank notes.

In terms of the bank's financial performance, Orabank ended 2017 with a return on equity of 23.9%. Its cost-to-income ratio was 67%, down from 80% in 2016, while non-performing loans were 2.66%. Net profits, Tier 1 capital and total assets all surged by double or triple figures.

"As a relative newcomer to the fiercely competitive Senegalese market, we are enthused by this award. We will sustain our strategy to win market share through innovative products and outstanding service," says Luc Morio, chief executive of Orabank Senegal.

SIERRA LEONE Guaranty Trust Bank Guaranty Trust Bank (GTBank) could have secured this ***year***'s country award for Sierra Leone on the basis of its financial performance alone. The lender's net profits increased by 22.5% in 2017, while its total assets and Tier 1 capital expanded by 14% and 39%, respectively. This was achieved as its return on equity at the end of 2017 reached 39.8%, its cost-to-income ratio was 44.9% and non-performing loan ratio was 1.6%.

But beyond these numbers, the bank has also pursued a number of strategic initiatives and technological innovations that have shaped the market in profound ways.

The signing of a foreign currency swap deal with the Bank of Sierra Leone is a case in point. As banks in Sierra Leone are forbidden from lending in foreign currency, their balance sheets can be inefficient and most are awash with liquidity. In response to this situation, GTBank Sierra Leone entered into a swap contract to the tune of $8m with the central bank and invested this figure in treasury bills for a nine-month period.

In return, the bank generated more than $1m in income. In doing so it became the first bank to receive repayment of the principal investment as well as its accompanying yield from the central bank. A number of other lenders have now followed suit.

GTBank has also upgraded its hardware security module, which is responsible for the security of ATMs and point-of-sale credit and debit card transactions from payShield 8000 to payShield 9000.

"The success of the bank is attributable to the efficacy of its operations through costcontained strategies and the acceptance of our various products that are tailored towards customers' needs," says Ade Adebiyi, managing director at Guaranty Trust Bank Sierra Leone.

SOUTH AFRICA Standard Bank South Africa's recent economic performance has been disappointing. Growth in 2017 came in at 1.3%, according to the World Bank, and it is expected to marginally increase to 1.4% in 2018.

In light of the country's population growth, gross domestic product per capita increases have not been sufficient to address issues around poverty and job creation. Even so, the country's banks are playing their part in addressing challenges linked to financial inclusion and in doing so are helping to address some of these structural difficulties, while boosting the performance of the wider economy.

It is here that Standard Bank is playing a leading role with a number of its initiatives in this space. The success of its flagship Instant Money offering is a good example. Users of the Instant Money product can send and receive money using a basic feature phone. They are also not required to have a bank account.

In 2017, the bank expanded this offering from a person-to-person money ***transfer*** and bulk ***payments*** service to an e-wallet function, allowing users to store value on their phone and send and receive these funds to others. Users of the service can also buy high-volume items such as pre-paid electricity, mobile airtime and mobile data, as well as withdraw cash, without the need for a bank account.

Standard Bank currently processes about 1.7 million transactions per month on Instant Money. In 2017, approximately 6.5 million clients used Instant Money for more than 18.5 million transactions to the value of R13bn ($927m). The service is in use across six of Standard Bank's markets, meaning that its financial inclusion-based benefits are spreading across the wider region, while about 78% of all users are not Standard Bank clients.

SUDAN Omdurman National Bank The challenges facing Sudan's economy are stacking up. Though gross domestic product growth in 2017 was about 3.5% and US sanctions were lifted towards the end of the ***year***, inflation has since spiked and a dearth of hard currency has distorted the economy in a number of ways. But, despite these difficulties, the winner of the 2018 country award, Omdurman National Bank, has managed to find positive growth momentum. In local currency terms, net profits in 2017 increased by 47% while total assets and Tier 1 capital were up by 82% and 32%, respectively.

Beyond these figures, the bank also registered an increase to its return on equity, which hit 32.8% at the end of 2017, up from 29.7%. The bank's cost-to-income ratio also moved in the right direction, falling to 21.3% from 22.7%. Non-performing loans remained steady ***year*** on ***year*** at 3.94%.

Meanwhile, the launch of a new mobile banking application has ensured that Omdurman National Bank's digital service offerings have continued to grow. The app permits customers to conduct banking transactions safely and securely from their mobile phones. Functions includes ***transfers*** and ***payments***, as well as the ability to switch between multiple accounts, check account balances and to request cheque books.

Omdurman National Bank has also conducted a sweeping reorganisation of the business to enhance its operational efficiency and ensure it is ready to deal with a changing marketplace. To this end it has created a central operations department to streamline internal business practices, as well as a marketing department to promote the bank's activities to an external audience. This was completed as the lender also unveiled a number of new branches across the country.

Sanjay Rughani, chief executive, Standard Chartered Bank Tanzania TANZANIA Standard Chartered Bank Tanzania In 2017, Standard Chartered Bank Tanzania celebrated its centenary anniversary. In that time, the lender has come a long way and in 2018 it has been awarded the The Banker's pick for Tanzania's Bank of the ***Year***. This decision was based partly on Standard Chartered's excellent performance over the review period, but it also reflects the bank's strategic focus on reigniting growth, as well as its investments in technology and innovation.

"Our success is hinged on an unwavering focus on our shareholders' and clients' interest and prosperity, built upon our strong foundation of 'do the right thing'," says Sanjay Rughani, chief executive of Standard Chartered Bank Tanzania.

The bank's net profits expanded by 39% in local currency terms over the 2017 review period, while total assets and Tier 1 capital grew by 20% and 18%, respectively. At the same time, its return on equity climbed to 15% from 14% ***year*** on ***year***, while its cost-toincome ratio fell to 54% from 61%. Standard Chartered's ratio of non-performing loans at the end of 2017 was high, at 8.4%, but below the sector average of 9.53% (registered in December 2016).

Beyond the numbers, the bank has also been driving ahead with its digital innovation strategy. This includes the full automation of its electronic fund ***transfer*** ***payment*** system, which occurred in October 2017. By fully automating this function and linking it to the straight-through processing platform, the lender successfully removed any manual intervention that was previously required and in doing so improved the security, efficiency and accuracy of this process. Turnaround time has subsequently improved from up to 48 hours for end-to-end processing to less than 12 hours for every transaction.

Guy-Martial Awona, chief executive, Orabank Togo TOGO Orabank Togo Orabank Togo impressed the judging panel on a number of fronts. For one, the bank recorded an impressive set of financial results. In local currency terms, net profits increased by 37%, while total assets and Tier 1 capital increased by 0.9% and 23%, respectively. The bank's return on equity also increased over the review period, rising to 28% in 2017 from 21% in 2016. Its cost-toincome ratio dropped in this time from 58% to 51%. This performance was achieved against a backdrop of slower economic growth: Togo's economy expanded by about 4.4% in 2017 against 5.1% in 2016.

The bank's strategic initiatives also caught the attention of the judges. The bank was approved as a specialist in the value of the treasury for Togo over the review period. This approval positions Orabank Togo as a privileged partner of the Togolese treasury, permitting the lender to promote the state's public debt securities while being able to subscribe to at least 5% of transactions on the market at a predefined price.

Orabank Togo has also created its own trading room, in line with its ambition of becoming a reference point on the regional exchange market. From this location, the bank assists its institutional clients with currency hedging, their investment needs, their financing requirements with respect to international trade, as well as offering advice. "As our home country, Togo is at the forefront of everything we do at Orabank. We will keep experimenting our most innovative solutions, from mobile banking to tailored products for small and medium-sized enterprises, so as to remain a very relevant player in the financial landscape," says Guy-Martial Awona, chief executive of Orabank Togo.

Hicham Seffa, chief executive, Attijari Bank Tunisia TUNISIA Attijari Bank Tunisia's economy has faced a number of headwinds in recent times. Domestic political struggles have combined with the instability in neighbouring Libya to act as a drag on the country's economic trajectory. In 2017 the economy expanded by 2%.

However, there are signs of a fragile turnaround. In the first two quarters of 2018, economic growth picked up to reach 2.5% and then 2.8%, according to the World Bank. Stronger figures in the ***agricultural*** sector, tourism and export-focused manufacturing industries have contributed to this better than expected performance. This performance needs to be sustained, however, if the country has any hope of responding to a growing unemployment crisis.

The banking sector is also playing an important role, and the winner of the Tunisia country award for 2018, Attijari Bank, stands out. The lender has, for instance, launched an initiative known as Quick Start, which offers a space for Tunisian startups to connect with key business clients. In this way, the bank has positioned itself as a key supporter of Tunisian business and entrepreneurship. Similarly, the bank's Dar Al Moukawel initiative offers a platform for entrepreneurs and micro-businesses to learn more about the financial, legal and tax implications of running a business, as well as virtual and physical business coaching. Attijari Bank's net profits grew by 21% over 2017, while total assets and Tier 1 capital increased by 13% and 10%, respectively. "In spite of the delicate financial environment, Attijari Bank achieved a substantial performance in 2018. We focused our efforts on customer proximity and digital transformation which led us to success," says Hicham Seffa, chief executive of Attijari Bank Tunisia.

UGANDA Ecobank Uganda Ecobank Uganda enjoyed an outstanding ***year*** in 2017. In local currency terms, the bank's net profits grew by 90%, while total assets and Tier 1 capital expanded by 39% and 28%, respectively. Encouragingly, nonperforming loans more than halved over the same period and had reached 2.17% by the end of 2017, down from 5.5% in the previous ***year***. This performance was achieved against a backdrop of solid if unspectacular economic growth relative to Uganda's historical norms.

Beyond these numbers, the bank has also been working hard to implement its digitisation strategy. This included the launch of a mobile banking application in February 2017 which allows customers to pay bills, ***transfer*** funds, top up their air time at any time, among other offerings. Over a period of four months the bank was able to attract an additional 84,000 customers to its mobile app.

In addition to this, Ecobank Uganda launched its instant money offering, which permits customers and non-customers to easily ***transfer*** money via the bank's ATM network. Both offerings are furthering the advance of financial inclusion in Uganda.

Meanwhile, the launch of Ecobank Uganda's paperless Xpress account, as a know-your-customer-lite offering that only requires a national identity card, is also fostering financial inclusion. In partnership with two telecommunications companies (MTN and Airtel), the bank has successfully facilitated the development of mobile wallets for both customers and non-customers. The end result has been a quick take up of this offering by both corporate and consumer customers alike. On the retail side, this has been executed in tandem with an agency banking model, ensuring that customers can cash in and out with their mobile money across the country.

Leina Gabaraane, chief executive, Stanbic Bank Zambia ZAMBIA Stanbic Bank Zambia In the highly competitive Zambia country category, Stanbic Bank has emerged victorious. The judging panel reached this decision based on the lender's outstanding financial performance, as well as its industry-shaping strategic initiatives.

The bank's net profits grew by 27% in local currency terms in 2017, while total assets and Tier 1 capital increased by a respective 12% and 25% over the same period. Stanbic Bank's return on equity was also impressive, coming in at 20.6% by the end of 2017. At the same time, its cost-toincome ratio was 62.8% and non-performing loans were at 5.2%.

In May 2018, Stanbic Bank became the first lender in the country to be granted an insurance brokers licence from the Pensions and Insurance Authority. As a result, the bank can now distribute a wide range of competitive insurance products from multiple underwriters. It also fits with the lender's broader bancassurance strategy as part of its goal to meet its clients' broader financial services needs.

Meanwhile, in May 2017, the lender launched its Anakazi banking offering, which is a tailored women's banking ***programme***. This is designed to support financial inclusion for women in Zambia while also providing backing to female entrepreneurs in the country. About 40% of women in Zambia are classed as entrepreneurs, while only 33% of all women are formally financially included, according to the bank.

"The bank's success is all about people and having the right culture that is determined to win, the right skills, [and placing] our customers at the nucleus of everything we do at Stanbic Bank. We have always focused on these ingredients and will continue to do so," says Leina Gabaraane, chief executive of Stanbic Bank Zambia.

ZIMBABWE Ecobank Zimbabwe Zimbabwe is a difficult place in which to bank. For one, the country's economic growth has been subdued and is showing little sign of improvement. In 2017, gross domestic product growth hit 3.4%, in part due to a recovery in ***agricultural*** output, after just 0.6% growth in 2016. The World Bank estimates that the Zimbabwe's economic growth trend is expected to remain about 2% lower than regional norms, and well below increases in the domestic population, leading to negative per capita income growth. For banks operating in the country, these dynamics present a serious challenge.

But the winner of the 2018 country award, Ecobank Zimbabwe, has managed to shrug off these challenges, and others, to post a stellar set of financial results coupled with a suite of innovations that caught the attention of the judges. Net profits in 2017, in US dollar terms, increased by 125%, while total assets and Tier 1 capital both expanded by 38%. Meanwhile, the bank's return on equity soared over the review period, reaching 33%, up from 19% in 2016. Equally impressive was the lender's falling cost-toincome ratio, which came down to 39% in 2017 from 47% in 2016. And, in a difficult economic climate, the bank's ratio of nonperforming loans remained relatively low at 2.45%, even if this was an increase on the 2016 level.

Meanwhile, Ecobank Zimbabwe is pushing ahead with the digital transformation of its business. It was the first lender in the country to introduce QR code scan-and-pay technology in 2017 with a particular focus on large businesses, small and medium-sized enterprises and even individuals looking to accept ***payments*** from customers. All customers using Ecobank's mobile app have the 'pay merchant' functionality that activates the phone's camera to scan a QR code to identify the merchant and service being provided.

Like its sister banks in the neighbouring baLtic states, seb Pank has estabLished an innovation centre at its hQ

seb Latvia Launched a new version of its banking aPP and was one of the first Latvian banks to introduce instant ***Payments***

the success of nLb banka reLies on its abiLity to constantLy transform itseLf as chaLLenges arise Antonio Argir

vtb became one of the first russian banks to introduce biometric identification technoLogy

tatra banka is defined by a strong LocaL brand and great PeoPLe Michal Liday

Both new and existing customers have Benefited from improvements to Baiduri's online Banking offering

to give the Bank an edge in its home market, ccB Boosted its fintech strategy with the initiation of its new generation core system

our success is attriButed to the dynamic leadership of founder and chairman tan sri dato' sri teh hong piow Datuk Phan

ocBc gave its customers even more choice over how they make their funds work for them with the development of the tanda 360 plus savings product

most notaBle in these developments was mufg's decision to put strategic investment into Bank danamon indonesia

in order to put its customers at the front and centre of its Business, kicB has created the new role of relationship managers By retraining its existing memBers of staff

the Bank has Been active in improving the foreign exchange experience with the implementation of fortex

in order to ensure customers are receiving the Best quality of service, kBZ introduced net promoter scores

dBs made a commitment to environmental issues By Becoming the first Bank in singapore to issue a green Bond

uBl has taken on an amBitious project of financial inclusion, and in 2017 acquired 450,000 new-to-Bank customers

take-up of scB easy has Been significant, with 6.5 million users recorded By the end of the first quarter 2018

in the past 12 months, infin has Become the first Bank to issue credit cards in uZBekistan

senagat Bank has working with the government to implement the new ***payment*** system on puBlic transactions

Butterfield's newest focus, which started in 2018 and is extending into 2019, is to improve its online channels

rBc is investing in emerging technology such as predictive analytics to help customers manage their finances

the success of Banco lafise is the result of the commitment and excellence of our people Bank spokesperson

Banco popular dominicano has [created] a successful Banking model Based on innovative digital solutions Manuel Alejandro Grullón

the Bank has changed the role of its Branch managers, keeping their focus on commercial operations

Banpro's goal is to finance each link of the supply chain, as a way of Building value in key areas of the economy. it has financed $50m in green lines

Banorte sees opportunities in infrastructure as the new mexican government plans to focus on the sector in its Budget

what customers cannot see is even more advanced technology that is making Banco popular more efficient

repuBlic's Banking By appointment plan reduced the time customers require for transactions and improved staff efficiency

a strong set of fInancIaL resuLts have Been Backed By nBk's pIoneerIng approach to engagIng wIth new technoLogIes

In Its push to Innovate, Bank LeumI has Become the fIrst Lender In IsraeL to offer dIgItaL mortgage appLIcatIons

Qatar natIonaL Bank enjoyed another outstandIng ***year*** In 2017, despIte the varIous economIc and poLItIcaL headwInds that hIt Both the domestIc economy and wIder regIon

Bank of paLestIne has once agaIn navIgated LocaL dIffIcuLtIes, and others, to post a strong performance

our success Is a resuLt of a mIndset change - the competItIon Is not out there; It's InsIde Dr Adnan Chilwan

aL rajhI Bank has focused on Its femaLe customer Base In recent ***years*** By LaunchIng new products for women

BFA is plAying A pivotAl role in supporting the development oF AngolA's cApitAl mArkets

Société Générale cameroon haS enjoyed conSiStently StronG Growth in recent ***yearS*** and thiS trajectory ShowS little SiGn of SlowinG

our motto intendS to repreSent that every cuStomer iS thecuStomer, not juSt another one Pedro Gomes Soares

société ivoirienne de BAnque is mAking eFForts to reAch out to customers through diversiFied products And services

A stellAr FinAnciAl perFormAnce hAs gone hAnd in hAnd with the development oF customercentric services

the upgrAde oF nedBAnk swAzilAnd's moBile BAnking ApplicAtion hAs Been A notABle success For the lender in recent times

in septemBer 2017, ecoBAnk lAunched ecoBAnk scAn+pAy, A quick, secure And cAshless ***pAyment*** mechAnism

the introduction oF An Agency BAnking network hAs helped microFinAnce institutions provide Access to FinAnce For smes

ecoBAnk mAli stood out For its eFForts to promote digitAl FinAnciAl services Across the country

equity BAnk rolled out its digitAl BAnking proposition, eAzzy BAnking, to ugAndA, rwAndA And tAnzAniA in 2017

treAting eAch customer As unique, with sympAthy, totAl AvAilABility And proximity is the Attitude thAt the entire teAm oF BAnco Único hAs in its dnA António Correia

the BAnk successFully lAunched its islAmic window in the wAke oF the centrAl BAnk's ApprovAl oF islAmic lending

stAndArd BAnk nAmiBiA impressed the judges with its tuyende series, which is A leAdership engAgement ***progrAmme*** For stAFF

tAking this AwArd For the second ***yeAr*** in A row is testAment to the long-term thinking thAt lies Behind gtBAnk's development

uBA congo's commitment to service innovAtion hAs seen the lAunch oF its 'chAt BAnker', leo

the judges were impressed with BAnk oF kigAli's ongoing drive to oFFer digitAl products And services

the success oF the BAnk is AttriButABle to the eFFicAcy oF its operAtions through cost-contAined strAtegies Ade Adebiyi

in 2017, ApproximAtely 6.5 million clients used instAnt money For more thAn 18.5 million trAnsActions

the lAunch oF A new moBile BAnking App hAs ensured thAt omdurmAn's digitAl service oFFerings hAve continued to grow

over A period oF Four months, ecoBAnk ugAndA wAs ABle to AttrAct An AdditionAl 84,000 customers to its App

ecoBAnk zimBABwe wAs the First lender in the country to introduce qr code scAn-And-pAy technology in 2017

**Load-Date:** December 17, 2018

**End of Document**



[***P7\_TA(2014)0378 MFF negotiations 2014-2020: lessons to be learned and the way forward European Parliament resolution of 15 April 2014 on negotiations on the MFF 2014-2020: lessons to be learned and the way forward (2014/2005(INI))***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5R89-XVM1-JDG9-Y29X-00000-00&context=1516831)

Impact News Service

December 23, 2017 Saturday

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**Length:** 4626 words

**Body**

Brussels: Official Journal of the European Union has issued the following notice:

P7\_TA(2014)0378

MFF negotiations 2014-2020: lessons to be learned and the way forward

European Parliament resolution of 15 April 2014 on negotiations on the MFF 2014-2020: lessons to be learned and the way forward (2014/2005(INI))

(2017/C 443/03)

The European Parliament,

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| ? | having regard to the proposal for a Council regulation laying down the multiannual financial framework (MFF) for the ***years*** 2014-2020 (COM(2011)0398), amended on 6 July 2012 (COM(2012)0388), and to the Draft Interinstitutional Agreement (IIA) between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management (COM(2011)0403), |

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| ? | having regard to its consent of 19 November 2013 to the MFF Regulation (1), in accordance with Article 312 of the Treaty on the Functioning of the European Union, and to its approval, on the same day, of the conclusion of the IIA (2), |

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| ? | having regard to the MFF and IIA, as finally adopted on 2 December 2013 and published in the Official journal on 20 December 2013, |

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| ? | having regard to its resolution of 8 June 2011 on ?Investing in the future: a new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe? (3), |

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| ? | having regard to its resolution of 23 October 2012 in the interests of achieving a positive outcome of the Multiannual Financial Framework 2014-2020 approval procedure (4), |

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| ? | having regard to its resolution of 13 March 2013 on the European Council conclusions of 7-8 February 2013 concerning the Multiannual Financial Framework (5), |

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| ? | having regard to its resolution of 3 July 2013 on the political agreement on the Multiannual Financial Framework 2014-2020 (6), |

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| ? | having regard to its resolution of 12 December 2013 on relations between the European Parliament and the institutions representing the national governments (7), |

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| ? | having regard to Rule 48 of its Rules of Procedure, |

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| ? | having regard to the report of the Committee on Budgets and the opinions of the Committee on Constitutional Affairs, the Committee on Employment and Social Affairs, the Committee on Regional Development and the Committee on Civil Liberties, Justice and Home Affairs (A7-0254/2014), |

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| A. | whereas the agreement on the MFF 2014-2020 was the outcome of long and strenuous negotiations that lasted two and a half ***years***; whereas the final political agreement could only be reached at the highest political level between the three Presidents (Parliament, the Council Presidency and the Commission) according to Article 324 of the TFEU; |

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| B. | whereas the overall level of the next MFF (EUR 960 billion in commitments, EUR 908 billion in ***payments*** at 2011 prices), as decided by the European Council and eventually endorsed by Parliament, represents a cut of 3,5 % in commitments and 3,7 % in ***payments*** compared to the 2007-2013 financial framework, despite the growing EU competences following the Lisbon Treaty and the enlargement of the Union to 28 Member States; whereas this level falls short of EU political goals and commitments, in particular in relation to the Europe 2020 strategy; |

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| C. | whereas the EU annual budget will continue to represent approximately 1 % of EU GNI in the coming ***years***, a level reached already in the early 1990s, and well below the own resources ceiling of 1,29 % of EU GNI for commitments and 1,23 % of EU GNI for ***payments***, as decided initially in 1992 and reconfirmed in 2010; |

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| D. | whereas, faced politically with the impossibility of changing the overall MFF figures decided by the European Council, Parliament focused on improving the implementation of the MFF by successfully negotiating the inclusion of new provisions that will help to make the new financial framework and the new EU annual budget more operational, consistent, transparent and responsive to the needs of EU citizens and to allow the MFF ceilings to be used to the fullest possible extent; whereas these provisions concern, in particular, the new arrangements relating to the MFF revision, flexibility, the unity and transparency of the EU budget, along with a further engagement on reforming the financing of the EU budget (Joint Declaration on own resources); |

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| E. | whereas, in adherence to the guiding principle that ?nothing is agreed until everything is agreed?, Parliament gave its consent to the new MFF Regulation and approved the new Interinstitutional Agreement on 19 November 2013, following the Council?s fulfilment of the conditions set out in Parliament?s resolution of 3 July 2013, including the adoption of an additional EUR 11,2 billion in ***payments*** for 2013; |

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| F. | whereas the Council failed to make any progress on a much needed reform of the current system for financing the EU budget, despite the ambitious proposals put forward by the Commission aimed not only at overcoming the stalemate caused by the lack of a genuine own resources system but also at making the system of financing the EU budget simpler, fairer and transparent to EU citizens; |

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| G. | whereas, following the agreement on the MFF 2014-2020, the MFF remains non-coterminous with the mandates of the Parliament and Commission whose terms begin in 2014; |

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| H. | whereas the possibilities made available in the Treaty of Lisbon to modify the decision-making procedures for the MFF and own resources decisions were not exploited; |

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|  | 1. | Strongly regrets the fact that both the procedure leading up to the agreement on the MFF 2014-2020 and the political debate surrounding these negotiations demonstrated a clear lack of shared vision as regards the EU budget and political priorities, showed that there are very divergent approaches among the EU institutions, and fell short of Parliament?s increased role and prerogatives under the Treaty of Lisbon; considers it of the utmost importance, therefore, that this report draw the necessary political and institutional lessons, which can serve as a basis for the preparation of future negotiations, notably in relation to the post-electoral revision of the MFF, due to be launched by the Commission before the end of 2016 at the latest; |

Political considerations

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|  | 2. | Acknowledges that the fiscal consolidation that Member States are currently facing made a more ambitious agreement on the MFF 2014-2020 infeasible; deeply regrets, however, the fact that the role of the EU budget as an important and common policy instrument for overcoming the current economic and social crisis was not properly recognised; points out that the EU budget is primarily an investment budget that offers a unique framework for coordinating and enhancing national efforts made to regain growth, stimulate competitiveness and generate employment in the whole EU; |

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|  | 3. | Is deeply concerned at the fact that budgetary debates in the Council have been for many ***years*** poisoned by the logic of ?fair returns? instead of being driven by the logic of the European added-value; considers that, while this debate already existed before the introduction of a GNI-based resource, the situation has seriously intensified due to the current system of EU financing, whereby some 74 % of revenues stem from national contributions based on GNI instead of genuine own resources, as foreseen in the Treaty of Rome and all successive EU Treaties; considers that such a system places disproportionate emphasis on net balances between the Member States and has led to the progressive introduction of complex and opaque rebates and other correction mechanisms for the financing of the EU budget; |

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|  | 4. | Believes that this logic also prevailed in the way the MFF agreement was struck by the European Council on 8 February 2013; considers it regrettable that this was reflected in the fact that the national allocations, especially from the two biggest areas of expenditure in the EU budget, ***agriculture*** and cohesion policy, were determined at that moment; criticises, in particular, the increased number of special allocations and ?gifts? granted in the course of negotiations between Heads of State and Government, which are not based on objective and verifiable criteria, but rather reflect the bargaining power of Member States, trying to secure their national interests and maximise their net returns; denounces the lack of transparency in striking this agreement and the reluctance of the Council and the Commission to provide Parliament with all relevant documents; highlights that the European added value should prevail over national interests; |

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|  | 5. | Strongly rejects this purely accounting vision of the EU budget, which disregards the European added value, contradicts the principle of EU solidarity and underestimates the current and potential role of the EU budget in strengthening economic governance; stresses that the EU budget is predominantly an investment budget with a strong leverage effect that makes possible a number of projects that would otherwise be difficult or impossible to implement, a catalyst for growth, competitiveness and jobs across the Union and a powerful agent for reform; strongly regrets, therefore, that some Member States seem to regard national contributions to the EU budget purely as a cost to be minimised; |

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|  | 6. | Regrets that the European Council took a top-down approach to deciding the overall size of the MFF 2014-2020, which in turn demonstrates a worrying discrepancy between EU political commitments which the European Council has been making and its reluctance to adequately finance them; believes, on the contrary, that this decision should be based on a bottom-up process, resulting from a thorough assessment of EU financial needs and political objectives as set out in EU multiannual ***programmes*** and policies defined by the legislative authority; |

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|  | 7. | Is, therefore, convinced that any decision on the financial framework should be preceded by ? and based on ? a genuine political debate on the role, function and added value of the EU budget and on its compatibility with the political strategy adopted by the Union and operational priorities and objectives assigned to the Union; considers that, in order to bridge the gap between divergent visions on what the EU budget stands for and what it can achieve, this debate should be organised in due time and involve the three EU institutions and all national parliaments, but also engage the highest political level in the Member States; |

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|  | 8. | Is convinced, moreover, that tangible progress can only be achieved following an in-depth reform of the financing of the EU budget that should respect the letter and the spirit of the Treaty and return to a system of genuine, clear, simple and fair own resources; stresses that the introduction of one or several new own resources will reduce the share of GNI-based contributions to the EU budget to a minimum and, accordingly, reduce the burden on national treasuries; reiterates its strong commitment to any process leading to the reform of the system of own resources, which is currently characterised by its complexity, opacity and inefficiency; regrets that the final Council agreement on own resources is even more complex than the previous one since it has introduced new rebates and exceptions; |

Institutional considerations

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|  | 9. | Recalls that Parliament was the first EU institution to present its vision on the MFF 2014-2020 and the need to reform the financing of the EU budget, with the report of its specialised SURE Committee, in June 2011; believes that this early preparation helped Parliament to establish a large consensus on political priorities and remain united throughout the subsequent negotiating process; considers further that this report provided guidance for the Commission in drafting its own proposals on the MFF and own resources and appreciates the regular political dialogue that was established between the two institutions at all stages of the preparation of this report; considers that this practice should be further developed into a more structured dialogue between the two institutions ahead of the presentation of any MFF proposals; |

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|  | 10. | Recalls that, pursuant to Article 312 TFEU, the Council unanimously adopts the MFF Regulation after obtaining the consent of Parliament, while the three EU institutions ?shall take any measure necessary to facilitate its adoption?; notes, therefore, that the Treaty does not set out any concrete procedure for the involvement of Parliament in the MFF negotiations and that these modalities were subsequently determined in practice through a number of ad hoc arrangements agreed at political level at Parliament?s initiative; |

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|  | 11. | Considers it regrettable that, prior to the European Council agreement on the MFF of 8 February 2013, no meaningful negotiations were held between Parliament and the Council; considers that the numerous meetings held between its negotiating team and the successive Council presidencies on the margins of the relevant General Affairs Council meetings, and its participation in informal Council meetings dealing with the MFF, facilitated only some information-sharing between the Council and Parliament; sees, therefore, the need for Parliament to build further on the experience acquired and to use all means available to strengthen its influence on the spirit, ***calendar*** and content of the negotiations with the Council, by making the Council better acknowledge Parliament?s arguments and positions; |

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|  | 12. | Deplores the fact that, despite Parliament?s strong objections, all successive ?negotiating boxes? presented by different Council presidencies and, ultimately, the European Council MFF agreement of 8 February 2013 contained a significant number of legislative elements that should have been decided under the ordinary legislative procedure; stresses that the legally required unanimity in the Council on the MFF Regulation could only be achieved by pre-empting certain major policy changes in EU sectoral policies, thereby hindering, in clear contradiction with the Treaties, Parliament?s prerogatives under co-decision, and in particular its right to amend on an equal footing with the Council; |

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|  | 13. | Notes that genuine negotiations on the MFF Regulation and the IIA were launched only in May 2013, with Council negotiators not having a formal negotiating mandate but instead considering the MFF agreement by the European Council as the only point of reference, with no margin for any discussion; stresses that this attitude not only led to an unnecessary loss of time but also to the unacceptable attempt by Council to exclude certain topics from the negotiations, forcing Parliament to struggle, including at the highest political level, in order to engage in negotiations on every article of the MFF Regulation / IIA; |

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|  | 14. | Recalls that, according to the Treaty, the European Council does not exercise legislative functions; insists, therefore, that the conclusions of the European Council are to be seen as negotiating instructions for the Council and that they in no case constitute red lines which cannot be negotiated with Parliament; calls for a standard formula recalling the provisions of Article 15(1) TFEU to be included in the conclusions of the European Council; |

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|  | 15. | Deeply regrets the fact that the same problem marked the negotiations on EU multiannual ***programmes***, notably in ***agriculture*** and cohesion policy; notes that the Council refused in several instances even to refer to the ?MFF-related aspects? of those legal bases; stresses the considerable effort and time that was needed by Parliament to ensure that all points of the legal bases decided by co-decision between the Council and Parliament remained on the negotiating table; notes with satisfaction that Parliament?s negotiators were eventually successful in challenging some parts of the European Council agreement; |

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|  | 16. | Notes that the MFF figures (overall level and distribution per heading), as decided by the European Council, were not challenged in the end by Parliament, which acknowledged the particularly difficult economic and financial context at the time of this decision; stresses, however, that this should by no means be perceived as a precedent and reiterates its position that the MFF figures, and every other part of the European Council?s relevant political agreement, are subject to negotiations with Parliament; |

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|  | 17. | Stresses the need to significantly improve the modalities of any future MFF negotiations, in order to avoid deadlocks and save valuable time and resources in the course of negotiations; considers that these modalities should be formalised in an agreement at the highest political level, which should take account of the shortcomings of the recent negotiations and fully safeguard Parliament?s role and prerogatives, as set out in the EU Treaty; considers that this procedure should eventually be enshrined in the IIA itself, as is the case for the budgetary procedure; |

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|  | 18. | Points to the tremendous amount of information exchange and coordination required inside Parliament to ensure consistency in the parallel negotiations of the MFF and the legislative bases of over 60 multiannual ***programmes***; underlines that it is of high importance to distinguish the issues that are to be adopted by codecision and keep them in the remit of the respective committees to the maximum extent possible; suggests that in the next MFF negotiations the European Parliament should approach the legislative proposals in parallel and finally adopt them as a package, applying the principle that nothing is agreed until everything is agreed to the maximum extent possible; |

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|  | 19. | Is convinced that the unanimity rule in the Council means that the agreement represents the lowest common denominator, based on the need to avoid the veto of a single Member State; stresses that a shift towards qualified majority voting for the MFF Regulation would be in line not only with the ordinary legislative procedure, used for the adoption of virtually all EU multiannual ***programmes***, but also with the annual procedure for adopting the EU budget; |

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|  | 20. | Notes that the general passerelle clause (Article 48(7) TEU) could be deployed by the European Council to make the shift towards qualified majority voting and the ordinary legislative procedure for the own resources and MFF decisions; recalls, moreover, that Article 312(2) TFEU in any case allows for the adoption of qualified majority voting for the MFF; urges the European Council to use both these passerelles for their intended purpose in order to streamline decision-making in the Council and to limit the extent to which the politics of national ?juste retour? prevail over the articulation of the common interest of the Union as a whole; |

MFF 2014-2020: the way forward

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|  | 21. | Declares its intention to ensure that all new provisions that were successfully incorporated into the MFF Regulation and IIA are utilised in full in the annual budgetary procedure; expects that the Council will not attempt to impose restricted interpretations of these provisions, especially on the nature and scope of all special instruments, but that it will instead act responsibly and approve the necessary appropriations to meet both its previous commitments and unforeseen expenditure even if, as a result, the annual MFF ceilings need to be exceeded; recalls, in that context, that the MFF 2014-2020 ceilings have been set far below the own resources ceilings; |

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|  | 22. | Places particular emphasis on the new rules on flexibility that should allow maximum use of the respective MFF ceilings for commitments and ***payments***; stresses that the practice of previous financial frameworks whereby the annual EU budget remained far below the MFF ceilings, particularly in ***payment*** appropriations, can no longer be sustained; |

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|  | 23. | Stresses, in this context, that the accumulated RALs have reached a critical level that might eventually lead the EU budget into structural deficit against the provisions of the Treaty (Articles 310 and 323 TFEU); is deeply concerned that the amount of unpaid bills at the end of the ***year*** has been constantly growing since 2011 (EUR 23,4 billion at the end of 2013 from cohesion policy alone), which will put significant pressure on the ***payment*** ceilings of the MFF 2014-2020; stresses the need to set the annual ***payments***? ceilings of the MFF accurately by taking due account of, inter alia, the dynamics of cohesion policy, including the timing of ***programming***, implementation, final closure of the ***programmes*** and decommitments; |

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|  | 24. | Emphasises that the purpose of the global margin for commitments is to support investments for growth and employment in Europe, and in particular youth employment; recalls that this instrument was an initiative by the European Parliament; |

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|  | 25. | Recalls that the next Commission, which will come into office after the 2014 European elections, is due to launch a compulsory review and revision of the MFF 2014-2020 by the end of 2016; underlines the fact that this post-electoral MFF review/revision clause was one of Parliament?s key demands in the MFF negotiations, based on the need to allow the next Commission and Parliament to reassess the EU?s political priorities, hence endowing the MFF with renewed democratic legitimacy; emphasises that, following the economic crisis, investment levels in Europe dropped significantly between 2008 and 2012 and recalls that according to some estimates (8), this will cost the continent EUR 540 billion in lost returns by 2020; |

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|  | 26. | Stresses the need, in view of the post-electoral MFF review/revision, for the next Parliament to reflect in good time on political priorities, i.e to identify areas for which more investments will be deemed necessary in the second half of the MFF 2014-2020; invites, for this purpose, the next Commission and the next Parliament to carefully evaluate the achievements of the targets of the Europe 2020 strategy, particularly in terms of employment and combatting the economic crisis, as well as the performance of key EU ***programmes***, like Horizon 2020, in order to focus on areas of proven added value of EU spending and for which additional financial resources will be required; |

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|  | 27. | Calls for the MFF mid-term review to prepare for an eventual reduction in the period for which the next MFF is agreed, so as to ensure its subsequent renegotiation during the mandate of each Parliament and Commission, thus ensuring full democratic legitimacy for regular decisions on the financial perspectives of the Union, while taking steps to meet the need for stability of ***programming*** cycles and for investment predictability; strongly believes that a five-***year*** MFF cycle would enhance democratic legitimacy, improve the prioritisation of budgetary means and could be considered a precondition for more political debate; |

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|  | 28. | Stresses that the Commission proposals for the MFF revision should take full account of the latest macroeconomic projections and include a thorough assessment of the operation of all special instruments, in particular the global margins in commitments and ***payments***; recalls that this process will not have a downward impact on any pre-allocated national envelopes, including the ESF share of these national envelopes; expects, in this context, the Commission to provide Parliament and Council with identical and consistent data on figures and estimates in order to avoid misunderstandings in the negotiations with regard to the basis of discussion; |

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|  | 29. | Stresses the need to stimulate a broad and open discussion on the results achieved with the EU?s funding ***programmes***, and in particular an assessment of the extent to which these ***programmes*** contribute to the achievement of the Europe 2020 objectives; |

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|  | 30. | Emphasises that innovative financial instruments such as the European project bonds can have a very important role to play in stimulating much needed investments if designed correctly; urges the Commission in this regard to make optimal use of the upcoming evaluation also in the context of the review/revision of the MFF 2014-2020; |

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|  | 31. | Welcomes the Joint Declaration by the three institutions agreed in the context of the MFF negotiations according to which the annual budgetary procedures will integrate, as appropriate, gender-responsive elements, taking into account the ways in which the overall financial framework of the Union contributes to increased gender equality (and ensures gender mainstreaming); stresses that these principles should be integrated into the Commission?s proposals on the MFF revision; |

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|  | 32. | Reiterates its intention to make the compulsory MFF revision a key demand in the investiture of the next Commission; calls, therefore, on the next European Parliament to make the election of the proposed candidate for President of the Commission conditional upon a strong and non-ambiguous commitment to implementing the post-electoral review/revision clause and engaging in a genuine and deep political dialogue on its content; |

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|  | 33. | Notes that the new Rules 70 and 70a (interinstitutional negotiations in legislative procedures) of Parliament?s Rules of Procedure will apply for the next round of negotiations; recommends that, early in Parliament?s next mandate, the committee responsible for the Rules of Procedure be asked to look at rationalising those rules with Rule 75 (MFF), Rule 75c (financial trialogue) and Rule 81(3) (consent procedure) with a view to drafting a single coherent Rule specific to the special legislative procedures laid down in Articles 311 and 312 TFEU concerning the determination of the mandate, the conduct of the trialogues (including the role of the President), and scrutiny by the plenary; |

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|  | 34. | Considers that, at the time of the next revision of the Treaties, the Convention should make proposals for a system of genuine codecision between the Council and Parliament on the adoption of the MFF and own resources decisions; |

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|  | 35. | Strongly believes that the High Level Group on Own Resources represents a unique opportunity to overcome the deadlock that has arisen over the reform of the current own-resources system; expects that it will contribute significantly to understanding the shortcomings of the current system and the benefits that can derive from an in-depth, comprehensive reform and the introduction of new and genuine own resources which can significantly reduce the share of GNI contributions to the EU budget; |

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|  | 36. | Recalls that the High Level Group has a mandate to examine all aspects of the reform of the own resources system; is firmly committed to working intensively, through its three representatives, at all stages of this process and to bringing it to a successful conclusion; counts on the Council?s equal ?ownership? and commitment to this process; emphasises the need to raise awareness also among national parliaments of the issues at stake; stresses that the findings and conclusions of this High Level Group should be ready in good time to be considered during the 2016 MFF review/revision, in order to pave the way for possible reforms to become operational by the next multiannual financial framework; |

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|  | 37. | Expresses its firm conviction that any new fiscal capacity or budget developed specifically for eurozone Member States whose fiscal functions are not covered by the MFF must be developed within the Union framework and must be subject to proper democratic scrutiny and accountability through the existing institutions; |

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|  | 38. | Instructs its President to forward this resolution to the European Council, the Council, the Commission and the national parliaments. |

(1)  Texts adopted, P7\_TA(2013)0455.

(2)  Texts adopted, P7\_TA(2013)0456.

(3)  OJ C 380 E, 11.12.2012, p. 89.

(4)  OJ C 68 E, 7.3.2014, p. 1.

(5)  Texts adopted, P7\_TA(2013)0078.

(6)  Texts adopted, P7\_TA(2013)0304.

(7)  Texts adopted, P7\_TA(2013)0599.

(8)  Address by the Chairman of the Board of Governors of the EIB during 2014 European Interparliamentary Week, 21 January 2014.

**Load-Date:** December 26, 2017

**End of Document**



[***'Smart' insurance enables poor farmers to cut risk; Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TWM-RS41-JCBW-N2TD-00000-00&context=1516831)

Financial Times (London, England)

December 5, 2018 Wednesday

Edition 1, USA Edition

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**Section:** FT FUTURE OF FOOD AND ***AGRICULTURE***;NEWS; Pg. 1

**Length:** 921 words

**Byline:** Jane Bird

**Body**

Drought spells disaster for many farmers in the developing world as most lack crop [*www.insurance.No*](http://www.insurance.No) rain means no income, no food and not enough resources to replant the next ***year***.

Now, however, more than 20,000 farms in Ghana, Kenya and Uganda have access to simple and affordable crop insurance via their smartphones.

The policies or "smart contracts" currently under development are based on blockchain, the distributed ledger technology that underpins cryptocurrencies like bitcoin. This avoids the need for paperwork and means payouts can be triggered automatically when certain conditions are met, such as a specific number of days of drought. The system uses high-resolution satellite images to detect rainfall and plant growth data.

Conventional crop insurance is too expensive for more than 500m small farmers worldwide, says Christopher Sheehan, founder and chief executive of US-based WorldCover, which developed the system. "But with machine learning and blockchain technology, we can process these data very cheaply to produce a really simple crop insurance product with premiums of $20 to $50 for a farmer who might only be earning $3,000 a ***year***." ***Payments*** can be made using mobile money ***transfer*** services such as M-Pesa.

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**Graphic**

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**Load-Date:** December 4, 2018

**End of Document**



[***Coalition with no common economic goals; Italy’s government defies the EU***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TMM-6751-F035-X009-00000-00&context=1516831)

Le Monde Diplomatique (English)

November 1, 2018

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**Length:** 1836 words

**Byline:** Stefano Palombarini

**Highlight:** The European Union has rejected the League-M5S coalition’s 2019 budget plan as unrealistic. The government, which has no economic strategy, is unrepentant, and trying to please opposing bases.

**Body**

Europe has been worried about Italy since the coalition formed by the League and the Five Star Movement (M5S) came to power on 1 June. (The media often describes the coalition as populist, an alliance of extremes with fascistic tendencies.) Interior minister Matteo Salvini’s harsh immigration policies have caused alarm, and economic decisions have been criticised for breaching EU rules; in October, the EU gave Italy three weeks to revise its budget for 2019 on the grounds that its deficit targets and unrealistic growth projections were dangerous to Europe’s stability.

The Italian left is in an awkward position, unsure whether to criticise the government for its authoritarianism and xenophobia, or sympathise with its defiance of the EU, as all opponents of austerity should be pleased when a major country flouts European Commission strictures. The problem stems partly from the compromise between the two parties: they are ill-suited as partners, with very different support bases and ***programmes***.

Italian politics has long conformed to a familiar European pattern of left- and rightwing blocs in mutual opposition. Italy’s left is mainly supported by state employees, knowledge workers, the working class and lower-skilled clerical workers. The right was backed more by bosses of large and small businesses, shop owners, craftspeople and the self-employed. From the mid-1990s these alliances, which cut across social classes, became unstable because of the difficulty of reconciling their commitment to the European project (strong among the middle classes and above) with the expectations of society’s poorest. The leftwing bloc fell apart in 2007 when Matteo Renzi’s Democratic Party was formed from the wreckage of the communist left and Christian Democracy. And in 2010 the rightwing bloc collapsed with the split between Silvio Berlusconi (Forza Italia) and Gianfranco Fini (National Alliance).

**‘Beyond right and left’**

In the context of political and economic crisis, a plan for a new coalition ‘beyond right and left’ took shape: a ‘bourgeois bloc’ that brought together all of the middle and upper classes, united in their unconditional support for the EU. Its creation coincided with a letter the European Central Bank sent Italy in 2011 dictating its economic policy; this brought down Berlusconi’s fourth government, which was replaced by that of technocrat Mario Monti (formerly of Goldman Sachs). The ‘bourgeois bloc’ then controlled Italy for seven ***years***, under a succession of leaders: Monti was followed by Enrico Letta, Renzi and Paolo Gentiloni. The failure of this alliance led to the victory of the League and M5S. Italy’s real GDP fell 10% between 2008 and 2017, and widespread insecurity and impoverishment created an opposition space that the two movements quickly occupied. It was a broad, socially diverse space with sometimes mutually contradictory demands.

Opponents of the ‘bourgeois bloc’ fall into two categories, which form the support base of both the League and M5S. There is the working-class electorate harmed by the EU’s ‘remedies’ and often attracted by M5S’s emphasis on social issues: it includes manual workers, low-skilled employees, those without job security, the unemployed and pensioners living below the poverty line. Then there are the middle classes, who embraced and stayed loyal to neoliberalism because of its promise of social advancement, but now find their own status threatened. Neither M5S nor the League has ever set out a coherent and comprehensive economic strategy. After the March 2018 election, M5S said it was prepared to go into coalition with anyone (including the Democratic Party) except Forza Italia; the League has been associated with Forza Italia since 1990, an alliance never formally broken and still governing all of Italy’s northern regions. M5S and the League lack natural compatibility or shared strategy, and what unity they have is based on continually renegotiated compromises. The sole exception is immigration: the League’s hard line, which includes attacking NGOs working in the Mediterranean, is rarely challenged by M5S, whose own approach is far less repressive.

The government’s actions clearly demonstrate that for a compromise to be acceptable it has to stick close to the neoliberal line Italy has followed since the 1990s. M5S’s campaign promise to get rid of Renzi’s Jobs Act (1) is no longer talked about; there is now no question of going back on the indeterminate term contract with its ‘increasing protection’ — compensation equivalent to two months’ salary for each ***year*** of service in cases of dismissal without a valid reason. The obligation to reinstate the employee as originally prescribed in article 18 of Italy’s employment and labour law is ended. The target for restricting the use of short-term contracts has been reduced.

**The dignity decree**

The ‘dignity decree’, an M5S initiative approved in the summer, has reduced the period during which an employer can renew a fixed-term contract from three ***years*** to two. It has also reintroduced the obligation on employers to state why they are using fixed-term contracts, but, crucially, only if and when a contract is renewed. Italy’s CISL trade union confederation points out this restriction could actually *increase* job insecurity, as employers may hire fresh workers instead of justifying renewals.

Voucher ***payments*** for casual work have been reintroduced. These were widely used under the Jobs Act during Renzi’s time in office, but the Gentiloni government abolished them in March 2017 (to avoid a referendum on repealing them). The League and M5S have brought them back again, especially for tourism and ***agriculture***. The fight against business offshoring was a major M5S campaign theme, and the ‘dignity decree’ is a halfway measure. It compels companies to pay back any state aid should they ***transfer*** their activities abroad within five ***years***. This sounds bold, but only applies to production investment aid, while most subsidies go to research and development. The CGIL trade union centre criticised the decree for the ‘large gap between what was announced and what was decided’; it showed ‘a lack of courage and of a comprehensive plan to reorganise employment law’ (2).

M5S’s flagship social welfare policy, the ‘citizen’s income’, has also been diluted: €17bn was earmarked for it during the election campaign, but the final allocation will be less than €9bn. It was originally presented as an unconditional basic income but is more likely to resemble France’s ‘universal activity income’ introduced by Emmanuel Macron. It will amalgamate all existing welfare benefits, and increase pressure on the unemployed: anyone who turns down three job offers will have their benefit stopped. M5S leader Luigi Di Maio has said it is not about ‘handing out money to people who spend their time lying around on the sofa’ but about ‘training citizens so that they can work’ (3).

This benefit will increase spending power for the worst-off in the short term, but will also force the unemployed to accept poor working conditions or lose all financial support. Longer term, it is likely to depress wages. Because of fears that the benefit will be spent on ‘cigarettes and scratchcards’, ***payment*** will be made via a card with restrictions on its use, a sign of distrust of the working class. At the same time, the government announced another reform, a League initiative: a tax amnesty aimed at clearing disputes up to a limit of €500,000 (€100,000 per tax ***year*** 2013-17).

**Compromise in the budget**

The compromise at the heart of the 2019 budget announced on 15 October is emergency support for those on low incomes plus more of the old neoliberal agenda. To justify this, the government emphasises its wish to stimulate demand and growth; but public investment (€3.5bn), which would be a much more effective economic stimulus in this context, is meagre when compared to income ***transfers***. Besides the ‘citizen’s income’, the budget sets out a pensions reform (€7bn) as an amendment of the unpopular Fornero law; it reduces the retirement age from 67 to 62 for those with at least 38 ***years*** of pension contributions.

Like the ‘citizen’s income’, this is an attempt to respond to a demand from the poorest for material support; at the same time, it supplies businesses with a cheap, precarious workforce. In fact, lowering the retirement age will let employers replace employees with long service, higher salaries and protection under the old indeterminate term contract and article 18 with more ‘flexible’ workers. Employers should also be pleased that the budget reduces tax rates. This measure is initially limited to self-employed and small and medium enterprises, but the government plans to extend it to all companies via flat-rate taxation. This will benefit the highest earners most.

To fund its three main policies, the government has announced privatisations (4) which, together with the tax amnesty, should generate €8bn in 2019; there will also be a reduction in social spending of €7bn (5). But the revenue will not be enough to cover the new spending commitments, and the 2019 budget shows a deficit of 2.4%, three times more than the previous government’s commitment and the EU recommendation. This upward revision of the public deficit is the focus of media attention, which suits the League and M5S, keen to stress their differences from their predecessors. It also suits the Democratic Party, which is quick to condemn the coalition’s alleged irresponsibility. In fact, the forecast deficit for 2019 is in line with previous ***years*** (6) and, as has been true for 20 ***years***, is entirely due to Italy’s debt burden (3.8% of GDP). Without that, tax receipts would exceed public spending by 1.4% of GDP. It would be wrong to criticise the government for pursuing an expansive policy compromised by bloated public spending. In July 2017 Renzi floated the idea of a privatisation ***programme*** in exchange for allowing the deficit to rise (up to 2.9% for five consecutive ***years***).

Might Italy’s deficit lead to a crisis within the EU? National debt obligations are a sizeable part of Italian banks’ assets. Interest rate rises after government announcements would devalue those obligations, forcing banks to recapitalise at a time of market tension, with repercussions for all Europe. Italy is the eurozone’s third-largest economy; it is not Greece. Putting it in special measures could make the whole EU shaky, especially at a critical point in Brexit negotiations. So the European Commission has every reason to tread softly, but having just rejected the first budget submitted by Rome, the signs are it won’t.

(1) Laws passed in 2014 and 2015 to liberalise the Italian labour market.

(2) *Corriere della Sera,* Rome, 3 July 2018.

(3) Luigi Di Maio, press conference in Milan, 14 March 2018.

(4) The value of privatisations scheduled for 2019-21 is estimated at between €10bn and €15bn.

(5) How cuts to social spending will be allocated is not currently known.

(6) 2.5% in 2016, 2.3% in 2017.

**Load-Date:** November 4, 2018

**End of Document**



[***'Smart' insurance enables poor farmers to cut risk; Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TWM-RS41-JCBW-N28H-00000-00&context=1516831)

Financial Times (London, England)

December 5, 2018 Wednesday

Edition 1, Asian Edition

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**Section:** FT FUTURE OF FOOD AND ***AGRICULTURE***;NEWS; Pg. 1

**Length:** 921 words

**Byline:** Jane Bird

**Body**

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Edition 1, National Edition

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[***Tongaat Hulett Limited Audited Results for the -2-***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SFB-0P71-F0CC-S0CN-00000-00&context=1516831)

London Stock Exchange Aggregated Regulatory News Service (ARNS)

May 29, 2018 Tuesday 7:00 AM GMT

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**Length:** 1638 words

**Body**

The South African sugar industry recently adopted changes to its structures to accommodate the South African Farmers Development Association ("SAFDA"), a new grower group that provides small-scale, emerging growers with improved representation within the industry. This significant step towards transformation will ensure a more sustainable industry body in the future.

In Mozambique, Tongaat Hulett is encouraging a broader participation in the rural economy through the planned conversion of some 5 000 hectares of its sugarcane farms to local farmers, over the next three ***years***.

Tongaat Hulett remains focussed on various initiatives to increase domestic sales, including the ongoing development of its leading sugar brands; improvements in marketing and distribution activities; and the investment in a refinery in Mozambique. The refinery will deliver a step change improvement to the sales mix in Mozambique, as sugar, previously sold into world price related markets, will now be redirected to the local market. The new financial ***year*** will benefit from three months of refined sugar production, with the full ***year*** benefit being realised in 2019/20. The prospect of an economic recovery in Zimbabwe is expected to translate into further growth in domestic demand, particularly in the industrial sugar market.

Tongaat Hulett is increasing its presence in a number of countries in the region where sugar deficits exist. The sugar deficit in these countries currently totals some 1,6 million tons, with a large portion supplied from outside the continent. Sugar consumption per capita in these countries averages 10 kg per annum (Brazil: 53 kg, South Africa: 33 kg) which, combined with higher population and economic growth rates, is conducive to a growing demand. This total deficit is anticipated to exceed 2,0 million tons by 2020. Regional trade preferences and agreements are gathering momentum. In the region, Tongaat Hulett already realises a premium over world market prices, supported by high quality products and services, and where possible, by leveraging its sugar brands. The Huletts Refined and Huletts SunSweet sugar brands are already available in targeted markets, such as Kenya.

All sugar operations continue to prioritise the reduction of the cost base, building on the successes of previous ***years***. Cost reduction initiatives are focussed on bought-in goods, services, logistics, marketing and manpower costs across all the business areas. Given the high fixed cost nature of the sugar operations, unit costs of sugar production will reduce further with the benefit of future volume increases.

Attention continues on how best to unlock opportunities in ethanol production and electricity generation to maximise the value extracted from sugarcane. Future ethanol production in South Africa currently looks particularly promising.

Starch and Glucose - Improved maize outlook and consolidation of volume growth

The starch and glucose operation is focussed on growing sales volumes and margins by continuing to replace imports with local production, by enhancing its product mix through new business development and by targeting selected export markets. Sales into Sub-Saharan Africa and other regional markets are accelerating from a low base. Working together with customers, further opportunities are being explored to increase sales volumes through customer exports. Market development to increase the production of value-added modified starches is progressing well. These initiatives are supported by further improvements to the use of available production, which still has more than 15% spare capacity, and in operating efficiencies.

Following the previous ***year***'s record maize crop of 16,8 million tons, a new season crop of 12,8 million tons is anticipated. With carry-over stock of more than 4,0 million tons, total maize supply is expected to be sufficient and maize prices should remain competitive, close to export parity levels, sustaining the improved margins. Sales volume growth is expected to moderate from the prior ***year***, with the impact of muted domestic consumer demand being offset by ongoing benefits from the import replacement project and from new business volumes being in place for the full ***year***. The ongoing focus on operating efficiencies and cost reduction will continue to contribute to profit.

Land Conversion and Development - Continuing to create value for all stakeholders through an all-inclusive approach to land development activities

Tongaat Hulett has a portfolio comprising 7 612 developable hectares of prime land in KwaZulu-Natal, near Durban and Ballito, which over a number of ***years***, will be converted out of sugarcane into urban land usage. Of this land, some 47% (3 566 developable hectares) has been released formally from ***agriculture*** through approvals granted by the national government in response to applications made with the support of local and provincial government. Environmental approvals, which provide clarity regarding timing and suitability for ultimate usage, have been received for specified, market-aligned developments on 1 485 developable hectares.

Considerable progress has been made towards bringing land to shovel-ready stage, with Tongaat Hulett having invested R979 million into land earmarked for future sales, to create a sound planning and infrastructure platform. Available shovel-ready land currently totals 185 developable hectares, exceeding the 171 hectares sold over the past two ***years***. In the socially and economically important Cornubia area alone, investments of R489 million have been made.

The recent environmental approval for Tinley Manor represents an important new opportunity for Tongaat Hulett. Sales negotiations have commenced over 66 hectares, including 20 hectares for an internationally-branded coastal resort, the first of its kind in South Africa. Other planning processes currently underway are expected to open new development areas around King Shaka International Airport. The first zoning approvals were granted at Ntshongweni west of Durban in April 2018.

Land development activities involve considerable cash inflows and outflows that occur over an extended period and may not coincide within a financial ***year***. Strong cash inflows are anticipated, mainly in the second half of the next financial ***year***, when a considerable number of property ***transfers*** are registered. As several infrastructure projects in the region are completed or nearing completion, cash outflows will be below those of the previous two ***years***.

Tongaat Hulett carries out land conversion activities in close collaboration with the public sector, communities and other businesses. These partnerships continue to increase in scope and socio-economic impact, with private sector investment currently underway on land previously sold amounting to R7,8 billion, supporting 55 000 construction jobs, with 5 800 permanent jobs to be sustained as projects are completed. Tongaat Hulett's development activities are supporting a comprehensive, embedded social ***programme***; are yielding increasing numbers of opportunities for well-located, affordable neighbourhoods; and are enabling transformation of ownership and participation in the real estate value chain.

Significant negotiations are currently underway over some 300 developable hectares spread over Ridgeside, Sibaya, Cornubia, Bridge City, Umhlanga Ridge Town Centre, Kindlewood, iNyaninga and Tinley Manor.

Conclusion

Tongaat Hulett is a proactive and resilient organisation working in collaboration with all its stakeholders in a focussed, constructive, mutual value-adding and developmental manner. It is well-positioned to benefit, and be a key development partner, as ***agriculture*** and agri-processing in Sub-Saharan Africa develops from a low base. It has operations in six countries in Southern Africa, significant sugarcane and maize processing facilities, a unique land conversion platform, a growing animal feeds position, opportunities to further grow ethanol production and electricity generation, and possibilities in cassava processing.

Overall, Tongaat Hulett's earnings for the 2018/19 ***year*** will be impacted by a wide-range of dynamics. The organisation is focussed on driving improved performance within its areas of influence and using its experience to navigate influences outside its control. Earnings and cash flows are expected to exceed those of the 2017/18 ***year***.

For and on behalf of the Board

Bahle Sibisi Peter Staude

Chairman Chief Executive Officer

Amanzimnyama

Tongaat, KwaZulu-Natal

24 May 2018

DIVIDEND DECLARATION

Notice is hereby given that the Board has declared a final gross cash dividend (number 181) of 60 cents per share for the ***year*** ended 31 March 2018 to shareholders recorded in the register at the close of business on Friday 22 June 2018.

The salient dates of the declaration and ***payment*** of this final dividend are as follows:

Last date to trade ordinary shares

"CUM" dividend Tuesday 19 June 2018

Ordinary shares trade "EX" dividend Wednesday 20 June 2018

Record date Friday 22 June 2018

***Payment*** date Thursday 28 June 2018

Share certificates may not be dematerialised or re-materialised, nor may ***transfers*** between registers take place between Wednesday 20 June 2018 and Friday 22 June 2018, both days inclusive.

The dividend is declared in the currency of the Republic of South Africa. Dividends paid by the United Kingdom ***transfer*** secretaries will be paid in British currency at the rate of exchange ruling at the close of business on Tuesday 19 June 2018.

**Load-Date:** May 29, 2018

**End of Document**



[***Programme summary of Iranian TV news at 1730 gmt on 15 Oct 18***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TH7-BF51-DYRV-3190-00000-00&context=1516831)

BBC Monitoring Middle East - Political

Supplied by BBC Worldwide Monitoring

October 16, 2018 Tuesday

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**Length:** 765 words

**Body**

Summary of ***programme*** broadcast on state-run Iranian TV channel one on 16 October at 17:30 GMT

A: Headlines

B: Main news

1. 1731 Oil Minister Bijan Namdar-Zangeneh said no country can make up the oil shortage if Iran was not allowed to export its oil. He said Iran and Russia have agreed on the oil market. (see the processed report). Iran has decided to sell one million barrels of oil to the private sector at Iran's open market. The head of the National Iranian Gas Company said Iran can increase its gas supply. Iran exported six billion dollar petrochemicals in the first half of the ***year***.

2. 1735 The head of Tehran Chamber of Commerce said instead of subsidised fuel the people must be given cash subsidy.

3. 1736 President Hassan Rouhani expressed regret that leaders of Iranian "terrorist groups" reside in European countries. He made the remark in a meeting with the Netherlands' ambassador. Rouhani also received new ambassadors to Tehran (see the processed report).

4. 1737 Islamic Revolution Guards Corps announced a mastermind of the "terrorist attack "in Ahvaz was killed by the resistance forces in Diyala, Iraq.

5. 1737 The IRGC Ground Force Commander Brig-Gen Mohammad Pakpour said the IRGC is ready to engage in an operations inside Pakistan to rescue abducted Iranian military forces. He said the "bandits" have a headquarters in Pakistan.

6. 1739 The IRGC Qods Base (IRGC branch in south-eastern Sistan-Baluchestan Province) held "terrorist groups" backed by foreign intelligence organisation responsible for the abduction of Iranian military personnel. Pakistani ambassador to Tehran was summoned to the Foreign Ministry. Foreign Ministry Spokesman Bahram Qassemi called on Pakistan to employ all means for arresting "terrorists" and the rescue of Iranian abducted border guards. (see the processed report)

7. 1740 Report on precipitation in different parts of the country.

8. 1741 Acting Labour Minister Anushiravan Mohseni Bandpey said the people with an income below thirty million rials were eligible to receive "support packages".

9. 1742 Vice-President Sorena Sattari said Iran has a high speed in innovation.

10. 1742 Majlis (parliament) Speaker Ali Larijani participated in inauguration of ten airport services. He asked for giving a free hand to managers to stimulate development. Road Minister Abbas Akhondi reported on the improvement of Tehran airport.

11. 1744 Judiciary Chief Ayatollah Sadeq Amoli Larijani advised judiciary officials on the cases relating to the ***payment*** of gold coins as the marriage portion in family disputes.

12. 1745 Culture Minister Salehi appointed the new hed of state-run Endowment and Charity Organisation.

13. 1746 The head of Martyrs Foundation said war invalids would receive smart cards.

14. 1746 ***Agriculture*** Minister Mahmoud Hojjati said the government would buy wheat from farmers at higher prices. He added that the production of wheat and sugar was sufficient.

15. 1747 Interior Minister Abdolreza Rahmani-Fazli chaired the Arbaeen Headquarters in Mehran, western Ilam Province and visited the crossings that would be used by pilgrims who wanted to attend Arbaeen (mourning ceremony for Hossain, third Shia imam, that are annually held 40 days after the anniversary of his death).

16. 1749 Report on leather production in Tabriz, the centre of north-western East Azarbayjan Province.

17. 1753 Sport news highlights

18. 1753 Report on the disappearance of Saudi journalist Jamal Khashoggi

19. 1755 Editorial report: The presenter said US Secretary of State Mike Pompeo has travelled to Riyadh to whitewash Saudi Arabia's role in Jamal Khashoggi story. IRTV correspondent in New York reported. Hasan Abedini, who was introduced a media expert, attended the studio and commented on Jamal Khashoggi story. He said Saudi Arabia was going to "bribe" the US and Turkey to get rid of Khashoggi case.

20. 1807 Report on the US budget deficit and US-China trade war

21. 1809 Report on the World Health Summit held in Germany, and the election of Iran as a regional leader of the organisation

22. 1810 Report on drilling machinery manufacturing in Iran

23. 1815 Iran and Russia reached an agreement on visa exemption for citizens of the two countries

24. 1815 Report on the day of the Ideological-Political Organisation of the Army

25. 1816 Report on Iran's progress in the treatment of cancer

26. 1819 News in brief

27. 1820 Sports report

28. 1825 Weather report

29. 1828 ***Calendar***; prayers time

30. 1829 Recap of news headlines

31. 1830 End of bulletin.

Source: Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 1730 gmt 16 Oct 18

**Load-Date:** October 17, 2018

**End of Document**



[***'Smart' insurance enables poor farmers to cut risk; Technology Blockchain will help to offer cheaper and simpler cover, reports Jane Bird***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TWM-RS41-JCBW-N2DP-00000-00&context=1516831)

Financial Times (London, England)

December 5, 2018 Wednesday

Edition 1, European Edition

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**Section:** FT FUTURE OF FOOD AND ***AGRICULTURE***;NEWS; Pg. 1

**Length:** 921 words

**Byline:** Jane Bird

**Body**

Drought spells disaster for many farmers in the developing world as most lack crop [*www.insurance.No*](http://www.insurance.No) rain means no income, no food and not enough resources to replant the next ***year***.

Now, however, more than 20,000 farms in Ghana, Kenya and Uganda have access to simple and affordable crop insurance via their smartphones.

The policies or "smart contracts" currently under development are based on blockchain, the distributed ledger technology that underpins cryptocurrencies like bitcoin. This avoids the need for paperwork and means payouts can be triggered automatically when certain conditions are met, such as a specific number of days of drought. The system uses high-resolution satellite images to detect rainfall and plant growth data.

Conventional crop insurance is too expensive for more than 500m small farmers worldwide, says Christopher Sheehan, founder and chief executive of US-based WorldCover, which developed the system. "But with machine learning and blockchain technology, we can process these data very cheaply to produce a really simple crop insurance product with premiums of $20 to $50 for a farmer who might only be earning $3,000 a ***year***." ***Payments*** can be made using mobile money ***transfer*** services such as M-Pesa.

"They might receive a ***payment*** after seven days without rain," Mr Sheehan says. WorldCover has been working with Lloyd's of London insurance market and Nephila Capital, an investment management company specialising in weather reinsurance, to create a viable product.

Crucially, it is simple to use and at this stage focuses exclusively on rainfall - a form of "parametric" or "index-based" insurance that does not require manual assessments or decision-making.

"Even a farmer with limited literacy can understand an agreement where I say I'll pay you if it doesn't rain for a week," says Mr Sheehan. Ease of use is crucial, agrees Michiel Berende, head of inclusive insurance at Etherisc, which has formed a joint venture with Aon and Oxfam to develop a blockchain crop insurance system in Sri Lanka. The initial goal is to automate policies already in place and reduce operating costs, says Mr Berende.

The group also wants to explore how blockchain could be used to distribute the risk of crop insurance more fairly by sharing the cost of premiums among others in the value chain. "The farmer will still have to pay, but so could the other parties involved, starting with the large producers and multinationals," says Mr Berende. Ultimately, even the customer could make a contribution, through the retail price. "The long-term vision is that when you buy a product you will be able to scan the barcode to see not just where it was produced and by which farmer, but what part of the price is the insurance," says Mr Berende.

The fact that the policies are based on third-party data, such as rainfall measured by satellite and ground sensors, means they are objective, thereby avoiding disputes and fraudulent claims. Eventually, the Etherisc group plans to extend the system to include crop disease affected by the weather, such as brown plant hopper, which is linked to dry conditions.

Insurers are keen to add crop risk to their portfolios, says Mr Sheehan, who has attracted interest from Swiss Re and Lloyd's. "At the moment, it is underrepresented because it has not been economically viable to serve so many lowbudget clients."

India has an extensive governmentbacked crop insurance ***programme***, but this can be slow to pay out, and the government is examining how blockchain might improve it. Aditya Das, an insurance specialist based in Bangalore, says: "If the current momentum is sustained, we should see pilots in the next 12 to 18 months and a rollout within two ***years***."

Faster and more accurate information combined with trigger-based decisions will reduce enrolment errors and speed the process, says Mr Das, especially ***payment*** of claims. "Both of these will significantly boost farmer confidence and increase enrolment, which in turn should kick off a virtuous cycle."

Moreover, research by the Feed the Future Innovation Lab for Assets and Market Access at the University of California, Davis, shows that farmers who are insured tend to invest more in the hope of higher income in good ***years***. Removal of risk through insurance can increase smallholder investment and income by 20 to 30 per cent. This indirectly identifies the huge ***year***-on-***year*** cost that farmers pay when they manage the risks they face on their own. Blockchain is still in its infancy and smart contracts need to be very simple. Hence at the moment they are only being considered for conditions that can be measured easily, such as rainfall.

Chris Udry, King professor of economics at Northwestern University, Illinois, says blockchain will play a supporting, rather than a lead role, in crop insurance. Being able to make mobile payouts immediately when an index insurance trigger is reached will be good, he says. "But its importance pales in comparison to designing an index that is strongly correlated with farmer profits - a goal that is still far from being achieved," he says.

Smart contracts could be used to decentralise the insurance and reinsurance contracting process, perhaps permitting more efficient diversification, he says. "But again, this is less important than the reduction in transaction costs via mobile money, the establishment of trust that payouts will be made, or the design of contracts that reduce risk."

'It is under-represented because it has not been viable to serve so many low-budget clients'

**Graphic**

Drought: a herder collects water for his cattle in Kenya last ***year***

**Load-Date:** December 4, 2018

**End of Document**



[***Sistema PJSFC 1st Quarter Results -5-***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SGT-SXP1-F0CC-S2JC-00000-00&context=1516831)

London Stock Exchange Aggregated Regulatory News Service (ARNS)

June 5, 2018 Tuesday 8:00 AM GMT

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**Length:** 1516 words

**Body**

In March 2018, Sistema subsidiary Sistema Finance sold 3,053,716 ordinary shares of MTS to a subsidiary of MTS, Stream Digital, as part of the MTS share buyback ***programme***, in a transaction totalling approximately RUB 0.93 billion. In February 2018, Sistema Finance sold 4,712,756 ordinary shares of MTS to Stream Digital in a transaction totalling approximately RUB 1.36 billion. In January 2018, Sistema Finance sold 9,573,376 ordinary shares of MTS Stream Digital in a transaction totalling approximately RUB 2,526.5 million.

In February 2018, Sistema signed a loan agreement with Sberbank for the execution of the Corporation's obligations under the Settlement Agreement. Sberbank extended a line of credit to Sistema for a five-***year*** period in the amount of up to RUB 105 billion.

In February 2018, Sistema signed an agreement on financing arranged by the Russian Direct Investment Fund for the execution of the Corporation's obligations under the Settlement Agreement. The RDIF and Gazprombank granted Sistema a targeted credit facility in the amount of RUB 40 billion for a period of 180 days.

In January 2018, Sistema successfully placed its series 001P-07 exchange-traded bond issue with a nominal value of RUB 10 billion. The rates for coupons 1-2 were set at 9.80% p.a. The bonds mature in 10 ***years***. Bondholders are provided with a put option exercisable one ***year*** after the date of placement. The coupon period is 182 days.

In January 2018, Sistema completed ***payment*** of an interim dividend for the first nine months of 2017 of RUB 2,349 million. Dividends totalling RUB 4,213 million were not paid to the majority shareholder and Chairman of the Board of Directors, Vladimir Evtushenkov, at his request.

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For further information, please visit [*www.sistema.com*](http://www.sistema.com) or contact:

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Sistema PJSFC is a publicly-traded diversified Russian holding company serving over 150 million customers in the sectors of telecommunications, children's goods retail, paper and packaging, healthcare services, ***agriculture***, high technology, banking, real estate, pharmaceuticals and hospitality. The company was founded in 1993. Its revenue in 2017 was RUB 704.6 bn; its total assets equalled RUB 1.1 trn as of 31 December 2017. Sistema's global depositary receipts are listed under the "SSA" ticker on the London Stock Exchange. Sistema's ordinary shares are listed under the "AFKS" ticker on Moscow Exchange. Website: [*www.sistema.com*](http://www.sistema.com).

The Company is not an investment company, and is not and will not be registered as such, under the U.S. Investment Company Act of 1940.

Some of the information in this press release may contain projections or other forward-looking statements regarding future events or the future financial performance of Sistema. You can identify forward looking statements by terms such as "expect," "believe," "anticipate," "estimate," "intend," "will," "could," "may" or "might" the negative of such terms or other similar expressions. We wish to caution you that these statements are only predictions and that actual events or results may differ materially. In addition, there is no assurance that the new contracts entered into by our subsidiaries referenced above will be completed on the terms contained therein or at all. We do not intend to update these statements to reflect events and circumstances occurring after the date hereof or to reflect the occurrence of unanticipated events. Many factors could cause the actual results to differ materially from those contained in our projections or forward-looking statements, including, among others, general economic conditions, our competitive environment, risks associated with operating in Russia, rapid technological and market change in our industries, as well as many other risks specifically related to Sistema and its operations.

NEW REPORTING STANDARDS

IFRS 9, Financial Instruments.

IFRS 9 regulates the classification and measurement of financial assets and liabilities and requires certain additional disclosures. The primary changes relate to the assessment of hedging arrangements and provisioning for potential future credit losses on financial assets as well as recognition of modification gain or loss for all revisions of estimated ***payments*** or receipts, including changes in cash flows arising from a modification or exchange of a financial liability, that does not result in its derecognition.

IFRS 15, Revenue from Contracts with Customers.

This standard provides a single, principles-based five-step model for the determination and recognition of revenue to be applied to all contracts with customers. It replaced the existing standards IAS 18, Revenue, and IAS 11, Construction Contracts. The core principle of IFRS 15 is that an entity should recognize revenue to depict the ***transfer*** of promised goods or services to customers in an amount that reflects the consideration to which the entity expects to be entitled in exchange for those goods or services. Under the standard, an entity recognizes revenue when (or as) a performance obligation is satisfied, i. e. when "control" of the goods or services underlying the particular performance obligation is ***transferred*** to the customer. Far more prescriptive guidance has been added in IFRS 15 to deal with specific scenarios than exists in the current guidance. The main effect of the standard on the Group's consolidated financial statements related to the deferral of certain incremental costs incurred in acquiring or fulfilling a contract with a customer. Such contract costs are amortized over the period of benefit.

IFRS 16, Leases.

This standard principally requires lessees to recognize assets and liabilities for all leases and to present the rights and obligations associated with these leases in the statement of financial position. The standard also includes new provisions on the definition of a lease and its presentation, on disclosures in the notes, and on sale and leaseback transactions.

SISTEMA PJSFC AND SUBSIDIARIES

UNAUDITED CONSOLIDATED STATEMENT OF PROFIT OR LOSS

FOR THE THREE MONTHS ENDED MARCH 31, 2018 AND 2017

(Amounts in millions of Russian roubles, except for per share amounts)

Three months ended

March 31,

2018 2017

---------- ----------

Revenue 170,926 160,899

Cost of sales (77,974) (77,007)

Selling, general and administrative

expenses (31,438) (36,526)

Depreciation and amortisation11 (31,910) (23,857)

Impairment of long-lived assets (366) (165)

Impairment of financial assets (1,376) (983)

Taxes other than income tax (1,615) (1,473)

Share of the profit or loss of

associates and joint ventures 822 726

Other income 1,171 670

Other expenses (1,786) (667)

OPERATING INCOME 26,454 21,617

---------- ----------

Finance income 1,653 1,468

Finance costs12 (15,799) (13,519)

Currency exchange gain/(loss) (640) 4,040

PROFIT BEFORE TAX 11,668 13,606

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Income tax expense (5,150) (4,706)

PROFIT FROM CONTINUING OPERATIONS 6,518 8,900

---------- ----------

Results of discontinued operations - (1,853)

PROFIT FOR THE PERIOD 6,518 7,047

---------- ----------

Profit/(loss) attributable to:

Shareholders of Sistema PJSFC (1,243) 1,455

Non-controlling interests 7,761 5,592

6,518 7,047

========== ==========

Earnings per share (basic and

diluted), Russian Rubles:

From continuing and discontinued

operations (0.13) 0.15

SISTEMA PJSFC AND SUBSIDIARIES

UNAUDITED CONSOLIDATED statement of financial position

as of MARCH 31, 2018 AND DECEMBER 31, 2017

(Amounts in millions of Russian roubles)

March 31, December

31,

2018 2017

---------- ----------

ASSETS

NON-CURRENT ASSETS:

Property, plant and equipment 399,812 411,467

Investment property 24,908 24,664

Goodwill 57,834 54,081

Right-of-use assets 193,005 -

Other intangible assets 106,731 97,666

Investments in associates and joint ventures 22,631 20,783

Deferred tax assets 38,486 35,809

Loans receivable and other financial

assets 92,140 104,395

Other assets 18,608 18,169

Total non-current assets 954,155 767,034

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CURRENT ASSETS:

**Load-Date:** June 5, 2018

**End of Document**



[***Futura Medical PLC Preliminary Results -4-***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RW4-6K91-JCXB-21CR-00000-00&context=1516831)

London Stock Exchange Aggregated Regulatory News Service (ARNS)

March 14, 2018 Wednesday 7:01 AM GMT

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**Length:** 1650 words

**Body**

cash equivalents (3,990,332) 8,164,684

Cash and cash equivalents at beginning

of ***year*** 12,352,978 4,188,294

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Cash and cash equivalents at end

of ***year*** 14 8,362,646 12,352,978

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Notes to the Group Financial Information

For the ***year*** ended 31 December 2017

1. Accounting policies

1.1 Basis of preparation

The consolidated financial statements have been prepared and approved by the Directors in accordance with International Financial Reporting Standards ("IFRSs") as adopted by the European Union.

The accounting policies set out below have been applied to all periods presented in these consolidated financial statements and are in accordance with IFRSs as adopted by the European Union and International Financial Reporting Interpretations Committee ("IFRIC") interpretations that were applicable for the ***year*** ended 31 December 2017.

1.2 Going concern

The Group had an operating loss of GBP4.86 million for the 2017 financial ***year*** (2016: GBP4.55 million), but had a positive net asset value of GBP9.11 million at 31 December 2017 (31 December 2016: GBP12.58 million). The cash component of this at 31 December 2017 was GBP8.36m (31 December 2016: GBP12.35 million) and the Directors consider this to represent sufficient funds for the foreseeable future, taking into account the Group's current development plans.

In assessing the Group's going concern ability the Directors have considered all relevant available information about the future trading and commercial activities of the Group, including profit forecasts, cash forecasts, sensitivity analysis scenario planning and funding requirements. The Directors continue to manage the working capital of the Group to ensure it is well positioned to fund its future development ***programme*** and also to take advantage of appropriate commercial opportunities as and when they arise in the near and medium term.

Based on this assessment, the consolidated financial statements have been prepared on a going concern basis and the Directors have no reason to believe that the Group will not operate as a going concern for the foreseeable future.

1.3 Accounting developments

The standards and interpretations that are issued, but not yet effective, up to the date of issuance of the Group's financial statements are disclosed below. The Group intends to adopt these standards, if applicable, when they become effective.

IFRS 15

Revenue from Contracts with Customers IFRS 15 was issued in May 2014 and establishes a new five-step model that will apply to revenue arising from contracts with customers. Under IFRS 15 revenue is recognised at an amount that reflects the consideration to which an entity expects to be entitled in exchange for ***transferring*** goods or services to a customer. The principles in IFRS 15 provide a more structured approach to measuring and recognising revenue. The new revenue standard is applicable to all entities and will supersede all current revenue recognition requirements under IFRS. Either a full or modified retrospective application is required for annual periods beginning on or after 1 January 2018 with early adoption permitted. The Group is currently assessing the impact of IFRS 15 and plans to adopt the new standard on the required effective date.

IFRS 16

IFRS 16 specifies how an IFRS reporter will recognise, measure, present and disclose leases. The standard provides a single lessee accounting model, requiring lessees to recognise assets and liabilities for all leases unless the lease term is twelve months or less or the underlying asset has a low value. Lessors continue to classify leases as operating or finance, with IFRS 16's approach to lessor accounting substantially unchanged from its predecessor, IAS 17. IFRS 16 was issued in January 2016 and applies to annual reporting periods beginning on or after 1 January 2019. The Group is currently assessing the impact of IFRS 16 and plans to adopt the new standard on the required effective date.

Other standards

The following standards and interpretations, applicable for annual periods beginning on or after 1 January 2017, are not expected to have any impact on the results of the Group or the presentation of the financial statements:

-- IFRS 9 Financial Instruments

-- IFRS 10 Consolidated Financial Statements - Amendments regarding the sale or contribution of assets between an investor and its associate or joint venture and amendments regarding the application of the consolidation exception

-- IFRS 11 Joint Arrangements - Amendments regarding the accounting for acquisitions of an interest in a joint operation

-- IFRS 12 Disclosure of Interests in Other Entities - Amendments regarding the application of the consolidation exception

-- IFRS 14 Regulatory Deferral Accounts

-- IAS 1 Presentation of Financial Statements - Amendments resulting from the disclosure initiative

-- IAS 7 Statement of Cash Flows - Amendments resulting from the disclosure initiative

-- IAS 12 Income Taxes - Amendments to recognition of deferred tax assets for unrealised losses

-- IAS 16 Property, Plant and Equipment - Amendments regarding the clarification of acceptable methods of depreciation and amortisation and amendments bringing bearer plants into the scope of IAS 16

-- IAS 27 Separate Financial Statements (as amended in 2011) - Amendments reinstating the equity method as an accounting option for investments in subsidiaries, joint ventures and associates in an entity's separate financial statements

-- IAS 28 Investments in Associates and Joint Ventures - Amendments regarding the application of the consolidation exception

-- IAS 38 Intangible Assets - Amendments regarding the clarification of acceptable methods of depreciation and amortisation

-- IAS 41 ***Agriculture*** - Amendments bringing bearer plants into the scope of IAS 16

-- Amendments resulting from September 2014 Annual Improvements to IFRSs:

o IFRS 2 Classification and Measurement of Share-based ***Payment*** Transactions

o IFRS 5 Non-current Assets Held for Sale and Discontinued Operations

o IFRS 7 Financial Instruments: Disclosures

o IFRIC Interpretation 22 Foreign Currency Transactions and Advance Consideration

o IAS 19 Employee Benefits

o IAS 34 Interim Financial Reporting

1.4 Basis of consolidation

Where the Company has the power, either directly or indirectly, to govern the financial and operating policies of another entity or business, so as to obtain benefits from its activities, it is classified as a subsidiary. The consolidated financial statements present the results of the Company and its subsidiaries Futura Medical Developments Limited and Futura Consumer Healthcare Limited as if they formed a single entity (the "Group"). Intra-group transactions and balances are eliminated in preparing the consolidated financial statements.

1.5 Revenue

Revenue comprises the fair value received or receivable for milestone income and royalties, net of value added tax.

The accounting policies for the principal revenue streams of the Group are as follows:

(i) Non-refundable milestone income is recognised as revenue in the accounting period in which the milestones are achieved. If any milestone income is creditable against royalty ***payments*** then it is deferred and released to the Consolidated Statement of Comprehensive Income over the accounting periods in which the royalties would otherwise be receivable.

(ii) Royalty income relating to the sale by a licensee of licensed product is recognised on an accruals basis in accordance with the substance of the relevant agreement and based on the receipt from the licensee of the relevant information to enable calculation of the royalty due.

(iii) Revenue is recognised in the consolidated statement of profit and loss and other comprehensive income when the risks and rewards associated with the ownership of goods are ***transferred*** to the customer. This is deemed to occur when the customer collects and loads the product, resulting in the legal ***transfer*** of title.

1.6 Leased assets

Leases, which contain terms whereby the Group does not assume substantially all the risks and rewards incidental to ownership of the leased item are classified as operating leases. Operating lease rentals are charged to the Consolidated Statement of Comprehensive Income on a straight-line basis over the lease term. The Group does not hold any assets under finance leases.

1.7 Intangible assets

Research and development ("R&D")

Expenditure incurred on the development of internally generated products is capitalised if it can be demonstrated that:

-- it is technically feasible to develop the product for it to be sold;

-- adequate resources are available to complete the development;

-- there is an intention to complete and sell the product;

-- the Group is able to out-license or sell the product;

-- sale of the product will generate future economic benefits; and

-- expenditure on the project can be measured reliably.

Capitalised development costs, including patents and trademarks, are amortised over the periods in which the Group expects to benefit from selling the products developed but not exceeding five ***years***. The amortisation expense is included in R&D costs recognised in the Consolidated Statement of Comprehensive Income. The useful life and the value of the capitalised development cost are assessed for impairment at least annually. The value is written down immediately if impairment has occurred and the unimpaired cost amortised over the reduced useful life.

**Load-Date:** March 14, 2018

**End of Document**



[***BUSINESSWIRE: Eurofins delivers strong revenue, profitability and cash flow***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SXK-DS21-JCXB-14F8-00000-00&context=1516831)

AWP OTS (Original text service) - English

July 31, 2018 Tuesday 7:30 AM GMT

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**Section:** ADHOC-NEWS

**Length:** 6136 words

**Body**

growth in H1 2018

Regulatory News:

In Q2 2018 and the last few quarters Eurofins (Paris:ERF) continued to make significant progress towards its long term objectives. Thanks to organic growth and acquisitions signed Eurofins reached number one positions in several additional markets including the U.S. and Spain for Food testing, Ireland and Finland for Environment testing, Germany, France and the Netherlands for Biopharma Product testing. In an industry where scale matters this is key in order to offer the best service at the lowest cost to clients.

With over 100,000 m2of additional world class laboratories coming on stream in 2018 and 7 more start-ups opened in H1 2018, Eurofins is building an unmatched infrastructure to serve its clients better on a global basis and is on track to building the world class platform defined in its 2020 plan.

\* In the traditionally weaker first half of the ***year*** revenues grew 24.8% to reach EUR 1,743m in H1 2018 despite an unfavourable FX impact of -5.8%. Organic growth10for Q2 2018 was over 5% and close to 5% for H1 2018 in spite of a still slightly negative ***calendar*** day's effect vs. H1 2017.

\* EBITDA3grew 31.4% in H1 2018 to EUR 288m, resulting in a margin increase of 80bps. Adjusted1EBITDA reached EUR 320m (18.4% of revenues, +50bps), up 28.1% vs. last ***year***, thanks to accretive 2017 acquisitions and better operating leverage. Separately disclosed items2(SDI) as a proportion of Adjusted EBITDA narrowed significantly to 10.2% (vs. 12.4% in H1 2017), and SDI as a proportion of sales also decreased from 2.2% to 1.9%. Revenues from start-ups and businesses in restructuring/reorganization now only account for 6.9% of Group revenues (vs. 9.1% in H1 2017).

\* In spite of all the investments in start-ups and reorganizations, adjusted basic EPS7is up 35.2% to EUR 9.10 and basic EPS grew 21.2% in H1 2018 to EUR 5.32 thanks to stable depreciation (6.0% of revenues) and finance costs (1.8% of revenues) and improved income tax expense (1.8% of revenues, -60bps) compensating an increase in acquisition related costs (mainly amortization of acquired intangible assets). Finance costs amounted to EUR 31m and average interest rates on borrowings decreased by 40bps to 2.4% (vs. 2.8% in H1 2017).

\* Operating cash flow8grew significantly to EUR 218m (+74%) thanks to the growth of revenues and margins and a well-controlled net working capital which improved to 4.7% of revenues (-20bps vs. 4.9% in H1 2017). Free cash flow to the firm9also grew significantly to EUR 47m (+67%). In H1 2018 the Group continued its effort to build a unique platform of world class testing laboratories via significant capex in its infrastructure and bespoke IT solutions. Eurofins' management remains confident in its objective of reducing capex towards 6% of sales by 2020, when the Group's five ***year*** investment ***programme*** will be approaching completion.

\* Our third laboratories start-ups ***programme*** (2014-2018) is well on track with 94 openings at the end of June, and 137 since the ***year*** 2000. These 137 start-ups had an accretive effect of 40bps on the Group's first half organic growth. In terms of margins, the first two ***programmes*** (2002009, 2012013) delivered a H1 2018 EBITDA margin in line with that of the Group, while those from our latest ***programme*** still represent significant investments.

\* Net debt at the end of June 2018 stood at EUR 1,639m and leverage (net debt to adjusted L12M EBITDA) at 2.44x on a pro-forma basis (2.61x on a reported basis quite stable vs. December 2017). Cash and equivalents amounted to EUR 559m at the end of June 2018.

\* Outlook: Management remains confident of achieving its recently upgraded revenue objectives\* of EUR 3.8bn for 2018 (EUR 4bn pro-forma), EUR 4.3bn for 2019 and EUR 4.7bn for 2020 along with profitability improvement towards Eurofins' 20% adjusted EBITDA margin objective for 2020. Post-closing events:

\* As announced on July 30th2018, Eurofins issued a EUR 550m Schuldschein loan to reinforce the Group's liquidity position and benefit from very favourable market conditions (1.38% blended interest rate\*\* for an average maturity of 5 ***years***), enabling the Group to strengthen its liquidity position ahead of the Covance closing. Comments from the CEO, Dr. Gilles Martin:

"Our financial and operational developments in the first half of 2018 highlight Eurofins' clear progress towards its 2020 objective to build the largest and most efficient state-of-the-art laboratory network focusing on the end markets we serve. For the last 15 ***years***, Eurofins has been consistently investing more than its peers to develop a hard-to-replicate global network of laboratories and the most comprehensive portfolio of advanced bio-analytical tests.

"In H1 2018, Eurofins continued to make significant investments in its laboratories infrastructure and in advanced bespoke IT solutions in line with its 2020 plan. Bioanalytical testing is a highly scalable activity and with the substantial capex investments and organic and inorganic market share gains made in H1 2018 we are better positioned to unlock economies of scale in testing and logistics which should further increase our significant cost, quality and breadth of service advantages vs. our competitors. After 2020, when Eurofins' five-***year*** expansion phase comes to completion, the company should be able to leverage its global network of laboratories, market leadership positions, scale and scientific excellence to significantly improve its cash flow generation and profitability to benefit its long-term oriented shareholders for ***years*** to come.

"Over the last ***years***, strict financial discipline has allowed Eurofins to earn the trust of its financial partners and significantly reduce its average cost of funding by refinancing older more expensive debt instruments and issuing new ones at favourable rates. As a result, the majority of our debt instruments now bear low fixed interest rates for long maturities providing us with more strategic flexibility until higher operating cash flows kick in after our investment phase ends in 2020. The success and pricing of our recent EUR 550m Schuldschein issuance confirms the trust of our lenders in Eurofins to soon joining the group of large, mature and financially conservative companies generating over US$ 1 billion annual EBITDA.

"In 2019, after we repay our expensive 3.125% EUR 300m bond in November 2018, the average interest we pay on our debt should fall well below 2%. In less than 18 months in January 2020 Eurofins will also have the opportunity to repay its expensive 7.0% EUR 300m hybrid and thus further free cash for its shareholders. This will coincide with the end of Eurofins' five ***year*** investment ***program***."

Business Review

The following figures are extracts from the Condensed Interim Consolidated Financial Statements and should be read in conjunction with the Condensed Interim Consolidated Financial Statements and the Notes.

Table 1: Half ***Year*** 2018 Results Summary

H1 2018 H1 2017 +/- % +/- %

Adjusted Reported

Results Results

In EUR m Separately Statutory Separately Statutory

except Adjusted1 disclosed Results Adjusted disclosed Results

otherwise Results items2 Results items

stated

Revenues - 1,743.3 - 1,396.9 24.8% 24.8%

1,743.3 1,396.9

EBITDA3 -32.5 287.8 -31.0 219.1 28.1% 31.4%

320.4 250.1

EBITDA 16.5% 15.7% +50bps +80bps

Margin 18.4% 17.9%

(%)

EBITAS4 -43.7 182.9 -44.1 135.0 26.5% 35.5%

226.6 179.1

Net -64.8 91.1 -39.7 74.5 36.6% 22.4%

Profit6 155.9 114.2

Basic 9.10 -3.78 5.32 6.73 -2.34 4.39 35.2% 21.2%

EPS7

(EUR)

Operating 217.8 125.3 73.8%

Cash

Flow8

Free Cash 46.8 28.0 67.1%

Flow to

the Firm9

Net capex 171.0 97.4

Net Debt 1,638.9 758.7

Leverage Ratio (net debt/Last 2.61x 1.48x

12 Months (L12M) adjusted

EBITDA)

Leverage Ratio (net debt/L12M 2.44x 1.43x

pro-forma adjusted EBITDA)

Note: Definitions of the terms used can be found at the end of this press release

Revenues

Revenues in Q2 2018 were EUR 904m, bringing Group revenues for the first half of 2018 to EUR 1,743m, representing a strong increase of 24.8% vs. H1 2017. Currency effect had a 5.8% negative impact in H1 2018. Organic growth for Q2 was over 5% and close to 5% as a whole for H1 2018.

Table 2: Geographical Revenue Breakdown

(EUR m) H1 2018 As % of Total H1 2017 As % of Total % change

North America 552.7 31.7% 445.4 31.9% 24.1%

France 370.1 21.2% 328.7 23.5% 12.6%

Germany 199.6 11.5% 147.7 10.6% 35.1%

Benelux 119.8 6.9% 98.4 7.0% 21.7%

UK & Ireland 112.1 6.4% 68.6 4.9% 63.4%

Nordic Region 110.6 6.3% 97.0 6.9% 14.1%

Others 278.4 16.0% 211.1 15.1% 31.9%

Total 1,743.3 100.0% 1,396.9 100.0% 24.8%

Eurofins' businesses in North America generated total revenues of EUR 552.7m in the first half of 2018, representing 31.7% of total Group revenues, and an increase of 24.1% vs. H1 2017, on over 6% organic growth. The Food and Feed testing and BioPharmaceutical business lines were the main drivers of this growth together with EAG laboratories. Eurofins' Food and Feed testing business in the U.S. won the highly esteemed Black Pearl Award from the International Association for Food Protection (IAFP), awarded to a single company each ***year*** in recognition of their outstanding achievements in advancing food safety and quality. Eurofins Microbiology Laboratories (Mounds View, Minnesota) closed a c. US$ 550k annual contract with Tuffy's Pet Food, a renowned U.S. producer of dry dog and cat food kibble. Eurofins Central Analytical Laboratories (ECAL) became the UMHF official laboratory in the U.S. for Manuka honey authenticity testing, ECAL also won first place in the American Oil Chemists' Society (AOCS) award for dried distillers grains (DDG) and soybean meal testing, renewed its AOCS-approved chemist status and its International Olive Council (IOC) approved olive oil chemistry testing status. After a two ***year***'s application process, ECAL was accepted as an approved laboratory for Korean ***agricultural*** imports. Eurofins BioDiagnostics (BDI) created a partnership with DuPont and designed gel based and Sanger sequencing methods for probiotic verification and identification for DuPont's probiotic strains. Furthermore, BDI started its first significant bovine genotyping project worth US$ 220k per ***year***. In 2018, BDI also developed three new assays for the first genetically modified crop in the market (high oleic soybean seeds) and was the first company to develop an assay to detect Palmer Amaranthus seed contamination in native seed lots, a major issue in the industry. Eurofins' Environment testing business now offers water testing for micro plastics according to both the Freedonia method (designed for bottled water) and the National Oceanic and Atmospheric Administration (NOAA) method (designed for surface water and re-purposed "greywater" samples).

Eurofins continues to expand its broad offering in specialty clinical diagnostics in North America. This ***year*** Eurofins Craft Technologies (acquired in December 2017), received certification from the Hormone Standardization (HoSt) ***programme*** of the Centers for Disease Control and Prevention (CDC) for the measurement of estradiol in serum. Also, Eurofins purchased assets and know-how from Microarray to manufacture the array products used by Diatherix, Viracor and Biomnis. This purchase minimizes supply risks and reduces costs per test by c. 45%. This ***year***, Viracor became the first laboratory to offer Nocardia polymerase chain reaction (PCR) - Nocardia is a difficult bacterium to culture, and in patients who are critically ill, fast diagnosis is key to getting proper treatment. In April, Viracor launched Nocardia Real-time PCR, to help physicians get results faster (within 8-12 hours of specimen receipt), when it matters most. Viracor now also offers the first and only commercially available genotypic sequencing test for patients with suspected resistance to Letermovir - the newest FDA-approved antiviral for prophylactic use in adult Hematopoietic Stem Cell transplants - and launched two cytomegalovirus (CMV) antiviral resistance assays to help physicians reduce the risk of morbidity and mortality in patients with CMV.

France generated revenues of EUR 370.1m in H1 2018, up 12.6% vs. H1 2017, representing 21.2% of total Group revenues. This ***year***, Eurofins opened a dedicated business unit for Feed testing in Nantes (Eurofins Laboratoire de Nutrition Animale) providing the Feed industry with a comprehensive testing offering and tailored technical and scientific support. Eurofins also became the first laboratory in France whose indoor air quality assessment kit has been referenced by the French National Institute for Industrial Environment and Risks (INERIS). Eurofins Laboratoire Microbiologie Ouest (ELMO) became the first laboratory accredited for express confirmation of Campylobacter by mass spectrometry. In France, foodborne infections related to this pathogen (Campylobacter) rank in second place behind norovirus in number of cases.

Germany represented 11.5% of Group revenues (EUR 199.6m in H1 2018). Revenues were up 35.1% vs. H1 2017, on strong organic growth above Group's objectives. Eurofins Analytik GmbH has established a new analytical method based on nuclear magnetic resonance (NMR) to verify the geographical origin of olive oils, one of the most frequently adulterated food products.

The Group's businesses in the Benelux delivered EUR 119.8m of revenues (21.7% growth vs. H1 2017), representing 6.9% of the Group total. In May 2018, Eurofins Agroscience Services (EAS) received official Good Experimental Practices (GEP) accreditation in Belgium.

In the UK and Ireland, H1 2018 revenues increased 63.4% vs. H1 2017 to EUR 112.1m representing 6.4% of total sales. In January 2018, Eurofins' Food testing business acquired Ashwood Ltd., expanding its geographical coverage into Scotland.

Eurofins' Nordic businesses generated EUR 110.6m of revenues in H1 2018, making up 6.3% of total sales. In June 2018, VTT Expert Services Oy joined Eurofins.

Eurofins continues to place emphasis on growth opportunities in emerging markets and Asia Pacific. The Group's expanding footprint and testing innovations resulted in revenue growth of 26.2% in this area. In Thailand, Eurofins' Agroscience facility recently established the capability to test skin repellent products against Aedes, Culex and Anopheles mosquitoes based on World Health Organization (WHO) guidelines.

***Year*** to date, Eurofins has again achieved a number of scientific breakthroughs across its markets and geographies significantly expanding its state-of-the-art portfolio of services to the benefit of its clients. The Group has also made significant investments in its network to increase testing capacity and to develop and commercialize new innovative testing methods.

Profitability

EBITDA grew by +31.4% in H1 2018 to EUR 288m, resulting in a margin increase of 80bps. Adjusted EBITDA reached EUR 320m (18.4% of revenues. +50bps), up by +28.1% vs. last ***year***, thanks to accretive 2017 acquisitions and better operating leverage. Separately disclosed items2(SDI) as a proportion of Adjusted EBITDA narrowed significantly to 10.2% (vs. 12.4% in H1 2017), and SDI as a proportion of sales also decreased from 2.2% to 1.9%. Revenues from start-ups and businesses in restructuring/reorganization now only account for 6.9% of Group revenues (vs. 9.1% in H1 2017).

Laboratories in their start-up phase had a positive contribution to Group revenues generating EUR 98m sales in H1 2018. The 137 start-up laboratories opened since the ***year*** 2000 had an accretive effect of 40bps on the Group's H1 2018 organic growth. EBITDA margins generated by start-up laboratories launched in the first and second ***programmes*** (2002009, 2012013) were in line with the average of the Group, while those from the latest ***programme*** (2014-present) still represent significant investments. Start-ups usually break-even within 2 to 3 ***years*** after their start and we believe the strong acceleration in our start-up ***programme***, although having a short-term negative impact on margins and Free Cash Flow, provides a solid base for future growth and profitability. After ***year*** 5, ROCE from start-up laboratories is generally better than growth via acquisitions.

Income tax expense was EUR 31.7m for H1 2018, the rate of income tax expense to profit before income tax was 25.8%, a significant improvement in comparison to the H1 2017 rate of 30.0%.

Reported net profitattributable to equity holders6increased by 22.4% to EUR 91.1m in H1 2018. Strong revenue growth and significant profitability improvements in the first half of 2018 resulted in a 21.2% uplift in basic earnings per share (EPS)7to EUR 5.32.

Cash Flow & Financing

Operating cash flow significantly increased 74% to EUR 218m thanks to the strong growth of revenues and margins in H1 2018. Moreover, net working capital (NWC) improved from 4.9% of sales in H1 2017 to 4.7% in H1 2018 highlighting the Group's focus on cash flow discipline.

Net capital expenditures (CAPEX) in H1 2018 amounted to EUR 171m. The increase in CAPEX during the first six months of 2018 is directly linked to accelerating investments in Eurofins' global laboratory network, advanced bespoke IT solutions and new start-up laboratories (7 in H1 2018), which should support Eurofins' long-term value creation. Eurofins' management retains the objective of bringing CAPEX closer to 6% of sales by 2020, as the Group's site/infrastructure and IT ***programmes*** reach completion. Despite the ***year***-on-***year*** increase in CAPEX, free cash flow to the firm expanded significantly by 67% to EUR 47m driven by profitability and efficiency improvements with net operating costs as a proportion of sales down 80bps vs H1 2017.

Net debt at the end of June 2018 stood at EUR 1,639m, and leverage (net debt to adjusted L12M EBITDA) at 2.44x on a pro-forma basis and 2.61x on a reported basis (relatively stable vs 2.51x in December 2017). Thus, leverage remains well below the Group's covenant limit of 3.5x (net debt to adjusted L12M EBITDA on a pro-forma basis). At the end of June 2018, Eurofins' cash and cash equivalents amounted to EUR 559m.

Acquisitions

In H1 2018, Eurofins signed and/or closed acquisitions representing an aggregate amount of expected annual pro-forma revenues of c. EUR 400m in 2018, thereby exceeding its annual M&A revenue target (EUR 200m) in only six months. 25 acquisitions were closed in H1 2018, which contributed EUR 40m to consolidated revenues in the first half 2018. Some of Eurofins' acquisitions completed in the first half of 2018 are discussed below.

In January, Eurofins expanded its footprint in Asia with the acquisition of Tsing Hua in Taiwan, one of the leading players in environment testing in Taiwan. In the same month, Eurofins entered the Hungarian market for food and feed testing with the acquisition of Food Analytica Group, one of the most modern microbiology laboratories in Central and Eastern Europe.

In February, Eurofins entered the specialty clinical diagnostics market in Belgium with the acquisition of Labo Van Poucke, a leading laboratory performing human medical testing covering all branches of clinical biology. This acquisition provided Eurofins with a license to operate and sell its specialties tests in this market. Moreover, Eurofins became the market leader in Environment testing services in Ireland with the acquisition of ELS and City Analysts. Eurofins further expanded its specialty clinical diagnostics footprint with the acquisition of NMDL-LCPL in the Netherlands. NMDL offers molecular diagnostics services, including molecular virology and bacteriology testing. LCPL is the largest pathology laboratory for General Practitioners in the Netherlands and offers advanced pathology services, including cervical cytology and molecular biological tests. In 2016, NMDL was proud to be selected as one of the parties to execute the bevolkingsonderzoek(BVO) for the Dutch national cervical cancer screening ***programme***.

In April, Eurofins entered the analytical testing market in South Korea with the acquisition of Lab Frontier, which provides a broad suite of food, environment and cosmetics testing services. Also, Eurofins expanded its offering in radioactivity and environmental testing for the nuclear industry with the acquisition of Eichrom Laboratoires in France, a key player in radioactivity and asbestos testing. In the same month, Eurofins strengthened its footprint in France with the acquisition of Protec Group's food and water testing activities ("Protec Bio-testing"), adding its first food testing laboratory in the South West region of France, complementing its nationwide network of food microbiology laboratories and providing a new one-stop-shop platform for new clients in this region. As announced on 30thApril 2018, Eurofins signed an agreement with LabCorp (LH: NYSE) to acquire Covance Food Solutions, which provides product integrity, product safety and consulting solutions for end-use segments that span the entire food supply chain. The transaction is expected to close in the third quarter of 2018.

In May, Eurofins expanded its leadership in biopharmaceutical services with the acquisition of PHAST in Germany, one of Europe's leading service providers in the field of testing for pharmaceutical products quality. Also in May, Eurofins further expanded its biopharmaceutical products testing footprint with an outsourcing agreement with Astellas in Japan to take over one of its internal testing laboratories Astellas Analytical Science Laboratories, Inc ("ASL"). ASL will become Eurofins' first laboratory in Japan offering test services with the Good Manufacturing Practice (GMP) standard. As part of this outsourcing ***programme***, Astellas committed to provide ASL work covering its current capacity for an agreed period of time.

In June, Eurofins reinforced its market leadership in testing, inspection and certification with the acquisition of two subsidiaries of the VTT Group in Finland. These subsidiaries cover all of VTT's testing, inspection and certification (TIC) operations.

Infrastructure ***programme***

Eurofins continues to make substantial strategic investments in infrastructure to build a unique and hard to replicate platform of world class testing laboratories designed to leverage on the highly scalable nature of bioanalytical testing activities to unlock economies of scale in testing and logistics.

During 2017 Eurofins added over 53,000 m2of state-of-the-art laboratory surface. In H1 2018, as part of Eurofins' continued efforts to build a unique platform for global leadership in its markets, an additional ca. 13,000 m2of state-of-the-art laboratory surface was added, and a further ca. 92,000 m2are expected to come on stream in the second half of 2018. Some of Eurofins' infrastructure / laboratory network investments completed in the first half of 2018 are discussed below.

At the start of the ***year***, Eurofins significantly expanded its laboratories and facilities in Dungarvan, Ireland, allowing the Group to double the volume of samples tested annually at this site. The state-of-the-art site offers nationwide services 7 days a week.

In May 2018, Eurofins announced the inauguration of a new food testing laboratory in Suzhou, China, with a surface area of 3,900 m2. The new laboratory received multiple Chinese and international accreditations. This project represents a total investment close to EUR 3m and, together with the laboratory opened in Qingdao last ***year***, highlights Eurofins' commitment to serving its clients in China and Asia Pacific with world-class testing services.

Eurofins Lancaster Laboratories, the largest independent single-site laboratory in the world, is on track to complete the largest building addition in the company's history. The five-story 15,600 m2 addition began in early 2017 and building occupancy is anticipated for the end of 2018. In line with the positive growth outlook of Eurofins' Lancaster Laboratories, our Lancaster campus has enough land reserves to be expanded a further 23,900 m2.

Construction of a new state-of-the-art Eurofins' laboratory in Melbourne, Australia, is well underway with a surface area of 8,000 m2. It is expected to be completed in October 2018. The new site will house Eurofins Australia's Food testing start-up laboratory and the Melbourne Environmental laboratory, as well as the National Service Centre (NSC) for Australia with administration, finance, IT and HR services centres.

Post-closing events

In July, Eurofins acquired Laboratoire de Bromatologie de l'Ouest (LBO) extending its network of food testing laboratories in France. This acquisition perfectly complements its French network of local laboratories, with a bacteriology testing laboratory in Brittany, providing Eurofins with better access to France's leading agri-food region.

As announced on July 30th2018, Eurofins issued a EUR 550m Schuldschein loan to reinforce the Group's liquidity position and benefit from very favourable market conditions (1.38% blended interest rate\*\* for an average maturity of 5 ***years***), enabling the Group to strengthen its liquidity position ahead of the Covance closing. As a result, Eurofins' average cost of financing will further decrease, and the majority of its debt instruments now bear low interest rates for long maturities.

\*At constant exchange rates vs. the average exchange rates of the ***year*** 2017

\*\*Calculated on the fixed tranches

Table 3: Separately disclosed items2

In EUR m except otherwise stated H1 2018 H1 2017

One-off costs from integrations, reorganizations and 9.1 10.9

discontinued operations, and other non-recurring income and

costs

Temporary losses and other costs related to network 23.5 20.1

expansion, Start-ups and new acquisitions in significant

restructuring

EBITDA3impact 32.5 31.0

Depreciation costs specific to start-ups and new 11.1 13.1

acquisitions in significant restructuring

EBITAS4impact 43.7 44.1

Share-based ***payment*** charge and acquisition-related 40.8 14.3

expenses, net5

Net finance costs related to borrowing and investing excess -6.9 -8.2

cash and one-off financial effects (net of finance income)

Tax effect from the adjustment of all separately disclosed -12.4 -9.5

items

Non-controlling interest on separately disclosed items -0.3 -1.0

Total impact on Net Profit6 64.8 39.7

Impact on Basic EPS7(EUR) 3.78 2.34

1Adjusted - reflect the ongoing performance of the mature and recurring activities excluding "separately disclosed items2". 2Separately disclosed items - includes one-off costs from integration, reorganisation, discontinued operations and other non-recurring income and costs, temporary losses and other costs related to network expansion, start-ups and new acquisitions undergoing significant restructuring, share-based ***payment*** charge, impairment of goodwill, amortisation of acquired intangible assets, negative goodwill, loss/gain on disposal and transaction costs related to acquisitions as well as income from reversal of such costs and from unused amounts due for business acquisitions, net finance costs related to borrowing and investing excess cash and one-off financial effects (net of finance income) and the related tax effects. 3EBITDA - Earnings before interest, taxes, depreciation and amortisation, share-based ***payment*** charge, impairment of goodwill, amortisation of acquired intangible assets, negative goodwill, loss/gain on disposal and transaction costs related to acquisitions as well as income from reversal of such costs and from unused amounts due for business acquisitions. 4EBITAS - Earnings before interest, taxes, share-based ***payment*** charge, impairment of goodwill, amortisation of acquired intangible assets, negative goodwill, loss/gain on disposal and transaction costs related to acquisitions as well as income from reversal of such costs and from unused amounts due for business acquisitions. 5Share-based ***payment*** charge and acquisition-related expenses, net - Share-based ***payment*** charge, impairment of goodwill, amortisation of acquired intangible assets, loss/gain on disposal, negative goodwill and transaction costs related to acquisitions as well as income from reversal of such costs and from unused amounts due for business acquisitions. 6Net Profit - Net profit for equity holders after non-controlling interests but before ***payment*** to Hybrid capital holders. 7Basic EPS - earnings per share (basic) total (to equity holders before ***payment*** of dividends to Hybrid capital holders). 8Operating Cash Flow - Net cash provided by operating activities (after tax). 9Free Cash Flow to the Firm - Operating Cash Flow, less Net capex. 10Organic growth for a given period (Q1, Q2, Q3, Half ***Year***, Nine Months or Full ***Year***) - non-IFRS measure calculating the growth in revenues during that period between 2 successive ***years*** for the same scope of businesses using the same exchange rates (of ***year*** Y) but excluding discontinued operations. For the purpose of organic growth calculation for ***year*** Y, the relevant scope used is the scope of businesses that have been consolidated in the Group's income statement of the previous financial ***year*** (Y-1). Revenue contribution from companies acquired in the course of Y-1 but not consolidated for the full ***year*** are adjusted as if they had been consolidated as from 1stJanuary Y-1. All revenues from businesses acquired since 1stJanuary Y are excluded from the calculation.

The First Half ***Year*** Report 2018 can be found on Eurofins website at the following location: [*https://www.eurofins.com/investor-relations/reports-presentations/*](https://www.eurofins.com/investor-relations/reports-presentations/)

Notes for the editor:

Eurofins - a global leader in bio-analysis

Eurofins Scientific through its subsidiaries (hereinafter sometimes "Eurofins" or "the Group") believes it is a scientific leader in food, environment and pharmaceutical products testing and in agroscience CRO services. It is also one of the independent market leaders in certain testing and laboratory services for genomics, discovery pharmacology, forensics, CDMO, advanced material sciences and for supporting clinical studies. In addition, Eurofins is one of the emerging players in specialty clinical diagnostic testing in Europe and the USA. With over 38,000 staff in more than 400 laboratories across 44 countries, Eurofins offers a portfolio of over 150,000 analytical methods for evaluating the safety, identity, composition, authenticity, origin and purity of biological substances and products, as well as for innovative clinical diagnostic. The Group objective is to provide its customers with high-quality services, accurate results on time and expert advice by its highly qualified staff.

Eurofins is committed to pursuing its dynamic growth strategy by expanding both its technology portfolio and its geographic reach. Through R&D and acquisitions, the Group draws on the latest developments in the field of biotechnology and analytical chemistry to offer its clients unique analytical solutions and the most comprehensive range of testing methods.

As one of the most innovative and quality oriented international players in its industry, Eurofins is ideally positioned to support its clients' increasingly stringent quality and safety standards and the expanding demands of regulatory authorities around the world.

The shares of Eurofins Scientific are listed on the Euronext Paris Stock Exchange (ISIN FR0000038259, Reuters EUFI.PA, Bloomberg ERF FP).

Important disclaimer:

This press release contains forward-looking statements and estimates that involve risks and uncertainties. The forward-looking statements and estimates contained herein represent the judgment of Eurofins Scientific's management as of the date of this release. These forward-looking statements are not guarantees for future performance, and the forward-looking events discussed in this release may not occur. Eurofins Scientific disclaims any intent or obligation to update any of these forward-looking statements and estimates. All statements and estimates are made based on the information available to the Company's management as of the date of publication, but no guarantee can be made as to their validity. Eurofins provides in the Income Statement certain alternative performance measures (non-IFRS information such as "Adjusted Results1and Separately Disclosed Items2") that exclude certain items because of the nature of these items and the impact they have on the analysis of underlying business performance and trends.

In addition, Eurofins shows the following measures: "EBITDA3, EBITAS4" in the Income Statement and "Organic growth10" with the objective to be close and consistent with the information used in internal Group reporting to measure the performance of Group companies and information published by other companies in the sector.

Management believes that providing these APMs (Alternative Performance Measures) enhances investors' understanding of the company's core operating results and future prospects, consistent with how management measures and forecasts the company's performance, especially when comparing such results to previous periods or forecasts and to the performance of our competitors. This information should be considered in addition to, but not in lieu of, information prepared in accordance with IFRS. These APMs are described in more detail in the Consolidated Financial Statements 2017 in Notes 1.28 and 1.29.

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[***FEDERAL REGISTER: Fees for the Unified Carrier Registration Plan and Agreement Pages 605 - 613 [FR DOC # 2017-28509]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RBN-HGB1-JDG9-Y3RD-00000-00&context=1516831)

Impact News Service

January 5, 2018 Friday

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**Length:** 9585 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

DEPARTMENT OF TRANSPORTATION Federal Motor Carrier Safety Administration 49 CFR Part 367 [Docket No. FMCSA-2017-0118] RIN 2126-AC03 Fees for the Unified Carrier Registration Plan and Agreement AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT. ACTION: Final rule. ----------------------------------------------------------------------- SUMMARY: This rule establishes reductions in the annual registration fees collected from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the registration ***years*** 2018, 2019 and subsequent ***years***. For the 2018 registration ***year***, the fees will be reduced below the current level by approximately 9.10% to ensure that fee revenues do not exceed the statutory maximum, and to account for the excess funds held in the depository. For the 2019 registration ***year*** and subsequent ***years***, the fees will be reduced below the current level by approximately 4.55% to ensure the fee revenues in that and future ***years*** do not exceed the statutory maximum.

DATES: This final rule is effective January 5, 2018. FOR FURTHER INFORMATION CONTACT: Mr. Gerald Folsom, Office of Registration and Safety Information, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or by telephone at 202-385-2405. SUPPLEMENTARY INFORMATION: This Final Rule is organized as follows: I. Rulemaking Documents A. Availability of Rulemaking Documents B. Privacy Act II. Abbreviations and Acronyms III. Executive Summary A. Purpose and Summary of the Major Provisions B. Benefits and Costs IV. Legal Basis for the Rulemaking V. Statutory Requirements for UCR Fees A. Legislative History B. Fee Requirements VI. Background Recommendation From the UCR Plan VII. Discussion of the Comments A. Small Business in Transportation Coalition B. Revenue Entitlement for the State of Texas C. Change Design of Fee Structure D. Other Concerns VIII. International Impacts IX. Section-by-Section Analysis X. Regulatory Analyses A. Executive Order (E.O ) 12866 (Regulatory Planning and Review), E.O 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures B. E.O 13771 Reducing Regulation and Controlling Costs C. Regulatory Flexibility Act (Small Entities) D. Assistance for Small Entities E. Unfunded Mandates Reform Act of 1995 F. Paperwork Reduction Act (Collection of Information) G. E.O 13132 (Federalism) H. E.O 12988 (Civil Justice Reform) I. E.O 13045 (Protection of Children) J. E.O 12630 (Taking of Private Property) K. Privacy Impact Assessment L. E.O 12372 (Intergovernmental Review) M. E.O 13211 (Energy Supply, Distribution, or Use) N. E.O 13175 (Indian Tribal Governments) O. National Technology ***Transfer*** and Advancement Act (Technical Standards) P. Environment (National Environmental Policy Act, Clean Air Act, Environmental Justice) I. Rulemaking Documents A. Availability of Rulemaking Documents For access to docket FMCSA-2017-0118 to read background documents, go to [*https://www.regulations.gov*](https://www.regulations.gov) at any time, or to Docket Services at U.S Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m and 5 p.m , Monday through Friday, except Federal holidays. B. Privacy Act In accordance with 5 U.S.C 553(c), the U.S Department of Transportation (DOT) solicits comments from the public to better inform its rulemaking process. DOT posts any comments, without edit, including any personal information the commenter provides, to   [*www.regulations.gov*](http://www.regulations.gov), as described in the system of records notice (DOT/ ALL-14 FDMS), which can be reviewed at   [*https://www.transportation.gov/privacy*](https://www.transportation.gov/privacy). II. Abbreviations and Acronyms The following is a list of abbreviations used in this document Board Unified Carrier Registration Board of Directors CAA Clean Air Act CE Categorical Exclusion FMCSA Federal Motor Carrier Safety Administration OMB Office of Management and Budget OOIDA Owner-Operator Independent Drivers Association PRA Paperwork Reduction Act RFA Regulatory Flexibility Act SBA Small Business Administration SBREFA Small Business Regulatory Enforcement Fairness Act SBTC Small Business in Transportation Coalition SSRS Single State Registration System Texas DMV Texas Department of Motor Vehicles UCR Unified Carrier Registration UCR Agreement Unified Carrier Registration Agreement UCR Plan Unified Carrier Registration Plan. III. Executive Summary A. Purpose and Summary of the Major Provisions The UCR Plan and the 41 States participating in the UCR Agreement establish and collect fees from motor carriers, motor private carriers of [[Page 606]] property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member board of directors (UCR Board); 14 appointed from the participating States and the industry, plus the Deputy Administrator of FMCSA. Revenues collected are allocated to the participating States and the UCR Plan. The statute sets a statutory maximum amount that the UCR Plan may collect. If annual revenues will exceed the statutory maximum allowed, then the UCR Plan must request adjustments to the fees. 49 U.S.C 14504a(f)(1)(E). Also, any excess funds held by the UCR Plan after ***payments*** are made to the States and for administrative costs are retained in the UCR depository and subsequent fees charged are reduced as required by 49 U.S.C 14504a(h)(4). Adjustments in the fees are requested by the UCR Plan and approved by FMCSA. These two provisions are the reasons for the two-stage adjustment adopted in this final rule. The final rule provides for a reduction for at least the next two registration ***years*** to the annual registration fees established for the Unified Carrier Registration (UCR) Agreement. The UCR Plan and the participating States collect registration fees for each registration ***year***, which is the same period as the ***calendar*** ***year***. Generally, collection begins on October 1st of the previous ***year***, and continues until December 31st of the ***year*** following the registration ***year***. For example, collection for the 2016 registration ***year*** began on October 1, 2015, and will end on December 31, 2017. Currently the UCR Plan estimates that by December 31, 2017, total revenues will exceed the statutory maximum for the 2016 registration ***year*** by $5.13 million, or approximately 4.55%. This is the first time that revenues collected will exceed the statutory maximum. Therefore, in March 2017, the UCR Board requested that FMCSA adjust the fees in a two-stage process. For the 2018 registration ***year***, with collection beginning on October 1, 2017 and ending December 31, 2019, the fees would be reduced below the current level by approximately 9.10% to ensure that fee revenues do not exceed the statutory maximum, and to reduce the excess funds held in the depository. For the 2019 registration ***year***, with collection beginning on October 1, 2018 and ending December 31, 2020, the fees would be reduced below the current level by approximately 4.55% to ensure the fee revenues in that and future ***years*** do not exceed the statutory maximum. B. Benefits and Costs The changes imposed by this final rule reduce the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the participating States. Fees are considered by the Office of Management and Budget (OMB) Circular A-4, Regulatory Analysis, as ***transfer*** ***payments***, not costs. ***Transfer*** ***payments*** are ***payments*** from one group to another that do not affect total resources available to society. Therefore, ***transfers*** are not considered in the monetization of societal costs and benefits of rulemakings. The UCR Plan's formal recommendation requested the Secretary (delegated to FMCSA) to set annual fees beginning in the registration ***year*** 2018, as required by 49 U.S.C 14504a(d)(7). FMCSA issued a notice of proposed rulemaking proposing to reduce the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies based on an analysis of current collections and past trends. The Agency reviewed the UCR Plan's formal recommendation prior to issuing the NPRM and concluded that the UCR Plan's projection of the total revenues received for registration ***year*** 2016 may have been understated. 49 U.S.C 14504a(d)(7). This understatement would result in slightly higher fees for certain brackets. FMCSA conducted its own analysis, adjusted the methodology for projecting collections through the remainder of 2017, and updated the fees accordingly. The total amount targeted for collection by the UCR Plan will not change as a result of this rule, but the fees paid, or ***transfers***, per affected entity will be slightly reduced from the UCR Plan's original formal recommendation. IV. Legal Basis for the Rulemaking This rule adjusts the annual registration fees for the UCR Agreement established by 49 U.S.C 14504a. The requested fee adjustments are required by 49 U.S.C 14504a because, for the registration ***year*** 2016, the total revenues collected are expected to exceed the total revenue entitlements of $107.78 million distributed to the 41 participating States plus the $5 million established for the administrative costs associated with the UCR Plan and Agreement. The requested adjustments have been submitted by the UCR Plan in accordance with 49 U.S.C 14504a(f)(1)(E)(ii), which requires the Board to request an adjustment by the Secretary when the annual revenues exceed the maximum allowed. In addition, 49 U.S.C 14504a(h)(4) states that any excess funds held by the UCR Plan in its depository, after ***payments*** to the States and for administrative costs, shall be retained ``and the fees charged . . . shall be reduced by the Secretary accordingly.'' The Secretary also has broad rulemaking authority in 49 U.S.C 13301(a) to carry out 49 U.S.C 14504a, which is part of 49 U.S.C subtitle IV, part B. Authority to administer these statutory provisions has been delegated to the FMCSA Administrator by 49 CFR 1.87(a)(2) and (7). The APA also allows agencies to make rules effective immediately with good cause, instead of requiring publication 30 days prior to the effective date. 5 U.S.C 553(d)(3). FMCSA finds there is good cause for this rule to be effective immediately so that the UCR Plan and the participating States may begin collection of fees immediately for the registration ***year*** that will begin on January 1, 2018. The immediate commencement of fee collection will avoid further delay in distributing revenues to the participating States. V. Statutory Requirements for the UCR Fees A. Legislative History The Unified Carrier Registration Plan is ``the organization . . . responsible for developing, implementing, and administering the unified carrier registration agreement.'' 49 U.S.C 14504a(a)(9). The UCR Agreement developed by the UCR Plan is the ``interstate agreement . . . governing the collection and distribution of registration and financial responsibility information provided and fees paid by motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies . . . .'' 49 U.S.C 14504a(a)(8). The legislative history of 49 U.S.C 14504a indicates that the purpose of the UCR Plan and Agreement is both to replace the Single State Registration System (SSRS) for registration of interstate motor carrier entities with the States and to ``ensure that States don't lose current revenues derived from SSRS'' (S. Rep. 109-120, at 2 (2005)). The statute provides for a 15-member Board of Directors for the UCR Plan to be appointed by the Secretary of Transportation. The statute specifies that the UCR Board should consist of one individual (either the FMCSA Deputy Administrator or another Presidential appointee) from the Department of Transportation; four directors from among the chief [[Page 607]] administrative officers of the State agencies responsible for administering the UCR Agreement (one from each of the four FMCSA service areas); five directors from among the professional staffs of State agencies responsible for administering the UCR Agreement, to be nominated by the National Conference of State Transportation Specialists; and five directors from the motor carrier industry, of whom at least one must be from a national trade association representing the general motor carrier of property industry and one from a motor carrier that falls within the smallest fleet fee bracket. 49 U.S.C 14504a(d)(1)(B). The UCR Plan and the participating States are authorized by 49 U.S.C 14504a(f) to establish and collect fees from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The current annual fees charged are set out in 49 CFR 367.30 These fees were adopted by FMCSA in 2010 after a rulemaking proceeding that considered the substantial increase in fees over the fees initially established in 2007. Compare Fees for the Unified Registration Plan and Agreement, 75 FR 21993 (Apr. 27, 2010) (``2010 Final Rule'') with Fees for Unified Registration Plan and Agreement, 72 FR 48585 (Aug. 24, 2007) (``2007 Final Rule''). For carriers and freight forwarders, the fees vary according to the size of the vehicle fleets, as required by 49 U.S.C 14504a(f). The fees collected are allocated to the States and the UCR Plan in accordance with 49 U.S.C 14504a(h). Participating States submit a plan demonstrating that an amount equivalent to the revenues received are used for motor carrier safety ***programs***, enforcement or the administration of the UCR Plan and Agreement. 49 U.S.C 14504a(e)(1)(B). B. Fee Requirements The statute specifies that fees are to be based upon the recommendation of the UCR Board, 49 U.S.C 14504a(d)(7)(A). In recommending the level of fees to be assessed in any agreement ***year***, and in setting the fee level, both the Board and the Agency shall consider the following factors:  Administrative costs associated with the UCR Plan and Agreement;      Whether the revenues generated in the previous ***year*** and any surplus or shortage from that or prior ***years*** enable the participating States to achieve the revenue levels set by the Board; and      Provisions governing fees in 49 U.S.C 14504a(f)(1).     The Secretary, if asked by the Board, may also adjust the fees within a reasonable range on an annual basis if the revenues derived from the fees are either insufficient to provide the participating States with the revenues they are entitled to receive or exceed those revenues (49 U.S.C 14504a(f)(1)(E)).     Overall, the fees assessed under the UCR Agreement must produce the level of revenue established by statute. Section 14504a(g) establishes the revenue entitlements for States that choose to participate in the UCR Plan. That section provides that a State, participating in SSRS in the registration ***year*** prior to the enactment of the Unified Carrier Registration Act of 2005 is entitled to receive revenues under the UCR Agreement equivalent to the revenues it received in the ***year*** before that enactment. Participating States that also collected intrastate registration fees from interstate motor carrier entities (whether or not they participated in SSRS) are also entitled to receive revenues of this type under the UCR Agreement, in an amount equivalent to the amount received in the previous registration ***year***. The statute also requires that States that did not participate in SSRS previously, but that choose to participate in the UCR Plan, may receive revenues not to exceed $500,000 per ***year***. The Board calculates the amount of revenue that each participating State is entitled to under the UCR Agreement which is then approved by the Secretary.     FMCSA's responsibilities under 49 U.S.C 14504a in setting fees for the UCR Plan and Agreement are guided by the primacy the statute places on the need both to set and to adjust the fees so they ``provide the revenues to which the States are entitled.'' The statute links the requirement that the fees be adjusted ``within a reasonable range'' by both the UCR Plan and FMCSA to the provision of sufficient revenues to meet the entitlements of the participating States (49 U.S.C 14504a(f)(1)(E); see also 49 U.S.C 14504a(d)(7)(A)(ii)).     Additionally, section 14504a(h)(4) requires FMCSA to reduce the fees for all motor carrier entities in the ***year*** following any ***year*** in which the depository retains any funds in excess of the amount necessary to satisfy the revenue entitlements of the participating States and the UCR Plan's administrative costs.

VI. Background

Recommendation From the UCR Plan

    On March 14, 2017, the Board voted unanimously to submit a recommendation to the Secretary for a reduction of registration fees collected by the UCR Plan for 2018, with an adjustment in fees in 2019 and subsequent ***years***. The recommendation was submitted to the Secretary on March 22, 2017, and a copy has been placed in the docket.\1\ The requested fee adjustments are required by 49 U.S.C 14504a because, for the registration ***year*** 2016, the total revenues collected have, for the first time, exceeded the total revenue entitlements of $107.78 million distributed to the 41 participating States, plus the $5 million established for ``the administrative costs associated with the unified carrier registration plan and agreement.'' 49 U.S.C 14504a((d)(7)(A)(i)). The maximum revenue entitlements for each of the 41 participating States, totaling $107.78 million and already established in accordance with 49 U.S.C 14504a(g), are set out in the table attached to the March 22, 2017 recommendation. These revenue entitlements for the States are the same as those that were approved in the 2010 final rule (75 FR at 22008-9 and Table 5) that have continued in effect for each of the eight registration ***years*** from 2010 to 2017, inclusive. ---------------------------------------------------------------------------

    \1\ The UCR recommendation submitted March 22, 2017 including the letter request from the Board and all related tables is located in docket FMCSA-2017-0118 at: [*www.regulations.gov*](http://www.regulations.gov) ---------------------------------------------------------------------------

    As indicated in the analysis attached to the March 22, 2017 letter, as of the end of February 2017, the UCR Plan had already collected $4.15 million more than the statutory maximum of $112.78 million for 2016. The UCR Plan estimates that by the end of 2017, total revenues will exceed the statutory maximum, for 2016, by $5.13 million, or approximately 4.55%. The excess revenues collected will be held in a depository maintained by the Plan as required by 49 U.S.C 14504a(h)(4).     Because of the collection of excess revenue, the UCR Plan requested adjustments to the fees in accordance with 49 U.S.C 14504a(f)(1)(E)(ii), which requires the Board to request an adjustment when the annual revenues exceed the maximum allowed. In addition, 49 U.S.C 14504a(h)(4) states that any excess funds held by the UCR Plan in its depository, after ***payments*** to the States and for administrative costs, shall be retained ``and the fees charged . . . shall be reduced by the Secretary accordingly.'' These two provisions are distinct, and are the basis for the two-stage adjustment in the recommendation.     The requested adjustments would occur in two stages; an initial reduction below the current level by approximately 9.10% for 2018 to account for the excess revenues already

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collected in 2016, followed by a reduction below the current level by approximately 4.55% for 2019 and subsequent ***years*** to keep future revenues below the statutory maximum. The adjusted fees recommended for each bracket for 2018 and 2019 are shown in the analysis attached to the March 22 letter. The UCR Plan requested that the reduction for the 2018 registration ***year*** be adopted not later than August 31, 2017, to enable the participating States and the UCR Plan to reflect the new fees when fee collection for the 2018 registration ***year*** that began on October 1, 2017.

VII. Discussion of the Comments

    FMCSA received 7 comments on the NPRM. Five commenters disagreed with some aspect or another of the NPRM, including the Texas Department of Motor Vehicles (Texas DMV), Owner-Operator Independent Drivers Association (OOIDA), Small Business in Transportation Coalition (SBTC) and two anonymous commenters. Two additional anonymous commenters agreed with the NPRM favoring the fee reduction. The major comments included a request to have the NPRM withdrawn, as well as a recommendation to have the UCR Board submit a new recommendation to implement the fee reduction with a new 2019 fee schedule and a request for assurance that the State of Texas will be able to collect all of the revenues to which it is entitled. Also comments addressed recommendations for changing the current design of the fee structure. Additional concerns included the absence of consistent enforcement of penalties, and the difficulty for small businesses to realize benefits from the mandated fees paid due to the existing structure and administration of the ***program***.

A. Small Business in Transportation Coalition

Comments     The Small Business in Transportation Coalition (SBTC) contended that the NPRM published September 21, 2017, is unlawful and should be withdrawn. It contends that while the UCR Plan notified the FMCSA of its recommendation for a reduction in the fees on March 22, 2017, the Agency failed to set the new fees within the 90-day period specified in the statute.     As a result of the lack of action within 90 days, SBTC asserts that on September 14, 2017, the Board held an ``improperly noticed secret meeting'' that changed the date for commencement of the registration and ***payment*** of fees from October 1, 2017, to November 1, 2017. SBTC claims that this action by the UCR Plan thereby shortens the period for carriers to comply with the UCR requirement, even though the affected registrants would then be paying a reduced fee.     After the close of the comment period, SBTC and a broker, 12 Percent Logistics, Inc., brought a civil action in the United States District Court for the District of Columbia (Civil Action No 1:17-cv- 2000) in which they sought injunctive relief to set aside the UCR Plan's postponement of the date for commencement of registration and fee ***payment***. On October 18, the court denied the request to set aside the postponement of the registration period but ordered the UCR Board and the operator of its on-line registration system (the Indiana Department of Revenue) to post the draft minutes of a September 14, 2017, meeting of the UCR Board on their respective websites and to make an announcement of these postings at the Board's October 26, 2017, meeting. The draft minutes of the Board's September 14, 2017 meeting were posted on websites [*www.ucrplan.org*](http://www.ucrplan.org) and   [*www.ucr.in.gov/ucrHome.html*](http://www.ucr.in.gov/ucrHome.html) on October 20, 2017 and October 24, 2017, respectively. The Board announced the availability of the draft minutes on these websites at its October 26, 2017 meeting. FMCSA Response     SBTC cites no authority for its contention that FMCSA and the Secretary no longer have the authority to set new fees for 2018 because the statutory deadline for such action of 90 days in 49 U.S.C 14504a(d)(7) has not been met. SBTC's contention that FMCSA ``has missed its lawful opportunity'' to set the fees based on the UCR Plan's March 22 recommendation is legally incorrect.     SBTC cannot point to any explicit statement in the provisions of 49 U.S.C 14504a that bars action by FMCSA when the 90-day period is not met, because there is none. In addition, there are important public rights at stake that would be affected if FMCSA lost its power to act on the UCR Plan's recommendation, as contended by SBTC. The fee reduction recommended by the UCR Plan, proposed for implementation in the NPRM and now adopted in this final rule, is necessary to comply with two important provisions in the statute that require compliance with the statutory maximum amount of revenues to be collected by the UCR Plan and the participating States. 49 U.S.C 14504a(f)(1)(E)(ii) and (h)(4). Instead of allowing SBTC's members and the rest of the motor carrier industry to benefit as soon as possible from the reduction in fees based on excess revenues that the UCR Plan has already recognized were collected for registration ***year*** 2016, SBTC's request would have the harmful effect of delaying the benefits of the reduction until 2019.     FMCSA and the Secretary have not lost the power to take action to implement the reduction in fees for 2018 and later ***years*** because the Agency did not complete such action within 90 days. SBTC's request for withdrawal of this rulemaking is therefore denied.

B. Revenue Entitlement for the State of Texas

Comments     The Texas Department of Motor Vehicles requested that FMCSA ``take the necessary steps to ensure that the state of Texas receives the full amount of UCR revenues to which Texas is entitled under 49 U.S.C 14504a(g)(1).'' Texas DMV stated that after the State's move from the SSRS to the UCR Plan and Agreement, it had not received the amount of funds from the UCR Plan and Agreement to which it believes it is entitled. Since 2007, under the revenue entitlement calculations submitted by the UCR Plan to the Secretary and FMCSA, the revenue entitlement for Texas has been set at $2,718,628.06 72 FR at 48588 and Table 1 (2007 Final Rule) and 75 FR at 22008-9 and Table 5 (2010 Final Rule). Texas DMV now claims that the State's revenue entitlement for every ***year*** since 2007 should have been set at $5,765,819.93, representing a difference of $3,047,191.87 for each registration ***year***. In total, Texas DMV claims that the State did not receive revenues of $33,519,110.57 for the ***years*** 2007 to 2017, inclusive.     Texas DMV now asks that the Agency approve a revised annual revenue entitlement for Texas of $5,765,819.93, starting with the ***year*** 2018, and approve the ``shortage'' amount of $33,519,110.57 for the ***years*** 2007-2017. Most significantly, for the purpose of this rulemaking, Texas DMV asks the Agency to revise the current fees established in 49 CFR part 367 ``as necessary to ensure enough UCR fees are collected to cover the full amount to which Texas is entitled for ***years*** 2007 through 2017 and beyond.'' FMCSA Response     The actions by the Agency that Texas DMV requests would not only require declining to implement the reduction in fees requested by the UCR Plan, but

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taking two additional steps: (1) Revising the approved revenue entitlement for Texas; and (2) increasing the fees by an uncertain but clearly substantial amount, not only to provide revenues for the new entitlement, but also to cover eleven ***years*** of a claimed ``shortage.'' FMCSA does not have authority under the provisions of 49 U.S.C 14504a to take either of these additional actions. Both the approval of a revised revenue entitlement for Texas and an adjustment of the fees to cover both Texas' claimed revised entitlement and the ``shortage'' would require that a recommendation be made to the Secretary by the Board. Because no such request has been made for either action, FMCSA is without authority to take the action requested by Texas. The fees are based on the only set of revenue entitlements submitted by the UCR Plan to the Secretary, which were approved in the 2010 final rule and which includes a revenue entitlement of $2,718,628.06 for Texas.     The statute has provisions in 49 U.S.C 14504a(g)(1) to (3) governing how the revenue entitlement for each participating State should be determined. Texas DMV asserts that the Texas revenue entitlement should be determined under paragraph (g)(1), based on the revenues Texas received during the ***calendar*** ***year*** 2004 under SSRS. But the Texas DMV does not explain how or why its revenue entitlement under this provision should be $5,765,819.93 for each ***year*** under the UCR Agreement, instead of the $2,718,628.06 that has been in effect since 2007. It also does not explain why it has waited more than 11 ***years*** to assert that it is entitled to a larger revenue entitlement.     Even if Texas DMV is correct that the larger amount is appropriate under the statute, it has failed to submit its claim to the Board. The statute provides that the amount of revenues generated under the UCR Agreement to which a State is entitled shall be calculated by the Board and approved by the Secretary. 49 U.S.C 14504a(g)(4). A revised calculation of the Texas revenue entitlement, which shows that it complies with the statutory requirements in section 14504a(g)(1), has not been submitted to the Board for its review and confirmation, and it has not been submitted by the Board to FMCSA for approval. FMCSA is without authority to consider or approve a revised revenue entitlement for Texas unless and until a revised calculation is submitted by the UCR Plan's board of directors.     The statute has similar provisions governing adjustments in the fees. The Board may ask FMCSA to adjust the fees within a reasonable range on an annual basis if the revenues derived from the fees are insufficient to provide the revenues to which the States are entitled. 49 U.S.C 14504a(f)(1)(E)(i). No request has been made by the Board to adjust the fees in order to provide any revenues to satisfy the claim by Texas for a larger annual revenue entitlement or to provide funds to make up the ``shortage'' Texas has supposedly incurred for 11 ***years***. The only request before the Agency from the Board is the reduction in fees submitted on March 22, 2017 after a unanimous vote of the UCR Board. FMCSA is without authority to consider or approve any adjustment in the fees (other than the one submitted on March 22) unless and until the Board makes a recommendation that would reflect the effects of the revised revenue entitlement claimed by Texas.

C. Change Design of Fee Structure

Comments     OOIDA stated that single-truck operators or small fleet carriers represented approximately 95% of the motor carrier industry and that the current fee structure is burdensome and costly to its members due to the limited resources they have in comparison to larger competitors. OOIDA stated that the inequalities are particularly noted between and within the arbitrary ***payment*** brackets in effect and proposed that a standard flat fee per vehicle should be considered to reduce inequity amongst small, medium, and large fleets. An anonymous commenter felt that the current structure appears punitive to companies who are on the lower end of the tiered brackets that are currently in effect. The commenter cited the following examples in the current fee structure in which by going from 100 power units to 101 power units or even 1000 power units to 1001 power units companies would incur enormous percentage fee increases for a single power unit. The commenter recommended that the fee should be charged on a per unit basis. The per unit fee recommendation was also supported by another anonymous commenter. FMCSA Response     Three commenters suggested changing the UCR fees to a ``per-unit'' (i.e on a per vehicle) basis. FMCSA has not evaluated the merits of this suggestion because it is not an alternative available to the Agency. The statute requires that the Board set the fee structure based on 4 to 6 brackets depending on the size of the fleet. 49 U.S.C 14504a(f)(1)(C). Implementing the commenters' ``per unit'' suggestion would require a statutory amendment. Unless and until that occurs, neither the Board nor FMCSA has authority to change the current fee structure using brackets.

D. Other Concerns

Comments     OOIDA expressed other specific concerns regarding the proposed rule including the fact that smaller carriers lack the resources to assist ***payment*** processing and submission of paperwork. OOIDA also expressed concerns regarding the lack of consistency among states in their use of the fees for enforcement or administration purposes. Overall, OOIDA felt that the existing organization and administration of the UCR ***program*** makes it difficult for small-business truckers and owner- operators to recognize any benefits from the mandated fees they are expected to pay. OOIDA recommended a federal audit of the UCR plan to review how states are actually spending UCR revenues. FMCSA Response     OOIDA's concerns described above are outside of the scope of this rulemaking.

VIII. International Impacts

    Motor carriers and other entities involved in interstate and foreign transportation in the United States that do not have a principal office in the United States, are nonetheless subject to the fees for the UCR Plan. They are required to designate a participating State as a base State and pay the appropriate fees to that State. 49 U.S.C 14504a(a)(2)(B)(ii) and (f)(4).

IX. Section-by-Section Analysis

    Under this final rule, the provisions of 49 CFR 367.30 are revised to apply to registration ***years*** 2010 to 2017, inclusive. A new 49 CFR 367.40 establishes the reduced fees for registration ***year*** 2018. A second new section, 49 CFR 367.50, establishes fees for 2019, which will remain in effect in subsequent registration ***years*** unless and until revised in the future.

X. Regulatory Analyses

A. Executive Order (E.O ) 12866 (Regulatory Planning and Review), E.O 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

    FMCSA determined that this final rule is not a significant regulatory action

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under section 3(f) of Executive Order (E.O ) 12866 (58 FR 51735, October 4, 1993), Regulatory Planning and Review, as supplemented by E.O 13563 (76 FR 3821, January 21, 2011), Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. Accordingly, the Office of Management and Budget (OMB) has not reviewed it under that Order. It is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; (44 FR 11034), February 26, 1979).     The changes imposed by this final rule adjust the registration fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. Fees are considered by OMB Circular A-4, Regulatory Analysis, as ***transfer*** ***payments***, not costs. ***Transfer*** ***payments*** are ***payments*** from one group to another that do not affect total resources available to society. By definition, ***transfers*** are not considered in the monetization of societal costs and benefits of rulemakings.     This rule establishes adjustments in the annual registration fees for the UCR Plan and Agreement. The total amount targeted for collection by the UCR Plan will not change as a result of this rule, but the fees paid, or ***transfers***, per affected entity will be reduced. The primary entities affected by this rule are the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Because the total amount collected will continue to be the statutory maximum, the participating States will not be impacted by this rule. The primary impact of this rule will be a reduction in fees paid by individual motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The reduction will range from approximately $7 to $6,700 per entity in the first ***year***, and from approximately $3 to $3,400 per entity in subsequent ***years***, depending on the number of vehicles owned and/or operated by the affected entities.

B. E.O 13771 Reducing Regulation and Controlling Regulatory Costs

    E.O 13771 requires that for ``every one new [E.O 13771 regulatory action] issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.'' \2\ Implementation guidance for E.O 13771 issued by the Office of Management and Budget (OMB) on April 5, 2017, defines two different types of E.O 13771 actions: An E.O 13771 deregulatory action, and an E.O 13771 regulatory action.\3\ ---------------------------------------------------------------------------

    \2\ Executive Office of the President. Executive Order 13771 of January 30, 2017. Reducing Regulation and Controlling Regulatory Costs. 82 FR 9339-9341. February 3, 2017.     \3\ Executive Office of the President. Office of Management and Budget. Guidance Implementing Executive Order 13771, Titled ``Reducing Regulation and Controlling Regulatory Costs.'' Memorandum M-17-21. April 5, 2017. ---------------------------------------------------------------------------

    An E.O 13771 deregulatory action is defined as ``an action that has been finalized and has total costs less than zero.'' As this is a zero total cost rulemaking and consequently does not have total costs less than zero, it therefore is not an E.O 13771 deregulatory action.     An E.O 13771 regulatory action is defined as:     (i) a significant action as defined in Section 3(f) of E.O 12866 that has been finalized, and that imposes total costs greater than zero; or     (ii) a significant guidance document (e.g , significant interpretive guidance) reviewed by Office of Information and Regulatory Affairs under the procedures of E.O 12866 that has been finalized and that imposes total costs greater than zero.     The Agency action, in this case a rulemaking, must meet both the significance and the total cost criteria to be considered an E.O 13771 regulatory action. This rulemaking is not a significant regulatory action as defined in Section 3(f) of E.O 12866, and therefore does not meet the significance criterion for being an E.O 13771 regulatory action. Consequently, this rulemaking is not an E.O 13771 regulatory action and no further action under E.O 13771 is required.

C. Regulatory Flexibility Act

    The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104-121, 110 Stat. 857), requires Federal agencies to consider the impact of their regulatory proposals on small entities, analyze effective alternatives that minimize small entity impacts, and make their analyses available for public comment. The term ``small entities'' means small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000.\4\ Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these entities. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. ---------------------------------------------------------------------------

    \4\ Regulatory Flexibility Act (5 U.S.C 601 et seq.). Available at: [*https://www.sba.gov/advocacy/regulatory-flexibility-act*](https://www.sba.gov/advocacy/regulatory-flexibility-act) (accessed February 13, 2017). ---------------------------------------------------------------------------

    This rule will directly affect the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Under the standards of the RFA, as amended by the SBREFA, the participating States are not small entities. States are not considered small entities because they do not meet the definition of a small entity in Section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under Section 601(5) of the RFA, both because State government is not included among the various levels of government listed in Section 601(5), and because, even if this were the case, no State nor the District of Columbia has a population of less than 50,000, which is the criterion by which a governmental jurisdiction is considered small under Section 601(5) of the RFA.     The Small Business Administration (SBA) size standard for a small entity (13 CFR 121.201) differs by industry code. The entities affected by this rule fall into many different industry codes. In order to determine if this rule would have an impact on a significant number of small entities, FMCSA examined the 2012 Economic Census \5\ data for two different industries; truck transportation (Subsector 484) and transit and ground transportation (Subsector 485). According to the 2012 Economic Census, approximately 99 percent of truck transportation firms, and approximately 97 percent of transit and ground transportation firms, had annual revenue less than the SBA revenue threshold of $27.5 million and $15 million, respectively. Therefore, FMCSA has determined that this rule will impact a substantial number of small entities. ---------------------------------------------------------------------------

    \5\ U.S Census Bureau, 2012 US Economic Census. Available at: [*https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\_2012\_US\_48SSSZ4&prodType=table*](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_48SSSZ4&prodType=table) (accessed April 27th, 2017). ---------------------------------------------------------------------------

    However, FMCSA has determined that this rule will not have a significant impact on the affected entities. The

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effect of this rule will be to reduce the registration fee motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies are currently required to pay. The reduction will range from approximately $7 to $6,700 per entity, in the first ***year***, and from approximately $3 to $3,400 per entity in subsequent ***years***, depending on the number of vehicles owned and/or operated by the affected entities. FMCSA asserts that the reduction in fees will be entirely beneficial to these entities, and will not have a significant impact on the affected small entities. Accordingly, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

    In accordance with section 213(a) of the SBREFA, FMCSA wants to assist small entities in understanding this final rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Gerald Folsom, listed in the For Further Information Contact section of this final rule.     Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and ***Agriculture*** Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1-888-REG-FAIR (1-888-734-3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

    The Unfunded Mandates Reform Act of 1995 (2 U.S.C 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $156 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2015 levels) or more in any one ***year***. Though this final rule will not result in any such expenditure, the Agency discusses the effects of this rule elsewhere in this preamble.

F. Paperwork Reduction Act

    Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C 3501 et seq.), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. FMCSA determined that no new information collection requirements are associated with this final rule, nor are there any revisions to existing, approved collections of information. Therefore, the PRA does not apply to this final rule.

G. E.O 13132 (Federalism)

    A rule has implications for Federalism under Section 1(a) of E.O 13132 if it has ``substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' FMCSA has determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation, imposes substantial direct unreimbursed compliance costs on any State, or diminishes the power of any State to enforce its own laws. As detailed above, the UCR Board of Directors includes substantial State representation. The States have already had opportunity for input through their representatives. Accordingly, this rulemaking does not have Federalism implications warranting the application of E.O 13132.

H. E.O 12988 (Civil Justice Reform)

    This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

I. E.O 13045 (Protection of Children)

    E.O 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, Apr. 23, 1997), requires agencies issuing ``economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this final rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, the Agency does not anticipate that this regulatory action could in any respect present an environmental or safety risk that could disproportionately affect children.

J. E.O 12630 (Taking of Private Property)

    FMCSA reviewed this final rule in accordance with E.O 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

K. Privacy Impact Assessment

    Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108-447, 118 Stat. 2809, 3268, 5 U.S.C 552a note), requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule does not require the collection of personally identifiable information.

L. E.O 12372 (Intergovernmental Review)

    The regulations implementing E.O 12372 regarding intergovernmental consultation on Federal ***programs*** and activities do not apply to this ***program***.

M. E.O 13211 (Energy Supply, Distribution, or Use)

    FMCSA has analyzed this final rule under E.O 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that this rule is not a ``significant energy action'' under that order because it is not a ``significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O 13211.

N. E.O 13175 (Indian Tribal Governments)

    This rule does not have tribal implications under E.O 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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O. National Technology ***Transfer*** and Advancement Act (Technical Standards)

    The National Technology ***Transfer*** and Advancement Act (15 U.S.C 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (e.g , specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

P. Environment (National Environmental Policy Act, Clean Air Act, Environmental Justice)

    FMCSA analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C 4321 et seq.) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, March 1, 2004), Appendix 2, paragraph 6.(h). The Categorical Exclusion (CE) in paragraph 6.(h) covers regulations and actions taken pursuant to the regulations implementing procedures to collect fees that will be charged for motor carrier registrations. The content in this rule is covered by this CE and the final action does not have any effect on the quality of the environment. The CE determination is available for inspection or copying in the Regulations.gov     FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C 7401 et seq.), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.     Under E.O 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, each Federal agency must identify and address, as appropriate, ``disproportionately high and adverse human health or environmental effects of its ***programs***, policies, and activities on minority populations and low-income populations'' in the United States, its possessions, and territories. FMCSA evaluated the environmental justice effects of this final rule in accordance with the E.O 12898, and has determined that no environmental justice issue is associated with this final rule, nor is there any collective environmental impact that would result from its promulgation.

List of Subjects in 49 CFR Part 367

    Insurance, Intergovernmental relations, Motor carriers, Surety bonds.

    For the reasons discussed in the preamble, the Federal Motor Carrier Safety Administration is amending title 49 CFR chapter III, part 367 as follows:

PART 367--STANDARDS FOR REGISTRATION WITH STATES

0 1. The authority citation for part 367 continues to read as follows:

    Authority: 49 U.S.C 13301, 14504a; and 49 CFR 1.87

0 2. Revise Sec.  367.30 to read as follows:

Sec.  367.30   Fees under the Unified Carrier Registration Plan and Agreement for registration ***years*** beginning in 2010 and ending in 2017.

 Table 1 to Sec.   367.30--Fees Under the Unified Carrier Registration Plan and Agreement for Each Registration                                                  ***Year*** 2010-2017 ----------------------------------------------------------------------------------------------------------------                                 Number of commercial                                motor vehicles owned or   Fee per entity for exempt                                 operated by exempt or       or non-exempt motor            Bracket                non-exempt motor         carrier, motor private     Fee per entity for broker                                carrier, motor private       carrier, or freight           or leasing company                                  carrier, or freight             forwarder                                       forwarder ---------------------------------------------------------------------------------------------------------------- B1..........................  0-2.....................                          $76                          $76 B2..........................  3-5.....................                          227  ........................... B3..........................  6-20....................                          452  ........................... B4..........................  21-100..................                        1,576  ........................... B5..........................  101-1,000...............                        7,511  ........................... B6..........................  1,001 and above.........                       73,346  ........................... ----------------------------------------------------------------------------------------------------------------

0 3. Add new Sec. Sec.  367.40 and 367.50 to subpart B to read as follows:

Sec.  367.40   Fees under the Unified Carrier Registration Plan and Agreement for registration ***year*** 2018.

 Table 1 to Sec.   367.40--Fees Under the Unified Carrier Registration Plan and Agreement for Registration ***Year***                                                       2018 ----------------------------------------------------------------------------------------------------------------                                 Number of commercial                                motor vehicles owned or   Fee per entity for exempt                                 operated by exempt or       or non-exempt motor            Bracket                non-exempt motor         carrier, motor private     Fee per entity for broker                                carrier, motor private       carrier, or freight           or leasing company                                  carrier, or freight             forwarder                                       forwarder ---------------------------------------------------------------------------------------------------------------- B1..........................  0-2.....................                          $69                          $69 B2..........................  3-5.....................                          206  ........................... B3..........................  6-20....................                          410  ........................... B4..........................  21-100..................                        1,431  ........................... B5..........................  101-1,000...............                        6,820  ........................... B6..........................  1,001 and above.........                       66,597  ........................... ----------------------------------------------------------------------------------------------------------------

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Sec.  367.50   Fees under the Unified Carrier Registration Plan and Agreement for registration ***years*** beginning in 2019.

 Table 1 to Sec.   367.50--Fees Under the Unified Carrier Registration Plan and Agreement for Registration ***Year***                               2019 and Each Subsequent Registration ***Year*** Thereafter ----------------------------------------------------------------------------------------------------------------                                 Number of commercial                                motor vehicles owned or   Fee per entity for exempt                                 operated by exempt or       or non-exempt motor            Bracket                non-exempt motor         carrier, motor private     Fee per entity for broker                                carrier, motor private       carrier, or freight           or leasing company                                  carrier, or freight             forwarder                                       forwarder ---------------------------------------------------------------------------------------------------------------- B1..........................  0-2.....................                          $73                          $73 B2..........................  3-5.....................                          217  ........................... B3..........................  6-20....................                          431  ........................... B4..........................  21-100..................                        1,503  ........................... B5..........................  101-1,000...............                        7,165  ........................... B6..........................  1,001 and above.........                       69,971  ........................... ----------------------------------------------------------------------------------------------------------------

    Issued under authority delegated in 49 CFR 1.87 on: December 29, 2017.  Cathy F. Gautreaux,  Deputy Administrator. [FR Doc. 2017-28509 Filed 1-2-18; 4:15 pm]  BILLING CODE 4910-EX-P

**Load-Date:** January 6, 2018

**End of Document**



[***FEDERAL REGISTER: Fees for the Unified Carrier Registration Plan and Agreement Pages 605 - 613 [FR DOC # 2017-28509]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RBN-HGB1-JDG9-Y3SP-00000-00&context=1516831)

Impact News Service

January 5, 2018 Friday

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**Length:** 9585 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

DEPARTMENT OF TRANSPORTATION Federal Motor Carrier Safety Administration 49 CFR Part 367 [Docket No. FMCSA-2017-0118] RIN 2126-AC03 Fees for the Unified Carrier Registration Plan and Agreement AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT. ACTION: Final rule. ----------------------------------------------------------------------- SUMMARY: This rule establishes reductions in the annual registration fees collected from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies for the Unified Carrier Registration (UCR) Plan and Agreement for the registration ***years*** 2018, 2019 and subsequent ***years***. For the 2018 registration ***year***, the fees will be reduced below the current level by approximately 9.10% to ensure that fee revenues do not exceed the statutory maximum, and to account for the excess funds held in the depository. For the 2019 registration ***year*** and subsequent ***years***, the fees will be reduced below the current level by approximately 4.55% to ensure the fee revenues in that and future ***years*** do not exceed the statutory maximum.

DATES: This final rule is effective January 5, 2018. FOR FURTHER INFORMATION CONTACT: Mr. Gerald Folsom, Office of Registration and Safety Information, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001 or by telephone at 202-385-2405. SUPPLEMENTARY INFORMATION: This Final Rule is organized as follows: I. Rulemaking Documents A. Availability of Rulemaking Documents B. Privacy Act II. Abbreviations and Acronyms III. Executive Summary A. Purpose and Summary of the Major Provisions B. Benefits and Costs IV. Legal Basis for the Rulemaking V. Statutory Requirements for UCR Fees A. Legislative History B. Fee Requirements VI. Background Recommendation From the UCR Plan VII. Discussion of the Comments A. Small Business in Transportation Coalition B. Revenue Entitlement for the State of Texas C. Change Design of Fee Structure D. Other Concerns VIII. International Impacts IX. Section-by-Section Analysis X. Regulatory Analyses A. Executive Order (E.O ) 12866 (Regulatory Planning and Review), E.O 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures B. E.O 13771 Reducing Regulation and Controlling Costs C. Regulatory Flexibility Act (Small Entities) D. Assistance for Small Entities E. Unfunded Mandates Reform Act of 1995 F. Paperwork Reduction Act (Collection of Information) G. E.O 13132 (Federalism) H. E.O 12988 (Civil Justice Reform) I. E.O 13045 (Protection of Children) J. E.O 12630 (Taking of Private Property) K. Privacy Impact Assessment L. E.O 12372 (Intergovernmental Review) M. E.O 13211 (Energy Supply, Distribution, or Use) N. E.O 13175 (Indian Tribal Governments) O. National Technology ***Transfer*** and Advancement Act (Technical Standards) P. Environment (National Environmental Policy Act, Clean Air Act, Environmental Justice) I. Rulemaking Documents A. Availability of Rulemaking Documents For access to docket FMCSA-2017-0118 to read background documents, go to [*https://www.regulations.gov*](https://www.regulations.gov) at any time, or to Docket Services at U.S Department of Transportation, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m and 5 p.m , Monday through Friday, except Federal holidays. B. Privacy Act In accordance with 5 U.S.C 553(c), the U.S Department of Transportation (DOT) solicits comments from the public to better inform its rulemaking process. DOT posts any comments, without edit, including any personal information the commenter provides, to   [*www.regulations.gov*](http://www.regulations.gov), as described in the system of records notice (DOT/ ALL-14 FDMS), which can be reviewed at   [*https://www.transportation.gov/privacy*](https://www.transportation.gov/privacy). II. Abbreviations and Acronyms The following is a list of abbreviations used in this document Board Unified Carrier Registration Board of Directors CAA Clean Air Act CE Categorical Exclusion FMCSA Federal Motor Carrier Safety Administration OMB Office of Management and Budget OOIDA Owner-Operator Independent Drivers Association PRA Paperwork Reduction Act RFA Regulatory Flexibility Act SBA Small Business Administration SBREFA Small Business Regulatory Enforcement Fairness Act SBTC Small Business in Transportation Coalition SSRS Single State Registration System Texas DMV Texas Department of Motor Vehicles UCR Unified Carrier Registration UCR Agreement Unified Carrier Registration Agreement UCR Plan Unified Carrier Registration Plan. III. Executive Summary A. Purpose and Summary of the Major Provisions The UCR Plan and the 41 States participating in the UCR Agreement establish and collect fees from motor carriers, motor private carriers of [[Page 606]] property, brokers, freight forwarders, and leasing companies. The UCR Plan and Agreement are administered by a 15-member board of directors (UCR Board); 14 appointed from the participating States and the industry, plus the Deputy Administrator of FMCSA. Revenues collected are allocated to the participating States and the UCR Plan. The statute sets a statutory maximum amount that the UCR Plan may collect. If annual revenues will exceed the statutory maximum allowed, then the UCR Plan must request adjustments to the fees. 49 U.S.C 14504a(f)(1)(E). Also, any excess funds held by the UCR Plan after ***payments*** are made to the States and for administrative costs are retained in the UCR depository and subsequent fees charged are reduced as required by 49 U.S.C 14504a(h)(4). Adjustments in the fees are requested by the UCR Plan and approved by FMCSA. These two provisions are the reasons for the two-stage adjustment adopted in this final rule. The final rule provides for a reduction for at least the next two registration ***years*** to the annual registration fees established for the Unified Carrier Registration (UCR) Agreement. The UCR Plan and the participating States collect registration fees for each registration ***year***, which is the same period as the ***calendar*** ***year***. Generally, collection begins on October 1st of the previous ***year***, and continues until December 31st of the ***year*** following the registration ***year***. For example, collection for the 2016 registration ***year*** began on October 1, 2015, and will end on December 31, 2017. Currently the UCR Plan estimates that by December 31, 2017, total revenues will exceed the statutory maximum for the 2016 registration ***year*** by $5.13 million, or approximately 4.55%. This is the first time that revenues collected will exceed the statutory maximum. Therefore, in March 2017, the UCR Board requested that FMCSA adjust the fees in a two-stage process. For the 2018 registration ***year***, with collection beginning on October 1, 2017 and ending December 31, 2019, the fees would be reduced below the current level by approximately 9.10% to ensure that fee revenues do not exceed the statutory maximum, and to reduce the excess funds held in the depository. For the 2019 registration ***year***, with collection beginning on October 1, 2018 and ending December 31, 2020, the fees would be reduced below the current level by approximately 4.55% to ensure the fee revenues in that and future ***years*** do not exceed the statutory maximum. B. Benefits and Costs The changes imposed by this final rule reduce the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the participating States. Fees are considered by the Office of Management and Budget (OMB) Circular A-4, Regulatory Analysis, as ***transfer*** ***payments***, not costs. ***Transfer*** ***payments*** are ***payments*** from one group to another that do not affect total resources available to society. Therefore, ***transfers*** are not considered in the monetization of societal costs and benefits of rulemakings. The UCR Plan's formal recommendation requested the Secretary (delegated to FMCSA) to set annual fees beginning in the registration ***year*** 2018, as required by 49 U.S.C 14504a(d)(7). FMCSA issued a notice of proposed rulemaking proposing to reduce the fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies based on an analysis of current collections and past trends. The Agency reviewed the UCR Plan's formal recommendation prior to issuing the NPRM and concluded that the UCR Plan's projection of the total revenues received for registration ***year*** 2016 may have been understated. 49 U.S.C 14504a(d)(7). This understatement would result in slightly higher fees for certain brackets. FMCSA conducted its own analysis, adjusted the methodology for projecting collections through the remainder of 2017, and updated the fees accordingly. The total amount targeted for collection by the UCR Plan will not change as a result of this rule, but the fees paid, or ***transfers***, per affected entity will be slightly reduced from the UCR Plan's original formal recommendation. IV. Legal Basis for the Rulemaking This rule adjusts the annual registration fees for the UCR Agreement established by 49 U.S.C 14504a. The requested fee adjustments are required by 49 U.S.C 14504a because, for the registration ***year*** 2016, the total revenues collected are expected to exceed the total revenue entitlements of $107.78 million distributed to the 41 participating States plus the $5 million established for the administrative costs associated with the UCR Plan and Agreement. The requested adjustments have been submitted by the UCR Plan in accordance with 49 U.S.C 14504a(f)(1)(E)(ii), which requires the Board to request an adjustment by the Secretary when the annual revenues exceed the maximum allowed. In addition, 49 U.S.C 14504a(h)(4) states that any excess funds held by the UCR Plan in its depository, after ***payments*** to the States and for administrative costs, shall be retained ``and the fees charged . . . shall be reduced by the Secretary accordingly.'' The Secretary also has broad rulemaking authority in 49 U.S.C 13301(a) to carry out 49 U.S.C 14504a, which is part of 49 U.S.C subtitle IV, part B. Authority to administer these statutory provisions has been delegated to the FMCSA Administrator by 49 CFR 1.87(a)(2) and (7). The APA also allows agencies to make rules effective immediately with good cause, instead of requiring publication 30 days prior to the effective date. 5 U.S.C 553(d)(3). FMCSA finds there is good cause for this rule to be effective immediately so that the UCR Plan and the participating States may begin collection of fees immediately for the registration ***year*** that will begin on January 1, 2018. The immediate commencement of fee collection will avoid further delay in distributing revenues to the participating States. V. Statutory Requirements for the UCR Fees A. Legislative History The Unified Carrier Registration Plan is ``the organization . . . responsible for developing, implementing, and administering the unified carrier registration agreement.'' 49 U.S.C 14504a(a)(9). The UCR Agreement developed by the UCR Plan is the ``interstate agreement . . . governing the collection and distribution of registration and financial responsibility information provided and fees paid by motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies . . . .'' 49 U.S.C 14504a(a)(8). The legislative history of 49 U.S.C 14504a indicates that the purpose of the UCR Plan and Agreement is both to replace the Single State Registration System (SSRS) for registration of interstate motor carrier entities with the States and to ``ensure that States don't lose current revenues derived from SSRS'' (S. Rep. 109-120, at 2 (2005)). The statute provides for a 15-member Board of Directors for the UCR Plan to be appointed by the Secretary of Transportation. The statute specifies that the UCR Board should consist of one individual (either the FMCSA Deputy Administrator or another Presidential appointee) from the Department of Transportation; four directors from among the chief [[Page 607]] administrative officers of the State agencies responsible for administering the UCR Agreement (one from each of the four FMCSA service areas); five directors from among the professional staffs of State agencies responsible for administering the UCR Agreement, to be nominated by the National Conference of State Transportation Specialists; and five directors from the motor carrier industry, of whom at least one must be from a national trade association representing the general motor carrier of property industry and one from a motor carrier that falls within the smallest fleet fee bracket. 49 U.S.C 14504a(d)(1)(B). The UCR Plan and the participating States are authorized by 49 U.S.C 14504a(f) to establish and collect fees from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The current annual fees charged are set out in 49 CFR 367.30 These fees were adopted by FMCSA in 2010 after a rulemaking proceeding that considered the substantial increase in fees over the fees initially established in 2007. Compare Fees for the Unified Registration Plan and Agreement, 75 FR 21993 (Apr. 27, 2010) (``2010 Final Rule'') with Fees for Unified Registration Plan and Agreement, 72 FR 48585 (Aug. 24, 2007) (``2007 Final Rule''). For carriers and freight forwarders, the fees vary according to the size of the vehicle fleets, as required by 49 U.S.C 14504a(f). The fees collected are allocated to the States and the UCR Plan in accordance with 49 U.S.C 14504a(h). Participating States submit a plan demonstrating that an amount equivalent to the revenues received are used for motor carrier safety ***programs***, enforcement or the administration of the UCR Plan and Agreement. 49 U.S.C 14504a(e)(1)(B). B. Fee Requirements The statute specifies that fees are to be based upon the recommendation of the UCR Board, 49 U.S.C 14504a(d)(7)(A). In recommending the level of fees to be assessed in any agreement ***year***, and in setting the fee level, both the Board and the Agency shall consider the following factors:  Administrative costs associated with the UCR Plan and Agreement;      Whether the revenues generated in the previous ***year*** and any surplus or shortage from that or prior ***years*** enable the participating States to achieve the revenue levels set by the Board; and      Provisions governing fees in 49 U.S.C 14504a(f)(1).     The Secretary, if asked by the Board, may also adjust the fees within a reasonable range on an annual basis if the revenues derived from the fees are either insufficient to provide the participating States with the revenues they are entitled to receive or exceed those revenues (49 U.S.C 14504a(f)(1)(E)).     Overall, the fees assessed under the UCR Agreement must produce the level of revenue established by statute. Section 14504a(g) establishes the revenue entitlements for States that choose to participate in the UCR Plan. That section provides that a State, participating in SSRS in the registration ***year*** prior to the enactment of the Unified Carrier Registration Act of 2005 is entitled to receive revenues under the UCR Agreement equivalent to the revenues it received in the ***year*** before that enactment. Participating States that also collected intrastate registration fees from interstate motor carrier entities (whether or not they participated in SSRS) are also entitled to receive revenues of this type under the UCR Agreement, in an amount equivalent to the amount received in the previous registration ***year***. The statute also requires that States that did not participate in SSRS previously, but that choose to participate in the UCR Plan, may receive revenues not to exceed $500,000 per ***year***. The Board calculates the amount of revenue that each participating State is entitled to under the UCR Agreement which is then approved by the Secretary.     FMCSA's responsibilities under 49 U.S.C 14504a in setting fees for the UCR Plan and Agreement are guided by the primacy the statute places on the need both to set and to adjust the fees so they ``provide the revenues to which the States are entitled.'' The statute links the requirement that the fees be adjusted ``within a reasonable range'' by both the UCR Plan and FMCSA to the provision of sufficient revenues to meet the entitlements of the participating States (49 U.S.C 14504a(f)(1)(E); see also 49 U.S.C 14504a(d)(7)(A)(ii)).     Additionally, section 14504a(h)(4) requires FMCSA to reduce the fees for all motor carrier entities in the ***year*** following any ***year*** in which the depository retains any funds in excess of the amount necessary to satisfy the revenue entitlements of the participating States and the UCR Plan's administrative costs.

VI. Background

Recommendation From the UCR Plan

    On March 14, 2017, the Board voted unanimously to submit a recommendation to the Secretary for a reduction of registration fees collected by the UCR Plan for 2018, with an adjustment in fees in 2019 and subsequent ***years***. The recommendation was submitted to the Secretary on March 22, 2017, and a copy has been placed in the docket.\1\ The requested fee adjustments are required by 49 U.S.C 14504a because, for the registration ***year*** 2016, the total revenues collected have, for the first time, exceeded the total revenue entitlements of $107.78 million distributed to the 41 participating States, plus the $5 million established for ``the administrative costs associated with the unified carrier registration plan and agreement.'' 49 U.S.C 14504a((d)(7)(A)(i)). The maximum revenue entitlements for each of the 41 participating States, totaling $107.78 million and already established in accordance with 49 U.S.C 14504a(g), are set out in the table attached to the March 22, 2017 recommendation. These revenue entitlements for the States are the same as those that were approved in the 2010 final rule (75 FR at 22008-9 and Table 5) that have continued in effect for each of the eight registration ***years*** from 2010 to 2017, inclusive. ---------------------------------------------------------------------------

    \1\ The UCR recommendation submitted March 22, 2017 including the letter request from the Board and all related tables is located in docket FMCSA-2017-0118 at: [*www.regulations.gov*](http://www.regulations.gov) ---------------------------------------------------------------------------

    As indicated in the analysis attached to the March 22, 2017 letter, as of the end of February 2017, the UCR Plan had already collected $4.15 million more than the statutory maximum of $112.78 million for 2016. The UCR Plan estimates that by the end of 2017, total revenues will exceed the statutory maximum, for 2016, by $5.13 million, or approximately 4.55%. The excess revenues collected will be held in a depository maintained by the Plan as required by 49 U.S.C 14504a(h)(4).     Because of the collection of excess revenue, the UCR Plan requested adjustments to the fees in accordance with 49 U.S.C 14504a(f)(1)(E)(ii), which requires the Board to request an adjustment when the annual revenues exceed the maximum allowed. In addition, 49 U.S.C 14504a(h)(4) states that any excess funds held by the UCR Plan in its depository, after ***payments*** to the States and for administrative costs, shall be retained ``and the fees charged . . . shall be reduced by the Secretary accordingly.'' These two provisions are distinct, and are the basis for the two-stage adjustment in the recommendation.     The requested adjustments would occur in two stages; an initial reduction below the current level by approximately 9.10% for 2018 to account for the excess revenues already

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collected in 2016, followed by a reduction below the current level by approximately 4.55% for 2019 and subsequent ***years*** to keep future revenues below the statutory maximum. The adjusted fees recommended for each bracket for 2018 and 2019 are shown in the analysis attached to the March 22 letter. The UCR Plan requested that the reduction for the 2018 registration ***year*** be adopted not later than August 31, 2017, to enable the participating States and the UCR Plan to reflect the new fees when fee collection for the 2018 registration ***year*** that began on October 1, 2017.

VII. Discussion of the Comments

    FMCSA received 7 comments on the NPRM. Five commenters disagreed with some aspect or another of the NPRM, including the Texas Department of Motor Vehicles (Texas DMV), Owner-Operator Independent Drivers Association (OOIDA), Small Business in Transportation Coalition (SBTC) and two anonymous commenters. Two additional anonymous commenters agreed with the NPRM favoring the fee reduction. The major comments included a request to have the NPRM withdrawn, as well as a recommendation to have the UCR Board submit a new recommendation to implement the fee reduction with a new 2019 fee schedule and a request for assurance that the State of Texas will be able to collect all of the revenues to which it is entitled. Also comments addressed recommendations for changing the current design of the fee structure. Additional concerns included the absence of consistent enforcement of penalties, and the difficulty for small businesses to realize benefits from the mandated fees paid due to the existing structure and administration of the ***program***.

A. Small Business in Transportation Coalition

Comments     The Small Business in Transportation Coalition (SBTC) contended that the NPRM published September 21, 2017, is unlawful and should be withdrawn. It contends that while the UCR Plan notified the FMCSA of its recommendation for a reduction in the fees on March 22, 2017, the Agency failed to set the new fees within the 90-day period specified in the statute.     As a result of the lack of action within 90 days, SBTC asserts that on September 14, 2017, the Board held an ``improperly noticed secret meeting'' that changed the date for commencement of the registration and ***payment*** of fees from October 1, 2017, to November 1, 2017. SBTC claims that this action by the UCR Plan thereby shortens the period for carriers to comply with the UCR requirement, even though the affected registrants would then be paying a reduced fee.     After the close of the comment period, SBTC and a broker, 12 Percent Logistics, Inc., brought a civil action in the United States District Court for the District of Columbia (Civil Action No 1:17-cv- 2000) in which they sought injunctive relief to set aside the UCR Plan's postponement of the date for commencement of registration and fee ***payment***. On October 18, the court denied the request to set aside the postponement of the registration period but ordered the UCR Board and the operator of its on-line registration system (the Indiana Department of Revenue) to post the draft minutes of a September 14, 2017, meeting of the UCR Board on their respective websites and to make an announcement of these postings at the Board's October 26, 2017, meeting. The draft minutes of the Board's September 14, 2017 meeting were posted on websites [*www.ucrplan.org*](http://www.ucrplan.org) and   [*www.ucr.in.gov/ucrHome.html*](http://www.ucr.in.gov/ucrHome.html) on October 20, 2017 and October 24, 2017, respectively. The Board announced the availability of the draft minutes on these websites at its October 26, 2017 meeting. FMCSA Response     SBTC cites no authority for its contention that FMCSA and the Secretary no longer have the authority to set new fees for 2018 because the statutory deadline for such action of 90 days in 49 U.S.C 14504a(d)(7) has not been met. SBTC's contention that FMCSA ``has missed its lawful opportunity'' to set the fees based on the UCR Plan's March 22 recommendation is legally incorrect.     SBTC cannot point to any explicit statement in the provisions of 49 U.S.C 14504a that bars action by FMCSA when the 90-day period is not met, because there is none. In addition, there are important public rights at stake that would be affected if FMCSA lost its power to act on the UCR Plan's recommendation, as contended by SBTC. The fee reduction recommended by the UCR Plan, proposed for implementation in the NPRM and now adopted in this final rule, is necessary to comply with two important provisions in the statute that require compliance with the statutory maximum amount of revenues to be collected by the UCR Plan and the participating States. 49 U.S.C 14504a(f)(1)(E)(ii) and (h)(4). Instead of allowing SBTC's members and the rest of the motor carrier industry to benefit as soon as possible from the reduction in fees based on excess revenues that the UCR Plan has already recognized were collected for registration ***year*** 2016, SBTC's request would have the harmful effect of delaying the benefits of the reduction until 2019.     FMCSA and the Secretary have not lost the power to take action to implement the reduction in fees for 2018 and later ***years*** because the Agency did not complete such action within 90 days. SBTC's request for withdrawal of this rulemaking is therefore denied.

B. Revenue Entitlement for the State of Texas

Comments     The Texas Department of Motor Vehicles requested that FMCSA ``take the necessary steps to ensure that the state of Texas receives the full amount of UCR revenues to which Texas is entitled under 49 U.S.C 14504a(g)(1).'' Texas DMV stated that after the State's move from the SSRS to the UCR Plan and Agreement, it had not received the amount of funds from the UCR Plan and Agreement to which it believes it is entitled. Since 2007, under the revenue entitlement calculations submitted by the UCR Plan to the Secretary and FMCSA, the revenue entitlement for Texas has been set at $2,718,628.06 72 FR at 48588 and Table 1 (2007 Final Rule) and 75 FR at 22008-9 and Table 5 (2010 Final Rule). Texas DMV now claims that the State's revenue entitlement for every ***year*** since 2007 should have been set at $5,765,819.93, representing a difference of $3,047,191.87 for each registration ***year***. In total, Texas DMV claims that the State did not receive revenues of $33,519,110.57 for the ***years*** 2007 to 2017, inclusive.     Texas DMV now asks that the Agency approve a revised annual revenue entitlement for Texas of $5,765,819.93, starting with the ***year*** 2018, and approve the ``shortage'' amount of $33,519,110.57 for the ***years*** 2007-2017. Most significantly, for the purpose of this rulemaking, Texas DMV asks the Agency to revise the current fees established in 49 CFR part 367 ``as necessary to ensure enough UCR fees are collected to cover the full amount to which Texas is entitled for ***years*** 2007 through 2017 and beyond.'' FMCSA Response     The actions by the Agency that Texas DMV requests would not only require declining to implement the reduction in fees requested by the UCR Plan, but

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taking two additional steps: (1) Revising the approved revenue entitlement for Texas; and (2) increasing the fees by an uncertain but clearly substantial amount, not only to provide revenues for the new entitlement, but also to cover eleven ***years*** of a claimed ``shortage.'' FMCSA does not have authority under the provisions of 49 U.S.C 14504a to take either of these additional actions. Both the approval of a revised revenue entitlement for Texas and an adjustment of the fees to cover both Texas' claimed revised entitlement and the ``shortage'' would require that a recommendation be made to the Secretary by the Board. Because no such request has been made for either action, FMCSA is without authority to take the action requested by Texas. The fees are based on the only set of revenue entitlements submitted by the UCR Plan to the Secretary, which were approved in the 2010 final rule and which includes a revenue entitlement of $2,718,628.06 for Texas.     The statute has provisions in 49 U.S.C 14504a(g)(1) to (3) governing how the revenue entitlement for each participating State should be determined. Texas DMV asserts that the Texas revenue entitlement should be determined under paragraph (g)(1), based on the revenues Texas received during the ***calendar*** ***year*** 2004 under SSRS. But the Texas DMV does not explain how or why its revenue entitlement under this provision should be $5,765,819.93 for each ***year*** under the UCR Agreement, instead of the $2,718,628.06 that has been in effect since 2007. It also does not explain why it has waited more than 11 ***years*** to assert that it is entitled to a larger revenue entitlement.     Even if Texas DMV is correct that the larger amount is appropriate under the statute, it has failed to submit its claim to the Board. The statute provides that the amount of revenues generated under the UCR Agreement to which a State is entitled shall be calculated by the Board and approved by the Secretary. 49 U.S.C 14504a(g)(4). A revised calculation of the Texas revenue entitlement, which shows that it complies with the statutory requirements in section 14504a(g)(1), has not been submitted to the Board for its review and confirmation, and it has not been submitted by the Board to FMCSA for approval. FMCSA is without authority to consider or approve a revised revenue entitlement for Texas unless and until a revised calculation is submitted by the UCR Plan's board of directors.     The statute has similar provisions governing adjustments in the fees. The Board may ask FMCSA to adjust the fees within a reasonable range on an annual basis if the revenues derived from the fees are insufficient to provide the revenues to which the States are entitled. 49 U.S.C 14504a(f)(1)(E)(i). No request has been made by the Board to adjust the fees in order to provide any revenues to satisfy the claim by Texas for a larger annual revenue entitlement or to provide funds to make up the ``shortage'' Texas has supposedly incurred for 11 ***years***. The only request before the Agency from the Board is the reduction in fees submitted on March 22, 2017 after a unanimous vote of the UCR Board. FMCSA is without authority to consider or approve any adjustment in the fees (other than the one submitted on March 22) unless and until the Board makes a recommendation that would reflect the effects of the revised revenue entitlement claimed by Texas.

C. Change Design of Fee Structure

Comments     OOIDA stated that single-truck operators or small fleet carriers represented approximately 95% of the motor carrier industry and that the current fee structure is burdensome and costly to its members due to the limited resources they have in comparison to larger competitors. OOIDA stated that the inequalities are particularly noted between and within the arbitrary ***payment*** brackets in effect and proposed that a standard flat fee per vehicle should be considered to reduce inequity amongst small, medium, and large fleets. An anonymous commenter felt that the current structure appears punitive to companies who are on the lower end of the tiered brackets that are currently in effect. The commenter cited the following examples in the current fee structure in which by going from 100 power units to 101 power units or even 1000 power units to 1001 power units companies would incur enormous percentage fee increases for a single power unit. The commenter recommended that the fee should be charged on a per unit basis. The per unit fee recommendation was also supported by another anonymous commenter. FMCSA Response     Three commenters suggested changing the UCR fees to a ``per-unit'' (i.e on a per vehicle) basis. FMCSA has not evaluated the merits of this suggestion because it is not an alternative available to the Agency. The statute requires that the Board set the fee structure based on 4 to 6 brackets depending on the size of the fleet. 49 U.S.C 14504a(f)(1)(C). Implementing the commenters' ``per unit'' suggestion would require a statutory amendment. Unless and until that occurs, neither the Board nor FMCSA has authority to change the current fee structure using brackets.

D. Other Concerns

Comments     OOIDA expressed other specific concerns regarding the proposed rule including the fact that smaller carriers lack the resources to assist ***payment*** processing and submission of paperwork. OOIDA also expressed concerns regarding the lack of consistency among states in their use of the fees for enforcement or administration purposes. Overall, OOIDA felt that the existing organization and administration of the UCR ***program*** makes it difficult for small-business truckers and owner- operators to recognize any benefits from the mandated fees they are expected to pay. OOIDA recommended a federal audit of the UCR plan to review how states are actually spending UCR revenues. FMCSA Response     OOIDA's concerns described above are outside of the scope of this rulemaking.

VIII. International Impacts

    Motor carriers and other entities involved in interstate and foreign transportation in the United States that do not have a principal office in the United States, are nonetheless subject to the fees for the UCR Plan. They are required to designate a participating State as a base State and pay the appropriate fees to that State. 49 U.S.C 14504a(a)(2)(B)(ii) and (f)(4).

IX. Section-by-Section Analysis

    Under this final rule, the provisions of 49 CFR 367.30 are revised to apply to registration ***years*** 2010 to 2017, inclusive. A new 49 CFR 367.40 establishes the reduced fees for registration ***year*** 2018. A second new section, 49 CFR 367.50, establishes fees for 2019, which will remain in effect in subsequent registration ***years*** unless and until revised in the future.

X. Regulatory Analyses

A. Executive Order (E.O ) 12866 (Regulatory Planning and Review), E.O 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

    FMCSA determined that this final rule is not a significant regulatory action

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under section 3(f) of Executive Order (E.O ) 12866 (58 FR 51735, October 4, 1993), Regulatory Planning and Review, as supplemented by E.O 13563 (76 FR 3821, January 21, 2011), Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. Accordingly, the Office of Management and Budget (OMB) has not reviewed it under that Order. It is also not significant within the meaning of DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; (44 FR 11034), February 26, 1979).     The changes imposed by this final rule adjust the registration fees paid by motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to the UCR Plan and the participating States. Fees are considered by OMB Circular A-4, Regulatory Analysis, as ***transfer*** ***payments***, not costs. ***Transfer*** ***payments*** are ***payments*** from one group to another that do not affect total resources available to society. By definition, ***transfers*** are not considered in the monetization of societal costs and benefits of rulemakings.     This rule establishes adjustments in the annual registration fees for the UCR Plan and Agreement. The total amount targeted for collection by the UCR Plan will not change as a result of this rule, but the fees paid, or ***transfers***, per affected entity will be reduced. The primary entities affected by this rule are the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Because the total amount collected will continue to be the statutory maximum, the participating States will not be impacted by this rule. The primary impact of this rule will be a reduction in fees paid by individual motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. The reduction will range from approximately $7 to $6,700 per entity in the first ***year***, and from approximately $3 to $3,400 per entity in subsequent ***years***, depending on the number of vehicles owned and/or operated by the affected entities.

B. E.O 13771 Reducing Regulation and Controlling Regulatory Costs

    E.O 13771 requires that for ``every one new [E.O 13771 regulatory action] issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.'' \2\ Implementation guidance for E.O 13771 issued by the Office of Management and Budget (OMB) on April 5, 2017, defines two different types of E.O 13771 actions: An E.O 13771 deregulatory action, and an E.O 13771 regulatory action.\3\ ---------------------------------------------------------------------------

    \2\ Executive Office of the President. Executive Order 13771 of January 30, 2017. Reducing Regulation and Controlling Regulatory Costs. 82 FR 9339-9341. February 3, 2017.     \3\ Executive Office of the President. Office of Management and Budget. Guidance Implementing Executive Order 13771, Titled ``Reducing Regulation and Controlling Regulatory Costs.'' Memorandum M-17-21. April 5, 2017. ---------------------------------------------------------------------------

    An E.O 13771 deregulatory action is defined as ``an action that has been finalized and has total costs less than zero.'' As this is a zero total cost rulemaking and consequently does not have total costs less than zero, it therefore is not an E.O 13771 deregulatory action.     An E.O 13771 regulatory action is defined as:     (i) a significant action as defined in Section 3(f) of E.O 12866 that has been finalized, and that imposes total costs greater than zero; or     (ii) a significant guidance document (e.g , significant interpretive guidance) reviewed by Office of Information and Regulatory Affairs under the procedures of E.O 12866 that has been finalized and that imposes total costs greater than zero.     The Agency action, in this case a rulemaking, must meet both the significance and the total cost criteria to be considered an E.O 13771 regulatory action. This rulemaking is not a significant regulatory action as defined in Section 3(f) of E.O 12866, and therefore does not meet the significance criterion for being an E.O 13771 regulatory action. Consequently, this rulemaking is not an E.O 13771 regulatory action and no further action under E.O 13771 is required.

C. Regulatory Flexibility Act

    The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104-121, 110 Stat. 857), requires Federal agencies to consider the impact of their regulatory proposals on small entities, analyze effective alternatives that minimize small entity impacts, and make their analyses available for public comment. The term ``small entities'' means small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000.\4\ Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these entities. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. ---------------------------------------------------------------------------

    \4\ Regulatory Flexibility Act (5 U.S.C 601 et seq.). Available at: [*https://www.sba.gov/advocacy/regulatory-flexibility-act*](https://www.sba.gov/advocacy/regulatory-flexibility-act) (accessed February 13, 2017). ---------------------------------------------------------------------------

    This rule will directly affect the participating States, motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies. Under the standards of the RFA, as amended by the SBREFA, the participating States are not small entities. States are not considered small entities because they do not meet the definition of a small entity in Section 601 of the RFA. Specifically, States are not considered small governmental jurisdictions under Section 601(5) of the RFA, both because State government is not included among the various levels of government listed in Section 601(5), and because, even if this were the case, no State nor the District of Columbia has a population of less than 50,000, which is the criterion by which a governmental jurisdiction is considered small under Section 601(5) of the RFA.     The Small Business Administration (SBA) size standard for a small entity (13 CFR 121.201) differs by industry code. The entities affected by this rule fall into many different industry codes. In order to determine if this rule would have an impact on a significant number of small entities, FMCSA examined the 2012 Economic Census \5\ data for two different industries; truck transportation (Subsector 484) and transit and ground transportation (Subsector 485). According to the 2012 Economic Census, approximately 99 percent of truck transportation firms, and approximately 97 percent of transit and ground transportation firms, had annual revenue less than the SBA revenue threshold of $27.5 million and $15 million, respectively. Therefore, FMCSA has determined that this rule will impact a substantial number of small entities. ---------------------------------------------------------------------------

    \5\ U.S Census Bureau, 2012 US Economic Census. Available at: [*https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\_2012\_US\_48SSSZ4&prodType=table*](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_48SSSZ4&prodType=table) (accessed April 27th, 2017). ---------------------------------------------------------------------------

    However, FMCSA has determined that this rule will not have a significant impact on the affected entities. The

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effect of this rule will be to reduce the registration fee motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies are currently required to pay. The reduction will range from approximately $7 to $6,700 per entity, in the first ***year***, and from approximately $3 to $3,400 per entity in subsequent ***years***, depending on the number of vehicles owned and/or operated by the affected entities. FMCSA asserts that the reduction in fees will be entirely beneficial to these entities, and will not have a significant impact on the affected small entities. Accordingly, I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

    In accordance with section 213(a) of the SBREFA, FMCSA wants to assist small entities in understanding this final rule so that they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Gerald Folsom, listed in the For Further Information Contact section of this final rule.     Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and ***Agriculture*** Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1-888-REG-FAIR (1-888-734-3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

    The Unfunded Mandates Reform Act of 1995 (2 U.S.C 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $156 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2015 levels) or more in any one ***year***. Though this final rule will not result in any such expenditure, the Agency discusses the effects of this rule elsewhere in this preamble.

F. Paperwork Reduction Act

    Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C 3501 et seq.), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. FMCSA determined that no new information collection requirements are associated with this final rule, nor are there any revisions to existing, approved collections of information. Therefore, the PRA does not apply to this final rule.

G. E.O 13132 (Federalism)

    A rule has implications for Federalism under Section 1(a) of E.O 13132 if it has ``substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' FMCSA has determined that this rule would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation, imposes substantial direct unreimbursed compliance costs on any State, or diminishes the power of any State to enforce its own laws. As detailed above, the UCR Board of Directors includes substantial State representation. The States have already had opportunity for input through their representatives. Accordingly, this rulemaking does not have Federalism implications warranting the application of E.O 13132.

H. E.O 12988 (Civil Justice Reform)

    This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

I. E.O 13045 (Protection of Children)

    E.O 13045, Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, Apr. 23, 1997), requires agencies issuing ``economically significant'' rules, if the regulation also concerns an environmental health or safety risk that an agency has reason to believe may disproportionately affect children, to include an evaluation of the regulation's environmental health and safety effects on children. The Agency determined this final rule is not economically significant. Therefore, no analysis of the impacts on children is required. In any event, the Agency does not anticipate that this regulatory action could in any respect present an environmental or safety risk that could disproportionately affect children.

J. E.O 12630 (Taking of Private Property)

    FMCSA reviewed this final rule in accordance with E.O 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it will not effect a taking of private property or otherwise have taking implications.

K. Privacy Impact Assessment

    Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108-447, 118 Stat. 2809, 3268, 5 U.S.C 552a note), requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This rule does not require the collection of personally identifiable information.

L. E.O 12372 (Intergovernmental Review)

    The regulations implementing E.O 12372 regarding intergovernmental consultation on Federal ***programs*** and activities do not apply to this ***program***.

M. E.O 13211 (Energy Supply, Distribution, or Use)

    FMCSA has analyzed this final rule under E.O 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that this rule is not a ``significant energy action'' under that order because it is not a ``significant regulatory action'' likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it does not require a Statement of Energy Effects under E.O 13211.

N. E.O 13175 (Indian Tribal Governments)

    This rule does not have tribal implications under E.O 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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O. National Technology ***Transfer*** and Advancement Act (Technical Standards)

    The National Technology ***Transfer*** and Advancement Act (15 U.S.C 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (e.g , specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, FMCSA did not consider the use of voluntary consensus standards.

P. Environment (National Environmental Policy Act, Clean Air Act, Environmental Justice)

    FMCSA analyzed this rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C 4321 et seq.) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680, March 1, 2004), Appendix 2, paragraph 6.(h). The Categorical Exclusion (CE) in paragraph 6.(h) covers regulations and actions taken pursuant to the regulations implementing procedures to collect fees that will be charged for motor carrier registrations. The content in this rule is covered by this CE and the final action does not have any effect on the quality of the environment. The CE determination is available for inspection or copying in the Regulations.gov     FMCSA also analyzed this rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C 7401 et seq.), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.     Under E.O 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, each Federal agency must identify and address, as appropriate, ``disproportionately high and adverse human health or environmental effects of its ***programs***, policies, and activities on minority populations and low-income populations'' in the United States, its possessions, and territories. FMCSA evaluated the environmental justice effects of this final rule in accordance with the E.O 12898, and has determined that no environmental justice issue is associated with this final rule, nor is there any collective environmental impact that would result from its promulgation.

List of Subjects in 49 CFR Part 367

    Insurance, Intergovernmental relations, Motor carriers, Surety bonds.

    For the reasons discussed in the preamble, the Federal Motor Carrier Safety Administration is amending title 49 CFR chapter III, part 367 as follows:

PART 367--STANDARDS FOR REGISTRATION WITH STATES

0 1. The authority citation for part 367 continues to read as follows:

    Authority: 49 U.S.C 13301, 14504a; and 49 CFR 1.87

0 2. Revise Sec.  367.30 to read as follows:

Sec.  367.30   Fees under the Unified Carrier Registration Plan and Agreement for registration ***years*** beginning in 2010 and ending in 2017.

 Table 1 to Sec.   367.30--Fees Under the Unified Carrier Registration Plan and Agreement for Each Registration                                                  ***Year*** 2010-2017 ----------------------------------------------------------------------------------------------------------------                                 Number of commercial                                motor vehicles owned or   Fee per entity for exempt                                 operated by exempt or       or non-exempt motor            Bracket                non-exempt motor         carrier, motor private     Fee per entity for broker                                carrier, motor private       carrier, or freight           or leasing company                                  carrier, or freight             forwarder                                       forwarder ---------------------------------------------------------------------------------------------------------------- B1..........................  0-2.....................                          $76                          $76 B2..........................  3-5.....................                          227  ........................... B3..........................  6-20....................                          452  ........................... B4..........................  21-100..................                        1,576  ........................... B5..........................  101-1,000...............                        7,511  ........................... B6..........................  1,001 and above.........                       73,346  ........................... ----------------------------------------------------------------------------------------------------------------

0 3. Add new Sec. Sec.  367.40 and 367.50 to subpart B to read as follows:

Sec.  367.40   Fees under the Unified Carrier Registration Plan and Agreement for registration ***year*** 2018.

 Table 1 to Sec.   367.40--Fees Under the Unified Carrier Registration Plan and Agreement for Registration ***Year***                                                       2018 ----------------------------------------------------------------------------------------------------------------                                 Number of commercial                                motor vehicles owned or   Fee per entity for exempt                                 operated by exempt or       or non-exempt motor            Bracket                non-exempt motor         carrier, motor private     Fee per entity for broker                                carrier, motor private       carrier, or freight           or leasing company                                  carrier, or freight             forwarder                                       forwarder ---------------------------------------------------------------------------------------------------------------- B1..........................  0-2.....................                          $69                          $69 B2..........................  3-5.....................                          206  ........................... B3..........................  6-20....................                          410  ........................... B4..........................  21-100..................                        1,431  ........................... B5..........................  101-1,000...............                        6,820  ........................... B6..........................  1,001 and above.........                       66,597  ........................... ----------------------------------------------------------------------------------------------------------------

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Sec.  367.50   Fees under the Unified Carrier Registration Plan and Agreement for registration ***years*** beginning in 2019.

 Table 1 to Sec.   367.50--Fees Under the Unified Carrier Registration Plan and Agreement for Registration ***Year***                               2019 and Each Subsequent Registration ***Year*** Thereafter ----------------------------------------------------------------------------------------------------------------                                 Number of commercial                                motor vehicles owned or   Fee per entity for exempt                                 operated by exempt or       or non-exempt motor            Bracket                non-exempt motor         carrier, motor private     Fee per entity for broker                                carrier, motor private       carrier, or freight           or leasing company                                  carrier, or freight             forwarder                                       forwarder ---------------------------------------------------------------------------------------------------------------- B1..........................  0-2.....................                          $73                          $73 B2..........................  3-5.....................                          217  ........................... B3..........................  6-20....................                          431  ........................... B4..........................  21-100..................                        1,503  ........................... B5..........................  101-1,000...............                        7,165  ........................... B6..........................  1,001 and above.........                       69,971  ........................... ----------------------------------------------------------------------------------------------------------------

    Issued under authority delegated in 49 CFR 1.87 on: December 29, 2017.  Cathy F. Gautreaux,  Deputy Administrator. [FR Doc. 2017-28509 Filed 1-2-18; 4:15 pm]  BILLING CODE 4910-EX-P

**Load-Date:** January 6, 2018

**End of Document**



[***Register of Commission documents:Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The Future of Food and Farming Document date: 2018-05-08 AGRI\_AM(2018)622077 Amendments to draft opinions***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SD5-7131-JDG9-Y03R-00000-00&context=1516831)

Impact News Service

May 24, 2018 Thursday

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**Length:** 8132 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

AM\1152954EN.docx EN United in diversity EN Compromise Amendments for the Dorfmann Report on the Future of Food and Farming FINAL VERSION A. whereas the Commission communication ‘The Future of Food and Farming’ acknowledges that the common ***agricultural*** policy (CAP) is one of the oldest and most integrated policies in the EU and is of global strategic importance, and should be designed to enable the EU farming and forestry sector to respond to justified citizens’ demands regarding not only food security, safety, quality and sustainability, but also environmental care, biodiversity and natural resources protection, climate change action, rural development, health and high animal welfare standards, and employment; COMP AM B NOT YET TRANSLATED, REPLACING AM 65, 67 - 73 B. whereas the EU’s overarching objective of a multifunctional and diversified ***agriculture*** and forestry sector that creates jobs, is fair, is driven by sustainable ***agricultural*** practices and enables the preservation of viable small and family farms which can be acquired and handed down from generation to generation, remains key to delivering the positive externalities and public goods that European citizens demand (food and non-food products and services); COMP AM C NOT YET TRANSLATED, REPLACING AM 84 - 86, 78, ENVI 4 C. whereas for more than 25 ***years*** the CAP has undergone regular reform dictated by the opening-up of European ***agriculture*** to international markets and by the emergence of new challenges in areas such as the environment and climate change; whereas another step is now necessary in this continuous process of adjustment in order to simplify, modernise and reorientate the CAP so that it secures farmers’ incomes and more effectively meets the expectations of society as a whole, in particular as regards food quality and security, climate change, public health and employment, while ensuring policy certainty and financial security for the sector, in order to achieve sustainable rural areas, tackle food security and ensure that European climate and environmental targets are met, as well as to increase EU added value; COMP AM D NOT YET TRANSLATED, REPLACING AM 101 - 104, 106, 107, 109 - 112 D. whereas, although the Commission has entitled its communication on the ongoing reform of the CAP ‘The Future of Food and Farming’, it has given no guarantee that the CAP budget will be maintained, and whereas it is essential that this be addressed before the forthcoming legislative proposals are presented; whereas these must ensure that there is no renationalisation of the CAP, that the proper functioning of the single market is not impaired, and that there is genuine simplification for beneficiaries, not only at EU level but also at COMP AM A NOT YET TRANSLATED, REPLACING AM 45, 47, 49 - 55, ENVI 9, 24 2/18 AM\1152954EN.docx EN Member State, regional, local and farm level, as well as flexibility and legal security for farmers and forest owners, while ensuring ambitious environmental goals and that the targets of the new CAP are fulfilled without adding new constraints on Member States and thus a new layer of complexity which would lead to delays in the implementation of national strategies; COMP AM E NOT YET TRANSLATED, REPLACING AM 121 - 125 E. whereas the CAP must play an important role in strengthening the long-term productivity and competitiveness of the sector and avoiding stagnation and volatility of farm incomes, which, despite the concentration and intensification of production and increasing productivity, are on average still lower than in the rest of the economy; COMP AM F NOT YET TRANSLATED, REPLACING AM 138, 139 F. whereas over the last few ***years*** farmers have been confronted with increasing price volatility, which has reflected price fluctuations on global markets and uncertainty caused by macroeconomic developments, external policies such as trade, political and diplomatic issues, sanitary crises, excess quantities in certain European sectors, climate change and more frequent extreme weather events in the EU; COMP AM G NOT YET TRANSLATED, REPLACING AM 157, 158, 160 - 167, 171 G. whereas it is essential to ensure a level playing field, fair prices and a fair standard of living for all farmers across regions and all EU Member States, thereby ensuring affordable prices for citizens and consumers and that there is ***agricultural*** activity in all parts of the Union including in areas with natural constraints; whereas it is essential to promote consumption of and access to high-quality food and healthy and sustainable diets, while delivering on the commitments for social and environmental sustainability, climate action, health, animal and plant health and welfare and the balanced development of rural areas; COMP AM H NOT YET TRANSLATED, REPLACING AM 180 - 186, 188, 190 H. whereas there is a need for an updated, simpler and fairer system of ***payments***, for greater equity and legitimacy; COMP AM I NOT YET TRANSLATED, REPLACING AM 215, 218, 207, 209, 213, 210 I. whereas increasing global trade presents both opportunities and challenges, relating among other things to the environment, climate change, water protection, lack of ***agricultural*** land and land degradation, and thus requires an adjustment of the rules of international trade so as to allow the establishment of a common level playing field based on high standards and fair AM\1152954EN.docx 3/18 EN and sustainable conditions for the exchange of goods and services, as well as renewed and efficient trade defence mechanisms, in accordance with existing EU social, economic, environmental, health, sanitary, phytosanitary and animal welfare standards; whereas these high standards need to be maintained and further promoted globally, particularly within the framework of the WTO, preserving the interests of European producers and consumers by ensuring European standards in trade agreements for imports; COMP AM J NOT YET TRANSLATED, REPLACING AM 229 - 240, 227 J. whereas, while the focus on research and development for resource-saving product and process innovation is to be welcomed, more must be done to develop the research capacity and infrastructure necessary to translate the results of research into food and farming and sustainable agro-forestry practice, facilitated by adequate support, as well as to promote a multi-actor approach with farmers at its centre, supported by independent, transparent, sufficiently-funded EU-wide ***agricultural*** extension services in all Member States and regions and by knowledge exchange and training services at Member State level; COMP AM K NOT YET TRANSLATED, REPLACING AM 254, 255, 259 - 263 K. whereas a competitive ***agriculture***, food and forestry sector must continue to play a strong role in reaching the environmental care and climate objectives of the EU as set out in international agreements such as COP21 and UN SDG, with farmers being incentivised and remunerated for their contribution and assisted by a reduction in unnecessary regulatory and administrative burdens in the measures they undertake; COMP AM L NOT YET TRANSLATED, REPLACING AM 275 - 277, 280 L. whereas the European Court of Auditors (ECA) has underlined the fact that, due to greening requirements which often do little more than reflect current practices, the green ***payments*** introduced as part of the 2013 reform create added complexity and bureaucracy, are difficult to understand, and in the ECA’s view do not sufficiently enhance the CAP’s environmental and climate performance due to their design, which points are important to bear in mind when designing the new green architecture for the CAP; COMP AM M NOT YET TRANSLATED, REPLACING AM 285 - 290, 292 - 295 M. whereas the objectives of the Cork 2.0 Declaration for a Better Life in Rural Areas concern vibrant rural areas, smart multi-functionality, biodiversity in and outside ***agriculture*** and forestry, rare animal breeds and conservation crops, as well as organic ***agriculture***, support for less-favoured areas, and commitments in the context of Natura 2000; whereas the Declaration also highlights the importance of efforts to avert the depopulation of rural areas and the role of women and young people in this process, as well as the need for better use of endogenous resources in rural areas through the implementation of integrated strategies and 4/18 AM\1152954EN.docx EN multi-sectoral approaches that strengthen the bottom-up approach and synergy between stakeholders, and which require investment in the viability of rural areas, preservation and better management of natural resources, climate action incentives, stimulation of knowledge and innovation, stepping-up of governance in rural areas, and simplification of rural development policy and its implementation; COMP AM N NOT YET TRANSLATED, REPLACING AM 310 - 312, 314 - 317 N. whereas it is essential to further strengthen the position of farmers in the food supply chain and to ensure fair competition within the single market, using fair and transparent rules that take into account the specific nature of ***agriculture*** in relations between production and other parts of the food supply chain, both upstream and downstream, and to provide incentives to prevent risk and crises effectively, including active management tools that are able to better match supply with demand and can be deployed at sector level and by public authorities, as pointed out in the report of the ***Agricultural*** Markets Task Force; whereas aspects outside the scope of the CAP affecting the competitiveness and a level playing field for farmers must also be properly considered and monitored; COMP AM O NOT YET TRANSLATED, REPLACING AM 324, 326 O. whereas the new challenges regarding food security and autonomy for European ***agriculture*** within the EU’s political priorities, as stated in the Commission’s reflection paper on the future of EU finances, require the next multiannual financial framework (MFF) to increase or maintain the ***agricultural*** budget in constant euros to cover both existing and new challenges; COMP AM P NOT YET TRANSLATED, REPLACING AM 331 - 333 P. whereas any changes to the current CAP must be introduced in such a way as to ensure stability for the sector and legal certainty and security of planning for farmers and forest owners, by means of adequate transition periods and measures; COMP AM Q NOT YET TRANSLATED, REPLACING AM 336 - 341 Q. whereas Parliament must play a comprehensive role in setting a clear policy framework to maintain common ambition at European level and democratic debate on the strategic issues which have an impact on the everyday lives of all citizens when it comes to the sustainable use of natural resources, including water, soil and air, the quality of our food, the financial stability of ***agricultural*** producers, food safety, health, and the sustainable modernisation of ***agricultural*** and hygiene practices, with the aim of establishing a societal contract at European level among producers and consumers; AM\1152954EN.docx 5/18 EN COMP AM R NOT YET TRANSLATED, REPLACING AM 200, 203 - 205, 286, 287, 300, 635, 342, 349 R. Whereas equality between women and men is a core objective of the EU and its Member States; whereas many of the roles played by women in rural areas help to maintain viable farm businesses and rural communities; whereas efforts to avert rural depopulation are linked to opportunities for women and young people; whereas rural women still face numerous challenges, while ***agricultural*** and rural development policies do not sufficiently include a gender dimension; whereas, although the gender of direct ***payment*** or rural development beneficiaries is a not a reliable indicator of the impact of ***programmes***, women as applicants or beneficiaries are under-represented; COMP AM S NOT YET TRANSLATED, REPLACING AM 114, 61, 213, 345 S. whereas, in order to justify the CAP budget to European taxpayers, future funding must be linked both to the production of safe and high-quality food and to a clear societal added value as regards sustainable ***agriculture***, ambitious environmental and climate performance, public and animal health and welfare standards, and other societal impacts of the CAP, in order to create a genuine level playing field within and outside the EU; COMP AM T NOT YET TRANSLATED, REPLACING AM 962, 967, 1217, 1304, ENVI 7, 19 T. whereas the use of pesticides, the degradation of biodiversity and changes in the ***agricultural*** environment may have a negative impact on the quantity of pollinators and variety of pollinator species; whereas the challenges faced by pollinators, both domesticated and wild, are significant and the effect on EU ***agriculture*** and food security could be detrimental given the dependency of the majority of EU production on pollinating services; whereas a public consultation under the EU Pollinators Initiative was launched in January 2018 to identify the best approach and necessary steps to tackle the decline of pollinators in the EU; COMP AM U NOT YET TRANSLATED, REPLACING AM 150, 222, 223 299, 334, 335 U. whereas less-favoured areas such as mountainous and outermost regions should continue to be compensated by the CAP for the extra costs associated with their specific constraints in order to maintain farming activity in such areas; whereas the application of the CAP framework in the outermost regions should fully explore the scope of Article 349 of the TFEU, since those areas are in a particularly disadvantaged position in terms of socio-economic development, with regard to aspects such as an ageing population and depopulation; whereas the POSEI is an effective tool intended for the development and strengthening of sector structuring which addresses the specific ***agricultural*** issues in the outermost regions; recalls that the Commission, in its report of 15 December 2016 to Parliament and the Council on the implementation of the POSEI (COM(2016)0797), 6/18 AM\1152954EN.docx EN concluded that ‘taking into account the assessment of the scheme …, a modification of basic Regulation (EU) No 228/2013 is not deemed necessary’; COMP AM V NOT YET TRANSLATED, REPLACING AM 66, 266, 272, 274, 309, 344, 303, 307, 308 V. whereas both forest management and agroforestry comprising an upper storey of woody vegetation over pasture or an ***agricultural*** crop, can contribute resilience at farm and landscape level and to required environmental and climate change mitigation actions, delivering forestry or ***agricultural*** products or other ecosystem services and thereby reinforcing the objectives of the CAP and allowing the circular and bio-economies to contribute to new business models benefiting farmers, foresters and rural areas; whereas the EU Forest Strategy promotes a coherent, holistic view of forest management and the multiple benefits of forests, addresses the whole forest value chain; stresses that the CAP plays a crucial role in its objectives, and pays special attention to the Mediterranean forests, which suffer more from climate change and fires, with biodiversity and potential ***agricultural*** production thus being put at risk; COMP AM 1 NOT YET TRANSLATED, REPLACING AM 354, 356 - 360, 362 - 367, 37, 1052 1. Welcomes the intention to simplify and modernise the CAP for the economic benefit of farmers and to meet citizens’ expectations, but emphasises that the overriding priorities of reform must be the principles set out in the Treaty of Rome, the integrity of the single market, and a truly common policy, adequately financed by the EU, that is modern and results-orientated, supports sustainable ***agriculture***, and ensures safe, high-quality and varied food, employment and development in rural areas; COMP AM 2 NOT YET TRANSLATED, REPLACING AM 374, 360, 388, 498, 499, 389, 395 1a. Stresses the need for the CAP to maintain the essential relationship between EU legislators, farmers and citizens; rejects any possibility of renationalising the CAP, which would increase imbalances in competition within the single market; COMP AM 3 NOT YET TRANSLATED, REPLACING AM 381 - 385, 392, 393, 378 2. Points out that the flexibility that Member States currently enjoy regarding options set out in basic rules makes it possible to respond to specific situations but, at the same time, shows that parts of the CAP can no longer be considered as common; underlines the need to uphold the conditions of competition within the single market and to guarantee a level playing field as regards access to support for farmers in different Member States or in different regions, together with the need for adequate and efficient solutions to minimise any risk of distortion of competition or risks for cohesion; AM\1152954EN.docx 7/18 EN COMP AM 4 NOT YET TRANSLATED, REPLACING AM 393, 394, 400, 401, 403, 405, 406, 409, 410, 413, 414, 419 - 421, 423, 425 - 427, 431, 435, 470, 1318, 1320, 1321, ENVI 16 3. Considers that Member States should enjoy a reasonable level of flexibility within a strong common framework of EU rules, basic standards, intervention tools, controls and financial allocations agreed at EU level by the co-legislator, in order to guarantee a level playing field for farmers and, in particular, an EU approach for support under Pillar I, with a view to guaranteeing respect for the conditions of fair competition; COMP AM 5 - NOT YET TRANSLATED 3a. Considers that, in order to make the implementation of the CAP more effective and better adapted to the realities of the different kinds of ***agriculture*** in Europe, national choices taken within the framework of the EU-defined toolbox available under Pillars I and II should be streamlined and Member States should design, with the involvement of all relevant stakeholders, their own coherent, evidence-based national strategies on the basis of EU objectives and indicators concerning the main types of possible intervention tools, which should also be defined at EU level, and their selection criteria, within a clear common framework of rules applicable across the EU, with due respect for the rules and principles of the single market; COMP AM 6 NOT YET TRANSLATED 3b. Emphasises that additional subsidiarity should only be granted on the condition that there is a strong, common set of EU rules, objectives, indicators and checks; COMP AM 7 NOT YET TRANSLATED 3c. Underlines the risks of gold-plating at national and regional level and the great degree of uncertainty for farmers owing to the possibility that Member States have to independently define their national plans and to review their decisions annually, depending on the positions taken by the governments in charge; calls on the Commission, therefore, to present to the co-legislators, together with its legislative proposals, a clear and simple model of a national strategic plan in order to enable the co-legislators to assess the scope, the degree of detail and the content of such plans, which are essential elements of the Commission’s forthcoming proposal, and to clarify the criteria against which these national strategies will be evaluated; COMP AM 8 NOT YET TRANSLATED, REPLACING AM 434, 436 - 438, 440, 441 4. Highlights the need for the future CAP to fully respect the distribution of powers within each Member State, often set out in their constitutions, particularly in terms of respecting the legal competences of the EU’s regions, when designing, managing and implementing policies, such as the EAFRD; stresses the need to ensure that farmers and other beneficiaries 8/18 AM\1152954EN.docx EN are duly involved throughout all stages of policy development; COMP AM 9 - NOT YET TRANSLATED, REPLACING AM 424, 443 - 450, 454 - 456, 459 - 462, 467 5. Welcomes the Commission’s efforts to establish ***programme*** design, implementation and control of a results-based approach in order to foster performance rather than compliance, while ensuring adequate, risk-based monitoring via clearly defined, simpler, less bureaucratic (including the prevention of gold-plating), solid, transparent and measurable indicators at EU level, including appropriate controls of Member State measures and ***programme*** design, implementation and sanctions; considers it necessary to introduce basic uniform criteria for the setting of similar penalties for equivalent non-compliances detected in the implementation of the various measures used by the Member States or regions to achieve the common general objectives set by the EU; COMP AM 10 NOT YET TRANSLATED, REPLACING AM 477 - 479 6. Calls on the Commission to carry out financial and performance control and audits with the aim of guaranteeing that functions are performed to the same high standards and in accordance with the same criteria across all Member States, irrespective of enhanced flexibility for Member States in ***programme*** design and management, and with a view, in particular, to ensuring a timely disbursement of funds across Member States to all eligible farmers and rural communities, while minimising the administrative burden for the beneficiaries; COMP AM 11 NOT YET TRANSLATED, REPLACING AM 493 - 497, 500 7. Welcomes the Commission’s proposal to grant greater flexibility to Member States, regions and farmers within the framework of a higher financial threshold for ***agricultural*** de minimis rules, while preserving the integrity of the internal market; COMP AM 12 NOT YET TRANSLATED, REPLACING AM 520, 522, 526, 528 - 531, 533, 534, 539, ENVI 5, 18 Subheading 2 A smart, efficient, sustainable and fair CAP – delivering for farmers, citizens, rural areas and the environment 8. Considers it necessary to maintain the current two-pillared architecture and emphasises that the pillars must be coherent and complementary, with Pillar I financed entirely through EU funding and constituting an efficient means of support for income, for baseline environmental measures and for the continuation of existing market measures, and Pillar II AM\1152954EN.docx 9/18 EN meeting the specific needs of the Member States; considers it necessary at the same time, however, to incentivise farmers and other beneficiaries to carry out actions that deliver environmental and social public goods which are not remunerated by the market, and to respect both new and established practices in farming on the basis of common, uniform and objective criteria, while preserving the possibility for Member States to take specific approaches to reflect local and sectoral conditions; considers the transition of all European farms towards sustainability, and for all European farms to be fully integrated into the circular economy, combining economic with environmental performance standards and with no reduction in social or employment standards, to be a top priority; COMP AM 13 NOT YET TRANSLATED, REPLACING AM 566 - 569, 571, 572, ENVI 1 9. Considers that the future CAP architecture can only deliver its objectives if sufficiently funded; calls, therefore, for the CAP budget to be increased or maintained in constant euros in the next MFF in order to achieve the ambitions of a revised and efficient CAP beyond 2020; COMP AM 14 NOT YET TRANSLATED, REPLACING AM 603 - 608, 625, 628, 622, 623, 630, 610, 619, 620 10. Believes that more targeted support is necessary for diverse ***agricultural*** systems, especially small and medium family farms and young farmers, in order to strengthen regional economies through a productive ***agricultural*** sector in economic, environmental and social terms; considers that this can be achieved through a compulsory redistributive higher support rate for the first hectares of a holding, linked to the average size of a holding in the Member States, in view of the wide range of farm sizes across the EU; stresses that support for larger farms should be degressive, reflecting economies of scale, with mandatory capping to be decided at European level, and flexible criteria to take into account the capacity of farms and co-operatives to provide stable employment that keeps people in rural territories; believes that the funds made available by capping and degression should be retained in the Member State or region from which they derive; COMP AM 15 NOT YET TRANSLATED, REPLACING AM 648, 652, 647, 649, 653, 651, 655, 650, ENVI 13 11. Underlines the necessity of identifying the key elements of a well-balanced, transparent, simple and objective system of penalties and incentives, combined with a transparent and timely system for determining the eligibility of beneficiaries for receiving public money for the delivery of public goods, which should consist of simple, voluntary and mandatory measures and be results-oriented, thus shifting the emphasis from compliance to actual performance; COMP AM 16 NOT YET TRANSLATED, REPLACING AM 683, 686, 687, 694, 680, 10/18 AM\1152954EN.docx EN 669, 667, 670 12. Calls for the current system for calculating direct ***payments*** in Pillar I, particularly in Member States where the value of entitlements is still calculated partly on the basis of historic references, to be modernised and replaced by an EU ***payment*** calculation method, the basic component of which would be income support for farmers within certain limits and which could increase in step with the contribution to delivering public goods in accordance with the EU objectives and targets until 2030, in order to make the system simpler and more transparent; COMP AM 17 NOT YET TRANSLATED, REPLACING AM 731, 749, 753, 1226, 727, 748, 743, 746 13. Stresses the need for a fair distribution of direct ***payments*** between Member States, which is essential for the functioning of the single market, and which must take into account objective criteria such as the amounts received by Member States under Pillars I and II and the fact that natural conditions, employment and socio-economic circumstances, general living standards, production costs, especially land costs, and purchasing power are not the same throughout the EU; COMP AM 18 NOT YET TRANSLATED, REPLACING AM 766, 770, 772, 767, 779, 768, 778, ENVI 3 14. Believes that, under the strict conditions of guaranteeing a level playing field in the single market, of preventing a distortion in competition, especially with regard to commodities, of ensuring consistency with WTO rules, and of not compromising efforts to achieve environmental and climate goals, voluntary coupled support (VCS) ***payments*** should be maintained, but should only be activated following an assessment by the Commission; believes that VCS serves as a tool to address the needs of sensitive sectors and specific objectives relating to the environment, climate or quality and the marketing of ***agricultural*** products, to incentivise farming practices meeting high animal welfare and environmental standards, to counteract specific difficulties, particularly those arising from the structural competitive disadvantage of less-favoured and mountainous regions, as well as difficulties which are more temporary in nature and arise from a shift away from the old entitlement scheme, for example; believes, furthermore, that VCS is also a tool to promote strategically important production, such as protein crops, in the future, or to compensate for the effects of free trade agreements; stresses, in addition, that VCS ***payments*** are important for maintaining the EU’s diversity of ***agricultural*** production, ***agricultural*** employment and sustainable production systems; COMP AM 19 NOT YET TRANSLATED, REPLACING AM 816, 817, 820, 822, 823, 826, 827, 829, 830, 833, 835, 836 15. Recalls that ensuring generational renewal and new entrants is a challenge for farming in AM\1152954EN.docx 11/18 EN many Member States and that each national or regional strategy must therefore address this issue through a comprehensive approach, mobilising all financial resources of the CAP, including the additional ***payment*** for young farmers under Pillar I, and measures to help young farmers get set up under Pillar II, both of which should be made mandatory for the Member States, in addition to support from new financial instruments, such as a tool to grant access to capital in the context of limited resources; stresses, furthermore, the importance of national measures in removing regulatory and economic barriers while promoting succession planning, retirement packages and access to land, and facilitating and encouraging collaborative arrangements, such as partnerships, shared farming, contract rearing and leasing between old and young farmers; considers that State aid rules should also take into account the importance of generational renewal and prevent the demise of family farming; COMP AM 20 NOT YET TRANSLATED, REPLACING AM 883, 884, 893, 897, 441, 1166, 880, 882, 890, 440, 881, 889, 878, 879, ENVI 21 16. Underlines the importance of rural development, including the LEADER initiative, for improving the synergies between different policies and for enhancing competitiveness, for promoting effective and sustainable economies, for supporting sustainable and multi-functional ***agriculture*** and forestry, and for producing food and non-food goods and services, which generate added value and jobs; stresses the importance of rural development in promoting partnerships between farmers, local communities and civil society and in fostering additional entrepreneurial activities and opportunities, which very often cannot be relocated, in agribusiness, agri-tourism, direct marketing, community-supported ***agriculture***, the bio-economy and the sustainable production of bioenergy and renewable energy, all of which help to ensure the preservation of economic activity in the regions; emphasises, therefore, the importance of bolstering Pillar II financially, thus increasing the potential to generate income, to help tackle depopulation, unemployment, poverty and to promote social inclusion, the provision of social services and the strengthening of the socioeconomic fabric in rural areas, with the overall objective of improving the quality of life therein; COMP AM 21 NOT YET TRANSLATED, REPLACING AM 925, 927 - 929, 932, 934, 943 - 946, 948, 951, 955, 961, 968, 972, 978, ENVI 3, 16, 21 17. Calls on the Commission to introduce a new, coherent, reinforced and simplified conditionality regime in Pillar I, enabling the integration and implementation of the different types of existing environmental actions, such as the current cross-compliance and greening measures; stresses that the baseline of Pillar I to achieve sustainable ***agricultural*** development should be mandatory and clearly stipulate the measures and results expected from farmers so as to ensure a level playing field, while ensuring minimum bureaucracy at farm level and, taking into account local conditions, adequate control by the Member States; calls, furthermore, for a new and simple scheme, which should be mandatory for Member States and optional for farms, based on EU rules which go beyond the baseline to incentivise farmers’ transitioning to sustainable techniques and practices for climate and the environment and which are compatible with the agri-environment-climate measures (AECMs) in Pillar II; believes that the implementation of this scheme should be determined in the national strategic 12/18 AM\1152954EN.docx EN plans within an EU framework; COMP AM 22 NOT YET TRANSLATED 17a. Calls on the Commission to ensure that Pillar II’s AECMs for rural development continue to offset the additional costs and shortfalls associated with the voluntary establishment by farmers of environmentally and climate-friendly practices, with the possibility of adding an incentive for investment in environmental protection, biodiversity and resource-efficiency; considers that these ***programmes*** should be simplified, better targeted and more efficient, so that farmers can deliver effectively on ambitious policy goals with regard to environmental protection, biodiversity, water management and climate action and climate change mitigation, while ensuring minimum bureaucracy at farm level and, taking into account local conditions, adequate control by Member States; COMP AM 23 NOT YET TRANSLATED, REPLACING AM 952, 984, 985, 987, 988, 990 - 993, 995, 996, 998, 1006 18. Believes that a minimum amount of the total available budget in Pillar II should be allocated to AECMs, including organic ***agriculture***, CO2 sequestration, soil health, sustainable forestry management measures, nutrient management planning for the protection of biodiversity, and pollination and genetic diversity in animals and plants; emphasises, in this context, the importance of maintaining Natura 2000 ***payments*** and ensuring that they are sufficient to serve as a genuine incentive for farmers; COMP AM 24 NOT YET TRANSLATED, REPLACING AM 1021, 1022 - 1032, 1035, 1037, 1069, 1077, 19. Calls on the Commission to foster innovation, research and modernisation in farming, agro-forestry and the food sector by supporting a strong advisory system and training that is better adapted to the needs of CAP beneficiaries in developing their practices towards greater sustainability and resource protection, and by supporting the application of smart technologies in order to respond more effectively to challenges in the areas of health, the environment and competitiveness; stresses that training and extension must be a pre-condition in ***programme*** design and implementation in all Member States and that is essential to foster know-how ***transfer***, best practice models and exchanges among cooperatives and producer organisations across the Members States, such as through the European ***agricultural*** knowledge and information system (AKIS); believes that agro-ecological methods, and the principles underpinning precision farming, can generate significant benefits for the environment, increase farmers’ income, rationalise the use of ***agricultural*** machinery and significantly increase resource efficiency; COMP AM 25 NOT YET TRANSLATED, REPLACING AM 792, 804, 972, 1085, 1086, 1088 - 1090, 1092 - 1094, 1096, 1097, 1103, 1104, 1105, 1110 - 1112, 1121 AM\1152954EN.docx 13/18 EN 20. Calls on the Commission to maintain the current single common market organisation (single CMO) framework within Pillar I, including the specific policy instruments and marketing standards, and to improve the EU school fruit, vegetables and milk scheme; stresses the importance of existing production management systems for specific products and maintaining compulsory individual sector ***programmes*** (wine, fruit and vegetables, olive oil and apiculture) for producing countries, with the ultimate aim of strengthening the sustainability and competiveness of each sector and maintaining a level playing field while enabling access for all farmers; COMP AM 26 NOT YET TRANSLATED 20a. Believes that the positive and ‘market-oriented’ experience of the single CMO operational ***programmes*** in the fruit and vegetable sector, implemented by producer organisations and financed on the basis of the value of marketed production (VMP), have proven their effectiveness in enhancing the competitiveness and structuring of the targeted sectors and improving their sustainability; calls, therefore, on the Commission to consider the introduction of similar operational ***programmes*** for other sectors; believes that this could be of particular benefit to producer organisations representing dairy farmers in mountainous regions and outlying areas of the Union, who process and market high-quality products and maintain milk production in these hard-to-farm areas; COMP AM 27 NOT YET TRANSLATED, REPLACING AM 1123, 1128 - 1131, 1136 - 1139, 1143 21. Insists on the critical need for the future CAP to support farmers more efficiently, fairly and promptly in order to cope with price and income volatility due to climate, adverse weather conditions, and sanitary and market risks, by creating additional incentives and market conditions stimulating the development and voluntary use of risk management and stabilisation tools (insurance schemes, income stabilisation tools, individual provision mechanisms and mutual funds) while ensuring accessibility for all farmers and compatibility with existing national schemes; COMP AM 28 NOT YET TRANSLATED, REPLACING AM 1158, 1159, 1162 - 1165, 1168 - 1172, 1174, 1175, 1177 - 1179, 1181, 1182, 1186, 1188, 1191, 1193 - 1195 22. Insists on the importance of strengthening the position of primary producers within the food supply chain, in particular by guaranteeing a fair distribution of the added value between producers, processors and the retail sector, by introducing the financial resources and incentives required to support the creation and development of economic organisations, both vertical and horizontal, such as producer organisations, including cooperatives, and their associations and inter-branch organisations, by establishing harmonised minimum standards to combat unfair and abusive trade practices along the food supply chain and by strengthening transparency in the markets and through crisis prevention tools; 14/18 AM\1152954EN.docx EN COMP AM 29 NOT YET TRANSLATED 22a. Stresses that in accordance with the objectives of Article 39 TFEU and the exception referred to in Article 42 TFEU, the omnibus regulation has clarified the legal relationship between the provisions of the single CMO and EU competition rules and introduced new collective possibilities for farmers to enhance their bargaining power within the food supply chain; believes that these provisions are essential in the framework of the future CAP and should be improved further; COMP AM 30 NOT YET TRANSLATED 22b. Considers that drawing on the lessons learnt from the functioning of the diverse EU Market Observatories (Milk, Meat, Sugar and Crops), such tools should be extended to the sectors that are not yet covered and developed further to offer reliable data and forecasts to market operators in order to deliver an early warning and enable prompt and pre-emptive actions in the case of market disturbances with a view to preventing crises; COMP AM 31 NOT YET TRANSLATED, REPLACING AM 1099, 1100, 1113, 1141, 1144, 1148, 1149, 1196 - 1199, 1203, 1206 - 1209, 1212, 1215 23. Stresses that the historical market management tools of the CAP (i.e public intervention and private storage) have a reduced and insufficient effect in the context of globalised economies and that risk management tools are not always sufficient to cope with significant price volatility and severe market disturbances; COMP AM 32 NOT YET TRANSLATED 23a. Stresses the need, therefore, for the single CMO to continue to play an important role within the future CAP as a safety net in rapidly stabilising ***agricultural*** markets and in anticipating crises, and underlines the importance of the omnibus regulation in enabling and encouraging – drawing on the lessons learnt during the last market crises, particularly in the dairy sector – the complementary use of innovative market and crisis management instruments, such as voluntary sector agreements, to manage and, where appropriate, reduce supply in quantitative terms among producers, producer organisations, associations of producer organisations, and interbranch organisations and processors (e.g the EU Milk Production Reduction Scheme); COMP AM 33 NOT YET TRANSLATED, REPLACING AM1216, 1218, 1220 - 1222 24. Calls for an in-depth review of the current crisis reserve mechanism in order to create a AM\1152954EN.docx 15/18 EN workable and independent EU fund for ***agricultural*** crises, which would be exempted from the principle of annuality of the budget, so as to permit budgetary ***transfers*** from one ***year*** to the next, especially when market prices are sufficiently high, while maintaining the crisis reserve at a constant level throughout the MFF period, thereby enabling quicker, more coherent and effective prevention actions and responses complementary to the use of market and risk management tools in the case of severe crisis situations, including those involving economic consequences for farmers due to animal health issues, plant diseases and food safety, but also those arising from external shocks with an impact on ***agriculture***; COMP AM -34 NOT YET TRANSLATED, REPLACING AM 1232, 1234 - 1236, 1238 - 1241, 1243 - 1245, 1247, 1248, ENVI 11, 23 25. Believes that while trade agreements are beneficial for some EU ***agricultural*** sectors, and necessary to strengthen the Union’s position on the global ***agricultural*** market and benefit the EU economy as a whole, they also pose a number of challenges, particularly for small and medium-scale farming and sensitive sectors that need to be taken into account, such as respect for EU sanitary, phytosanitary, animal welfare, environmental and social standards, which requires coherence between trade policy and certain objectives of the CAP and must not lead to the weakening of Europe’s high standards or put at risk its rural territories; emphasises that, while it is important to continue to work for increased market access for European ***agricultural*** products, adequate measures for the protection of European ***agriculture***, which take into account sector-specific concerns, are necessary, such as safeguarding mechanisms, the potential exclusion from negotiations of the most sensitive sectors and the application of the principle of reciprocity in production conditions, so as to ensure a level playing field between farmers in the EU and their foreign competitors; insists that European production must not be undermined by inferior and substandard imports; COMP AM 35 NOT YET TRANSLATED, REPLACING AM 1274, 1275, 1277 - 1279, 1281, 1282, 1284, 1287, 1295 26. Calls on the Commission to launch clear and transparent initiatives to further reinforce the promotion of EU production, safety, animal welfare and environmental standards and short supply chains and to support quality food production schemes, which could be achieved inter alia through European origin labelling schemes, and marketing and promotion activities on internal and third-country markets for those sectors benefiting from specific policy instruments under the CAP; insists on the need to reduce red tape and unnecessary conditions to allow smaller producers to partake in these schemes; welcomes the steady increase in the budget available for promotional ***programmes*** and urges the Commission to maintain the pace of increase in the appropriations in the light of the growing interest from producers; COMP AM 36 NOT YET TRANSLATED, REPLACING AM4 39, 1309 - 1316 A transparent decision-making process for a solid CAP proposal 2021-2028 16/18 AM\1152954EN.docx EN 27. Stresses that Parliament and the Council should, via the co-decision procedure, set the general common objectives, basic standards, measures and financial allocations, and determine the appropriate level of flexibility needed to enable the Member States and their regions to cope with their specificities and needs in line with the single market so as to avoid distortions of competition deriving from national choices; COMP AM 37 NOT YET TRANSLATED, REPLACING AM 1331 - 1334 29. Calls on the Commission to propose, before the introduction of substantial changes in the design and/or implementation of the CAP, a transitional period long enough to ensure a soft landing and time for Member States to properly implement the new policy in an orderly manner so as to avoid any delay in farmers’ annual ***payments*** and in the implementation of rural development measures; COMP AM 38 NOT YET TRANSLATED, REPLACING AM 811, 844, 850, 905, 635, 644, 864, 863 30. Calls on the Commission to ensure that the Member States, in their action plans, guarantee equality between women and men in rural areas; urges the Commission and the Member States to support equal representation of women in the institutions’ structures for dialogue with the sector and also in the decision-making bodies of the sector’s professional organisations, cooperatives and associations; considers that the new EU legislation should substantially improve the thematic sub-***programmes*** for women in rural areas; COMP AM 39 NOT YET TRANSLATED, REPLACING AM 501, 656, 663, 986, 1288, 1263, 1017 31. Stresses that the Commission should continue to ensure the strict enforcement of EU animal welfare legislation at all times in all Member States equally, with proper control and sanctions; calls on the Commission to monitor and report on animal health and welfare, including animal transport; recalls that products entering the EU must respect European animal welfare, environmental and social standards; calls for financial incentives for the voluntary adoption of animal welfare measures going beyond minimum legislative standards; COMP AM 40 NOT YET TRANSLATED, REPLACING AM 805, 806, 119, 1297, 502, 511 31 (new). Insists that special consideration should be granted to farmers who face extra costs owing to specific constraints linked to high value natural areas such as mountainous areas, islands, outermost regions, and other less favoured areas; believes that owing to their specific constraints, CAP financing is vitally important for these regions and that any reduction would have a very damaging impact on many ***agricultural*** products; urges the Member States to AM\1152954EN.docx 17/18 EN develop and implement quality schemes in order to give the producers interested the opportunity to introduce them swiftly; COMP AM 41 NOT YET TRANSLATED, REPLACING AM 754, 503, 506, 581 32 (new). Considers that the budget of POSEI should be maintained at sufficient levels to face the challenges of ***agriculture*** in the outermost regions, as called for several times by Parliament; welcomes the results of the most recent Commission report on the POSEI implementation and considers that ***programmes*** for outermost regions and for the smaller Aegean islands should be kept separate from the general EU direct ***payments*** scheme, in order to ensure balanced territorial development by preventing the risk of abandonment of production as a result of challenges related to remoteness, insularity, small size, difficult topography and climate, and economic dependence on a small number of products; COMP AM 42 NOT YET TRANSLATED, REPLACING AM 1146, 1158 33 (new). Calls on the Commission to include in the Milk Market Observatory an autonomous section to study prices in the outermost regions, in order to react promptly to a crisis in the sector; believes that the definition of ‘crisis’ and subsequent intervention of the Commission should be adapted to the outermost regions, taking into consideration the size of the market, dependence on a limited number of economic activities and less capacity for diversification; COMP AM 43 NOT YET TRANSLATED, REPLACING AM 1146, 1158 34 (new). Calls for better integration of the ‘circular economy’ to ensure the best and most efficient use of primary material and by-products in the emerging bioeconomy while respecting the limits of availability of biomass and land and other ecosystem services, and believes that the development of bio-based industry in rural areas might provide new business models that could help farmers and forest owners to find new markets for their products and create new jobs; calls on the Commission and the Member States, therefore, to provide the necessary support to the ***agricultural*** and forestry sector with a view to making a greater contribution to the further development of the bioeconomy in the EU; underlines the need to promote agroforestry, which can provide multipurpose, recreational and productive ecosystems and microclimates, and to close the gaps that could hamper its development; COMP AM 44 NOT YET TRANSLATED, REPLACING AM 978, 987, 990, 984 35 (new). Believes that AECM support, complemented by eco-schemes at Member State level, should cover the costs for farmers of transitioning to new sustainable practices, such as through promotion and support for agroforestry and other sustainable forestry measures that support biodiversity and genetic diversity in animal and plant species, and of adapting to changing climatic conditions; 18/18 AM\1152954EN.docx EN COMP AM 45 NOT YET TRANSLATED, REPLACING AM 1026, 1030, 1035, 1056, 1120 36 (new). Calls on the Commission to guarantee innovation, research and modernisation in agroforestry and forestry by supporting a strong and tailored advisory system, targeted training and tailored solutions to drive innovation and the exchange of know-how and best practices among Member States, with a general focus on relevant new technologies and digitalisation; underlines, at the same time, the crucial role of forest owner associations in information and innovation ***transfer***, training and further education for small-scale forest owners and in the implementation of active multifunctional forest management.

**Load-Date:** May 24, 2018

**End of Document**



[***The government tightens fiscal spending and industrialises rural areas to jump-start economic growth in Ghana***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4X1-DXYV-7429-00000-00&context=1516831)

Oxford Business Group: Articles

January 2018

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**Length:** 3696 words

**Body**

Since assuming power in January 2017, the administration of President Nana Akufo-Addo has sought to move swiftly to restart the Ghanaian economy after a period of sluggish growth. As with many West African countries, local industry is strongly correlated with global commodities. Oil, gold and cocoa provide the three main sources of foreign currency and income; however, price swings over 2015 and 2016 for these three resources, a strengthening US dollar, as well as domestic issues such as fiscal slippage, growing debt and mounting inflation have combined to slow the pace of development, leading to a depreciating currency and a budget shortfall.

As a result, the government has been under pressure to move aggressively over the course of 2017, and has introduced budgetary reforms, improved the ease of doing business and enacted policies designed to diversify economic growth, some of which are beginning to bear fruit.

**Recovery Under Way**

Starting in 2013, the fall in global gold and oil prices had a significant impact on commodities-exporting countries. Having enjoyed a 14% rise in GDP in 2011 on the back of increased investments in the offshore oil sector, growth slipped below 4% in 2014, where it subsequently remained for the next two ***years***. Although the economy failed to reach the government's targeted 4.1% growth in 2016, GDP expanded at a modest 3.57%, to reach GHS177.9bn ($42.7bn), according to World Bank data, allowing the 28m-person country to maintain its position as the second-largest economy in West Africa, behind only Nigeria.

Coinciding with the arrival of the new government, the Ghanaian economy bounced back strongly in the first half of 2017. Figures from the Ghana Statistical Service (GSS) showed that GDP growth for the second quarter of 2017 hit 9% ***year***-on-***year*** (y-o-y). This figure was boosted by the recovery in both the oil price, which regained value from its June 2016 low point of under $30 per barrel to over $50 for most of early 2017, as well as by the gold price, which fluctuated between $1200 and $1300 per oz in early 2017, compared to under $1100 in early 2016.

The impact on Ghana's economy was significant: in the second quarter of 2017 GDP from oil reached GHS635.3m ($152.1m), a y-o-y increase of 188% and equivalent to 6.8% of total GDP, while mining and quarrying hit GHS746.9m ($178.8m), 75% y-o-y growth, and 8% of total economic output.

Meanwhile, the non-oil sector showed more modest 4% y-o-y growth, with the ***agricultural*** sector - another major export-earner thanks to cocoa production - reaching GHS4.9bn ($1.2bn), up 3.4%. The services sector, which accounts for 62% of GDP, totalled GHS26.5bn ($6.3bn), a 5.4% y-o-y increase.

**Trade**

Trade also showed a positive rebound in the first half of 2017, following deficits of $1.38bn in 2014, $3.93bn in 2015 and $506m in 2016.

According to preliminary data from the Bank of Ghana (BoG), a trade surplus of $707.6m was generated in the first three quarters of 2017, equivalent to 1.5% of GDP, marking a significant turnaround from the $1.8bn deficit recorded for the same period in 2016. Boosted by stronger oil, gold and cocoa prices, export revenues shot up 25.1% y-o-y, while declining non-oil imports lowered total imports by 5.3%.

The positive terms of trade had a noticeable impact on shrinking Ghana's current account deficit, which fell to 2.4% of GDP over the first three quarters of 2017, compared to 4.9% in the same period of 2016. Combined with growth in portfolio investment inflows, the overall balance of ***payments*** went from a deficit of $1.4bn in the first half of 2016 to a surplus of $379.3m, or 0.8% of GDP.

To maintain this momentum, trade licensing is moving towards the one-stop-shop concept, via the National Single Window, an integrative approach to connect government agencies and private sector operators involved in international trade. Reducing barriers to trade is a primary goal in driving competitiveness and the ease of doing business. "There is a direct correlation between international trade processes and foreign direct investment (FDI), with both having an effect on economic growth. The Ghana National Single Window will certainly have a positive impact on the country's long-term economic growth prospects," Valentina Mintah, CEO of West Blue Consulting, told OBG.

**Commodities Conundrum**

The confidence generated by the return of strong growth should be tempered by the economy's continued dependence on extractive industries. Behind the bumper second quarter GDP figure, for example, lies the fact that the previous ***year***'s GDP was noticeably impacted by the temporary halt in production at the Jubilee field in mid-2016. With output forecast to reach over 240,000 barrels per day by 2020, Ghana is set to become the fourth-largest producer of crude in sub-Saharan Africa, as new offshore deposits, such as those in the Tweneboa, Enyenra and Ntomme gas fields, which are operated by London-headquartered Tullow Oil, and the Sankofa oil and gas field, operated by Italian multinational ENI, come online. Similar increases are expected in gold production. Following the growth in 2016, mine expansions and new projects should guarantee strong output for the coming ***years***. However, as has been the case in other emerging and frontier economies, a strong raw commodities-driven performance raises the possible occurrence of higher inflation, weaker employment growth and exposure to price fluctuations in volatile international markets.

**Industrialisation**

To help counter this, the recently elected New Patriotic Party (NPP) government aims to couple the expansion of the resources sector with an aggressive industrial policy, an overhaul of the ***agricultural*** sector, and improved access to financial services to ensure greater economic diversification and value addition.

Forming the key tenets of the NPP's policy are the One Village, One Dam and One District, One Factory ***programmes***, which were announced during the 2016 election campaign. The schemes include large-scale investments to ensure greater access to irrigated land, plans to decentralise industrial growth to each of the country's 216 districts and the production of value-added products, particularly from the ***agricultural*** sector.

Private investors are expected to provide the bulk of financing, and over 100 projects are currently in the pipeline. The local press reported in March 2017 that the One District, One Factory initiative had already received investment pledges totalling $3bn, with 40 business plans under review, and that GHS94.4m ($22.6m) had been earmarked for the One Village, One Dam project (see Industry & Retail chapter). At the same time, as with most countries developing on an extensive scale, Ghana's push for greater industrial progress has the potential to augment the negative impacts associated with sharp inflows of foreign currency.

**Smart Support**

Central to the success of these policies is ensuring that investments are targeted appropriately, come with the necessary supporting infrastructure, and can function without the need for continued subsidies or support. Ghana has been here before, notes Newman Kwadwo Kusi, executive director of the Institute for Fiscal Studies, a local non-profit focused on providing policy guidance. "In the 1960s the government undertook a similar industrialisation ***programme***, which resulted in the establishment of over 300 state-owned industries," he told OBG. "Ghana used to produce a number of value-added products, as well as diverse crops such as palm oil, coffee, corn, beef and sugar. Following the economic crises of the 1980s, the World Bank advised the government to divest from these companies, and around 90% were sold to the private sector. However, almost all of those companies collapsed because the basic infrastructure needed to run the businesses did not exist," he added.

While the current government's plans to build dams and factories could provide jobs and investment in the short term, detailed planning will be required to ensure that the businesses are competitive in the long run. "There is a real need to modernise Ghana's rural areas, but as for any industry, there are a set of basic requirements, such as human resources, energy and water, technology and transport infrastructure, that need to be put in place. We need to study why the previous industrial processes were not sustainable in order to avoid making the same mistakes," Kusi added.

**Infrastructure Upgrades**

The importance of providing ancillary infrastructure - from transmission lines to railways - has become more clear in recent ***years***, as the country's manufacturers grapple with *dumsor* - the local term for power outages. With roughly half of the country's energy coming from hydroelectric dams, droughts can lead to drops in production, while shortages of natural gas have forced the import of expensive fuel oil. The country has endured four major energy crises since 1982. During the most recent, in 2015, there were blackouts on 159 days of the ***year***, at which time the energy sector racked up $2.4bn in debt. According to the World Economic Forum's "Global Competitiveness Report 2017-18", Ghana ranked 111th out of 137 countries for the quality of its electricity supply, ahead of Sierra Leone at 120th and behind Senegal at 103rd. Ghana faired slightly better for roads, rail and air transport infrastructure, which ranked 78th, 98th and 94th, respectively. Nonetheless, the inadequate supply of infrastructure is considered to be the fourth-most problematic obstacle to doing business in the country. As a result, in March 2017 President Akufo-Addo announced that the government was working on an electricity master plan that could include measures to privatise an element of state power generators and include more renewable energy in the national energy mix.

**Private Capital**

The government's investments in industry and infrastructure will require sizeable public expenditures, but ***programmes*** are also counting heavily on private commitments and inflows of foreign capital. Ghana has also benefitted from a surge in local direct investment, which rose more than 10-fold from $830m in 2013 to $9.4bn in 2015.

Since 2008 Ghana has typically attracted net FDI inflows of between 7% and 9% of GDP, although in 2016 it received net FDI inflows of $2.4bn, a $300m decrease on 2015's figure of $2.7bn, which was itself a 4.9% decline on 2014, according to the Ghana Investment Promotion Centre (GIPC). The slowdown has been mirrored in a number of other African markets. From 2011 to 2016 total FDI fell by two-thirds; the downturn followed wider international trends of weaker demand in advanced economies and the fall in commodity prices.

The GIPC outlook is more bullish for 2017, however, setting an FDI goal of $5bn, more than double 2016's figure. The figure is premised in part on large-scale investment in natural resources projects over the medium term, along with components of a $19bn package financing deal from China for the development of bauxite and rail projects. The new administration is also encouraging greater collaboration between government and private actors. "The public-private partnership model is one of the preferred mechanisms to make investments in infrastructure development in all areas, ranging from transportation and industry, to energy and tourism," Solomon Asamoah, CEO of the Ghana Infrastructure Investment Fund, told OBG.

**Employment**

The creation of jobs for the country's rapidly growing population is another key priority for the government. With an estimated 80% of working-age Ghanaians employed in the informal sector, data on unemployment in Ghana is not easy to come by. The GSS does not publish regular numbers, and the 5.77% unemployment rate reported by the International Labour Organisation for 2016 fails to fully capture the challenging labour situation in the country. A 2015 GSS report on the state of the Ghana labour market estimated that 1.2m citizens over the age of 15 were unemployed, making for a total unemployment rate of 11.9%.

As is the cases for many economies in Africa, the ability of the state to absorb new employees is limited. The public sector wage bill is already high - accounting for GHS14.2bn ($3.4bn) in 2016 - and staff turnover tends to be low. This situation pushes the burden of job creation onto the private sector. In its March 2017 budget statement, the Ministry of Finance announced that it would incentivise youth job creation by providing tax credits to firms hiring recent graduates, although the exact details of the scheme have yet to be expanded upon.

The push for construction to support the government's industrialisation and infrastructure projects may also help alleviate the issue. In November 2017 Mahamudu Bawumia, the vice-president, announced that the government would hire 100,000 graduates in 2018 as part of the Nation Builders Corp, an ambitious jobs ***programme*** focused on tackling youth unemployment through sanitation, health, education and revenue-collection ***programmes***, although jobs created would likely be temporary.

**Inflation**

Beginning in mid-2013 a strengthening dollar, lower foreign-currency revenues, a loose fiscal policy and a reliance on imported staples all helped stoke a rapid rise in inflation well beyond the central bank's target of 8% plus or minus two percentage points. In March 2016 inflation peaked at 19.2% but has since fallen steadily.

According to the Ministry of Finance, October and November 2017 saw inflation drop to 11.6% and 11.7%, respectively, the lowest rates since mid-2013, and well within range of the BoG's 2018 inflation target. Non-food inflation continues to drive headline price increases, at 13.2% in October 2017, compared to 8.2% in the food segment in the same period.

"From late 2015 to early 2016 Ghana's monetary policy has been adequately tight," Natalia Koliadina, the resident representative of the IMF in Ghana, told OBG. "Inflation has been declining consistently, and we expect it to reach the upper bound of the target band by end-2017. Once fiscal consolidation has resumed, and it becomes evident that the government is consistently implementing its budget and achieving the budget target, monetary policy burdens will be alleviated," she added.

**Zero Financing**

Under the previous administration, the BoG could fund up to 10% of the previous ***year***'s total deficit, but that was ended under the policy of zero financing beginning in January 2016. "The BoG wants to stop financing the government, and the IMF has strongly advised the government to pass a law to forbid funding," Kusi told OBG. "However, if the BoG does not fund the government's fiscal deficit, the main remaining option is Treasury bills (T-bills), which are already running at a high interest rates." Fortunately, however, the government's fiscal prudence has allowed rates to drop from over 23% in 2016 to 13.29% for the GHS448m ($107.3m) worth of T-bills sold in November 2017.

**Currency**

The revalued cedi was introduced in 2007; since then, the free-floating currency has depreciated, from GHS0.50:$1 to around GHS4.63:$1 in November 2017. Particularly sharp depreciation was seen in 2014 and 2015, when the cedi ranked among the lowest-performing African currencies. However, 2016 and 2017 have offered greater stability, with the local currency maintaining a rate of around GHS4.35:$1 for much of 2017, before a surge in dollar demand for end-of-the-***year*** imports caused a downtick in November. As of December 18, 2017 the cedi was trading at GHS4.51:$1.

A number of commodity-dependent emerging markets faced shortages of foreign currency over the course of 2016 and 2017, but Ghana managed to sidestep most problems. By August 2017 gross foreign assets stood at over $7.1bn, providing for a healthy 4.1 months of import cover and a significant increase from the $4.9bn held in August 2016. While the current exchange rate suits the Treasury for the repayment of debt, it could encumber the development of export-oriented industry. "The previous 15-***year*** domestic bond was calculated at a rate of GHS4.40:$1, and if the exchange rate is not managed by the central bank, the tendency will be for the cedi to depreciate more," Joe Jackson, director of business development at Dalex Finance and Leasing Company, one of the country's largest non-bank lenders, told OBG. "At present, the rate is relatively stable, but in the long run, the Ghanaian economy could prove unbalanced. The country is heavily reliant on imports of foreign goods; however, we need to devalue the currency to create the conditions for an export industry," he added.

**Deficit**

As suggested by the challenges of inflation and depreciation, the government has inherited some fiscal issues that will take time to resolve. January 2017 the Ministry of Finance announced that off-book spending during the previous administration of then-President John Dramani Mahama had resulted in a GHS7bn ($1.7bn) hole in state finances.

In addition, the high proportion of revenue dedicated to statutory funds is hampering the government's ability to reduce spending. "After subtracting salaries, interest ***payments*** and earmarked expenditures, nearly 85% of government revenue is exhausted," said Kusi. "The capital budget in Ghana has been decreasing, and the inability to raise enough revenue to undertake priority expenditure ***programmes*** has only increased the public debt and escalated interest ***payments***."

Fiscal policy will focus on a more progressive reduction in the deficit over the medium term, from 8.7% of GDP in 2016, to 6.5% in 2017 and 4.5% in 2018, as well as the opening up of funding for priority projects by capping the proportion of revenues earmarked for statutory funds at 25%. By the end of the first half of 2017, Ghana had lowered its deficit to 4.5% of GDP, according to the BoG (see analysis).

**Debt**

Tempering successive budget deficits will go some way towards containing the public debt, which has continued to grow despite falling interest rates. By the end of 2016 total public debt amounted to GHS122.3bn ($29.3bn), equivalent to 72.5% of GDP. This compares to a debt of GHS36bn ($8.6bn), or 47.8% of GDP in 2012. Since 2007 the country has tapped the eurobond market on five occasions. With the original 10-***year*** bond maturing in 2017, additional bonds have been issued to service old debt (see analysis). However, foreign debt accounted for only 20% of the public total in 2016, thanks to the popularity of domestic T-bills among local banks and the participation of foreign firms in local bond offerings (see Banking chapter). In August 2017 the IMF noted how foreign participation in the domestic debt markets could strengthen the country's external position, but pointed out that Ghana's already "unfavourable debt dynamics" could be worsened if the trend of fiscal slippage were to continue.

**Fund Times**

A key reason for the country's improving macroeconomic fundamentals has been the reassurance offered by the IMF's $920m extended credit facility. Beginning in April 2015, at a time when rising inflation, government overspend and a series of power outages were weighing on growth, the facility helped reassure markets. "The fund's prolonged stay gives comfort to the market, which was starting to get twitchy about the possibility of Ghana's fiscal discipline [following] the IMF ***programme***," Neville Mandimika, Africa analyst at South Africa's Rand Merchant Bank, told international press in September 2017. The three-***year*** credit line was extended by a ***year*** in August 2017, at which time the IMF completed its fourth Article IV Consultation on Ghana and dispersed $94.2m to the government for a total loan of $565m. "The authorities have taken some encouraging steps, and the economy is showing signs of recovery," Tao Zhang, the fund's deputy managing director and acting chair, said in a statement accompanying the report. "Ongoing fiscal consolidation and implementation of the medium-term debt management strategy will be key to further reducing domestic refinancing risks."

**Ratings**

This net-positive assessment of the Ghanaian economy was echoed by ratings agencies. In July 2017 Moody's maintained a rating of "B3" with a stable outlook for the country, highlighting the positive growth prospects as new hydrocarbons developments come on-stream, and the fact that, compared to the regional average, Ghana's economy is relatively diversified. The two other main ratings agencies upgraded Ghana's outlook over the course of 2017, in recognition of the improving outlook for the country on the back of climbing commodities prices, and the fiscal and economic policies enacted by the government. In May Fitch revised its credit outlook from negative to stable, and then in October 2017 Standard & Poor's maintained its "B-" rating for Ghana, and changed its outlook from stable to positive. "We expect Ghana's new administration to implement numerous measures that would help strengthen public finances from their current very weak level," the agency noted.

**Outlook**

Ghana's economic prospects for 2018 appear strong. Following a belt-tightening process, the government has both brought down the problematic fiscal deficit and freed up capital spending for priority projects by capping budget ***transfers*** to statutory funds. A partial rebound in oil and gold prices should also help to stabilise the economy.

In November 2017 the government - using an assumed oil price of $54.77 per barrel - revised its 2017 GDP growth forecast upward from 6.8% to 7.9%; although 2018 growth was in turn revised from 9.1% to 6.8%. According to Moody's, the non-oil economy is expected to continue to expand at a rate of between 4.5% and 5%.

With the goal of keeping the fiscal deficit under control, tackling debt will be an important challenge. However, there was positive news on this front as well, with the debt-to-GDP ratio falling from 73% at the end of 2016 to 68.3% in September 2017. If the government's ambitious plans to industrialise rural regions, improve the business environment, harness the financial sector and improve access to credit for private actors comes to fruition, a more robust, diverse and sustainable economy is in the cards.

**Load-Date:** March 12, 2020

**End of Document**



[***Top news from Polish politics, economy, business & financial markets - 16:30; BUSINESS & EQUITY MARKET NEWS***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64R9-6WS1-JCG5-H4G5-00000-00&context=1516831)

PAP Market Insider

April 12, 2018 Thursday 4:35 PM CET

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**Length:** 1766 words

**Byline:** Bastian Krzysztof

**Highlight:** Following is a digest of the day's top news as compiled by PAP Market Insider.

**Body**

BUSINESS & EQUITY MARKET NEWS

HOUSEBUILDING / FINANCING / IPO - Prefabricated home builder Danwood has set the maximum price for retail investors in its IPO of up to 24 mln existing shares at PLN 15.0 putting the offering's max. value at PLN 360 mln, the company wrote in its issue prospectus.

REAL ESTATE / FINANCING / GRIFFIN - Real estate company Griffin Premium RE will sell EUR 120-150 mln worth of new shares constituting less than 30% of diluted share capital to South African real estate investment holding Growthpoint Properties under a planned private placement, Griffin said in a market filing of a commitment letter signed by the two companies on April 12.

BANKING / MBANK - Listed lender mBank shareholders approved a PLN 5.15 dividend per share or a total of PLN 217.9 mln taken from 2017 profits, in line with the management recommendation.

TELECOM / DIVIDEND / PLAY COMMUNICATIONS - Telco Play Communications wants to pay out PLN 2.57 gross interim dividend per share, the company said in a market filing of a management resolution passed on April 11.

INVESTMENT FUNDS - Polish mutual funds sold net PLN 372 mln worth of Polish equities in March and PLN 14 mln worth of foreign stocks, Haitong Bank analysts said of their estimates.

INVESTMENT FUNDS/ QUERCUS - The Quercus TFI investment fund group, which had to move early April to protect clients from a troubled corporate debt investment, may have suffered net outflows of PLN 237 mln in the month prior to the move, the Haitong brokerage estimates following publication of end-month asset figures.

HOUSEBUILDING / DIVIDEND / DANWOOD - Prefabricated home builder Danwood wants to recommend allocating 50-100% of annual net earnings to dividend starting with 2019 profit, the company said in its issue prospectus.

HOUSEBUILDING / DANWOOD - WSE-bound builder of prefabricated timber houses Danwood targets improving its EBITDA and EBITDA margin while also lowering the net debt to adjusted EBIDTA ratio, along with further expansion on foreign markets, according to the group's IPO prospectus published early Thursday.

INVESTMENT FUNDS - Polish investment funds enjoyed PLN 1.7 bln net inflows in March, above the February level of PLN 1.6 bln, with the positive result driven by inflows to money market funds, researcher Analizy Online said in a report.

INSURANCE / PZU - Insurer PZU's mutual insurance unit TUW PZUW expects written premium to stay roughly flat in 2018 after rising to PLN 384 mln last ***year***, CEO Rafal Kilinski told a conference.

PENSION FUNDS - Poland's private pension funds OFE ***transferred*** PLN 683.4 mln to the social insurance board ZUS under the pre-retirement asset shift in April, ZUS press office informed PAP.

PENSION FUNDS - Poland's Social Insurance Board (ZUS) ***transferred*** PLN 38.9 mln to open pension funds OFE this week, ZUS said in a statement.

BANKING/ PEKAO - Blue-chip bank Pekao will extend the period of free lease of ***payment*** terminals to entrepreneurs by 6 months to a total of 18 months with an eye to support non-cash transaction development, the bank said Thursday.

REAL ESTATE / DEKPOL - Listed real estate developer Dekpol sold 223 apartments in Q1 2018 vs 229 a ***year*** ago, including developer contracts, preliminary sale contracts and paid reservations, the company said in a market filing.

MANUFACTURING / URSUS - Listed tractor manufacturer Ursus inked a general deal on cooperation with the Chinese company Guangdong Jianglong ***Agricultural*** Machinery Technology concerning sales, assembly and production of tractors and ***agricultural*** machinery, as well as importing part and components from China, the company said in a market filing late Wednesday. Ursus and the Chinese firm also signed a general importer's deal, tractor assembly deal and component delivery deal, the filing specified.

FOOD / DIVIDEND / KRUSZWICA - Cooking oil maker Kruszwica recommends a PLN 1.33 DPS from 2017 earnings translating into a dividend payout of PLN 30.6 mln and 75.17% payout ratio, the company said in a filing.

FINANCIALS / GETBACK - Listed debt collector GetBack saw pension fund Nationale Nederlanden decrease its stake in the company to 4.45% of its share capital, representing 4.45% of votes at GM, from 5% held before following a transaction of GetBack shares sales settled on April 5, 2018, GetBack said in a market filing.

CLOTHING / PROCHNIK - Listed clothing company Prochnik saw MetLife pension fund reduce its stake in the firm to 4.98% of votes at GM from 5.06% held before, Prochnik said in a market filing.

IT / CD PROJEKT - Game developer CD Projekt seeks to purchase up to 21,105 of own shares, representing up to 0.022% of the company's share capital, for up to PLN 3.6 mln in order to settle part of the transaction to buy a Wroclaw-based development studio Strange New Things, according to draft regulations for CD Projekt's upcoming GM. The shares will be bought at PLN 70-170 apiece, according to the document.

BEVERAGES/ ZYWIEC - Listed brewer Zywiec, a unit of Heineken, saw its shareholders pass PLN 26 total DPS from 2017 profit, counting in PLN 11 advanace DPS paid in November, the company said in a filing.

BIOTECH/ SELVITA - Listed biotech company Selvita secured a building permit for construction of its ca. PLN 77 mln research and development center in Krakow, Selvita said in a market filing. Selvita expects to complete the construction process and launch works in the centre's first laboratories in H2 2019, according to the filing. Part of the cost of building the center will be co-financed by EU and the government, Selvita reminded.

FURNISHINGS / DIVIDEND/ ES-SYSTEM - Lighting solutions provider ES-System's supervisory board recommended a PLN 0.35 DPS from 2017 profit and retained earnings from prior ***years***, translating into an over PLN 15 mln dividend payout, ES-system said in a market filing. Earlier on Thursday, the company informed of the management board's recommendation to pay a PLN 0.25 DPS, bringing the total payout to over PLN 10.7 mln.

FURNISHINGS / FORTE - Listed furniture producer Forte plans to open its fifth plant in Suwalki by 2020, the company said in a press statement.

TRANSPORT/ ENTER AIR - Listed charter flight operator Enter Air signed a EUR 24.7 mln deal with Airconsulting on charter flights in the summer 2018 - winter 2019 season, the company said in a market filing. Earlier, Enter Air signed similar deals with TUI, Itaka and Rainbow Tours.

ECONOMIC & FINANCIAL NEWS

GENERAL GOVERNMENT DEFICIT - Poland's general government deficit declined to PLN 44.08 bln in 2017 versus PLN 45.87 bln in 2016, stats office GUS said in a statement.

INVESTMENTS, ENVIRONMENT - Poland wants to spend PLN 25-30 bln over 10 ***years*** on housing insulation as part of its efforts to improve air quality, PM Mateusz Morawiecki announced during a meeting of the board of the Polish air quality improvement ***program***.

INFLATION, FOOD - Poland may see declining prices of basic food products in coming months as the overall slowdown in annual growth of food prices should continue, food and ***agricultural*** market researcher IERiGZ predicts in its monthly report.

MONETARY POLICY - Polish interest rates will likely stay flat until end-2018 before going up by 100 bps in 2019, market researcher Capital Economics predicts in a revised forecast out Wednesday. The previous forecast spoke of a total rate hike by 75 bps in 2018.

ECONOMIC INDICATORS - Poland's industrial output adjusted for working days grew by 7.5% y/y in February after a 6.3% y/y increase in January, EU stats office Eurostat said of the recent data.

EU LEGISLATION - EU member state ambassadors approved the final wording for the European directive on posting of workers on Wednesday despite objections from Poland and Hungary, an unspecified told PAP. Poland considers the directive harmful to Polish companies operating abroad.

CHEMICALS, FERTILIZERS - Poland will likely see shrinking demand for mineral fertilizers in coming months potentially leading to price declines, food and ***agricultural*** market researcher IERiGZ predicts in A report.

FINANCIALS - Poland seeks to shorten the licence process for would-be capital market participants under the ministry of finance's capital market development ***program***, currently worked on by the ministry, EBRD and consultancy BTA Consulting, deputy finance minister Leszek Skiba wrote in a reply to an MP inquiry.

FINANCIAL MARKETS

FX, FI - The Polish zloty is facing the risk of depreciation towards EUR/PLN 4.20, while T-bonds should consolidate close to the recent strong levels, according to local players.

FX & FI SPOT MARKET PRICES

|  |  |  |  |
| --- | --- | --- | --- |
| Thu | Thu | Wed |  |
| 16:13 | 09:36 | 17:00 |  |
| EUR/PLN | 4.178 | 4.181 | 4.187 |
| USD/PLN | 3.395 | 3.382 | 3.382 |
| PS0420 | 1.48 | 1.48 | 1.48 |
| PS0123 | 2.23 | 2.22 | 2.24 |
| WS0428 | 2.97 | 2.97 | 2.97 |

EQUITY MARKET

Warsaw stocks enjoyed solid gains Thursday among improved global sentiment, with the large-cap WIG20 index up by 1.28% to 2,301 pts at 16:18 local time. Financial sector heavyweights PZU and PKO BP led gains with some 3% share price increases.

WSE INDEXES

|  |  |  |  |
| --- | --- | --- | --- |
| Index | Value | Change | Time |
| WIG | 60 172,40 | 0,72 | 16:03:00 |
| WIG20 | 2 300,94 | 1,28 | 16:18:00 |
| WIG30 | 2 659,59 | 1,06 | 16:03:00 |
| mWIG40 | 4 628,66 | -0,06 | 16:03:00 |
| sWIG80 | 14 262,53 | -0,39 | 16:03:00 |

MOST ACTIVES

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Company | Time | Price | Change | Turnover |
| PLN | (%) | PLN mln |  |  |
| PZU | 16:01:35 | 42,45 | 3,54 | 101,2 |
| PKOBP | 16:01:38 | 41,03 | 2,60 | 74,6 |
| KGHM | 16:02:17 | 91,52 | -0,41 | 45,8 |
| PEKAO | 16:01:21 | 124,15 | 0,24 | 44,1 |
| PKNORLEN | 16:02:16 | 90,60 | 1,32 | 33,8 |
| CDPROJEKT | 16:01:23 | 124,20 | -0,40 | 24,9 |
| KRUK | 16:02:23 | 242,20 | 2,19 | 21,4 |
| PGNIG | 16:02:09 | 6,03 | -0,17 | 21,3 |

POLITICAL & GOVERNMENT NEWS

INTERNAL AFFAIRS - Poland detained seven people, including four former management board members of listed utility PGE's unit PGE Energia Odnawialna, in connection with irregularities concerning the purchase of a heating plant in the southern town of Przeworsk, PAP found out at the communications department of Central Anti-Corruption Bureau CBA.

INTERNATIONAL RELATIONS - Poland has no intention of blocking testimonies of Holocaust witnesses and survivors, President Andrzej Duda said of the country's much-debated anti-defamation law following a meeting with president of Israel Reuven Riwlin. Poland believes that the meeting of the two countries' leaders will strengthen mutual cooperation, also in the field of security, Duda added.

PARTIES/ PIS - Ruling party PiS leader Jaroslaw Kaczynski will mark the start of the planned nationwide tour this Sunday with a visit to Trzcianka in Wielkopolskie region, a top PiS politician told PAP.

PROSPERITY - The majority of Poles (53%) see their living conditions as average, shows the survey conducted by pollster CBOS. The share of respondents declaring good or very good living conditions has hit a record high, CBOS also said.

maf/ kd/ fbe/ mie/ mbn

**Load-Date:** February 25, 2022

**End of Document**



[***Breakfast - 06:25 AM GMT***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RJ0-KWD1-JBH6-C4WP-00000-00&context=1516831)

TVEyes - BBC 1 North East and Cumbria

January 31, 2018 Wednesday

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**Section:** U.K. REGIONAL TV; News

**Length:** 836 words

**Anchors:** Louise Minchin

**Highlight:** The latest news, sport, business and weather from the BBC's Breakfast team.

**Body**

**Speech to text transcript:**[[2]](#footnote-3)1

over some of them after 6:30 a.m., but Mahrez put in the late ***transfer*** request with Leicester and Manchester interested. The Times are talking about a powerful farewell to a pioneer, Regis, which we covered on this ***programme***. And this was the moment that Amir Khan through water over a rival. Did you see people moaning about Coronation Street because of product placement for the first time?

I think they had a branded coffee cup and they have plans to have a shop, a coffee shop on the street. Is that where they will go out for a coffee? I know you don't drink coffee and everything, but... I have a claim to fame about Coronation Street. I don't drink coffee. I painted the doors on Coronation Street. I don't think that is your only claim to fame. When they revamped the sets, I was doing the thing for the awards, and I had to go around the set and paint the doors. And I scratched my uncle Terry's name on the garage. He watches Coronation Street every day. Things we didn't know. Time Good morning. A North East MP will lead a Commons debate today and degrading" benefits system. on what she calls the "cruel says she's had hundreds North West Durham's Laura Pidcock of complaints from people assessed for Personal Independence ***Payments*** - with disabilities and ongoing health a benefit for those problems. They include Jane Crabtree from Middlesbrough, who lost her job after developing Lupus. She had to fight for a ***year*** and mount two appeals on at the Job Centre to get ***payments***, AND sign in the meantime. Even the job coach - who was actually very, very helpful and very kind to me - he said, "You can see you're not well enough to work." You know... experience because I had to sign It was a degrading and humiliating and that I was fit and able to work to say that I was looking for work when I genuinely wasn't. There'll be more on that story on Look North at lunchtime and 6.30. North East train operators have bagged two out of the top three ratings for passenger satisfaction. of more than 27,000 travellers put The National Rail Passenger Survey Grand Central at the very top of the tree with a 96% rating. points behind at 92, Virgin East Coast was four split by Hull Trains at 95%. Passengers were surveyed between September and November of last ***year***. for business in the region. A new bank is opening The Northumberland Community Bank says it will issue "responsible based on people's ability loans" to the county's residents, to pay them back. It's offering savings accounts, as well. Profits are intended to be re-invested into the local community. care at East Durham Courses in small-animal as the ***agriculture*** courses. college are now as popular The Houghall college campus was established 80 ***years*** ago, pursuing careers in offering places for students ***agriculture*** and horticulture. is worth around a billion pounds, The UK's animal care industry a centre housing small and the Houghall site now boasts hamsters - even rats. animals such as rabbits, grooming, and later this ***year*** Courses on offer include dog a degree course is being introduced. It is the largest section on this level but we have some that those numbers are sort ***agriculture*** students, of rising slightly. but we've got new facilities Just from lower levels, there and animal-care students also work with the farm animals, as well, that we have available to students. so there is a really good resource It is really quite an exciting time. In last night's football... Sunderland drop to second In the Championship, at fellow strugglers Birmingham. bottom, after a 3-1 defeat with Sheffield Wednesday. Middlesbrough played out a 0-0 draw held Wrexham to a goalless draw. In the National League, Gateshead And in Scotland, Berwick lost 3-2 at home to Peterhead. Newcastle welcome Tonight in the Premier League, Burnley to St James's. games without a win - The visitors have gone seven league but the Magpies haven't won at HOME for seven league matches, either! radio commentary on BBC Newcastle. Kick off is at 7.45, The weather: A cold day with sunny spells and blustery showers - frequent across Cumbria wintry over the hills and most and the Pennines. and a maximum temperature Strong and gusty westerly winds 41 degrees Fahrenheit. of 5 degrees Celsius - will continue this evening Tonight, scattered wintry showers but will mostly die out overnight with clearing skies. temperature of 1 degree Celsius - Fresh northwest winds and a minimum 32 degrees Fehrenheit. cool. And then as we head into the weekend, things a little unsettled, especially through Saturday morning. That rain clearing, though, Saturday afternoon. I'm back with the latest from the BBC London newsroom in half an hour. to Louise and Dan. Now, though, it is back Bye for now. with Dan Walker and Louise Minchin. Hello, this is Breakfast and sport in a moment. We'll bring you the latest news Here's what's coming up:

**Load-Date:** January 31, 2018

**End of Document**



[***SNP ministers 'leaving farmers in the dark' by refusing to include Scotland in Brexit Agriculture Bill***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5T7M-P2D1-F021-644H-00000-00&context=1516831)

telegraph.co.uk

September 11, 2018 Tuesday 9:00 PM GMT

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**Section:** POLITICS; Version:1

**Length:** 872 words

**Byline:** By Simon Johnson, Scottish Political Editor

**Body**

SNP ministers have been accused of leaving farmers "in the dark" after making Scotland the only part of the UK not covered by legislation preparing for the end of the EU's Common ***Agricultural*** Policy.

The Tories lashed out at the Nationalist administration after it rejected an offer to extend to Scotland powers contained in the UK Government's ***Agriculture*** Bill, which is being unveiled by Michael Gove on Wednesday.

While farming is devolved and most of the Bill deals with England, it also includes powers that can be adopted by the devolved administrations to create the frameworks for their new farm subsidy regimes.

The Welsh Government and Northern Ireland's Department for ***Agriculture***, Environmental have asked the UK Government to legislate on their behalf to create this ability.

But SNP ministers refused to sign up, meaning they will have to pass a separate Bill at the Scottish Parliament to achieve the same end.

The Scottish Tories pointed out [*there was no equivalent* ***Agriculture*** *Bill in Nicola Sturgeon's "threadbare"* ***programme*** *for government last week*](https://www.telegraph.co.uk/politics/2018/09/04/nicola-sturgeons-government-labelled-past-sell-by-date-unveils/) and warned "time is running out".

.html-embed.component .quote.component{margin-left:0}.html-embed.component .quote.component .component-content{margin-right:16px}.quote\_\_source, .quote\_\_author {white-space: normal;}@media only screen and (min-width:730px){.html-embed.component .quote.component{margin-left:-60.83px}.html-embed.component .quote.component .quote\_\_content:before{margin-left:-12px;padding-right:1px}}@media only screen and (min-width:1008px){.html-embed.component .quote.component{margin-left:-82.33px}}Farmers in Scotland are being left in the dark because the SNP are refusing to extend the Bill north of the BorderColin Clark, Gordon MP

The disclosure undermined a claim by the SNP Constitutional Affairs Minister that the Scottish Government will take a "coherent, consistent and collaborative approach" to preparing for Brexit.

In a statement at Holyrood, Mike Russell also warned that Holyrood was already facing having to pass up to 200 pieces of Brexit-related legislation.

His speech came after [*he rejected NFU Scotland's plea to "get your shoulder to the wheel" and back Theresa May's Chequers plan.*](https://www.telegraph.co.uk/politics/2018/09/04/nicola-sturgeons-government-labelled-past-sell-by-date-unveils/)

The UK Government has previously attempted to provide certainty for farmers [*by guaranteeing CAP* ***payments*** *until the end of 2020 and protecting subsidy funding until the end of this parliament.*](https://www.telegraph.co.uk/politics/2018/09/04/nicola-sturgeons-government-labelled-past-sell-by-date-unveils/)

Today's ***Agriculture*** Bill will set out will set out the framework for a post-Brexit subsidy regime in England.

But it is also expected to reflect the fact that the Welsh and Northern Irish have consented to the UK Government legislating on their behalf in some areas.

Colin Clark, the Tory MP for Gordon in Aberdeenshire, said: "The UK Government is bringing forward a Bill to ensure farming support can be put in place after the end of 2020.

"But farmers in Scotland are being left in the dark because the SNP are refusing to extend the Bill north of the Border."

He said farmers need reassurance about the future support they will receive and argued it was a "matter of urgency."

Fergus Ewing, the SNP's Rural Economy Minister, announced in June that [*Scotland's system of farmer subsidies will not be overhauled until 2024 following an extended Brexit transition period.*](https://www.telegraph.co.uk/politics/2018/09/04/nicola-sturgeons-government-labelled-past-sell-by-date-unveils/)

But legislation needs to be passed to create a new subsidy framework. A no deal Brexit would mean leaving the CAP in March next ***year***.

Mr Russell told MSPs that the Scottish Government had "always made a distinction between the politics of Brexit and the absolute necessity of doing everything we can to ensure no legislative cliff-edge".

Warning that Holyrood would be required to carry out "legislative heavy lifting", he said: "We need to correct hundreds of pieces of legislation, not a mere handful. But we have no choice."

Mr Russell said that between 100 and 200 extra legislative instruments may need to be passed. He added: "That's a heavy burden - it could be heavier still if Westminster is not willing to co-operate sensibly."

But Adam Tomkins, the Tories' constitution spokesman, said Mr Russell was "desperate to be the herald of doom" despite Michael Barnier saying a Brexit deal could be reached in six to eight weeks.

He said: "This is good news but the SNP don't want to hear it. Everything they say about Brexit is negative.

"The only thing being stockpiled here is ministerial grievance and tired political cliche."

Labour and the Greens attacked the lack of detail in Mr Russell's statement about the contingency planning for a no deal Brexit.

Mr Ewing said that the UK ***Agriculture*** Bill must meet the "key tests" of respecting devolution and delivering on promises to Scotland.

He said: "This includes, setting out a guarantee that Scottish farmers will receive at least the same funding as they do now, resolving historic ***payment*** issues to enable our farmers to get a fair deal in the future, and ensuring that devolved powers are ***transferred*** in full to the Scottish Parliament."

Last month Ms Sturgeon said her government was making preparations for the impact of Brexit on key sectors such as ***agriculture***.

She urged farmers to respond to a consultation setting out proposals to stabilise and simplify income support for rural communities in the immediate aftermath of leaving the EU.

**Load-Date:** September 11, 2018

**End of Document**



[***Register of Commission documents: Meeting of CONT of Monday, 3 September 2018 Document date: 2018-10-02 CONT\_PV(2018)09-03-1 Minutes***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TKW-0M21-JDG9-Y23D-00000-00&context=1516831)

Impact News Service

October 29, 2018 Monday

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**Length:** 4455 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

PV\1162567EN.docx PE627.716v01-00 EN United in diversity EN European Parliament 2014-2019 Committee on Budgetary Control CONT\_PV(2018)0903\_1 MINUTES Meeting of 3 September 2018, 15.00-19.00 BRUSSELS The meeting opened at 15.06 on Monday, 3 September 2018, with Ingeborg Gräßle (Chair) presiding. 1. Adoption of agenda The draft agenda was adopted in the form shown in these minutes. 2. Chair’s announcements The Chair drew the attention of Members to the information in the CONT News. 3. Approval of minutes of meetings 20-21 June 2018 PV – PE623.828v01-00 25 June 2018 PV – PE623.924v01-00 The minutes were approved. 4. 2017 discharge: EU general budget - Commission CONT/8/14079 Rapporteur: Inés Ayala Sender (S&D) Exchange of views on the reservations issued in the 2017 annual activity reports by the Commission Directorates General with: - Mr Jean-Eric Paquet, Director-General of DG Research and Innovation, - Mr Jerzy Bogdan Plewa, Director-General of DG ***Agriculture*** and Rural Development, - Mr Marc Lemaître, Director-General of DG Regional and Urban Policy, - Ms Paraskevi Michou, Director-General of DG Migration and Home Affairs, - Mr Christian Danielsson, Director-General of DG European Neighbourhood Policy PE627.716v01-00 2/14 PV\1162567EN.docx EN and Enlargement Negotiations, - Mr Michael Köhler Director, DG European Neighbourhood Policy And Enlargement Negotiations, - Mr Koen Dons, Deputy Director-General of DG International Cooperation and Development.

The committee held an exchange of views about the following policy areas in the context of the 2017 Commission discharge: - Research and Innovation - ***Agriculture*** and Rural Development - Regional and Urban Policy - Migration Policy The following spoke: Ingeborg Gräßle, Inés Ayala Sender, Jean-Eric Paquet, Jerzy Bogdan Plewa, Marc Lemaître, Paraskevi Michou, Koen Dons, Michael Köhler. 5. CONT mission to Romania (17-19 September 2018) CONT/8/14080 Rapporteur: Ingeborg Gräßle (PPE) Exchange of views in preparation for the committee mission The committee requested additional background information on ***agricultural*** and regional policy, and on OLAF investigation, in preparation of the fact-finding mission to Romania The following spoke: Ingeborg Gräßle, Christina Borchmann (DG AGRI), Carsten Rasmussen (DG REGIO), Frank Michlik (OLAF). 6. Protection of the EU’s financial interests - Recovery of money and assets from third-countries in fraud cases CONT/8/12077 2018/2006(INI) Rapporteur: Cătălin Sorin Ivan (S&D) PR – PE618.147v01-00 AM – PE627.629v01-00 Responsible: CONT Consideration of draft report Deadline for tabling amendments:5 September 2018, 14.00 In the absence of the rapporteur, Inés Ayala Sender outlined the findings of the draft report. The following spoke: Ingeborg Gräßle, Inés Ayala Sender, Julia Pitera PV\1162567EN.docx 3/14 PE627.716v01-00 EN In camera 7. 2016 discharge: European Asylum Support Office (EASO) CONT/8/13572 2017/2177(DEC) COM(2017)0365[41] – C8-0288/2017 Rapporteur: Bart Staes (Verts/ALE) PR – PE623.711v01-00 AM – PE627.697v01-00 Responsible: CONT Hearing with Mr Jamil Addou, Executive Director ad interim of EASO The following spoke: Ingeborg Gräßle, Jamil Addou (EASO), Bart Staes, Petri Sarvamaa, Paraskevi Michou (DG HOME), Dennis de Jong. \* \* \* 8. 2016 discharge: European Asylum Support Office (EASO) CONT/8/13572 2017/2177(DEC) COM(2017)0365[41] – C8-0288/2017 Rapporteur: Bart Staes (Verts/ALE) PR – PE623.711v01-00 AM – PE627.697v01-00 Responsible: CONT Consideration of draft report Deadline for tabling amendments:10 September 2018, 14.00 The committee held an exchange of views on the elements of the draft report. The following spoke: Ingeborg Gräßle, Bart Staes, Petri Sarvamaa. 9. Any other business Attention was drawn to the joint item with the Committee on Civil Liberties, Justice and Home Affairs (LIBE) on 6 September about the establishment of the EPPO (current state of play and further timing). 10. Next meetings 10 September 2018, 19.00 – 20.30 (Strasbourg) 27 September 2018, 9.00 – 12.30 and 15.00 – 18.30 (Brussels) The meeting ended at 18.58 PE627.716v01-00 4/14 PV\1162567EN.docx EN ПРИСЪСТВЕН ЛИСТ/LISTA DE ASISTENCIA/PREZENČNÍ LISTINA/DELTAGERLISTE/ ANWESENHEITSLISTE/KOHALOLIJATE NIMEKIRI/ΚΑΤΑΣΤΑΣΗ ΠΑΡΟΝΤΩΝ/RECORD OF ATTENDANCE/ LISTE DE PRÉSENCE/POPIS NAZOČNIH/ELENCO DI PRESENZA/APMEKLĒJUMU REĢISTRS/DALYVIŲ SĄRAŠAS/ JELENLÉTI ÍV/REĠISTRU TA' ATTENDENZA/PRESENTIELIJST/LISTA OBECNOŚCI/LISTA DE PRESENÇAS/ LISTĂ DE PREZENŢĂ/PREZENČNÁ LISTINA/SEZNAM NAVZOČIH/LÄSNÄOLOLISTA/DELTAGARLISTA Бюро/Mesa/Předsednictvo/Formandskabet/Vorstand/Juhatus/Προεδρείο/Bureau/Predsjedništvo/Ufficio di presidenza/Prezidijs/ Biuras/Elnökség/Prezydium/Birou/Predsedníctvo/Predsedstvo/Puheenjohtajisto/Presidiet (\*) Ingeborg Gräßle, Derek Vaughan Членове/Diputados/Poslanci/Medlemmer/Mitglieder/Parlamendiliikmed/Μέλη/Members/Députés/Zastupnici/Deputati/Deputāti/Nariai/Képviselõk/Membri/Leden/Posłowie/Deputados/Deputaţi/Jäsenet/Ledamöter Nedzhmi Ali, Inés Ayala Sender, Tamás Deutsch, Luke Ming Flanagan, Petri Sarvamaa, Claudia Schmidt, Bart Staes, Dennis de Jong Заместници/Suplentes/Náhradníci/Stedfortrædere/Stellvertreter/Asendusliikmed/Αναπληρωτές/Substitutes/Suppléants/Zamjenici/ Supplenti/Aizstājēji/Pavaduojantysnariai/Póttagok/Sostituti/Plaatsvervangers/Zastępcy/Membros suplentes/Supleanţi/Náhradníci/ Namestniki/Varajäsenet/Suppleanter Karin Kadenbach, Julia Pitera 200 (2) 206 (3) 53 (8) (Точка от дневния ред/Punto del orden del día/Bod pořadu jednání (OJ)/Punkt på dagsordenen/Tagesordnungspunkt/ Päevakorra punkt/Ημερήσια Διάταξη Σημείο/Agenda item/Point OJ/Točka dnevnog reda/Punto all'ordine del giorno/Darba kārtības punkts/Darbotvarkės punktas/Napirendi pont/Punt Aġenda/Agendapunt/Punkt porządku dziennego/Ponto OD/Punct de pe ordinea de zi/Bod programu schôdze/Točka UL/Esityslistan kohta/Föredragningslista punkt) PV\1162567EN.docx 5/14 PE627.716v01-00 EN Наблюдатели/Observadores/Pozorovatelé/Observatører/Beobachter/Vaatlejad/Παρατηρητές/Observers/Observateurs/Promatrači/ Osservatori/Novērotāji/Stebėtojai/Megfigyelők/Osservaturi/Waarnemers/Obserwatorzy/Observadores/Observatori/Pozorovatelia/ Opazovalci/Tarkkailijat/Observatörer По покана на председателя/Por invitación del presidente/Na pozvání předsedy/Efter indbydelse fra formanden/Auf Einladung des Vorsitzenden/Esimehe kutsel/Με πρόσκληση του Προέδρου/At the invitation of the Chair(wo)man/Sur l’invitation du président/ Na poziv predsjednika/Su invito del presidente/Pēc priekšsēdētāja uzaicinājuma/Pirmininkui pakvietus/Az elnök meghívására/ Fuq stedina taċ-'Chairman'/Op uitnodiging van de voorzitter/Na zaproszenie Przewodniczącego/A convite do Presidente/La invitaţia preşedintelui/Na pozvanie predsedu/Na povabilo predsednika/Puheenjohtajan kutsusta/På ordförandens inbjudan Съвет/Consejo/Rada/Rådet/Rat/Nõukogu/Συμβούλιο/Council/Conseil/Vijeće/Consiglio/Padome/Taryba/Tanács/Kunsill/Raad/ Conselho/Consiliu/Svet/Neuvosto/Rådet (\*) Комисия/Comisión/Komise/Kommissionen/Kommission/Euroopa Komisjon/Επιτροπή/Commission/Komisija/Commissione/Bizottság/ Kummissjoni/Commissie/Komisja/Comissão/Comisie/Komisia/Komissio/Kommissionen (\*) Jean-Eric Paquet, Director-General, Jerzy Bogdan Plewa and Christina Borchmann DG AGRI; Marc Lemaître and Carsten Rasmussen DG REGIO; Paraskevi Michou, DG HOME; Christian Danielsson and Michael Köhler DG NEAR; Koen Dons, DEVCO Други институции/Otras instituciones/Ostatní orgány a instituce/Andre institutioner/Andere Organe/Muud institutsioonid/ Άλλα θεσμικά όργανα/Other institutions/Autres institutions/Druge institucije/Altre istituzioni/Citas iestādes/Kitos institucijos/ Más intézmények/Istituzzjonijiet oħra/Andere instellingen/Inne instytucje/Outras Instituições/Alte instituţii/Iné inštitúcie/Muut toimielimet/Andra institutioner/organ OLAF EASO Frank Michlik Jamil Addou Други участници/Otros participantes/Ostatní účastníci/Endvidere deltog/Andere Teilnehmer/Muud osalejad/Επίσης Παρόντες/Other participants/Autres participants/Drugi sudionici/Altri partecipanti/Citi klātesošie/Kiti dalyviai/Más résztvevők/Parteċipanti ohra/Andere aanwezigen/Inni uczestnicy/Outros participantes/Alţi participanţi/Iní účastníci/Drugi udeleženci/Muut osallistujat/Övriga deltagare PE627.716v01-00 6/14 PV\1162567EN.docx EN Секретариат на политическите групи/Secretaría de los Grupos políticos/Sekretariát politických skupin/Gruppernes sekretariat/ Sekretariat der Fraktionen/Fraktsioonide sekretariaat/Γραμματεία των Πολιτικών Ομάδων/Secretariats of political groups/Secrétariat des groupes politiques/Tajništva klubova zastupnika/Segreteria gruppi politici/Politisko grupu sekretariāts/Frakcijų sekretoriai/ Képviselőcsoportok titkársága/Segretarjat gruppi politiċi/Fractiesecretariaten/Sekretariat Grup Politycznych/Secr. dos grupos políticos/Secretariate grupuri politice/Sekretariát politických skupín/Sekretariat političnih skupin/Poliittisten ryhmien sihteeristöt/ Gruppernas sekretariat PPE S&D ECR ALDE Verts/ALE GUE/NGL EFDD ENF NI Balazs Szechy, Sabina Van der Lande Susanne Reither, Hélène Beague Suvi Leinonen, Orsolya Balogh Elisa Reschini Robert Godina Barbara Gatto Кабинет на председателя/Gabinete del Presidente/Kancelář předsedy/Formandens Kabinet/Kabinett des Präsidenten/Presidendi kantselei/Γραφείο Προέδρου/President's Office/Cabinet du Président/Ured predsjednika/Gabinetto del Presidente/Priekšsēdētāja kabinets/Pirmininko kabinetas/Elnöki hivatal/Kabinett tal-President/Kabinet van de Voorzitter/Gabinet Przewodniczącego/Gabinete do Presidente/Cabinet Preşedinte/Kancelária predsedu/Urad predsednika/Puhemiehen kabinetti/Talmannens kansli Кабинет на генералния секретар/Gabinete del Secretario General/Kancelář generálního tajemníka/Generalsekretærens Kabinet/ Kabinett des Generalsekretärs/Peasekretäri büroo/Γραφείο Γενικού Γραμματέα/Secretary-General's Office/Cabinet du Secrétaire général/Ured glavnog tajnika/Gabinetto del Segretario generale/Ģenerālsekretāra kabinets/Generalinio sekretoriaus kabinetas/ Főtitkári hivatal/Kabinett tas-Segretarju Ġenerali/Kabinet van de secretaris-generaal/Gabinet Sekretarza Generalnego/Gabinete do Secretário-Geral/Cabinet Secretar General/Kancelária generálneho tajomníka/Urad generalnega sekretarja/Pääsihteerin kabinetti/ Generalsekreterarens kansli Генерална дирекция/Dirección General/Generální ředitelství/Generaldirektorat/Generaldirektion/Peadirektoraat/Γενική Διεύθυνση/ Directorate-General/Direction générale/Glavna uprava/Direzione generale/Ģenerāldirektorāts/Generalinis direktoratas/Főigazgatóság/ Direttorat Ġenerali/Directoraten-generaal/Dyrekcja Generalna/Direcção-Geral/Direcţii Generale/Generálne riaditeľstvo/Generalni direktorat/Pääosasto/Generaldirektorat DG PRES DG IPOL DG EXPO DG EPRS DG COMM DG PERS DG INLO DG TRAD DG LINC DG FINS DG ITEC DG SAFE Monika Strasser, Niels Fischer PV\1162567EN.docx 7/14 PE627.716v01-00 EN Правна служба/Servicio Jurídico/Právní služba/Juridisk Tjeneste/Juristischer Dienst/Õigusteenistus/Νομική Υπηρεσία/Legal Service/ Service juridique/Pravna služba/Servizio giuridico/Juridiskais dienests/Teisės tarnyba/Jogi szolgálat/Servizz legali/Juridische Dienst/ Wydział prawny/Serviço Jurídico/Serviciu Juridic/Právny servis/Oikeudellinen yksikkö/Rättstjänsten Секретариат на комисията/Secretaría de la comisión/Sekretariát výboru/Udvalgssekretariatet/Ausschusssekretariat/Komisjoni sekretariaat/Γραμματεία επιτροπής/Committee secretariat/Secrétariat de la commission/Tajništvo odbora/Segreteria della commissione/ Komitejas sekretariāts/Komiteto sekretoriatas/A bizottság titkársága/Segretarjat tal-kumitat/Commissiesecretariaat/Sekretariat komisji/ Secretariado da comissão/Secretariat comisie/Sekretariat odbora/Valiokunnan sihteeristö/Utskottssekretariatet Evelyn Waldherr, Cecile Bourgault, Michal Czaplicki, Christian Ehlers, Philippe Godts, Charlotte Kutzenberger, Tereza Pinto de Rezende, Olivier Sautière Сътрудник/Asistente/Asistent/Assistent/Assistenz/Βοηθός/Assistant/Assistente/Palīgs/Padėjėjas/Asszisztens/Asystent/Pomočnik/ Avustaja/Assistenter Veronika Patyi-Horvath \* (P) = Председател/Presidente/Předseda/Formand/Vorsitzender/Esimees/Πρόεδρος/Chair(wo)man/Président/Predsjednik/Priekšsēdētājs/ Pirmininkas/Elnök/'Chairman'/Voorzitter/Przewodniczący/Preşedinte/Predseda/Predsednik/Puheenjohtaja/Ordförande (VP) = Заместник-председател/Vicepresidente/Místopředseda/Næstformand/Stellvertretender Vorsitzender/Aseesimees/Αντιπρόεδρος/ Vice-Chair(wo)man/Potpredsjednik/Vice-Président/Potpredsjednik/Priekšsēdētāja vietnieks/Pirmininko pavaduotojas/Alelnök/ Viċi 'Chairman'/Ondervoorzitter/Wiceprzewodniczący/Vice-Presidente/Vicepreşedinte/Podpredseda/Podpredsednik/ Varapuheenjohtaja/Vice ordförande (M) = Член/Miembro/Člen/Medlem./Mitglied/Parlamendiliige/Μέλος/Member/Membre/Član/Membro/Deputāts/Narys/Képviselő/ Membru/Lid/Członek/Membro/Membru/Člen/Poslanec/Jäsen/Ledamot (F) = Длъжностно лице/Funcionario/Úředník/Tjenestemand/Beamter/Ametnik/Υπάλληλος/Official/Fonctionnaire/Dužnosnik/ Funzionario/Ierēdnis/Pareigūnas/Tisztviselő/Uffiċjal/Ambtenaar/Urzędnik/Funcionário/Funcţionar/Úradník/Uradnik/Virkamies/ Tjänsteman PE627.716v01-00 8/14 PV\1162567EN.docx EN 1. ADOPTION OF THE AGENDA The draft agenda was e-mailed to Members on 18 July 2018 and is in the file for the meeting. 2. CHAIR’S ANNOUNCEMENTS The Chair draws attention to the following points: Languages available FR, DE, IT, NL, EN, ES, CS, ET, HU, PL, BG and RO Webstreaming The CONT meeting is webstreamed on the Europarl website. Please be aware that each time a speaker activates the microphone to make an intervention, the camera will be automatically directed to the speaker. 3. APPROVAL OF MINUTES OF MEETINGS 20-21 June 2018 PV – PE623.828v01-00 25 June 2018 PV – PE623.924v01-00 ISSUE N° 18 MONDAY, 3 SEPTEMBER 2018 15.00 - 19.00 Room: Paul-Henri Spaak (PHS) 5B001 PV\1162567EN.docx 9/14 PE627.716v01-00 EN 4. 2017 DISCHARGE: EU GENERAL BUDGET - COMMISSION CONT/8/14079 Exchange of views the Commission Directors General Rapporteur: Inés Ayala Sender (S&D) Administrator: Christian Ehlers / Philippe Godts Shadow Rapporteurs: Ingeborg Gräßle (EPP), Martina Dlabajová (S&D), Bart Staes (Verts/ALE), Luke Ming Flanagan (GUE/NGL), Marco Valli (EFDD), Jean-François Jalkh (ENF) Exchange of views on the annual activity reports, and in particular on the reservations issued in those reports by the Commission Directorates general with: - Mr Jean-Eric Paquet, Director-General of DG Research and Innovation, - Mr Jerzy Bogdan Plewa, Director-General of DG ***Agriculture*** and Rural Development, - Mr Marc Lemaître, Director-General of DG Regional and Urban Policy, - Ms Paraskevi Michou, Director-General of DG Migration and Home Affairs, - Mr Christian Danielsson, Director-General of DG European Neighbourhood Policy and Enlargement Negotiations, - Mr Koen Doens, Deputy Director-General of DG International Cooperation and Development In its resolution accompanying the Commission discharge for 2015, the Parliament is of the opinion that the reservations issued by several Directors-Generals demonstrate that the control procedures put in place in the Commission and the Member States can give the necessary guarantees concerning the legality and regularity of all the underlying transactions in the corresponding policy areas; if necessary correction procedures are implemented successfully. In their annual activity reports for 2017, the Directors Generals who are Authorising Officers by Delegation, identified the main reasons for their reservations and set out remedial actions to address them. According to the Annual Management and Performance report for the EU budget in 2017 (COM 2018) 457 final, 30 Authorising Officers by Delegation declared unqualified assurance, while 20 declarations were qualified with a total of 38 reservations for 2017. These reservations affect each of the six expenditure areas but only the Traditional Own Resources segment of revenue. When comparing the 38 reservations for 2017 to the 37 in 2016, 34 reservations are recurrent. However, half of them concern the ‘legacy’ generation of the 2007-2013 ***programme***. Three previous reservations were lifted and four reservations are newly introduced. In addition, four recurrent reservations are maintained but have been reduced in scope and/or exposure. The Commission’s overall exposure in terms of amount at risk at reporting for the 2017 expenditure under reservations is estimated at EUR 1.1 billion. The decrease compared to 2016 (EUR 1.6 billion and 1.3 Billion in 2015) is mainly due to lower exposure from the ***Agricultural*** and Cohesion funds. MONDAY, 3 SEPTEMBER 2018 15.00 - 18.20 PUBLIC MEETING Coordinators' meeting in camera \*\*\* Voting time \*\*\* PE627.716v01-00 10/14 PV\1162567EN.docx EN In follow-up of the 2016 Commission discharge procedure, CONT Committee invited the Commission Directors General of DG RESEARCH, DG AGRI, DG REGIO, DG HOME, DG DEVCO, and DG NEAR to exchange views on their annual activity reports and, in particular, on the ways and reasons for which they have issued reservations in 2017. The Annual Activity reports 2017 are available on the CONT website. These reports as well as the Management Plans are also available on the Commission website. 5. CONT MISSION TO ROMANIA (17-19 SEPTEMBER 2018) CONT/8/14080 Exchange of views in preparation for the committee mission Rapporteur: Ingeborg Grässle (EPP) Administrator: Michal Czaplicki The European Commission has warned Romania on numerous occasions about the sound financial management of EU funds, even temporarily interrupting ***payments*** in 2015. The European Commission has allotted Romania over EUR 30 billion to spend in the 2014-2020 period but the country has not yet been able to effectively draw on this funding due to organisational and administrative backlog. The Committee will visit Romania from 17 to 19 September in order to verify on the spot the situation in the country. Meetings with the ministers responsible for EU funds, parliamentary committees dealing with fraud and corruption and the national audit chamber are foreseen. The delegation will also visit some projects outside the capital. The EMPL Committee will visit Romania as well on the same days; therefore, some of the elements of the ***programme*** are organised jointly by both Committees. 6. PROTECTION OF THE EU’S FINANCIAL INTERESTS - RECOVERY OF MONEY AND ASSETS FROM THIRD-COUNTRIES IN FRAUD CASES CONT/8/12077 Consideration of draft report Rapporteur: Cătălin Sorin Ivan (S&D) Administrator: Michal Czaplicki Shadow Rapporteurs: Julia Pitera (EPP), Nedzhmi Ali (ALDE), Benedek Javor (Verts/ALE), Luke Ming Flanagan (GUE/NGL), Jean-François Jalkh (ENF) The aim of the report is to highlight the problem of EU funds lost due to fraudulent cases in which funds are ***transferred*** to third countries. The Rapporteur underlines that currently the EU has concluded agreements on mutual legal assistance with only a few third States, such as Japan, the United States, Norway and Lichtenstein. However, Mr Ivan regrets that many Member States must rely on bilateral agreements, as there is no EU approach to this issue. The Rapporteur calls therefore for a more unified approach. He requests the Commission to generalise the practice of adding anti-fraud clauses to agreements signed by the EU with third countries and to establish a standardised data collection method to enable detection of ***transfer*** of fraudulent assets to third countries, which will be identical for all Member States aiming to create a central European data base in the future. PV\1162567EN.docx 11/14 PE627.716v01-00 EN The draft report is available in all languages on the CONT website. CONT Timetable: Event Body Date Consideration draft report CONT 3 September 2018 Deadline Amendments CONT 5 September 2018 at14:00 Adoption in CONT CONT 27 September 2018 Adoption in Plenary Plenary January 2019 7. DISCHARGE 2016 AGENCIES - 2ND REPORT ON EUROPEAN ASYLUM SUPPORT OFFICE (EASO) CONT/8/13572 CONT hearing with the Executive Director ad-interim of EASO, Mr. Jamil Addou; open to LIBE Members - In camera CONT Rapporteur: Bart Staes (Verts/EFA) Administrator: Cécile Bourgault CONT Shadow Petri Sarvamaa (EPP), Bogusław Rapporteurs: Liberadzki (S&D), Monica Macovei, Rafaelle Fitto, Notis Marias (ECR), Nedzhmi Ali (ALDE), Dennis de Jong (GUE/GNL), Marco Valli (EFDD), Barbara Kappel (ENF) The Committee will hold a hearing - open to LIBE Members - with the Executive Director ad-interim of EASO, Mr. Jamil Addou, to discuss the EASO roadmap for moving forward. First, the Executive Director ad-interim will make an introductory statement. Afterwards, the Rapporteur and Shadow rapporteurs will be able to raise questions, the floor will then be given to the LIBE Rapporteur. MONDAY, 3 SEPTEMBER 2018 18.20 - 18.40 IN CAMERA Coordinators' meeting in camera \*\*\* Voting time \*\*\* PE627.716v01-00 12/14 PV\1162567EN.docx EN 8. DISCHARGE 2016 AGENCIES - 2ND REPORT ON EUROPEAN ASYLUM SUPPORT OFFICE (EASO) CONT/8/13572 Consideration of the second draft report on the European Asylum Support Office (EASO) CONT Rapporteur: Bart Staes (Verts/EFA) Administrator: Cécile Bourgault CONT Shadow Petri Sarvamaa (EPP), Bogusław Rapporteurs: Liberadzki (S&D), Monica Macovei, Rafaelle Fitto, Notis Marias (ECR), Nedzhmi Ali (ALDE), Dennis de Jong (GUE/GNL), Marco Valli (EFDD), Barbara Kappel (ENF) EASO is the only decentralised agency for which the European Court of Auditors issued a qualified opinion on the legality and regularity of the transactions underlying the accounts. The main issues identified were related to two public procurement procedures where compliance with public procurement principles was inadequate. Furthermore, Members agreed with the proposal from the Rapporteur to postpone the 2016 discharge in order to wait for the outcome of the OLAF investigation on the EASO’s operations. Based on the follow-up received from EASO, and the outcome of the OLAF investigation, the Rapporteur, Mr Bart Staes, will present the second draft report on Agencies’ 2016 discharge for EASO. The draft report and other relevant information can be found on the CONT website. CONT Timetable: Event Body Date Consideration of the second draft report CONT 3 September Deadline for amendments CONT 10 September at 14:00 Adoption in CONT CONT 27 September Adoption in Plenary Plenary October MONDAY, 3 SEPTEMBER 2018 18.40 - 19.00 PUBLIC MEETING Coordinators' meeting in camera \*\*\* Voting time \*\*\* PV\1162567EN.docx 13/14 PE627.716v01-00 EN 9. ANY OTHER BUSINESS Joint item with the Committee on Civil Liberties, Justice and Home Affairs (LIBE) ESTABLISHMENT OF THE EPPO - CURRENT STATE OF PLAY AND FURTHER TIMING Exchange of views with Commission representatives to take place in LIBE slot on 6 September 2018 from 09:00 to 9:30 in meeting room PHS3C50 On 12 October 2017, the regulation establishing the European Public Prosecutor's Office (EPPO) was adopted by those Member States which are part of the EPPO enhanced cooperation. The EPPO will be in charge of investigating, prosecuting and bringing to justice the perpetrators of offences against the Union's financial interests. It will bring together European and national law-enforcement efforts to counter EU fraud. EPPO will become operational, at the earliest, three ***years*** after the regulation entered into force. Following a joint meeting earlier this ***year***, CONT and LIBE Chairs decided the two committees should meet every six months to hear about progress made in setting up the EPPO and the cooperation with the European Anti-Fraud office (OLAF). Both bodies will have exclusive competences but will also depend on an efficient and effective cooperation between them. 10. NEXT MEETINGS 10 September 2018, 19.00-20.30 (Strasbourg) 27 September 2018, 09.00-12.30 and 15.00 – 18.30 (Brussels) 10 October 2018, 09.00-12.30 and 15.00 – 18.30 (Brussels) 11 October 2018, 09.00-12.30 (Brussels) WATCH LIVE Watch the CONT committee meeting live on the EP website or on Europarl TV PAPERLESS ***PROGRAMME*** (INTERNAL USERS ONLY) Access CONT committee meeting documents on eMeeting or any CONT committee information on eCommittee FOR FURTHER INFORMATION Contact the CONT Secretariat or visit the website of the CONT committee PE627.716v01-00 14/14 PV\1162567EN.docx EN NEWS FROM POLICY DEPARTMENT - BUDGETARY AFFAIRS FORTHCOMING EVENTS CONT Workshop on “How can we better communicate the results of the EU budgetary control process to citizens? Addressing the challenges of populist discourse on EU spending” - 10 October 2018 – TBC Workshop on “the Revision of OLAF regulation in light of the future cooperation with EPPO” - 11 October from 10.30 to 12.30 POLICY DEPARTMENT PUBLICATIONS: Recent publications CONT Proceedings of the Workshop on “How to better combat fraud? Follow up of the Commission’s anticorruption sharing ***programme***” In-Depth Analysis “State Aid and EU funding: are they compatible?” Study “Ensuring high quality job creation from EU funding ***programmes***: how can the best practice of Horizon 2020 be better integrated into other ***programmes*** (ESF, Youth Guarantee, Globalisation Fund)?” In-Depth Analysis “The effectiveness and visibility of EU funding in the Western Balkan countries with a special focus on the cross-border cooperation“ - not available online yet. CONT/BUDG Study “Oversight and Management of the EU Trust Funds” BUDG In-Depth Analysis “The EU spending on fight against climate change” Study “EU funds for migration, asylum and integration policies” Study “Potential revenue from the extension of charging fees by EU Agencies” - not yet available online Study “Financial Implementation of European Structural and Investment Funds” - not yet available online Forthcoming publications CONT - Study “Public procurement in EU: few winners for main large-scale infrastructure projects; Overview on the criteria selection, the monitoring and the control system” - 11 October 2018, TBC CONTACTS Policy Department for Budgetary Affairs - [*poldep-budg@ep.europa.eu*](mailto:poldep-budg@ep.europa.eu) Policy Department Webpage: [*http://www.poldepnet.ep.parl.union.eu/poldept/cms/cache/offonce/poldepnet/poldep\_d/poldepd\_presentation*](http://www.poldepnet.ep.parl.union.eu/poldept/cms/cache/offonce/poldepnet/poldep_d/poldepd_presentation) Disclaimer The items contained herein are drafted by the secretariat of the European Parliament and are provided for general information purposes only. 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**Load-Date:** October 30, 2018

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[***-IMF Executive Board Concludes 2017 Article IV Consultation with Morocco***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5R61-PPD1-F0K1-N19Y-00000-00&context=1516831)

ENP Newswire

December 15, 2017 Friday

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**Length:** 1347 words

**Body**

On December 13, 2017, the Executive Board of the International Monetary Fund (IMF) concluded the Article IV Consultation with Morocco. [1].

Following last ***year***'s drought, economic growth has picked up in 2017 and is expected to reach 4.4 percent, mostly driven by a significant rebound in ***agricultural*** activity while non-***agricultural*** activity remains subdued. The unemployment rate increased to 10.6 percent in Q3 2017 (***year***-on-***year***) while youth unemployment remains high at 29.3 percent. Headline inflation (***year***-on-***year***) is expected to decline to 0.6 percent in 2017, reflecting lower food prices.

Following a marked deterioration in 2016, the current account deficit is projected to improve in 2017 to 3.9 percent of GDP. This primarily reflects Morocco's global environment, particularly the stronger recovery in Europe, and strong export growth (6.5 percent), mostly due to the good performance of food product and phosphate and derivatives exports. International reserves are expected to remain comfortable, at about six months of imports.

On the fiscal side, the consolidation process continues and developments as of end-October 2017 were broadly positive. Tax revenues performed better than projected, but grant revenues were lower than anticipated. Public spending on wages and interest ***payments*** was below expectations and capital expenditures decelerated (by 2 percent ***year***-on-***year***).

Banks are well capitalized, and the risks to financial stability are limited. Nonperforming loans remain relatively high but they are closely monitored and are well provisioned. Regulatory limits to reduce credit concentration as well as collaboration with cross-border supervisory bodies to contain risks related to Moroccan banks' expansion in Africa are being strengthened.

Morocco's medium-term prospects remain favorable, with growth expected to reach 4.5 percent by 2021. However, risks remain elevated, and relate mainly to growth in advanced and emerging countries, geopolitical tensions in the region, world energy prices, and global financial market volatility. Stronger medium-term growth will hinge on continued implementation of comprehensive reforms regarding labor market efficiency, access to finance, quality of education, public spending efficiency, and further improvements to the business environment. Strengthening the social safety nets system will also be crucial to achieve more inclusive growth.

Executive Board Assessment [2]

Executive Directors commended the authorities for the sound macroeconomic policies and reform implementation that have helped improve the resilience of the Moroccan economy, upgrade the fiscal and financial policy frameworks, and increase economic diversification. To consolidate the gains achieved and promote higher and more inclusive growth, Directors underscored the need to maintain sound fiscal and monetary policies and to step up structural reform efforts, supported by measures to strengthen the social safety net.

Directors welcomed the resumption of fiscal consolidation to ensure debt sustainability. They supported efforts to control spending on wages and goods and services to create fiscal space for priority spending in the medium term. Directors agreed that continued fiscal consolidation should benefit from a comprehensive approach to tax reforms, aiming to broaden the tax base and promote greater equity and simplicity. They supported a careful implementation of fiscal decentralization, a comprehensive civil service reform, strengthened state-owned enterprise (SOE) oversight, and steps to improve the targeting of social spending to protect vulnerable segments of the population.

Directors noted that inflation was likely to remain moderate while the accommodative monetary policy allowed for continued credit recovery. Directors supported the authorities' intention to move to a more flexible exchange rate regime and a new monetary policy framework, which will help the economy to absorb external shocks and remain competitive.

Directors noted that the banking sector remains sound and well capitalized, but stressed the need to remain vigilant. They welcomed Bank Al Maghrib's continued efforts to increase supervisory capacity in line with 2015 Financial Sector Assessment ***Program*** recommendations, including more risk-based and forward looking supervision and tighter provisioning requirements.

Directors emphasized the importance of sustained implementation of broad-based structural reforms. Continued efforts to strengthen the business environment, including through better governance, improved education and vocational training, will be key to reduce unemployment, especially among the youth, and to increase women's participation in the labor force. Directors looked forward to further progress in implementing the national strategy against corruption and in making the Competition Council operational.

Morocco: Selected Economic Indicators, 2013-18

Proj.

2013

2014

2015

2016

2017

2018

(Annual percentage change)

Output and Prices

Real GDP

4.5

2.7

4.5

1.2

4.4

3.1

Real ***agriculture*** GDP

17.2

2.2

11.9

12.8

15.2

1.0

Real non-***agriculture*** GDP

2.9

3.4

3.7

3.1

3.0

3.6

Consumer prices (end of period)

0.4

1.6

0.6

1.8

0.9

1.6

Consumer prices (period average)

1.9

0.4

1.5

1.6

0.6

1.3

(In percent of GDP)

Investment and Saving

Gross capital formation

34.7

32.5

30.8

32.6

33.4

34.5

Of which: Nongovernment

29.6

27.2

25.3

26.9

28.0

29.0

Gross national savings

27.1

26.6

28.7

28.2

29.5

30.8

Of which: Nongovernment

25.6

24.6

25.6

25.0

26.3

27.0

(In percent of GDP)

Public Finances

Revenue

27.8

28.0

26.5

26.1

26.1

26.5

Expenditure

32.9

32.9

30.7

30.2

29.6

29.5

Budget balance

5.1

4.8

4.2

4.1

3.5

3.0

Primary balance (excluding grants)

3.2

3.6

1.9

2.4

1.9

1.3

Cyclically-adjusted primary balance (excl. grants)

2.9

3.0

1.6

2.2

1.8

1.2

Total government debt

61.7

63.3

63.7

64.7

64.3

64.0

(Annual percentage change; unless otherwise indicated)

Monetary Sector

Credit to the economy

3.8

2.5

2.0

4.3

5.7

...

Base money

9.0

6.2

5.7

5.0

6.0

...

Broad money

3.1

6.2

5.7

5.0

6.0

...

Velocity of broad money

0.9

0.9

0.9

0.8

0.8

...

(In percent of GDP; unless otherwise indicated)

External Sector

Exports of goods and services (in U.S. dollars, percentage change)

4.5

7.4

7.0

2.9

6.5

7.2

Imports of goods and services (in U.S. dollars, percentage change)

4.3

1.0

16.5

9.6

5.3

6.0

Merchandise trade balance

20.5

18.7

14.5

17.1

16.4

16.0

Current account excluding official ***transfers***

8.3

7.6

2.6

5.3

4.8

4.3

Current account including official ***transfers***

7.6

5.9

2.1

4.4

3.9

3.7

Foreign direct investment

2.8

2.8

2.6

1.6

1.9

2.4

Total external debt

29.3

33.3

33.9

34.6

33.5

33.9

Gross reserves (in billions of U.S. dollars)

19.0

20.5

23.0

25.4

24.8

27.6

In months of next ***year*** imports of goods and services

4.6

6.0

6.1

6.4

5.9

6.2

In percent of Fund reserve adequacy metric 1/

74.3

79.9

94.7

99.3

90.3

93.8

Memorandum Items:

Nominal GDP (in billions of U.S. dollars)

106.8

110.1

101.2

103.6

110.0

117.6

Unemployment rate (in percent)

9.2

9.9

9.7

9.4

5.0

...

Population (millions)

33.4

33.8

34.1

34.5

0.8

35.2

Population growth (in percent)

1.21

1.17

1.05

1.06

9.3

1.06

Net imports of energy products (in billions of U.S. dollars)

12.2

11.0

6.8

5.5

34.9

7.3

Local currency per U.S. dollar (period average)

8.4

8.4

9.8

9.8

...

...

Real effective exchange rate (annual average, percentage change)

1.8

0.0

0.3

2.3

...

...

Sources: Moroccan authorities; and IMF staff estimates.

1/ Based on revised ARA weights.

[1] Under Article IV of the IMF's Articles of Agreement, the IMF holds bilateral discussions with members, usually every ***year***. A staff team visits the country, collects economic and financial information, and discusses with officials the country's economic developments and policies. On return to headquarters, the staff prepares a report, which forms the basis for discussion by the Executive Board.

[2] At the conclusion of the discussion, the Managing Director, as Chairman of the Board, summarizes the views of Executive Directors, and this summary is transmitted to the country's authorities. An explanation of any qualifiers used in summing up can be found here: [*http://www.imf.org/external/np/sec/m/qualifiers.htm*](http://www.imf.org/external/np/sec/m/qualifiers.htm) .

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**Load-Date:** December 15, 2017

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[***Flexicurity and the dynamics of the welfare state adjustments***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BM4-FYP1-JBMY-H15P-00000-00&context=1516831)

Transfer: European Review of Labour and Research

November 2018

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**Section:** Pg. 387-404; Vol.24; No.4; ISSN: 1024-2589, 1996-7284

**Length:** 8409 words

**Byline:** Oldrich Bubak

**Body**

**ABSTRACT**

The disruptions of the recent global financial crisis intensified a number of industrial and economic challenges and brought forward a set of often contradictory solutions. Here, we focus on two alternative views on how to (re)establish economic competitiveness and enable growth – flexicurity and austerity. There is much to be learned about the future of these conflicting recipes across changing political economies, particularly considering the importance of the social partners in the development of flexicurity, and their differential ability to influence welfare state outcomes more broadly. Two questions emerge. Attentive to the role and capacity of the social partners, what can we learn about the dynamics of the ongoing welfare state adjustments? How do we make sense of labour market politics in this paradoxical environment? In order to help answer these, we visit the United Kingdom and Denmark – one state offering modest social and employment security, the other a paragon of flexicurity – and find their divergent philosophies, institutional development, and organisational interactions explain not only their respective choices in the aftermath of the crisis, but also their prospects for socially oriented labour policies.

**FULL TEXT**

**Introduction**

The deep economic integration of the recent decades has considerably changed the global social and economic geography. In the Global North, entire industries have been hollowed out and shifted around the globe, creating a need for new drivers of growth. Financialisation, services, deregulation and a refocus on high-skilled and knowledge-based work have become the modern, post-industrial engines of economic expansion. Unemployment, underemployment, uncertainty and rising inequality, especially among lower-skilled or unskilled workers, have come to define this new economy. Such problems have been amplified further by recent economic crises. Governments around the world, and particularly in the developed countries, have thus faced tough choices: to stimulate trade by reducing various transaction costs (i.e. lowering employment regulations and taxes), on the one hand, and to revisit a range of policies dealing with workforce development and social protection, on the other – all the while facing overarching political and budgetary pressure.

Generally speaking, multiple policy approaches emerged based on the longstanding traditions of the corresponding welfare states as well as on prevalent ideologies. One such solution is a *combination* of policies known as *flexicurity*, a model with its origins in the Netherlands (Wilthagen, 1998), popularised in Denmark (Madsen, 2008) and embraced, at least in principle, by social democratic regimes and the European Union (European Commission, 2007a, 2007b). At the core of flexicurity is the recognition that employment flexibility – allowing businesses to quickly adjust to the market situation and thus supporting their competitiveness in the global marketplace – must be offset by strong social protection. The Danish way, which has become a flexicurity template, redefines this approach by adding active labour market policies (ALMPs), including individualised development through training and education, while emphasising personal responsibility.

Importantly, the flexicurity approach could be considered an instantiation of a new philosophy: a solution renouncing the contradiction between flexibility and security (Viebrock and Clasen, 2009) and bringing together government, labour, and private employers to restore the bargain – an institutionally mediated blending of employer and labour prerogatives. To be sure, as with any complex policy solution, flexicurity has seen its share of detractors, supporters, as well as curious observers posing a range of questions. What can be classified as a flexicurity solution? How do we assess its effectiveness? Do all segments of the workforce benefit equally from flexicurity policies? To what extent is flexicurity portable? Is flexicurity sustainable?

Yet, while important, these common questions may be overshadowing a less well understood issue warranting closer attention. It stems from two ostensibly contradictory visions of how to maintain economic competitiveness. The first is a view that government holds the key role in sustaining a competitive economy by supporting labour *and* capital, as embodied through flexicurity. The second is *austerity*, a drive for reduced public spending, balanced budgets, and other capital-centric, deflationary commitments, all believed to enhance competitiveness. The growing insecurities in the workforce, amplified by the recent financial crisis, have stirred debates on social policy and, given its relatively strong macroeconomic record (Viebrock and Clasen, 2009), brought flexicurity into the spotlight. At the same time, the financial crisis has also provided the pretext for accelerating austerity policies (Blyth, 2013), often oblivious to the immediate socio-economic implications. There is much to be learned about the future of these conflicting recipes across changing political economies, particularly considering the importance of the social partners in the development of flexicurity, and their differential ability to influence welfare state outcomes (Gallie, 2009) more broadly. We are thus motivated by two important questions. *Attentive to the role and capacity of the social partners, what can we learn about the dynamics of the ongoing welfare state adjustments? How do we make sense of labour market politics in this paradoxical environment?*

To help answer them, we take a deliberate path. We begin with the discussion of the contemporary environment, demanding flexibility yet conscious of the need for social security, and the associated policy responses. Next, we explain and disambiguate flexicurity, following with a complementary look at austerity. We then turn our attention to crisis politics, exploring the tensions between austerity and flexicurity in the United Kingdom and Denmark, countries different not only in their response to the crisis, but also in their welfare policy outcomes. We thus provide an understanding of the dynamics of welfare state adjustments in this environment. Finally, we review the findings, closing with some thoughts on future developments.

**The political and social setting**

Understanding demands for flexicurity is incomplete without knowledge of the substrate upon which it has grown and which continues to shape it. We begin with the contemporary situation, considering structural as well as ideational elements, neoliberal globalisation and the European Social Model, while leaving the conceptual dimensions for the next section.

At the outset, we hinted at some challenges created by neoliberal globalisation and accelerating economic interdependence. A closer look is needed, however, to begin to understand the drivers of the promulgated solutions. Contemporary global integration can be traced to the 1970s, a period which begat the new economics, a shift from the state-driven model of prosperity toward economic liberalisation. The ensuing ‘optimisation’ – starting with the offshoring of consumer goods production, followed by offshore assembly and manufacturing, and leading to global supply and value chains – reshaped the industrial and employment landscape and the associated *strategies* in developed and developing countries.

Economic upgrading, a ‘process by which economic actors, firms and workers move from low-value to relatively high-value activities in the global value chains’ (Gereffi, 2014), became the key to economic growth in the fast-moving business environment. Specifically, this means upgrading *products* by increasing their sophistication; *processes* by reorganising business flows to gain efficiency; *functions* by recalibrating business functions and increasing the skill levels needed; and *chains* by integrating new, geographically dispersed and specialised producers (Humphrey and Schmitz, 2002). Economic upgrading is enabled by technological innovation, improvements in efficiency, workforce development and the capacity to respond to change quickly. Poor performance results in a loss of business effectiveness, competitiveness, and ultimately market share; and for the worker, a loss of competency and employment. Accordingly, firms seek lower transaction costs and demand lower barriers to their operation, such as increased numerical flexibility, while workers require at least skills upgrading and transitional security.

It should be noted that European integration was an early prototype of such developments, later unfolding on a global scale. It has also become an experiment in the varied European political economies’ individual and joint responses to globalisation. One such a response is the European Social Model (ESM), a set of principles capturing the social dimensions of European integration. This aspirational model was introduced in the mid-1980s by the European Commission under the leadership of Jacques Delors, as a statement of the EU’s twin social and economic commitment (Busch et al., 2013). The model builds on six primary policy objectives for the Social Market Economy (Busch et al., 2013): prioritising full employment in macroeconomic policy; ensuring that wage growth corresponds to productivity growth and that a minimum wage policy to support low-wage workers is in place; establishing strong social protections including pensions, access to health care, and family support; encouraging social dialogue and promoting enterprise participation rights and a level of employee co-determination; maintaining a robust public sector servicing the needs of the general public; and, finally, institutionalising social progress clauses that prioritise social needs over market prerogatives. And while the ESM, due not least to its political nature, has various interpretations, it nevertheless serves as an important reminder of the multi-dimensionality of the European project.

We have discussed economic integration at European and global levels and detailed the contemporary processes driving economic growth. Maintaining economic competitiveness in this dynamic environment is the key concern of both public and private enterprises at local, national, as well as regional levels. We have also noted a salient ideational anchor of social conscience, the ESM. Answering the business demands for agility and efficiency while seeking a level of redress for the dislocated thus became the new political and policy challenges. It is this environment that has produced and continues to promote flexicurity – whether as an idea, device, or a solution. 1

**Flexicurity**

Debates about flexicurity both suffer and benefit from the term’s essential *ambiguity*. 2 An employee, unemployed person, scholar, union representative, public servant, government or opposition leader, and certainly an employer may have different understandings of the term, fast making it a ‘flexiguity’ – despite the fact that model implementations (the Dutch and the Danish, for example) *and* a relatively explicit institutional definition exist. Let us discuss these in turn, before proceeding to the analysis.

As hinted above, rather than a single policy, flexicurity can be viewed as a *balance* of specific policies aiming to create a virtuous circle of employment flexibility, employability, employment security, and employment growth. The intended consequences are economic growth through facilitated efficiency, increased productivity and competitiveness, as well as improvements in social cohesion. The European Union (EU) officially defines flexicurity as a four-pronged policy solution including: 1. flexibility in employment contracts; 2. continuous learning and training to improve skills and employability; 3. calculated labour market policies supporting employment transitions; and 4. upgraded social insurance policies to support workers during skills acquisition and employment changes (European Commission, 2007b).

*Contractual flexibility* gives both the employer and employee greater freedom in functional, numerical, and wage arrangements. Research has shown that, while policies mandating stricter protection reduce employee turnover, they also limit hiring (OECD, 2004) as risk-averse employers avoid incurring future costs when needing to reduce or rebalance the company’s employee profile. Such rigidities generally lead to labour market segmentation and increases in contract employment (European Commission, 2007a), and underpin precarity, a common theme in the new (globalised) economy.

*Education* and *skills development* are seen as key to maintaining competitiveness in the new economy. This does not only mean good initial education, but also ‘lifelong learning’ in order to meet the rapidly evolving demands of competitive markets. The usual on-the-job training is seen as insufficient or exclusive, i.e. the goal is now to develop human capital continuously and inclusively. Optimal training systems work in concert with the active labour market policies described below.

*Active labour market policies* are intended to accelerate, promote and encourage the matching of potential employees and an employer, possibly through incentives, such as subsidies, or job-search support services. They are ‘active’ as they involve an ‘effort’ component on the part of the candidate and a ‘service’ component generally provided by a third party. In other words, ALMPs have built-in motivation and individual responsibility elements requiring the recipient of counselling, employment services and skills development to take action.

*A strong social safety net* is the cornerstone of flexicurity. In order to provide the unemployed with the transition security needed in highly dynamic employment markets – which often require the time-intensive acquisition of specialised skills, possibly protracted interludes between suitable employment opportunities, and health-care coverage independent of employment – the availability of strong systems of social security is seen as essential.

Flexicurity has thus far been presented here as a hybrid policy solution built around a constellation of specific classes of policies. These, we have noted, can be seen in action in Denmark, a common point of reference. Yet, there exists another conceptualisation of flexicurity, as evidenced by the European Commission’s ‘mapping [of] different “flexicurity” systems/models in Europe,’ classifying countries based on their employment and security regimes (2006). The European Commission report identifies five clusters: the Anglo-Saxon, Continental, Nordic, Mediterranean and Central and East European regimes. If these welfare state clusters are taken to represent ‘varieties of flexicurity,’ then the term also takes on another usage – a *condition* of the labour market.

Bredgaard et al. (2008) thus identify flexicurity as three possibly overlapping concepts: a policy strategy, a ‘state of affairs in the labour market’ and a framework for policy analysis. In terms of a policy strategy, the authors draw on Wilthagen’s description of the Dutch case (1998). In this view, the authors (re)explain, ‘[t]o qualify for the label flexicurity, the strategy, policy or ***programme*** must be synchronic (contain elements of flexibility and security at the same time), be deliberate (the actors must be conscious of this mutuality) and be targeted at *weak* groups (persons on the margins of or outside the labour market)’ (2008, emphasis added). Yet this description is not compatible with the Danish interpretation, which, the authors observe, is concerned with the *entire* labour market, rather than just its most vulnerable participants. Hence, the authors identify another definition that captures the *state* of the labour market, where various forms of flexibility and security are continuously *adjusted* (Ibsen, 2011).

Finally, given the multi-dimensionality of both flexibility and security, Bredgaard et al. note that flexicurity can also serve as ‘an *analytical approach* to empirical analyses of the combination of security and flexibility in various national labour market systems or in specific ***programmes*** or policies’ (2008, emphasis original). The authors expand Wilthagen and Tros’s framework (2004) with their own version capturing not only the trade-offs but also the positive and negative configurations or combinations of the varieties of flexibility and security. The new framework thus recognises internal and external flexibility and security, distinguishing employer (enterprise-level) and external (market-level) (de)regulations and security instruments respectively. Importantly, their framework is capable of communicating two competing, and in the authors’ view ideal, flexicurity implementations: *external* numerical flexibility through state-provided employment, income, and combination security; and *internal* functional, working time and wage flexibility with the enterprise-provided job and combination security.

We agree with the authors that disaggregating these elements is integral to comparative analyses as well as to analyses of the forces shaping the implementation of flexicurity at various levels. We also acknowledge that, in reality, internal and external flexibility (and security) exist as a blend, albeit with some forms more pronounced than others, allowing for clustering by flexicurity type. Importantly, flexicurity requires ‘synchronous forms’ of security *and* flexibility, as they are individually insufficient to qualify as a flexicurity regime. Finally, we note that, if flexicurity is to be a comprehensive solution, it must go beyond labour market ‘insiders,’ i.e. experienced workers who weave in and out the labour market with relative ease, also including in its scope ‘outsiders,’ i.e. irregular workers and the unemployed with low skills and/or limited experience. While outside the scope of this article, this topic deserves a closer look.

**Austerity**

Discussions on labour market reforms and public spending in general, and various policy solutions proposed or implemented in response to economic and political pressure in particular, have taken on a different tone in the post-crisis world. The global financial crisis of 2008 and the ensuing bailouts opened the floodgates to arguments for restoring economic competitiveness by accelerating fiscal adjustment and liberalisation policies – known as *austerity*. It should be noted that austerity benefits from being both a state of mind and a policy goal, thus rendering it a concept difficult to contest with traditional, often non-intuitive arguments. Boyer (2012) thus points to four (false) assumptions used to justify the far-reaching ***programmes*** of post-crisis austerity. The first assumption relates to the causes of the crisis, often framed as the result of profligate public spending in concealment of the true culprit – the explosion of private, speculative credit. The second is based on an unconventional argument that sees fiscal contractions as boosting confidence and thus driving economic expansion. The economics behind this position have been shown to be flawed, leaving the ‘austerian doctrine’ mostly discredited (Krugman, 2015). 3 The third assumption is that austerity is a universal recipe, applicable equally across political economies. Unfortunately, the prescriptions working well for net exporters like Germany are unsuitable for service-based economies like Greece, for example. Finally, austerity supporters assume that what is effective for an individual economy is also appropriate on an international scale. Yet, the decisions made during the interwar period, including competitive devaluation and the raising of tariff barriers, constitute a stark reminder of this fallacy of composition.

Nevertheless, governments continue implementing their austerity ***programmes*** using a variety of instruments, including cutbacks or removals of various subsidies (for food, ***agriculture*** or energy), reductions in social safety nets, pension and health-care system reforms, and labour market interventions (Ortiz et al., 2015). With regard to the latter, the ALMPs (employment incentives and training, job-search services), labour market regulations (numerical flexibility), unemployment benefits and assistance, and wages (changes in minimum wage legislation, ceilings on public sector wages, indexation) have been subject to more or less significant dilution, depending on the jurisdiction (Gama et al., 2015). Finally, governments have accelerated the privatisation of service delivery and state property, and taken steps to bolster revenues through various tax increases (Ortiz et al., 2015). The emerging ***programmes*** are often disconnected from traditional social democratic commitments, such as the European Social Model, and have broad social implications, including the willingness and capacity to challenge their enactment. And while various fiscal adjustment policies under an assortment of labels were gradually introduced for decades prior to the crisis, austerity has since become the compass (Ortiz et al., 2015) in the world of fiscal and economic policy development.

Moreover, the austerity-related way of understanding the roots of economic *competitiveness* departs from the flexicurity concept. In the former, competitiveness is achieved on the supply side by lowering transaction costs to businesses and by fiscal consolidation. Some argue that encouraging private investment and stimulating economic growth, allegedly enabled by austerity, lead to economic opportunities and with them security for all labour market participants. Furthermore, investments in public infrastructure may be exempt from austerity considerations (Shui, 2014), offering low-skill employment opportunities and lowering risk. Flexicurity, on the other hand, facilitates competitiveness by reducing labour protections and thus decreasing employers’ transaction costs, driving human capital development through active education and skills acquisition ***programmes***, and addressing the insecurities inherent to job transitions. Unfortunately, flexicurity is costly (Figure 1), demanding significant investment in the transition support schemes, but so is austerity, not the least due to its failure to deliver the desired economic growth (Shui, 2014). We thus have a tension between two conflicting approaches. The one aims to transform the welfare state to meet the new challenges of the contemporary business environment, while the other attempts to dismantle it, and, more generally, reduce the public footprint altogether.

**Figure 1.**

The Danish model in the OECD context.

Notes: aOECD index on employment protection legislation (EPL) for regular jobs (2003). Higher numbers indicate stricter EPL. bAverage net replacement rate over 5 ***years*** of unemployment and includes social benefits (2004). cAs % of GDP (2003). dIncome tax plus employee contributions less cash benefits, as % of gross wages (2004).

Source: OECD (2005) as collated by Zhou (2008).

As already indicated, post-crisis austerity ***programmes*** around the world vary significantly in their extent and depth (Figure 2 and Figure 3). When visualised on a spectrum representing the severity of the crisis impact as measured by the unemployment rate, the countries less affected, including Denmark, Finland, or Germany, have been mostly conservative with such reforms. On the other end, the countries stricken harder, including Greece, Portugal, or Spain, have implemented the largest number of interventions (Gama et al., 2015). A telling exception is the United Kingdom (UK), rolling out a disproportionate number of measures (Figure 3), despite its relative resilience in face of the crisis (Gama et al., 2015).

**Figure 2.**

Realised (2009–2011) versus planned (2012–2015) fiscal consolidation in the OECD context.

Source: OECD (2012).

**Figure 3.**

Policy measures and unemployment rate for 2008–2013.

Source: ILO/Eurostat as collated by Gama et al. (2015).

Mindful of these responses, as well as our interest in flexicurity and its prospects in the face of the modern-day push towards reduced public spending and liberalised markets, two jurisdictions stand out for consideration. The first is a country both providing a baseline understanding of flexicurity and a prototype for its implementation, as well as an important case study in the understanding of labour policy formation and change: Denmark. On account of its ‘austere’ response to the crisis, we also explore a second country, the UK, and its governments’ attitudes toward the labour market. We begin with a closer look at Denmark.

**Denmark**

Denmark achieved considerable economic success in the decade following the introduction of the combination of passive and active labour market policies (LMPs) in the 1990s, experiencing the highest employment rate among the 27 European Union countries (EU-27), one of the lowest unemployment rates, wage stability and budget surpluses (Madsen, 2004) – despite the high costs of its Nordic-style welfare state (Figure 1). While boasting generous family leave, child care and pension policies, as well as universal health care and free higher education, Denmark has attracted international attention with its system of flexicurity (Rodrik, 2008). This is because its numerical flexibility levels, comparable to the traditionally liberal economies of the United States and Canada (also in Madsen, 2004, 2008), coupled with strong employment-focused social ***programmes***, are seen as key reasons for its strong economic and social performance. 4 Although a detailed discussion of the development of Danish flexicurity is beyond our scope, it is important to note that Danish flexicurity must be understood as a product of an asynchronous, though not unrelated, series of institutional interactions, some unsuccessful (failing to alter the levels of job security), others successful (securing generous unemployment benefits), and some a matter of a patent compromise (implementing the ALMPs). 5 Crucial to this process have been the social partners, who have assumed *integral* roles in contesting and negotiating flexicurity throughout its evolution.

The 2008 crisis, an important milestone in the discussions on social policy in general and flexicurity in particular, significantly impacted Danish employment and economic performance, moving Denmark from a top place in the 2008 EU unemployment ranking to the middle position by 2012, and reducing its GDP by 8 per cent on a quarterly basis throughout the height of the crisis (Madsen, 2013).

The response to the crisis was handled by two administrations, first by the incumbent Liberal-Conservative government (serving from 2001 to 2011), and then by the centre-left government which took over in 2011. Both adopted a range of expansionary measures followed by a combination of welfare reforms and fiscal adjustments. Among the key measures implemented by the former government were: a 2009 reform reducing taxes for high- and middle-income groups; economic stimulus packages in 2009 and 2010 focusing on infrastructure, energy-saving and other public investment projects; reforms of the early retirement schemes in 2010; and proposals to change the disability and flexi-job ***programmes***, limiting entitlements and job subsidies for select groups (Hansen and Mailand, 2013; Madsen, 2013). Of particular interest was the controversial recovery plan of 2010, a set of austerity measures developed as a response partly to the mounting deficits *and* to a European Commission recommendation to limit them. Among its key elements were a 0.5 per cent reduction of ministry budgets and a temporary freeze on tax scale indexation. Furthermore, the plan increased fees for training, placed a limit on the dues union members can deduct from their income, lowered the maximum duration of unemployment benefits (from four to two ***years***), and introduced changes in one’s subsequent access to benefits (Jørgensen and Schulze, 2011; Hansen and Mailand, 2013), engendering severe criticism from the trade unions (Madsen, 2013). As a result of these new limits coupled with declining income security due to decreasing replacement rates, the trade unions demanded the inclusion of a new benefit: severance pay for blue-collar workers in employment for at least three ***years*** (Bredgaard and Daemmrich, 2013; Madsen, 2013). In terms of ALMP, a series of ministerial initiatives were introduced in both 2009 and 2010 (the latter driven by proposals from the social partners), aiming to help those affected by collective dismissals and to aid employers and their employees through company restructuring (Madsen, 2013).

While also introducing a set of public sector investments to stimulate the economy, the incoming centre-left government, mindful of the European Commission’s recommendations for fiscal restraint, continued with budget cuts. It also implemented a number of LMP and pension reforms, revealing its more flexible stance toward ALMP and its willingness to invest more in interventions (Madsen, 2013). Among its key reforms were: expanding access of the unemployed to education; a focus on combating youth unemployment through job rotation, apprenticeships and training; and reducing drop-out rates, particularly in vocational education and training (VET) ***programmes*** (Madsen, 2013). The government also proceeded with implementing the proposed flexi-job and disability pension reforms (Hansen and Mailand, 2013).

Considering the post-crisis attitudes of the social partners is also revealing. Some authors have noted deep shifts in the status of Danish unions over the last two decades. Jørgensen and Schulze (2011) observe that Danish unions are no longer involved in drafting legislation, thereby changing the style of Danish policy-making. Also, since 2007, the social partners have been excluded from the administration of labour policies, and now have a solely advisory function. Finally, in Jørgensen and Schulze’s view, the changes to the activation approach with the new ‘work-first’ scheme and the merging of benefit recipient groups have lessened the importance of the unions.

These points, however, do not adequately explain the unions’ post-crisis actions. While the Danish trade unions expressed their dissatisfaction in the media and in a one-day demonstration held in June 2010, Hansen and Mailand (2013) view the unions’ behaviour as on the whole restrained. The authors attribute this to a shift in the locus of struggle away from the national and towards the local level, the relative modesty of the Danish austerity measures and comparably moderate levels of unemployment, as well as the union’s historical restraint in taking industrial action. Moreover, this could be attributed to continuing union effectiveness in attaining their goals. With regard to public sector developments, the authors hint that ‘the unions succeeded in blocking some of the employers’ main objectives, such as an increase in the proportion of wages set at local level, longer working hours and a move from collective to individual bargaining at the local level’ (2013: 7). In addition, when the new centre-left government attempted to mend fences with the unions through the 2012 tripartite negotiations on ALMP reforms and ultimately issues of employment, resources and competitiveness, the talks collapsed (Madsen, 2013) on account of the sensitivity of the union members to proposals to expand labour supply during a period of a relatively high unemployment (Hansen and Mailand, 2013).

Thus, while some lament the unions’ lack of deep political involvement throughout and after the crisis, as well as their diminishing importance, the unions, as Hansen and Mailand note, ‘have played a strong role in addressing the crisis through the industrial relations system, at national, sectoral and local levels’ (2013: 14). An engagement with the Danish social partners’ understanding of the changing environment and their short- and long-term strategic goals could provide helpful insights into these issues and ultimately into the future of Denmark’s corporatist system.

**United Kingdom**

The United Kingdom is a European outlier. With its minimal labour market intervention, high numerical flexibility and the lowest level of individual employment protection in Europe (Figure 1), the country is among the most economically liberal in Europe. Due to historical legacies, the UK social partners play only a weak role in policy-making, whether with regard to unemployment insurance, the labour market or employment law (Clasen, 2007). The national government develops social policy centrally and thus in relative isolation, resulting in less space for contestation and outcomes skewed towards employer interests (Wright, 2011). Moreover, there is a cross-party consensus on reducing social expenditure, ending welfare dependency, and reducing the role of government (Wright, 2011), although, importantly, not on the role of intermediaries including the trade unions (Clasen, 2007). Due to the UK’s reasonable economic performance over the recent decades and its low rates of unemployment, the governments’ policy focus has been primarily on activation (Clegg, 2010), rather than on support for the unemployed.

What has the crisis revealed about the trends in the British labour market (in)security politics? As in Denmark, the crisis response was overseen by two governments, Gordon Brown’s New Labour, replaced by David Cameron’s Conservative-Liberal Democrat coalition in the 2010 election. Similarly, the response consisted of a stimulus – a revenue-side intervention namely in the form of a temporary cut in value-added tax (Hodson and Mabbett, 2009) – and a series of reforms. The social and employment security reforms were designed to maximise efficiency while minimising costs (without considering their efficacy), thus introducing a variety of market-based instruments to the mix of solutions.

As the employment of young people was disproportionately affected by the crisis, the New Labour response to unemployment targeted this section of the population. A system to match apprentices with employers seeking trainees was hence implemented (Heyes, 2013). The government also introduced the Young Person’s Guarantee (in 2010), guaranteeing training, work or job experience for all young people out of employment for more than six months. This was supported by the Future Jobs Fund (created in 2009), subsidising the employment of disadvantaged workers (Gama et al., 2015; Heyes, 2013). Aiming to reduce deficit spending, the incoming Conservative-Liberal Democrat coalition implemented a series of austerity measures with far-reaching implications for labour markets and employment security. First, the government terminated the Young Person’s Guarantee and the Future Jobs Fund. Also axed were the Educational Maintenance Allowance, which had aided young people from disadvantaged backgrounds to pursue education, and the Train to Gain ***programme*** facilitating on-the-job training. The government also withdrew from efforts to enable workers in small firms to take time off for training (Heyes, 2013). The administration continued with reforms to the unemployment benefits and assistance schemes, which, at a high level, were aimed at improving the activation of the unemployed, restricting the eligibility of claimants, and combating fraud (Gama et al., 2015). More specifically, the government introduced two key reforms: the creation of the Universal Credit system and the replacement of the existing workfare system with the Work ***Programme***. The Universal Credit streamlined means-tested benefits and tax credits, merging the Jobseeker’s Allowance, Working Tax Credit, Employment and Support Allowance, Income Support, Housing Benefit, and Child Tax Credit into a single system, whose main design goal was to encourage working. The Work ***Programme*** was set up as a mandatory, ***payment***-for-results welfare-to-work ***programme***, imposing penalties on those who reject employment offers (Heyes, 2013). Finally, in terms of the reduction of fraud, the efforts centred on the Jobseeker’s Allowance and included residency requirements and tougher sanctions for overpayments (Gama et al., 2015).

An important and instructive dynamic in post-crisis Britain involved short-time working, a common solution in an ailing labour market. The Trades Union Congress (TUC) and the Federation of Small Businesses (FSB) made efforts to promote a national short-time working subsidy which would, in the TUC’s terms, ‘enable employers to avoid immediate redundancies and retain essential staff and skills…, reduce the personal and social costs incurred by long-term unemployment…[and if linked to training] enable longer-term workforce investment’ (TUC, 2009). These efforts, however, were met with opposition from the Confederation of British Industry (CBI). In the end, with no agreement possible, the government sided with the CBI (Heyes, 2011), and, as noted, chose further to erode the social contract with a series of austerity measures.

However, a very different development on this issue unfolded in one of the UK’s devolved regions: Wales. Aware of the need to revive the stagnating Welsh economy, the Welsh Assembly Government (WAG) organised a series of economic summits at the end of 2008. These events brought together social partners including the CBI, the Wales Trades Union Congress, and other community, union, and business representatives to formulate a response. In January 2009, within fewer than two months of the third such summit, the WAG rolled out the ProAct (EMCC, 2010), one of a set of ***programmes*** aimed at stimulating the Welsh economy and protecting existing jobs, primarily in the manufacturing and automotive sectors. It is important to note that while the WAG was privy to other solutions to business and employment issues resulting from market downturns, it ‘chose to work with Welsh businesses and sector bodies to devise a system that was better matched to the needs of employers in Wales and the local economic climate’ (EMCC, 2010). This was in stark contrast to the strategy at the national level.

ProAct is important in this context, as its design echoes elements of flexicurity by providing a certain level of income security through wage subsidies while stipulating employee training which it also subsidised. Rather than encouraging employee retention, 6 the ProAct’s primary aim was to enhance long-term business competitiveness as well as worker employability (Mandl et al., 2010). ProAct, considered a successful blending of upskilling and short-time work, has since been permanently implemented under the ProAct Skills Growth Wales (Mandl et al., 2010).

Despite its very lightweight, market-oriented intervention and its reasonable performance, the ProAct solution was, as mentioned, rejected by the Gordon Brown government for national implementation (Sanders, 2013; EMCC, 2010). While Gordon Brown and his Business Secretary Mandelson held meetings with the social partners to discuss its national implementation, ‘[t]he feeling was that this would not be possible because of the scale of the bureaucracy required and the potential for fraud’ (EMCC, 2010: 5). This indifferent attitude reflected the disinterest of the major political parties to engage in this policy debate (Clegg, 2010). But why would this solution find such appeal in Wales? EMCC (2010) identifies three features of the Welsh polity favouring the ProAct’s viability and success. First, ProAct was a product of an ‘efficient and permanent dialogue between local government, sectoral bodies, trade unions and companies.’ Secondly, its rapid design and execution were made possible by the political environment created by the devolved government. Finally, higher levels of unionisation in Wales than in the UK are thought to have impacted the ProAct’s rollout and administration.

It would be useful to know which of the three elements above provided the critical mass for ProAct. Having such an understanding could offer some insight into the possibilities at the national level. With time, we will also learn whether ProAct becomes a stepping stone toward a broader flexicurity solution in Wales as part of an incremental process of change recalibrated by the crisis.

**Discussion**

We have looked at Denmark and the UK and began to contrast the outcomes of their crisis-related policies. We noted that in Denmark, as in other Continental regimes, stability and change have depended on the support of the social partners, who embody the broader social conscience and defend the interests of their members. By contrast, in the UK as a whole the absence of any workable partnership increases the likelihood of a gradual erosion of employment security in favour of flexibility.

The economic crisis has tested the robustness of the social arrangements in countries throughout Europe and offered scholars an opportunity better to understand the dynamics of change, especially when conducting comparisons between polities.

As stated, Denmark was not immune from the fallout of the global financial crisis. The crisis generated multiple conflicts with the potential to become fracture points in the Danish flexicurity arrangements. One such conflict, briefly mentioned above, is the result of diminishing income security and new limits on access to unemployment benefits and their duration. Under trade union pressure, the employers agreed to severance pay for blue-collar workers. While the severance pay, designed to top up the difference between unemployment benefits and lost wages, is modest (Madsen, 2013), it may begin to alter the calculus of flexibility, as it increases the cost of firing workers. On top of this, Bredgaard and Daemmrich (2013) add three further challenges. One issue stems from the gradual decreases in unemployment benefits, calculated on the basis of average wages less deductions and exemptions. This income erosion, coupled with the shorter duration of unemployment benefit, may, in time, disrupt the equilibrium between security and flexibility, leading to political pressure for change. Another issue has its origins in the reforms implemented by the Liberal-Conservative government starting in 2001, with a shift in focus from education and skills development towards early intervention and counselling. The weakness of this ‘work first’ approach was revealed in lower ***programme*** participation rates, ultimately increasing post-crisis unemployment among the low-skilled. Finally, *social trust*, particularly between the trade unions and the government, has been deteriorating, most recently due to the 2010 Liberal-Conservative reforms. Given that each player has a specific role – as well as expectations – to play in making flexicurity work, a loss of confidence may result in a push for a change in the status quo.

The evolution of the Danish brand of flexicurity is thus uncertain, being dependent on the ability of the current institutions to continue to provide effective employment transition services 7 as well as on the trust and the will of the social partners (Auer, 2010; Bredgaard and Daemmrich, 2013). Ultimately, it is a question of performance, politics, and particularly of support from the trade unions, which might seize an opportunity to dismantle the flexicurity experiment.

The British case indicates a different philosophy on the provision of employment security. Yet, as noted, it also reveals a different institutional and political environment that permitted a path increasingly veering away from the public interest. This was evident in the failure to secure a short-time working scheme, which, along with the extensions of unemployment benefits, has been the norm in nearly all developed countries (Clegg, 2010). As hinted, ProAct was dismissed at the national level, notwithstanding its relatively low-cost, business-friendly approach offering a level of security, its successful implementation in Wales, and its support from the TUC and the FSB. Without going into the two conflicting explanations – one administrative, the other centred on a dialogue between players – offered above, it is appropriate to emphasise the performance of a key social partner, the unions. The unions failed to assert their (already restrained) demands, especially in circumstances traditionally conducive to action. And given Prime Minister Brown’s admission just a ***year*** earlier that ‘[t]he challenge this century is a global skills race and that is why we need to push ahead faster with our reforms to extend education opportunities for all…the challenge now is to unlock all the talents of all of the people,’ (2008) not framing the issue as foremost about skills development was a missed political opportunity.

However, the very nature of the British political system has become an impediment. Minas et al. (2012: 292) note that even post-devolution, the UK continues to be ‘almost unique amongst western welfare states in the high degree of central mandate over fields of social security and employment services. The political system has never accorded the social partners or regional/local government influential roles in policy-making or in the delivery of income maintenance policies’. This lack of access has been shown to impact the country’s employment regime with minimal regulation and market-driven benefits (Gallie, 2009). There is no guarantee as to the permanence of this arrangement, not the least as there is no political consensus on the role of the social partners in the UK system of governance. Moreover, the crisis did not provide an opportunity for any redesign in this field.

As we have seen in the two cases above, welfare state adjustments result from a complex interplay of internal and, increasingly, external factors. First, there are internal institutional configurations (dis)allowing the access of various organisations to policy-making and delivery. The differences in the success of short-time working politics across the UK provide an instructive example on this point. There are also external institutional pressures, as witnessed, for example, in the European Commission’s potent recommendations on deficit reductions. Second, there are overall economic developments. While austerity policies may be driven by the markets rather than democratic politics (Bini Smaghi, 2014), this was not as pronounced in the UK and Denmark, countries that weathered the crisis relatively well. Nevertheless, the ‘economy’ provided a justification for post-crisis policy action, albeit based on different assumptions across countries. Also important are thus ideas and their vectors – the political players. We have established the differences in philosophies on social provision in the UK and Denmark, pointing to a cross-party consensus on cost savings and reducing welfare dependency in the former. In terms of politics, while some have observed a withdrawal of the social partners from Danish politics, the unions, acting at multiple levels of the industrial relations system, remain an effective force. In the UK, on the other hand, the relatively weak social partners would benefit from greater strategic involvement in politics as a way to start reframing the partisan consensus driving most of the austerity measures. While crises are seen as opportunities for deep institutional change, the 2008 crisis is not viewed as one of them (Hill, 2011). Yet, as discussed, the crisis has altered or accelerated existing processes behind labour market adjustments, in either an integrating (as in Wales) or a disintegrating manner (in Denmark).

**Conclusion**

The recent global financial crisis has highlighted a number of issues as well as a set of contrasting solutions. In this article we sought to present two alternative visions on how to (re)establish economic competitiveness and enable growth: flexicurity and austerity. Both approaches have received significant attention in academic and policy-making circles as separate subjects, but less has been said about their interaction, and particularly as mediated by the social partners. We have noted that both represent contradictions in the modern, globalised world, which both requires and rejects the state. As Bredgaard and Daemmrich affirm, ‘[c]ontrary to a dominant view among free-market purists, the welfare state helps make globalisation possible. Without broad domestic support, free trade agreements (that benefit elites) are not possible, but without sharing benefits, broad support cannot be maintained’ (2013: 176). This landscape then defines the pull between market liberalisation, fiscal consolidation and the reduction of risk for labour through policies imposing costs on the public or the private sector.

We thus visited the United Kingdom and Denmark – the one state with modest social and employment security, the other a paragon of flexicurity – and, with particular interest in the role of social partners in the aftermath of the crisis, sought to gain an insight into the potential for change. We noted that the strength and the effectiveness of social partners as (dis)enabled by institutions are among the key considerations in understanding the policy outcomes. While this is historically evident in both countries, the post-crisis short-time working scheme developments in the UK serve as a vivid illustration of politics, the social partners and the institutional environment at play. What was possible in Wales with ProAct could not be replicated at national level – inviting questions on the long-term chances of establishing a balance between social security for the (un)employed and already flexible employment arrangements. In Denmark, the situation was different. The crisis has put additional economic and political stress on its ever-evolving system of labour market security. Declining income security and the changes to unemployment benefits resulted in the social partners’ successful push for severance pay for blue-collar workers. Furthermore, the crisis stimulated additional contestations at local level, where management and shop stewards came together to negotiate concessions on employment (Ibsen, 2011). While individually minor, in time such incremental changes in these systems in flux may alter the balance between flexibility and security. And this is why flexicurity as a multi-dimensional analytical guide promises to improve the study of the dynamics of welfare state adjustments.

**Notes**

FundingThis research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.; 1 Bekker (2011) explored the conditions for the acceptance of flexicurity as a policy solution at the EU level and found that a strong economy, favourable politics, a sense of urgency and the involvement of appropriate actors (the EU institutions, social partners and elements of civil society) together increase the likelihood of it being adopted.; 2‘[W]hereas in academic circles the vagueness of the concept is considered its weakness, at the European policy level it seems to turn into its strength while receiving wide support of all stakeholders,’ confirm Muffels and Wilthagen (2013). Furthermore, this term is not used in its original sense throughout the EU, resulting in very different connotations.; 3With the exception of Britain. See Krugman (2015).; 4Determining the effects of such a complex of interacting policies is very difficult. For example, Danish macroeconomic policy, along with collective bargaining and wage-setting adjustments, has also influenced the country’s economic performance (Madsen, 2008). Nevertheless, despite the analytical ambiguities, the Danish system has proven resilient and popular, and continues to deliver above-average results (Madsen, 2013).; 5More on job security and LMP development can be found in Bredgaard et al. (2005), Bredgaard and Daemmrich (2013), and Emmenegger (2010), among others.; 6Which was the goal of an associated solution, ReAct.; 7In general, the post-crisis labour markets are experiencing a growth of irregular or part-time work (Sanders, 2013). This is not yet a significant issue in Denmark (see Van Vliet and Nijboer, 2012); nonetheless we note that increases in part-time employment coupled with the overall erosion of protections are potent ingredients of a deep change in either direction. Furthermore, there are challenges brought by immigration, whether from inside or outside of the EU, which, as seen in other countries, has the potential to change the support for social and economic policy.

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**Load-Date:** March 29, 2024

**End of Document**



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Rose Sheet

January 5, 2018 Friday 6:35 PM GMT

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**Length:** 71771 words

**Body**

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| --- | --- | --- | --- | --- | --- |
| [Class 3 (Cosmetics and Cleaning Preps) compiled by "The Rose Sheet" from Official Gazette of the U.S. Patent and Trademark Office] |  |  |  |  |  |
| Product Name | Trademark No./ [Serial No.] | Company | Filed Date [Published] | Class Nos. | First Use Date |
| Marks Registered - Class 3 |  |  |  |  |  |
| Dr Russo Sun Protective Skin Care | 5,352,578[79-198,566] | Mario Luca Russo | 10-20-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Biomuguet | 5,352,596[79-199,369] | Takasago Koryo Kogyo Kabushiki Kaisha Also Trading As Takasago Internatl. Corporation | 8-25-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Belluga | 5,352,605[79-200,083] | Naturelab. Co. | 10-26-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Endless Night | 5,352,685[79-204,068] | Coty Brands Management | 2-27-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Floritène | 5,352,755[79-208,552] | Laboratoires Magistra S.A. | 2-13-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Pink Wonder | 5,352,767[79-209,806] | Choi, Keom Sil | 4-28-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Queen's Treatment | 5,352,771[79-210,075] | Guerlain Societe Anonyme | 3-9-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Mixnature | 5,352,785[79-211,256] | Mixnature | 3-27-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Velvet Remy Lash | 5,352,939[86-886,696] | Knk Fashion | 1-26-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sandal + Rescue | 5,352,942[86-895,353] | Bootrescue | 2-2-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Dr. Dan's | 5,352,993[86-973,063] | M & L Solutions Viders, Daniel E., M.D. | 4-12-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Touche Eclat Glow Shot | 5,353,031[87-049,642] | Yves Saint Laurent Parfums | 5-25-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Ne'emah | 5,353,094[87-100,933] | Neemah, Mohammed R M | 7-12-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Cosbeauty | 5,353,105[87-110,487] | Shenzhen Cosbeauty Technology Co. | 7-20-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Cbcare | 5,353,106[87-110,504] | Shenzhen Cosbeauty Technology Co. | 7-20-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Alternakids | 5,353,128[87-123,556] | Bng Enterprises | 8-1-16[6-27-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Lone Wolf Aura | 5,353,144[87-133,338] | Cole, Hannah | 8-10-16[6-27-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Unicorn | 5,353,166[87-152,382] | Blangiforti, Anna Carner | 8-26-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Adam & Eve Organics | 5,353,170[87-153,565] | Adam & Eve Organics | 8-29-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
|  | 5,353,209[87-176,450] | Brand Agency (London) | 9-20-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Magnificent Gold | 5,353,218[87-179,671] | L'oreal (Uk) | 9-22-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Natturalabs | 5,353,251[87-191,386] | Nattura Laboratorios, S.A. De C.V. | 10-3-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Warrior -Win Your Battles- | 5,353,253[87-192,255] | Juan J Agudelo United Spirit Of America | 10-4-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Nature's Intelligence | 5,353,308[87-202,892] | Andalou Naturals | 10-13-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Rainbow Power | 5,353,333[87-208,711] | Noorani Trading | 10-19-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Vault | 5,353,428[87-226,735] | Rocker | 11-4-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| E | 5,353,464[87-232,190] | Exert Co. | 11-10-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Alpha Male Beard, Hair & Tattoo Oil Huile Pour Barbe, Cheveux Et Tatouages Gibs Guys Into Beard Stuff | 5,353,502[87-241,030] | Gib's Distribution | 11-17-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Studio Filter | 5,353,506[87-241,535] | Lancer Skincare | 11-18-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Studio Light | 5,353,507[87-241,542] | Lancer Skincare | 11-18-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Hairdresser's Invisible Oil | 5,353,525[87-246,525] | Bumble And Bumble | 11-23-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Derma Platz | 5,353,534[87-248,703] | Cj O Shopping Co. | 11-28-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Danzon | 5,353,540[87-252,491] | Maria Teresa Alonso Hernandez | 11-30-16[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Xantia | 5,353,692[87-301,287] | Xantia Corporation | 1-13-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Wire Fire | 5,353,731[87-312,042] | Simply Solutions | 1-24-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Te Mana | 5,353,752[87-318,478] | Morinda | 1-30-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Belle Chasse | 5,353,771[87-323,796] | Wendel, Amy D Wendel, Bill W | 2-3-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Cherioll | 5,353,874[87-352,043] | Suzhou Guanghuanhudong Kejiyouxiangongsi | 2-28-17[6-27-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Absolue Stamp Foundation | 5,353,877[87-352,225] | Lancome Parfums Et Beaute & Cie | 2-28-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Happy Essence | 5,353,934[87-365,071] | Pacifia Beauty Pacifica | 3-9-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sea Foam | 5,353,959[87-372,684] | Pacifia Beauty Pacifica | 3-15-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Bebe And Cece | 5,354,046[87-390,569] | Dar Llc 2 Nilodor | 3-29-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sur-Prep | 5,354,069[87-395,969] | Andpak | 4-3-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Smokeless Mist | 5,354,141[87-410,151] | Sacred Water Holding | 4-13-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Hydrolage | 5,354,243[87-423,602] | Garcoa | 4-25-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Aromatherapy Oil Labs | 5,354,260[87-425,428] | Shenzhen Yishenghuo Information Consulting Co., | 4-26-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Ament-T Henna & Oils Viode Enterprise | 5,354,268[87-426,031] | Browne, Rudolph Cordoba, Viodelda | 4-26-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Fleur De Spa | 5,354,298[87-430,088] | Sand Lane | 4-28-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Naturally Smart | 5,354,313[87-432,450] | Skinkick | 5-1-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Silkout | 5,354,335[87-434,535] | Tammy Golden | 5-3-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Marvelous Mauves | 5,354,427[87-436,604] | Dose Of Colors | 5-4-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Youthbloom | 5,354,536[87-438,471] | Nutramarks | 5-5-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Jolitee | 5,354,573[87-439,265] | Fine Toyz & More | 5-5-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Pristine Green | 5,354,670[87-442,317] | Ivania Guerrero | 5-9-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Creative Cc Culture | 5,354,673[87-442,506] | Brian D. Henderson | 5-9-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Mymatcha | 5,354,710[87-444,973] | Onekind25 | 5-10-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Wicked Love | 5,354,746[87-447,266] | L'oréal | 5-12-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Le'vea | 5,354,751[87-447,500] | Le'vea Skin Care | 5-12-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Lively Up Your Breath! | 5,354,833[87-450,597] | Lively Up Your Breath | 5-15-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Cynthia's Southern Luxuries | 5,354,834[87-450,628] | Rozier, Cynthia | 5-15-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Citrus-Ology | 5,354,873[87-451,082] | Citrus-Ology | 5-16-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Bodhi To Beauty | 5,354,932[87-452,062] | Butani Group | 5-16-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Pharmalean | 5,354,960[87-452,403] | Dragon Nutraceuticals | 5-16-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Kfiaq | 5,355,076[87-454,847] | Shenzhen Xiaohei Technology Co.,Ltd | 5-18-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| H | 5,355,107[87-455,673] | Hiram Grooming Co. | 5-18-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Cty | 5,355,135[87-456,213] | Chty(China)Limited | 5-18-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Glycopeel 10 | 5,355,236[87-509,069] | Envy Medical | 6-28-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| The Littles | 5,355,254[87-530,691] | Drunk Elephant | 7-17-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Jj | 5,355,272[87-976,030] | Jeffree Star Cosmetics | 6-16-16[12-13-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Marks Registered Under Section 1(d) - Class 3 |  |  |  |  |  |
| The following marks have been registered on the principal register pursuant to the intent-to-use provisions of Section 1(d) of the Trademark Act of 1946, as amended. |  |  |  |  |  |
| Porte Noire | 86-094,445[5,355,322] | Flagship Investment Group | 10-17-13[9-16-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care products, namely, hair care preparations. The english translation of "Porte noire" in the mark is "Black door". |  |  |  |  |  |
| Encapsulate | 86-114,252[5,355,328] | Alberto-Culver Usa | 11-8-13[9-2-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations; hair colorants, hair dyes, hair lotions, hair waving preparations, shampoos, conditioners, hair sprays, hair powder, hair dressings, hair lacquers, hair mousses, hair glazes, hair gels, hair moisturisers, liquid hair care preparations, hair preservation treatment preparations, hair desiccating treatment preparations, hair oils, hair tonic, hair creams. |  |  |  |  |  |
| Skin Parfait | 86-150,880[5,355,337] | K & N Distributors | 12-23-13[5-6-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skin". Cosmetics. The english translation of "Parfait" in the mark is "Perfect". |  |  |  |  |  |
| Earth Essence | 86-197,448[5,355,348] | Bleich, Michael | 2-19-14[9-9-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated personal care products, namely, facial creams, lotions, toners, cleansers, scrubs, serums and masks; non-Medicated eye creams, serums, lotions and gels; non-Medicated body washes, creams, lotions, oils and cleansers; bath salts and gels; non-Medicated women'S post-Waxing and pre-Shaving moisturizing lotions; non-Medicated body detoxification preparations, namely, skin creams and washes. |  |  |  |  |  |
| Lilah B. | 86-244,518[5,355,370] | Lilah Beauty | 4-7-14[9-2-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Face creams; non-Medicated skin care preparations. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. Lilah beauty. |  |  |  |  |  |
| X | 86-378,073[5,355,418] | Djf Enterprises | 8-27-14[11-11-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) white, red, dark red is/Are claimed as a feature of the mark. The mark consists of the letter "X" with one plain white line and one red line appearing as a stylized makeup swipe with dark red shading and the color white appearing as a light reflection. Cosmetics. |  |  |  |  |  |
| Throne | 86-566,461[5,355,477] | Shelby Jill Blackburn | 3-17-15[8-4-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Age spot reducing creams; anti-Aging creams; anti-Wrinkle cream; cold cream; cosmetic creams; cosmetic creams for skin care; eye cream; face and body lotions; face creams; false eyelashes; skin bronzer. |  |  |  |  |  |
| Esquire | 86-582,020[5,355,488] | Hearst Communications | 3-31-15[8-18-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic preparations; cosmetics; non-Medicated toiletries. |  |  |  |  |  |
| The Zoo | 86-582,879[5,355,489] | Laudamiel, Christophe | 3-31-15[8-18-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfume; scented linen sprays; scented room sprays. |  |  |  |  |  |
| Manda | 86-610,115[5,355,511] | The Mnda Group | 4-26-15[8-1-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic sun-Protecting preparations; non-Medicated sun care preparations; sun block preparations; sun care lotions; sun creams; sun screen; sun screen preparations; waterproof sunscreen. The english translation of "Manda" in the mark is "To send". |  |  |  |  |  |
| Beyoncé Heat Seduction | 86-799,416[5,355,625] | Bgk Trademark Holdings | 10-26-15[10-4-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bath and shower gels and salts not for medical purposes; body and beauty care cosmetics; cosmetics and make-Up; cosmetics in general, including perfumes; eau de parfum; eau de perfume; eau de toilette; fragrances and perfumery. The name "Beyoncé" identifies a living individual whose consent is of record. |  |  |  |  |  |
| Lipstodiefor | 86-846,600[5,355,657] | Peter Thomas Roth Labs | 12-11-15[12-13-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated lip care preparations, lip gloss, lip balm, lip cream, lipstick, lip polisher, non-Medicated lip protector, lip liner, lip pomades. |  |  |  |  |  |
| Syr | 86-917,671[5,355,714] | Rukaj, Hana | 2-24-16[7-19-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Facial cleansers; lotions for beards; after shave lotions; anti-Aging moisturizer; beauty lotions; eye lotions; face and body lotions; facial lotion; facial moisturizers; non-Medicated skin care creams and lotions; shaving lotion; shaving lotions; skin lotion; skin moisturizer; skin moisturizer masks. |  |  |  |  |  |
| Woodwick | 86-950,355[5,355,759] | Smith Mountain Industries | 3-23-16[8-30-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Electric room scent diffusers sold with scented oil. Wood wick. |  |  |  |  |  |
| Club Cali Exclusive | 87-000,468[5,355,834] | Abercrombie & Fitch Trading Co. | 4-14-16[2-28-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body sprays; cologne; deodorant for personal use; fragrances; perfumes; non-Medicated skin care preparations. |  |  |  |  |  |
| Sally Hansen Moisture Rehab | 87-030,020[5,355,873] | Coty Us | 5-9-16[10-18-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Moisture". Cosmetics, namely, nail care preparations, nail polish, nail lacquer and nail top coat. The name "Sally hansen" does not identify a living individual. |  |  |  |  |  |
| Katy Kat Pearl | 87-033,706[5,355,878] | Killer Queen | 5-11-16[2-28-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Pearl". Cosmetics. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies katheryn elizabeth hudson, professionally known as katy perry, whose consent(S) to register is made of record. |  |  |  |  |  |
| Desert Oasis Skincare | 87-061,642[5,355,916] | Randr | 6-6-16[12-13-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skincare". Facial scrubs; body scrub; soaps; non-Medicated herbal body care products, namely, salves; lip balms; cosmetic creams; shampoos. |  |  |  |  |  |
| Anchee | 87-099,897[5,355,970] | Alkam Internatl. | 7-11-16[6-20-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Soap, namely, bath soaps; body shower gel; bath accessories, namely, bath oils; loofah soaps; shampoos; hair conditioner; hair care products, namely, masks, lotions, creams. The english translation of "Anchee" in the mark is "To be safe and prosperous in life". |  |  |  |  |  |
| Amata | 87-100,949[5,355,972] | Pm Concepts | 7-12-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin care products, namely, non-Medicated skin serums and lotions; bath products, namely, bath salts, lotions and soaps; non-Medicated foot and body lotions and sprays; fragrances; sachet-Like eye pillows containing fragrances. |  |  |  |  |  |
| Kera Siena | 87-118,514[5,355,998] | Binder Beauty Supplier | 7-27-16[12-27-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair straightening preparations. |  |  |  |  |  |
| Nano Straight | 87-134,717[5,356,024] | Nks Laboratories Ltd - 514854793 | 8-11-16[8-15-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the designation "Nanostraight" depicted in lower case letters, except the letter "S", which is depicted in a capital letter. Hair care, hair straightening, and hair smoothing preparations. |  |  |  |  |  |
| Dose Skin | 87-147,369[5,356,054] | Miles,Corey | 8-23-16[2-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skin". Preparation or non-Medicated preparation for skin care; cosmetic preparations for skin care; cream for whitening the skin; moisturizing preparations for the skin; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peel; skin bronzer; skin care preparations, namely, chemical peels for skin; skin lotions; skin oils; wrinkle removing skin care preparations; skin whitening preparations; topical skin care preparations provided in capsule form for skin. |  |  |  |  |  |
| Endwell | 87-157,068[5,356,077] | Malibu Wellness | 8-31-16[1-17-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair conditioners. End well. |  |  |  |  |  |
| Amata Life | 87-157,854[5,356,079] | Pm Concepts | 9-1-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin care products, namely, non-Medicated skin serums and lotions; bath products, namely, bath salts, lotions and soaps; non-Medicated foot and body lotions and sprays; fragrances; sachet-Like eye pillows containing fragrances. |  |  |  |  |  |
| Powerdry.Me | 87-164,893[5,356,093] | 9330-5639 Quebec | 9-8-16[2-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations, namely, blow drying lotion. Power dry me. |  |  |  |  |  |
| Acqua Di Dante Inferno | 87-167,566[5,356,102] | Zuliani Dario | 9-12-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; perfumery; soaps for personal use. The english translation of "Acqua di" in the mark is "Water of". |  |  |  |  |  |
| That's The Point | 87-170,022[5,356,114] | L'oreal Usa Creative Nyx, Los Angeles | 9-13-16[1-31-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Eyeliner. That is the point. |  |  |  |  |  |
| Royal Treatment | 87-174,159[5,356,125] | Farouk Systems | 9-16-16[1-17-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Treatment". Color-Removing preparations for hair; hair-Washing powder; hair care lotions; hair care preparations; hair care products, namely, heat protection sprays; hair colorants; hair coloring preparations; hair gels; hair lighteners; hair oils; hair shampoos and conditioners; hair sprays; hair styling preparations; hair styling spray; hair care products, namely, heat protection sprays; hair styling spray; styling mousse; non-Medicated hair serums. |  |  |  |  |  |
| D R | 87-181,419[5,356,154] | Dr. Rogers' Skin Solutions | 9-23-16[3-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of capital "D" and capital "R" with two vertical parallel lines between the letters "D" and "R". Non-Medicated skin care preparations. Dr rogers. |  |  |  |  |  |
| Build 'Em Up | 87-183,610[5,356,167] | L'oreal Usa Creative Nyx, Los Angeles | 9-26-16[1-31-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. Build them up. |  |  |  |  |  |
| Radiant Faces | 87-184,076[5,356,174] | Cushen, Shawn | 9-27-16[2-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Faces". Face creams; face and body lotions; eye creams; anti-Wrinkle cream. |  |  |  |  |  |
| Bond Shampoo | 87-187,958[5,356,203] | Yefremenko, Vladimir | 9-29-16[2-28-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Shampoo". 3-In-1 hair shampoos; 3-In-1 organic soap bars for use as soap, shampoo and conditioner; beard dyes; body wash; shampoo-Conditioners; shampoos; shampoos for babies; shampoos for pets; aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-Medicated lip balm, soap, body polish, body and foot scrub and non-Medicated foot cream; baby shampoo; dry shampoos; hair shampoo; hair shampoos and conditioners; hair rinses; lotions for beards; pet shampoo; pet shampoo and conditioner; pet shampoos; scent eliminating shampoo and soap for use associated with hunting and outdoor recreation. |  |  |  |  |  |
| Glitter Bomb | 87-188,484[5,356,209] | Too Faced Cosmetics | 9-29-16[2-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Glitter". Cosmetics and cosmetic preparations. |  |  |  |  |  |
| Fresh Too Feisty To Quit | 87-193,927[5,356,243] | The Procter & Gamble Company | 10-5-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Laundry additives, in the nature of fragrance enhancers and fabric softeners. |  |  |  |  |  |
| Candy Liner | 87-198,762[5,356,269] | Too Faced Cosmetics | 10-10-16[2-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Liner". Cosmetics and cosmetic preparations. |  |  |  |  |  |
| Smooth Transition Adaptive Skin Care | 87-222,278[5,356,332] | Laura Jones | 11-1-16[3-28-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Skin care". The mark consists of the stylized wording "Smooth transition" in large font above the stylized wording "Adaptive skin care" in smaller font, all to the left of a design of butterfly wings. Non-Medicated skin care preparations. |  |  |  |  |  |
| Hempstead | 87-247,880[5,356,384] | Abercrombie & Fitch Trading Co. | 11-25-16[4-18-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body sprays; cologne; deodorant for personal use; fragrances; non-Medicated skin care preparations; perfumes. |  |  |  |  |  |
| Ellwood | 87-247,882[5,356,385] | Abercrombie & Fitch Trading Co. | 11-25-16[4-18-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body sprays; cologne; deodorant for personal use; fragrances; non-Medicated skin care preparations; perfumes. |  |  |  |  |  |
| Parauma · Potions · | 87-283,217[5,356,422] | Terence A. Nelson Ii | 12-28-16[6-13-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "Parauma potions", in which "Potions" appears with raised periods on either side, and "Parauma" is underlined with a curved line leading to the spout of the lantern that appears below the wording. Fragranced body care preparations, namely, oils, soaps; non-Medicated herbal body care products, namely, body oils, salves, and lip balms; non-Medicated herbal body care products, namely, oils, soaps. |  |  |  |  |  |
| Love Sun Body | 87-326,756[5,356,485] | Love Sun Body | 2-7-17[7-11-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Sun" and "Body". The mark consists of the stylized wording "Love sun body" with the letter "O" in love comprised of a stylized heart design and the "O" in body comprised of a stylized sun design. Sunscreen creams; sunscreen preparations; cosmetic sunscreen preparations; waterproof sunscreen. |  |  |  |  |  |
| Victoria's Secret Wicked | 87-383,078[5,356,614] | Victoria's Secret Stores Brand Management | 3-23-17[8-22-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body lotion; body sprays; eau de parfum; fragrances; non-Medicated skin care preparation, namely, body mist; perfume. |  |  |  |  |  |
| Pinch Of Colour | 87-976,055[5,356,705] | Pinch Of Colour | 6-16-16[11-8-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Colour". The mark consists of the word "Pinch" in a stylized format with the words "Of colour" below in smaller letters in a stylized format. Beauty balm creams, foundation make-Up, and lipstick. |  |  |  |  |  |
| Kérastase K Aura Botanica | 87-976,057[5,356,706] | L'oreal | 6-6-16[2-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of "Kerastase k aura botanica" in stylized font. Cosmetic products for capillary use, namely, shampoos; products for hair styling and hair care, namely, gels, mousses, creams, wax, serums, lotions; hair lacquers; hair colouring and hair decolorant preparations; protective coloring preparations for treated hair; permanent waving and curling preparations; essential oils for personal use. |  |  |  |  |  |
| Ecosmart | 87-976,132[5,356,712] | Kittrich Corporation | 8-1-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated, non-Veterinary grooming preparations for pets, namely, shampoos, detanglers, and conditioners; deodorant sprays for pets; non-Medicated skin balms and skin care preparations for pets. Eco smart. |  |  |  |  |  |
| Marks Registered Under Section 1(d) in More Than One Class |  |  |  |  |  |
| The following marks have been registered on the principal register pursuant to the intent-to-use provisions of Section 1(d) of the Trademark Act of 1946, as amended. |  |  |  |  |  |
| Retinol Reface | 86-016,000[5,355,298] | Indeed Labs | 7-22-13[2-28-17] | Intl. 3, 35, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Retinol". (Based on 44(E)) (Based on use in commerce) non-Medicated skin care preparations containing retinol; skin creams and lotions containing retinol; cosmetics containing retinol; cosmetic creams and lotions containing retinol. (Based on 44(E)) retail store services, online retail store services, and retail catalog ordering services featuring skin care preparations, skin creams and lotions, cosmetics, cosmetic creams and lotions all of which contain retinol; providing consumer information about skin care preparations, skin creams and lotions, cosmetics, cosmetic creams and lotions, all of which contain retinol, via a website, the internet or other global communication networks. (Based on 44(E)) providing personal beauty information about skin care preparations, skin creams and lotions, cosmetics, cosmetic creams and lotions, all of which contain retinol, via a website, the internet or other global communication networks. |  |  |  |  |  |
| Yolo | 86-512,697[5,355,464] | Pdu Pharmacy Direct | 1-23-15[6-16-15] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Non-Medicated skin preparations. Creams for dermatological use; non-Medicated, therapeutic skin creams for the treatment of aging effects on skin; pharmaceutical preparations and substances for the treatment of skin. |  |  |  |  |  |
| Burly Q | 86-592,742[5,355,506] | Mistress | 4-9-15[9-1-15] | Intl. 3, 25US. 1, 4, 6, 22, 39, 50, 51, 52 | - - - - |
| Aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-Medicated lip balm, soap, body polish, body and foot scrub and non-Medicated foot cream; colognes, perfumes and cosmetics; face and body beauty creams; lotions for face and body care. Lingerie; pants; women'S clothing, namely, shirts, dresses, skirts, blouses; women'S shoes; women'S underwear. |  |  |  |  |  |
|  | 86-761,934[5,355,593] | Anji Microelectronics (Shanghai) Co., | 9-19-15[9-6-16] | Intl. 1, 3US. 1, 4, 5, 6, 10, 26, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a bricked oval penetrated by a curved band. Chemical preparations, namely, starch size, size for finishing and priming, auxiliary fluids for use with abrasives in integrated circuits manufacturing; degreasing preparations for use in manufacturing processes for integrated circuits, aggressor repellent chemicals for protecting metal surface, namely, chemical preservatives for use as corrosion inhibitors on metal surface; chemical reagents for non-Medical purpose. Stain removers, scouring liquids, volatile alkali ammonia detergent, drains preparations for clearing blocked drains, polishing preparations, industrial abrasives for use in the manufacture of integrated circuits, furbishing preparations for topography planarization and unwanted material removal in integrated circuits manufacturing process, abrasive sands. |  |  |  |  |  |
| Yourgoodskin | 86-983,314[5,355,832] | The Boots Company Plc | 3-23-16[3-7-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The color(S) dark gray, olive green and black is/Are claimed as a feature of the mark. The mark consists of the stylized wording "Yourgoodskin" with "Your" in dark gray, "Good" in olive green, and "Skin" in black. Skin moisturizer; facial moisturizer; night cream; cosmetic beauty serums; beauty serums; make-Up remover; day skin creams; facial creams; lip creams; non-Medicated acne treatment preparations; non-Medicated skin care preparations in the form of serums, creams, lotions, and ointments for redness; facial cleansers; facial washes; beauty masks; cosmetic masks; facial masks; skin masks; face creams; non-Medicated skin serums, skin lotions and skin moisturizing gels for complexion improvement; skin cleanser; skin toner; disposable wipes impregnated with a skin cleanser; pre-Moistened wipes for cosmetic purposes; facial wipes impregnated with cosmetics, namely, pre-Moistened cosmetic wipes; wipes impregnated with a skin cleanser; pre-Moistened cosmetic wipes, namely, wipes impregnated with a cosmetic lotion; exfoliants, namely, exfoliant creams; cloths impregnated with a skin cleanser. Medicated skin creams; acne treatment preparations; pharmaceutical preparations for skin care, namely, acne cream and acne cleaners; medicated skin care preparations. Your good skin. |  |  |  |  |  |
| Yourgoodskin | 86-983,316[5,355,833] | The Boots Company Plc | 3-23-16[2-28-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the words "Yourgoodskin" in stylized lettering. Skin moisturizer; facial moisturizer; night cream; cosmetic beauty serums; beauty serums; make-Up remover; day skin creams; facial creams; lip creams; non-Medicated acne treatment preparations; non-Medicated skin care preparations in the form of serums, creams, lotions, and ointments for redness; facial cleansers; facial washes; beauty masks; cosmetic masks; facial masks; skin masks; face creams; non-Medicated skin serums, skin lotions and skin moisturizing gels for complexion improvement; skin cleanser; skin toner; disposable wipes impregnated with a skin cleanser; pre-Moistened wipes for cosmetic purposes; facial wipes impregnated with cosmetics, namely, pre-Moistened cosmetic wipes; wipes impregnated with a skin cleanser; pre-Moistened cosmetic wipes, namely, wipes impregnated with a cosmetic lotion; exfoliants, namely, exfoliant creams; cloths impregnated with a skin cleanser. Medicated skin creams; acne treatment preparations; pharmaceutical preparations for skin care, namely, acne cream and acne cleaners; medicated skin care preparations. Your good skin. |  |  |  |  |  |
| Itsjudytime | 87-112,320[5,355,994] | You | 7-21-16[4-18-17] | Intl. 3, 35, 41, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102, 107 | - - - - |
| Cosmetic cotton wool; cosmetic creams; cosmetic facial blotting papers; cosmetic hair dressing preparations; cosmetic hand creams; cosmetic masks; cosmetic milks; cosmetic oils; cosmetic pads; cosmetic pencils; cosmetic preparations against sunburn; cosmetic preparations for bath and shower;  cosmetic preparations for eye lashes; cosmetic preparations for nail drying; cosmetic preparations for removing gel nails, acrylic nails, and nail polish; cosmetic preparations for slimming purposes; cosmetic preparations for the hair and scalp; cosmetic preparations, namely, skin balsams; cosmetic products in the form of aerosols for skin care; cosmetic rouges; cosmetic soaps; make-Up; cosmetics in general, including perfumes; cosmetics in the form of milks, lotions and emulsions; cosmetics, namely, compacts; cosmetics, namely, lip primer; anti-Aging moisturizers used as cosmetics; astringents for cosmetic purposes; body and beauty care cosmetics; colognes, perfumes and cosmetics; coloring preparations for cosmetic purposes; concealers; decorative ***transfers*** and skin jewels for cosmetic purposes; eyebrow cosmetics; face creams for cosmetic use; glitter for cosmetic purposes; lip neutralizers; lip stains; nail paint; nail primer; nail varnish for cosmetic purposes; pencils for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; solid powder for compacts; wrinkle-Minimizing cosmetic preparations for topical facial use. Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-Line medium; providing consumer product advice relating to cosmetics, fashion, and hairstyling; providing consumer product information relating to cosmetics, fashion, and hairstyling; provision of information and advice to consumers regarding the selection of products and items to be purchased. Providing on-Line videos featuring cosmetics, fashion, hairstyling, and family ***programming***, not downloadable; providing a web site featuring non-Downloadable instructional videos in the field of cosmetics, fashion, hairstyling, and family ***programming***, namely video tutorials of children'S hairstyles, childcare, and children'S activities; entertainment services, namely, production and distribution of ongoing television ***programs*** in the field of cosmetics, fashion, hairstyling, and family ***programming***. Providing advice and information in the fields of hairstyling, hair care, and hair maintenance; providing online advice and information in the fields of hairstyling, hair care, and hair maintenance. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies "Judy travis", whose consent(S) to register is made of record. Its judy time. |  |  |  |  |  |
| Tricovit | 87-192,086[5,356,230] | Biodue S.P.A. | 10-4-16[5-16-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetic preparations for hair. Food supplements. The wording "Tricovit" has no meaning in a foreign language. |  |  |  |  |  |
| Dst For Darker Skin Tones | 87-235,800[5,356,366] | Block Island Brands | 11-14-16[4-4-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Darker skin tones". The mark consists of the letters "Dst" in grey capital letters outlined in white immediately above the words "For darker skin tones" in grey all capital lettering all in a black field below a stylized image containing a stylized camel and rider and three stylized palm trees above and to the right of the letter "T", with the same stylized camel and rider and three stylized overlapping different sized pyramids above and to the left of the letter "S", with the same three stylized overlapping different sized pyramids above and to the right and left of the letter "D", and with a stylized sun partially blocked by the left wall of the largest left-Most situated pyramid. 3-In-1 organic soap bars for use as soap, shampoo and conditioner; lotions for cosmetic purposes; lotions for body hands face; soaps and detergents; soaps for babies; soaps for body care; soaps for personal use; soaps for toilet purposes; sunscreen cream; sunscreen creams; after-Sun lotions; aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-Medicated lip balm, soap, body polish, body and foot scrub and non-Medicated foot cream; aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-Medicated lip balm, soap, body polish, body and foot scrub and non-Medicated foot cream; baby lotion; baby hand soap; bar soap; bath lotion; bath soaps; bath soaps in liquid, solid or gel form; bathing lotions; beauty lotions; beauty soap; body lotion; body lotions; body cream soap; body mask lotion; cakes of soap; cakes of toilet soap; cosmetic suntan lotions; cream soaps; face and body lotions; facial lotion; hand lotions; hand soaps; handmade soap bars; liquid soap; liquid soap used in foot bath; liquid soaps; liquid soaps for hands and face; liquid soaps for hands, face and body; liquid bath soaps; massage lotions; moisturizing body lotions; natural soap bars; natural cocoa butter based personal care products, namely, body lotion, shower gel, soap, body polish, body and foot scrub and non-Medicated skin creams; natural cocoa butter based personal care products, namely, body lotion, shower gel, soap, body polish, body and foot scrub and non-Medicated skin creams; naturally handmade soap bars; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; perfumed soap; perfumed soaps; scented body lotions and creams; shaving soaps; skin lotion; skin lotions; skin soap; skin and body topical lotions, creams and oils for cosmetic use; skin cleansing lotion; sun care lotions; sun-Block lotions; sun-Tanning oils and lotions; toning lotion, for the face, body and hands; waterproof sunscreen. Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels. The stippling is a feature of the mark and does not indicate color. |  |  |  |  |  |
| India Crafts | 87-306,585[5,356,450] | Sheesham Ivy | 1-19-17[7-11-17] | Intl. 3, 14US. 1, 2, 4, 6, 27, 28, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "India crafts". The mark consists of the word "India crafts", and a straight line above the word "India", and a straight line above the word "Crafts", and a tilted line above the letter "D", and a graphical art above the word "India crafts" and a graphical art underneath the word "India crafts". Cosmetics; cosmetics and cosmetic preparations; glitter for cosmetic purposes; private label cosmetics; temporary tattoo ***transfers*** for use as cosmetics. Charms for jewelry; hair jewelry in the nature of jewelry for use in the hair; imitation jewellery; jewellery and imitation jewellery; jewelry; jewelry and imitation jewelry; jewelry for the head; necklaces; women'S jewelry. |  |  |  |  |  |
| Pop-Up Palette | 87-353,944[5,356,547] | Ofra Cosmetics | 3-1-17[7-18-17] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| "Palette". Cosmetics sold as an integral component of non-Medicated skincare preparations; eye shadows; make-Up foundation; make-Up sets. Applicators sold empty for applying cosmetic lotions for face; applicators sold empty for applying cosmetic lotions for face with ease of accessing powders; powder compacts of precious metal sold empty. |  |  |  |  |  |
| Marks Published For Opposition in One Class - Class 3 |  |  |  |  |  |
| Srs Skin Rejuvenation Solution | 79-193,894[00] | Medica Singapore Pte | 7-25-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Skin rejuvenation solution". The mark consists of the letters "Srs" with the last "S" backwards within a circle. the circle is to the right of four wavy lines. below the wavy lines are the stylized words "Skin rejuvenation solution" following the wavy lines. Cosmetics. |  |  |  |  |  |
| J'aime My... | 79-204,361[00] | Franck Provost Coiffure, Société Par Actions Simplifiée À Associé Unique | 2-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "J'Aime my." within a heart design. Products for the care, beauty and health of hair, namely, hair care preparations, heat protectant sprays for hair, exfoliating preparations for hair, hair color chalk, bleaching preparations for hair, hair styling preparations, hair straightening preparations, hair relaxers, hair waving preparations, hair relaxing preparations, styling gels for enhancing hair curls, styling sprays for enhancing hair curls, hair oils, hair nourishers, hair balsam, hair mousses, hair lacquers, hair mascara; hair lotions, shampoos, hair conditioners, hair colorants and dyes, cosmetics, perfumery, non-Medicated toiletry preparations, cleansing milks, skin soaps, body deodorants, makeup and makeup removing preparations, essential oils, cosmetic kits comprised of lipstick, lip gloss, lip liners, mascaras, blush, eyeliners, powder compacts, perfumery, nail polish, eyebrow cosmetics, eyeshadows, eye pencils, lip liners; depilatory wax, depilatories, shaving preparations. The english translation of the word "J'Aime" in the mark is "I love". |  |  |  |  |  |
| Frantsila Herbs With Latitude | 79-205,114[00] | Frantsilan Luomuyrttitila Ky | 11-21-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Fragrances; potpourris fragrances; natural perfumery; hair conditioners; shampoo-Conditioners, namely, hair rinses; shampoos; bath oils; aromatic oils for the bath; cosmetic bath salts; essential oils; essential vegetable oils; natural essential oils; essential oils for aromatherapy use; essential oils for household use; bath preparations, not for medical purposes; cosmetics; hair lotion; cosmetic creams; non-Medicated lip balm; anti-Aging creams; hydrating lotions for cosmetic purposes; body cleaning and beauty care preparations, namely, body wash; eye cream; non-Medicated stimulating lotions for the skin; non-Medicated skin lotions for facial, hand, leg and body care; non-Medicated massage oils; cosmetic preparations, namely, firming creams for firming the skin; non-Medicated tooth pastes; non-Medicated cosmetic soaps and cleansing shower gels; deodorants for personal use and antiperspirants. The wording "Frantsila" has no meaning in a foreign language. |  |  |  |  |  |
| Miss Sporty | 79-205,872[00] | Coty Geneva Sa Versoix | 12-9-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin soaps, perfumery, essential oils, cosmetics, hair care preparations. |  |  |  |  |  |
| Daïmo | 79-206,202[00] | Strategem | 11-16-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Perfumery products, namely, perfume; perfumes; preparations for perfumes, namely, perfume oils; eaux de toilettes; preparations for toilet water, namely, perfume oils; extracts of perfumes; deodorants being perfumery; natural perfumery products, namely, perfume; perfumed lotions and milks for the body; moisturizing creams for the body; perfumed shower milk in the nature of body milk; perfumed shower gel; soaps; perfumed soaps; essential oils; perfumery oils for the manufacture of cosmetic preparations. The wording "Daïmo" has no meaning in a foreign language. |  |  |  |  |  |
| Boot Black | 79-209,247[00] | The Columbus Co. | 2-23-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Boot black". The mark consists of a fleur-De-Lis design above the stylized words "Boot black" written in script. the shaded background is for background purposes only and not claimed as a feature of the mark. Shoe and boot cream; shoe black, namely, shoe polish. |  |  |  |  |  |
| Lip Heroes | 79-210,027[00] | Evette Hess Poni Cosmetics Pty | 3-16-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lip". Make-Up; cosmetics; lipsticks and lip colors; non-Medicated skin care preparations; non-Medicated sun care preparations. |  |  |  |  |  |
| Elmira | 79-215,441[00] | Société Parisienne De Parfums Et Cosmétiques | 5-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Abrasives paste; abrasive strips; blocks of sandpaper for sharpening drawing pencils; silicon carbide for use as an abrasive; carbides of metal for use as an abrasive; ready-To-Use polishing wax; corundum for use as an abrasive; granular corundum for use as an abrasive; diamantine for use as an abrasive; adhesive removers; floor finish coating removing preparations; abrasive sheets; abrasive gloves, sanding apparatus in the form of a glove; abrasive granules, glass granules used as abrasives in blasting services; polishing liquids for floors; sandpaper; sandpaper for sharpening drawing pencils; polishing paper; emery paper; emery cloth; abrasive papers; polishing stone; foot smoothing stones; polishing powders; scouring powders; general-Purpose scouring powders; polishes for treating wood; abrasive rolls; abrasive sand; wax for tailors and shoemakers; shoemakers' wax; tailors' wax; cobblers' wax; essential oils; essential oils in the nature of terpenes; aromatic essential oils; sandalwood essential oils; essential oils of lemon; essential oils of cedarwood; essential oils of citron; natural essential oils; essential oils for calming the nerves; essential oils for aromatherapy use; essential oils for household use; essential oils used in the manufacture of perfumed products; plant-Based essential oils; essential oils for industrial use; essential oils for personal use; emulsified essential oils; ethereal essences and oils; natural oils for cosmetic use; non-Medicinal oils; perfumed oils; aromatics essential oils; food flavorings being essential oils; food flavorings prepared from essential oils; flavorings being essential oils for beverages; cake flavorings being essential oils; fumigating incenses being kunko; etherial essences, namely, badian essence; mint essence being essential oils; ethereal essences; flavor enhancers being essential oils for foods; pine oil for cleaning floors; skin care oils other than for medical use; scented oils that emit aromas when heated; scented oils for use in the manufacture of cosmetic products; oils for perfumes and scents; essential oil blends; perfume oils for the manufacture of cosmetic preparations; cleaning preparations for household purposes; room fragrancing preparations; shoe creams and polishes; leather polishes; preparations for cleaning, protecting and preserving vehicle surfaces; stain-Preventing chemicals for use on fabrics; caustics for industrial cleaning; rinsing agents for dishwashers; drying agents for dishwashing machines; stain-Removing preparations; cleaning preparations for household use; floor wax removers; canned pressurized air for cleaning and dusting purposes; starch for laundry cleaning purposes; ammonia for cleaning purposes; ammonia in the nature of volatile alkali used as an industrial detergent; all-Purpose cotton swabs for personal use; volcanic ash for cleaning; cloths impregnated with polishing preparations for cleaning; cloths impregnated with a detergent for cleaning of photographic lenses; non-Slipping wax for polishing floors; wax for polishing musical instruments; parquet floor wax; polishing wax; polishing, scouring and abrasive preparations. |  |  |  |  |  |
| Ahc | 79-215,698[00] | Carverkorea Co. | 7-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Cosmetics; beauty creams; body lotion; skin lotions; cosmetic preparations for skin care; skin creams; eye lotions; eye cream; facial lotions; face and body beauty creams; toilet water; lotions for cosmetic purposes; make-Up removing preparations; eyebrow cosmetics; make-Up; cosmetic preparations for baths; hair care creams; perfume; lip skin protecting materials being cosmetics, namely, non-Medicated lip protectors; sunscreen preparations. |  |  |  |  |  |
| The New Gentle Man | 79-219,646[00] | Lvmh Fragrance Brands | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Toilet soaps; perfumes; eaux de toilette; eaux de parfum; eaux de cologne; cosmetics; face and body milks for cosmetic use; face and body lotions for cosmetic use; face and body creams for cosmetic use; face and body emulsions for cosmetic use; face and body gels for cosmetic use; deodorants for personal use; shower gels; pre-Shave and after-Shave lotions; shaving creams, gels and foams. |  |  |  |  |  |
| Dare To Dance | 79-219,647[00] | Lvmh Fragrance Brands | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Toilet soaps; perfumes; eaux de toilette; eaux de parfum; eaux de cologne; cosmetics; face and body milks for cosmetic use; face and body lotions for cosmetic use; face and body creams for cosmetic use; face and body emulsions for cosmetic use; face and body gels for cosmetic use; deodorants for personal use; shower gels; pre-Shave and after-Shave lotions; shaving creams, gels and foams. |  |  |  |  |  |
| Gpf Genetic Protection Factor | 86-677,467[00] | Pharma Cosmetix Research, | 6-29-1512-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Protection". Cosmetics; non-Medicated skin cleansers, clarifiers, lotions, creams, oils, ointments, gels, sprays and powders for anti-Aging, depigmenting, whitening or bleaching skin or protecting skin from sunburns. Genetic protection factor genetic protection factor. |  |  |  |  |  |
| Dans La Peau | 86-728,206[00] | Louis Vuitton Malletier Rey, Janine | 8-18-1512-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfumery; perfumes; toilet water; eaux de parfum; eau de cologne; oils for perfumes and scents; flower extracts sold as component of cosmetics; essential oils; air fragrancing preparations; potpourris fragrances; incense; lotions for cosmetic use; cosmetic preparations for hands, face and body; non-Medicated toiletries; soaps; gels for showering; bath gels; bath oil; bath salts; foaming bath salts, foaming bath gels, foaming bath soaps; bath pearls; cleansing milk for toilet purposes; deodorants for personal use. The english translation of "Dans la peau" in the mark is "In one'S skin". |  |  |  |  |  |
| El Criollo | 87-066,421[00] | Vertice, Sas | 6-9-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) light green, dark green, orange, white and black is/Are claimed as a feature of the mark. The mark consists of a light green rectangular background and the stylized wording "El criollo" in light green outlined in white and black superimposed diagonally over a circle design in orange surrounded by three rings, in white, dark green and black. a series of small white bubbles surrounds the mark. except as otherwise indicated, the color white represents background, outlining, shading and/Or transparent areas and is not part of the mark. Laundry soap. The english translation of "El criollo" in the mark is "The creole". |  |  |  |  |  |
| Affinage Mode | 87-088,297[00] | Internatl. Hair Cosmetics | 6-29-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Soaps; perfumery, essential oils, cosmetics, hair lotions; hair care preparations; shampoos, conditioners; hair styling products, namely, hair pomades, hair lotions, hair wax, hair clay; hair spray, hair styling gel, hair mousse and hair wax; hair oils; non-Medicated preparations for the care and treatment of the hair and scalp, namely, hair and scalp lotions, creams, waxes, and pastes; hair cosmetics, namely, hair dye and hair bleach, non-Medicated hair and scalp lotions and non-Medicated hair and scalp creams; hair colourants; hair color removers. The english translation of "Affinage" in the mark is "Refining". |  |  |  |  |  |
| Metallic Glory | 87-111,702[00] | Internatl. Hair Cosmetics | 7-21-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Metallic". Soaps; perfumery, essential oils, cosmetics, hair lotions; hair care preparations; shampoos, conditioners; hair styling products, namely, hair pomades, hair lotions, hair wax, hair clay; hair spray, hair styling gel, hair mousse and hair wax; hair oils; non-Medicated preparations for the care and treatment of the hair and scalp, namely, hair and scalp lotions, creams, waxes, and pastes; hair cosmetics, namely, hair dye and hair bleach, non-Medicated hair and scalp lotions and non-Medicated hair and scalp creams; hair colourants; hair color removers. |  |  |  |  |  |
| Olja | 87-169,562[00] | Lindwall, Amy | 9-13-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Olja". The mark consists of a square box containing a smaller square which contains an image of a woman holding a staff sitting in a side profile from waist up. below the smaller square containing the image is the stylized word "Olja". Hair care preparations; non-Medicated skin care preparations. |  |  |  |  |  |
| Krly Kids | 87-201,898[00] | Ouidad Licensing | 10-13-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Kids". Baby shampoo; hair conditioners; hair conditioners for curly hair; hair conditioners for children; hair gel; hair gels; hair shampoo; hair shampoos and conditioners; hair shampoos for curly hair; hair shampoos for children; hair spray; hair styling spray; shampoos; shampoos for babies; shampoos for babies; styling sprays for children; styling sprays for curly hair; baby hair conditioner; styling gels; styling gels for curly hair; styling gels for children. |  |  |  |  |  |
| Age Immune | 87-203,708[00] | Mary Cohr | 10-14-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| After-Sun oils; bath oil; body oil; cosmetic oils; cosmetic oils for the epidermis; cosmetic sun oils; essential oils; essential oils for personal use; face oils; massage oil; sun tan oil. |  |  |  |  |  |
| Kimberly Elise Naturals Alchemy 27 | 87-234,685[00] | Trammel, Kimberly Elise | 11-11-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Naturals". Hair care products, namely, moisturizing hair oils. The name "Kimberly elise" identifies a living individual whose consent is of record. Kimberly elise naturals alchemy twenty seven. |  |  |  |  |  |
| The Prairie By Rachel Ashwell | 87-254,367[00] | Rachel Ashwell's Prairie | 12-1-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; bath soaps; body lotions; hair care preparations; hair conditioner; hair shampoo; hair spray; moisturizers; perfumes; fragrance sachets; skin creams. The name shown in the mark identifies a living individual whose consent is of record. |  |  |  |  |  |
| Totalee | 87-283,907[00] | Great Healthworks | 12-29-1612-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations; non-Medicated hair care preparations. |  |  |  |  |  |
| Facique | 87-290,180[00] | Jaja Ip Holdings | 1-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body and beauty care cosmetics; body lotions; cleansing and polishing preparations; cleansing creams; cloths or tissues impregnated with a skin cleanser; cosmetic pads; pre-Moistened cosmetic wipes; scented body lotions and creams; skin cleansers; wipes impregnated with a cleaning preparation; wipes impregnated with a skin cleanser; cosmetic preparations for skin care; nail care preparations: cosmetic preparations for slimming purposes; lotions for cosmetic use: skin lotions; fluid-Texture skin creams; tissues impregnated with cosmetic lotions; hand lotions: beauty masks; hand creams; skin whitening creams; non-Medicated lip care products, namely, lip balms, lip gloss, lipstick, lip volume maximizer and lip stains; hair care creams and, products, namely, hair shampoo, hair oils, hair color, dry shampoo, conditioner; styling hair creams; hair conditioners: hair detangling preparations; hair lotions; depilatory preparations; depilatory waxes; shaving preparations; shaving soap; shaving foams; after-Shave preparations; non-Medicated sunburn ointments; suntan enhancers, namely, suntan creams; self-Tanning preparations; non-Medicated toiletries; dentifrices; cosmetic soaps; soaps for toilet purposes; shampoos, shower gels, bath gels, bath oils; bath salts, bath foams, bath pearls, talcum powder for toilet use; cleansing milk for toilet purposes; baby oils; baby powders: make-Up products, namely, blushers, mascara, eyeliners, eye shadow palettes, foundation, face and body powder, tinted facial moisturizer, eyeshadow, skin cleansers, non-Medicated facial serums, face oils, facial masks, skin creams intended for exfoliation, skin care preparations, namely, skin peels, make-Up removers; nail polish, nail polish removers, rouge, make-Up powders, eye shadows; eye pencils; eyebrow pencils; blusher; cosmetic pencils; hair bleaches; beard dyes; hair dyes, hair styling creams or gels, hair spray; brilliantine; false nails; false eyelashes: adhesives and decorative ***transfers*** for cosmetic use, temporary tattoos ***transfers*** for use as cosmetics for the body and nails. |  |  |  |  |  |
| Leize | 87-292,477[00] | Lin,Bing | 1-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Teeth cleaning lotions; tooth powder; tooth whitening creams; tooth whitening pastes; adhesives for cosmetic purposes; alcohol for cleaning purposes; bleaching preparations for household use; breath fresheners; cake flavourings being essential oils; canned pressurized air for cleaning and dusting purposes; car polish; chemical cleaners directed to the pulp and paper industries and the metal finishing industries; chemicals sold as components of cosmetics; chrome polish; cleaning swabs for household purposes; coated abrasives and sandpaper in the form of belts, sheets, rolls and discs; decorative ***transfers*** and skin jewels for cosmetic purposes; dishwasher powder; dry cleaning preparations; dry-Cleaning preparations; epilatory strips; essential oils for household use; fabric softeners for laundry use; face paint; floor polishes; gun-Cleaning preparations; leather dressings; mouthwashes, not for medical purposes; nail decolorants; nail glitter; nail polish pens; nail polish remover pens; nail polish top coat; nail polishing powder; nail primer; non-Medicated breath freshening strips; polishing paper; preparations for cleaning dentures; reed diffusers comprised of scented oils and also including reeds and a diffuser container; rubber dressings; shoe and boot polish; silicon carbide for use as an abrasive; stain removing benzine; starch glaze for laundry purposes; talcum powder, for toilet use; tire dressings; tooth whitening pastes; wallpaper cleaning preparations; wrinkle removing spray for clothing. |  |  |  |  |  |
| Mpire Distribution | 87-294,540[00] | David Anderson, Jr. | 1-10-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) red, black and pink is/Are claimed as a feature of the mark. "Distribution". The mark consists of a shield which is half red and half black with a partial shadow behind it in pink; on the shield is a capitol "M", half of the "M" is black on the left and red on the right on opposite color background. the letters "Pire" written inside the right leg of the "M" in black. "Distribution" in black is rounded on the outside of the right "M". the shield has a pink shadow of itself on the left-Side only. Hair color; hair conditioners; hair gel; hair relaxers; hair rinses; hair shampoo; hair sprays; hair texturizers. |  |  |  |  |  |
| Nbl Cosmetics | 87-298,448[00] | Nemiroff, Nicole | 1-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Cosmetics". The mark consists of the letters "Nbl" with the word "Cosmetics" displayed vertically to the left of the letter "L". Cosmetics; beauty serums; eyebrow gel. |  |  |  |  |  |
| The Evolution Of Skincare | 87-299,030[00] | Live Ultimate | 1-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin care products, namely, non-Medicated skin serum; non-Medicated skin care creams and lotions; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels. |  |  |  |  |  |
| C | 87-299,240[00] | Choose Nanotech Corp. | 1-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized letter "C" design made up of small unshaded circles within a shaded square with rounded corners. All purpose cleaning preparations; automobile wax; metal polishing and cleaning preparations; windshield cleaner fluids; polish for furniture and flooring; preservative polish for leather. Choose. |  |  |  |  |  |
| Tom Ford Oud Minérale | 87-310,368[00] | Thomas C. Ford | 1-23-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Oud minérale". Fragrances for personal use; non-Medicated skin care preparations. The name "Tom ford" identifies a living individual whose consent is of record. The english translation of "Oud minérale" in the mark is "Wood mineral". |  |  |  |  |  |
| Glory Smart Gel | 87-312,530[00] | Image And Glory | 1-24-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Gel". Detergent soap; detergents for automobiles; detergents for household use; detergents for machine dishwashing; detergents prepared from petroleum; automatic dishwashing detergents; dish detergents; dishwasher detergents; dishwashing detergents; laundry detergent; laundry detergents; liquid laundry detergents; synthetic detergents for clothes; toilet bowl detergents. |  |  |  |  |  |
| Vegana | 87-314,013[00] | Landa Sánchez, Essau Sánchez Scott, Adriana Sofía | 1-25-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Vegana". The mark consists of the word "Vegana" in stylized font overlaying two leaves, which appear in the shape of a heart, and two brushstrokes forming an oval frame around the wording and the leaves. Vegan cosmetic creams for skin care; vegan cosmetic soaps. The english translation of "Vegana" in the mark is "Vegan". |  |  |  |  |  |
| Clean For Good | 87-317,441[00] | Bi-O-Kleen Industries | 1-30-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| All purpose and household cleaning products, namely, non-Medicated soaps, cleaning preparations with deodorizing properties, cleaning preparations with degreasing properties, glass cleaning preparations, and cleaning preparations with lubricating properties; laundry and dishwashing soaps and detergents; bleaching preparations for household use; produce wash cleaning preparations; carpet, upholstery and fabric cleaning preparations and spot removers. |  |  |  |  |  |
| Mood Blends | 87-317,722[00] | Zen Spa Enterprises | 1-30-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Blends". Personal and aromatherapy care products, namely, aromatherapy essential oils; therapeutic and stimulating massage oils, lotions and creams; relaxing massage oils, lotions and creams; bath oil; body oil; hand oil; non-Medicated feet oils; bath crystals; body scrub, face scrub, hand scrub and feet scrub; bubble bath; cologne; creams for the body, face, hands; non-Medicated foot cream; lotions for the body, face, hands and feet; non-Medicated exfoliating preparations for the skin, face, hands and feet; scrubs for face, hands, body and feet; fragrant body splash and fragrant, non-Medicated skin care preparations, namely, body mist; hair shampoo, conditioner, spray, styling gel and styling mousse; perfume; powder for the body; shower gel; and soap for face, hands, body and feet. |  |  |  |  |  |
| Dr. Kanodia Amla | 87-323,230[00] | Raj Kanodia - Amla Products | 2-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Amla". Non-Medicated skin care preparations made in whole or substantial part of amla. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies dr. kanodia, whose consent(S) to register is made of record. |  |  |  |  |  |
| Glitter Injections | 87-324,855[00] | Wong, Jessica | 2-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Glitter". Glitter for cosmetic purposes; body glitter; body glitters; face glitter; face and body glitter; lipsticks; eyeliners; highlighters; eye shadows; nail glitter; lip glosses and pressed glitters. |  |  |  |  |  |
| Rosy Tone | 87-329,804[00] | L'oréal | 2-9-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skincare preparations. |  |  |  |  |  |
| The Naturalista Collection | 87-333,908[00] | Revlon Consumer Products Corporation | 2-13-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Collection". Eye make-Up. |  |  |  |  |  |
| Essity | 87-333,942[00] | Sca Hygiene Products Ab | 2-13-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cleaning, polishing, scouring and abrasive preparations; non-Medicated skin care products, namely, washing creams, cleansing creams, moisturizers, skin lotions, barrier creams, zinc creams, hand-Washing substances, soaps, cakes of soap; perfumery, essential oils; bath oils; shampoos and conditioners; hair gels; after-Shave lotions; toothpaste; deodorants for personal use; disposable paper and cotton wipes impregnated with a cleaning preparation for cleaning, sanitary, or cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes. |  |  |  |  |  |
| Prestige Collection By Victory Prestige | 87-339,681[00] | Victory Prestige | 2-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Collection". Fragrances; non-Medicated skin care preparations, namely, body mist, shower gel, deodorant. |  |  |  |  |  |
| Purecure Peel-Off Gel Lacquer | 87-340,378[00] | Butter London | 2-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Peel-Off gel lacquer". Nail care preparations; nail polish base coat; nail polish top coat; packages in the form of nail care kits comprised of nail polish base coat, nail polish top coat, and nail care preparations; nail strengtheners and treatments, namely, non-Medicated nail preparations for promoting nail growth. |  |  |  |  |  |
| Clay's Organics Au Carré | 87-346,157[00] | Clay's Organics Au Carrè | 2-22-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The colors green, light green and yellow are claimed as a feature of the mark. "Organics" and "Au carré". The mark consists of the wording "Clay'S organics au carré" in green stylized font with a light green single line rectangle around the words "Au carré" and two leaves with their stems crossing in the right side of the rectangle. the bottom leaf is green with a light green stem. the right leaf is green and yellow with a light green stem. the white shown inside the rectangle represents background and is not claimed as a feature of the mark. 3-In-1 organic non-Medicated soap bars for use as soap, shampoo and conditioner; body lotion; essential oils; hair conditioners; hair oils; hair shampoo; all made in whole or significant part of organic ingredients. The english translation of "Au carré" in the mark is "Squared". |  |  |  |  |  |
| A Asgharali | 87-347,626[00] | Asghar Ali Co. W.L.L. | 2-23-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a single letter "A" which has a flower incorporated therein. to the right of the "A" is the word, "Asgharali" and arabic equivalent. Perfumery, essential oils, cosmetics. The name "Asgharali" does not identify a living individual. The non-Latin characters in the mark transliterate to "Asgharali" and this has no meaning in a foreign language. |  |  |  |  |  |
| The Austrian Miracle | 87-350,830[00] | Fordee Group | 2-27-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Austrian". Cosmetic creams for skin care; oils for cosmetic purposes; exfoliant creams; non-Medicated creams, serums for use on body and face; skin moisturizer and night cream; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners, and peels; cosmetic age spot reducing creams. |  |  |  |  |  |
| Trucare | 87-361,901[00] | Zinpro Corporation | 3-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Topical skin cream. |  |  |  |  |  |
| Rclndp | 87-366,516[00] | Shenzhen Qing Zhou Trading Co. | 3-10-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "Rclndp" and the drawing of the heart on the crown. Artificial eyelashes; artificial fingernails; body art pens; body art stickers; body and beauty care cosmetics; cosmetic cotton wool; decorative ***transfers*** for use as cosmetics; false eyelashes; false nails; false nails made of powder and liquid acrylics, polymer resin, silk; fingernail decals; fingernail embellishments; fingernail jewelry; fingernail sculpting liquid; fingernail sculpturing overlays; fingernail tips; henna for cosmetic purposes; nail art stickers; nail enamels; nail gel; nail glitter; nail polish; nail repair products, namely, nail wraps; nail tips; tattoo removal preparations; temporary tattoo sprays and stencils therefor sold as a unit; temporary tattoo ***transfers*** for use as cosmetics. The wording "Rclndp" has no meaning in a foreign language. |  |  |  |  |  |
| Lucky Grooming | 87-370,212[00] | Kaffenbarger, Amos | 3-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Grooming". Cosmetic oils, namely, face oils, hair dressings for men, hair oils, oils for hair conditioning; hair care products, namely, shampoos, hair creams, hair gels, hair-Washing powders, hair oils, shaving creams, shaving gels, and aftershaves; skin care products, namely, non-Medicated cosmetic soap, body wash, face wash, non-Medicated skin care lotions and creams, face cream, body cream and lotions, skin cream and lotions, general purpose mentholated ointments not for medical use, anti-Aging creams, anti-Aging gel, anti-Aging lotion, sunscreen, deodorants and antiperspirants for personal use, namely, deodorizing body powder, deodorizing body lotion, deodorizing soaps, deodorizing wipes; non-Medicated anti hair-Loss treatment preparations for cosmetic purposes; non-Medicated wrinkle removing skin care preparations. |  |  |  |  |  |
| Simply Confident | 87-374,649[00] | Rockline Industries | 3-16-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated pre-Moistened feminine hygiene cleansing and cosmetic wipes and towelettes; non-Medicated disposable wipes and towelettes impregnated with chemicals or compounds for personal hygiene use; feminine hygiene products, namely, non-Medicated feminine hygiene cleansing wipes. |  |  |  |  |  |
| K Lombardi. Like No Other | 87-396,166[00] | K. Lombardi Brand | 4-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) peach, white, and black is/Are claimed as a feature of the mark. The mark consists of a black background with the stylized wording "K. lombardi" in peach stylized font, with the dot in the "I" being completed with a white outline of a heart. the stylized "K" stretches under the word "Lombardi" and points to the wording "Like no other" in white stylized font. Cosmetics. The name and/Or signature shown in the mark identifies laketa lombardi, a living individual whose consent to register is of record. |  |  |  |  |  |
| Eeeeeee | 87-401,656[00] | Sca Hygiene Products Ab | 4-6-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) blue and pink is/Are claimed as a feature of the mark. The mark consists of a design of four blue lower case letter "E"S and three pink reversed lower case letter "E"S stacked in three rows. Cleaning, polishing, scouring and abrasive preparations; non-Medicated skin care products, namely, washing creams, cleansing creams, moisturizers, skin lotions, barrier creams, zinc creams, hand-Washing substances, soaps, cakes of soap; perfumery, essential oils; bath oils; shampoos and conditioners; hair gels; after-Shave lotions; toothpaste; deodorants for personal use; disposable paper and cotton wipes impregnated with a cleaning preparation for cleaning, sanitary, or cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes. |  |  |  |  |  |
| Fresh Pickins | 87-402,525[00] | Fresh Pickins Farm | 4-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Lip balm; non-Medicated herbal body care products, namely, tinctures, salves, balms and body oils. Fresh pickens. |  |  |  |  |  |
| Eeeeeee | 87-402,768[00] | Sca Hygiene Products Ab | 4-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a design of four lower case letter "E"S and three reversed lower case letter "E"S stacked in three rows. Cleaning, polishing, scouring and abrasive preparations; non-Medicated skin care products, namely, washing creams, cleansing creams, moisturizers, skin lotions, barrier creams, zinc creams, hand-Washing substances, soaps, cakes of soap; perfumery, essential oils; bath oils; shampoos and conditioners; hair gels; after-Shave lotions; toothpaste; deodorants for personal use; disposable paper and cotton wipes impregnated with a cleaning preparation for cleaning, sanitary, or cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes. |  |  |  |  |  |
| Eeeeeee Essity | 87-403,047[00] | Sca Hygiene Products Ab | 4-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a design of four lower case letter "E"S and three reversed lower case letter "E"S stacked in three rows appearing to the left of the stylized word "Essity". Cleaning, polishing, scouring and abrasive preparations; non-Medicated skin care products, namely, washing creams, cleansing creams, moisturizers, skin lotions, barrier creams, zinc creams, hand-Washing substances, soaps, cakes of soap; perfumery, essential oils; bath oils; shampoos and conditioners; hair gels; after-Shave lotions; toothpaste; deodorants for personal use; disposable paper and cotton wipes impregnated with a cleaning preparation for cleaning, sanitary, or cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes. |  |  |  |  |  |
| Eeeeeee Essity | 87-403,459[00] | Sca Hygiene Products Ab | 4-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) blue and pink is/Are claimed as a feature of the mark. The mark consists of a design of four blue lower case letter "E"S and three pink reversed lower case letter "E"S stacked in three rows appearing to the left of the stylized word "Essity" in blue. Cleaning, polishing, scouring and abrasive preparations; non-Medicated skin care products, namely, washing creams, cleansing creams, moisturizers, skin lotions, barrier creams, zinc creams, hand-Washing substances, soaps, cakes of soap; perfumery, essential oils; bath oils; shampoos and conditioners; hair gels; after-Shave lotions; toothpaste; deodorants for personal use; disposable paper and cotton wipes impregnated with a cleaning preparation for cleaning, sanitary, or cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes. |  |  |  |  |  |
| Fusion | 87-416,738[00] | Mycone Dental Supply Co. | 4-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Artificial nail enhancement, namely, overlays and artificial nail extensions to enhance the length and/Or shape of nails. |  |  |  |  |  |
| Pure Planets | 87-426,283[00] | Gibbons, Gina L Pulaski, Marissa M | 4-26-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Pure planets" in black text and white background. a stylized capitalized "P" lowercase stylized "U" "R" "E" capitalized and stylized "P" lowercase and stylized "L" "A" "N" "E" "T" "S". Flower essences for cosmetic purposes. |  |  |  |  |  |
| Double Double Care Facelift Mirce Ddc | 87-436,046[00] | Duan, Huizhen Xiao, Hezuo | 5-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) brown is/Are claimed as a feature of the mark. "Care". The mark consists of an outline of a circle in brown with the wording "Double double care" in the top portion of the outline and "Facelift mirce" in the bottom portion. a circle design separates the terms "Double" and "Facelift" as well as the terms "Care" and "Mirce". inside the circle outline is an outline of a face in brown with three curved brown bars above the lettering "Ddc" in brown. the color white in the mark merely represents transparent background and is not claimed as a feature of the mark. After-Sun gels; after-Sun lotions; aftershave moisturising cream; age retardant gel; age retardant lotion; age spot reducing creams; almond milk for cosmetic purposes; anti-Aging cleanser; anti-Aging cream; anti-Aging cream containing a retinoic ingredient not for medical purposes; anti-Aging moisturizer; anti-Aging moisturizers used as cosmetics; anti-Aging toner; anti-Freckle creams; anti-Wrinkle creams; argan oil for cosmetic purposes; aromatic essential oils; aromatic preparations, namely, cream, lotion, body spray; baby lotion; baby oils; beauty balm creams; beauty creams; beauty serums; body lotions; body and beauty care cosmetics; chemicals sold as components of cosmetics; cleansing creams; collagen preparations for cosmetics purposes; cosmetic body care preparations, namely, body scrubs, non-Fragranced shower gels; cosmetic nourishing creams; cosmetic preparations against sunburn; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for skin renewal; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetic sun-Protecting preparations; cosmetic sun milk lotions; cosmetic white face powder; cream for whitening the skin; essential oils for personal use, household use; exfoliant creams; eye cream; face and body beauty creams; facial concealer; facial moisturizer with spf; fair complexion cream; non-Medicated beauty soap; skin conditioning creams for cosmetic purposes; skin lighteners; skin lightening creams; face, body, hand moisturizers. Double double care facelift mirce double double care. |  |  |  |  |  |
| Isa | 87-436,456[00] | Isa Beauty Organics | 5-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) orange and white is/Are claimed as a feature of the mark. The mark consists of an orange circle containing the word "Isa" in white stylized lettering. Non-Medicated cosmetic skin care preparations consisting of organic essential oils, organic carrier oils, and organic herbs. |  |  |  |  |  |
| Perfume Party | 87-437,488[00] | Alary, Daren | 5-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Perfume". The mark consists of the words "Perfume party" within a designed perfume mister bottle form the logo. the words "Perfume party" appear within the bottle of the design of a perfume bottle. the perfume bottle features four, four point stars above it and three four point stars within the bottle portion of the design. there a solid line under the word "Party" which forms the base of the perfume bottle. Perfume; perfume oils; perfume oils for the manufacture of cosmetic preparations; perfumed creams; perfumed extracts for tissues and perfumes; perfumed paste; perfumed powder; perfumed powders; perfumed soaps; perfumed talcum powder; perfumes; perfumes and colognes; perfumes and toilet waters; perfumes in solid form; perfumes, aftershaves and colognes; perfumes, eau de colognes and aftershaves; perfumes, eaux de cologne and aftershaves; perfuming sachets; cosmetics in general, including perfumes; essential oils as perfume for laundry purposes; liquid perfumes; oils for perfumes and scents; sachets for perfuming linen. |  |  |  |  |  |
| Chamiso Royale | 87-439,277[00] | Mt. Blanca Artisans | 5-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Aromatic potpourris. The wording "Chamiso" has no meaning in a foreign language. |  |  |  |  |  |
| With Turbo Clean Fresheners | 87-440,141[00] | The Procter & Gamble Company | 5-8-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "With" and "Clean fresheners". The mark consists of stacked stylized words "With turbo clean fresheners" surrounded by a double outlining of wispy circular devices. Laundry detergents; laundry odor eliminating preparations. |  |  |  |  |  |
| With Turbo Clean Brighteners | 87-440,145[00] | The Procter & Gamble Company | 5-8-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "With" and "Clean brighteners". The mark consists of stacked stylized words "With turbo clean brighteners" surrounded by a double outlining of wispy circular devices. Laundry detergents; laundry stain removing preparations. |  |  |  |  |  |
| Cidbest | 87-447,043[00] | Suzhou Xinyue Network Technology Co.,Ltd | 5-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Aromatic essential oils; bath salts, not for medical purposes; beard dyes; beauty masks; cosmetic preparations for slimming purposes; cosmetics; essential oils; face milk and lotions; hand cleaning preparations; lipstick; make-Up; perfumes; skin soap. |  |  |  |  |  |
| H · Hermessence · Collection Cardamusc | 87-455,009[00] | Hermes International | 5-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Collection". The mark consists of the stylized letter "H" surrounded by two concentric circles which contain the stylized wording "Collection hermessence" with middle dots separating the wording. the stylized word "Collection" is featured above the stylized word "Hermessence". the stylized wording "Cardamusc" is featured vertically below the stylized wording "Hermessence" and design featuring two concentric circles. Perfumery products, namely, perfumes, toilet water, perfume water, eau de cologne, essential oils for personal use; cosmetics; make-Up preparations; hair and body lotions; non-Medicated soaps; deodorants for personal use; gels for the bath; gels for the shower; shampoos; beauty creams for the body. The wording "Cardamusc" has no meaning in a foreign language. |  |  |  |  |  |
| Organihair | 87-456,087[00] | The Lungen Corp | 5-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair conditioners; hair sprays and hair gels; shampoo-Conditioners; hair shampoo; all of the aforementioned goods are made in whole, or in significant part, of organic ingredients. |  |  |  |  |  |
| Diva Bombshell | 87-475,767[00] | Perfect Plus | 6-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care products, namely, shampoos, conditioners, oils, hair sprays, styling gels, and mousse. |  |  |  |  |  |
| Netflix | 87-479,286[00] | Netflix | 6-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; lipstick; lip balms and lip gloss; eye liner; eye shadow; brow pencils; mascara; nail polish; blush; body powder; make-Up powder; concealers for face; make-Up kits comprised of lipstick, lip gloss, lip liners, foundations, powders, eyeshadows, brow gels/Tints, mascara, eyeliner, bronzers, blushes, and/Or concealers; fragrances; cologne; perfume; scented body spray; scented room spray; face and body lotion; suntan lotion; non-Medicated face and body soaps; bath salts not for medical purposes; bath gel; bubble bath; liquid bath soaps; body scrub; facial scrub; skin masks; massage oil; hair care products, namely, hair mousse, hair gel, hair wax, hair dye, hair soap, and heat protection sprays; hair shampoos; hair conditioners; hair care preparations; skin soap; bath and shower gels; skin lotions; skin creams; massage oil; deodorant for personal use; temporary tattoo ***transfers*** for use as cosmetics. |  |  |  |  |  |
| Archipelago Botanicals | 87-482,626[00] | Ckla | 6-9-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Botanicals". Shampoo, hair conditioner, body wash, bath soap, facial soap, bath and shower gel, hand wash in the nature of non-Medicated hand soap, shaving cream, body butter, non-Medicated lip balm. |  |  |  |  |  |
| Syrene Bath Bombs Luxury Bath Products | 87-486,430[00] | Syrene | 6-13-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Bath bombs luxury bath products". The mark consists of a shaded circle design containing a stylized open infinity symbol with a stem that ends with three leaves above the stylized wording "Syrene" with the words "Bath bombs" below it and "Luxury bath products" underneath. Bath bombs; bath fizzies; bath melts; bath salts, not for medical purposes; bath soaps; bath soaps in liquid, solid or gel form; bath and shower gels and salts not for medical purposes; bath beads; bath cream; bath crystals; bath flakes; bath foam; bath foams; bath gel; bath gels; bath herbs; bath lotion; bath milks; bath oil; bath oils; bath oils for cosmetic purposes; bath pearls; bath powder; bath preparations, not for medical purposes; bathing lotions; body scrub; bubble bath; cosmetic creams; cosmetic hand creams; cosmetic masks; cosmetic milks; cosmetic oils; cosmetic olive oil for the face and body; cosmetic preparations; cosmetic preparations for body care; cosmetic preparations for skin care; cosmetic preparations, namely, skin balsams; cosmetic skin fresheners; cosmetic soaps; cosmetics in the form of milks, lotions and emulsions; cosmetics sold as an integral component of non-Medicated skincare preparations; moisturizing preparations for the skin; moisturizing solutions for the skin; shower gel; shower gels; shower and bath gel; shower creams; skin moisturizer; skin moisturizer masks; skin moisturizers used as cosmetics; skin moisturizing gel; aromatic oils for the bath; baby bubble bath; body and beauty care cosmetics; coconut oil for cosmetic purposes; cosmetic bath salts; cosmetic body scrubs for the face, feet and hands; cosmetic body care preparations, namely, body scrubs; cosmetic preparations for bath and shower; cosmetic preparations for baths; flower essences for cosmetic purposes; foam bath; fragranced body care preparations, namely, shower gels; fragranced skin care preparations, namely, skin cleansers; gels for cosmetic purposes; gift baskets containing non-Medicated bath preparations and cosmetic preparations; liquid bath soaps; milk for cosmetic purposes; mineral salt in the nature of bath salts not for medical purposes; non-Foaming cosmetic preparations for the skin, face and body; non-Medicated bath salts; non-Medicated bath soap; non-Medicated bath soaps in liquid, solid or gel form; non-Medicated bath preparations; non-Medicated bubble bath preparations; non-Medicated soap in the form of bath toys; non-Medicated body soaks; non-Medicated foot soaks; oil baths for hair care; oils for cosmetic purposes; shea butter for cosmetic purposes; shower and bath foam; skin and body topical lotions, creams and oils for cosmetic use; skin fresheners; skin moisturizers. |  |  |  |  |  |
| Jelly Beam | 87-489,071[00] | Farsali Corp, | 6-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Make up; skin illuminating product, namely skin highlighters. |  |  |  |  |  |
| Emulsion Mixinstandout | 87-491,013[00] | Nuha Consultancy | 6-15-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Emulsion". The mark consists of the bolded words "Emul sion" in a larger font than the word "Mixinstandout" which appears at the bottom of the design. the words "In" and "Out" appear in a bolder font than the words "Mix" and "Stand". Aromatic essential oils; astringents for cosmetic purposes; cosmetic preparations for baths; beauty masks; bleaching preparations for cosmetic purposes; cosmetic kits featuring aromatic and scented oils, essential oils, natural essential oils, exfoliant creams, non-Medicated exfoliating preparations for skin, and fragrances; cosmetics; cotton wool for cosmetic purposes; cosmetic creams; skin whitening creams; deodorants for personal use; depilatories; depilatory preparations; eyebrow cosmetics; eyebrow pencils; adhesives for affixing false hair; false nails; hair colorants; hair dyes; hair lotions; hair spray; hair waving preparations; lipsticks; make-Up; make-Up powder; make-Up preparations; make-Up removing preparations; mascara; nail care preparations; nail polish; nail varnish; oils for cosmetic purposes; cosmetic pencils; perfumes; shampoos; cosmetic skin care preparations; non-Medicated soaps; tissues impregnated with cosmetic lotions; nail varnish removing preparations. Emul sion mix in stand out. |  |  |  |  |  |
| Philip's Own | 87-491,415[00] | Philip's Own Apothecary | 6-15-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Massage oil, non-Medicated herbal body care salves, bath bombs, body butter, non-Medicated body care balms; non-Medicated skin creams with essential oils for use in aromatherapy; massage lotions; none of the foregoing containing marijuana. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies philip deal, whose consent(S) to register is made of record. |  |  |  |  |  |
| Natralogics | 87-493,974[00] | Goldsmith & Co | 6-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic preparations for the care of mouth and teeth. |  |  |  |  |  |
| Zk Zandi · K | 87-498,263[00] | Zandi K Products | 6-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a small "Z" and "K" combined in a cursive font with "Zandi k" positioned beneath the cursive "Zk" with a dot in between the "I" in "Zandi" and the "K". Exfoliant creams; moisturizing creams. The name "Zandi k" in the mark does not identify a particular living individual. |  |  |  |  |  |
| Ecolunes | 87-500,779[00] | Terzi, Aynur | 6-22-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized term "Ecolunes" and design. the design consists of a tree whose branches are formed by leaves pointing upward forming a crescent shape. the trunk of the tree casts a shadow to the left. the term "Ecolunes" appears below the design.????. All-Purpose household cleaning preparations; disposable wipes impregnated with cleaning chemicals or compounds for household use; multi-Surface household cleaning preparations; bathtub and tile cleaning preparations; floor cleaning preparations; preparations to clean dishes and bottles, namely, hand dishwashing detergent, automatic dishwashing detergent, baby bottle detergent; cleaning preparations for cleaning toys and furniture surfaces; disposable wipes impregnated with cleansing chemicals or compounds to clean toys and furniture; dishwasher rinsing agents; bath soap, toilet soap, laundry bleach, household cleaning preparations for use in nurseries; glass cleaning preparations; shower cleaning preparations; non-Medicated hand soaps; laundry detergent; antistatic dryer sheets; fabric softeners for laundry use, cleaning preparations to remove stains; non-Medicated skin care preparations; non-Medicated diaper rash creams and ointments; non-Medicated skin lotions, creams, oils and gels for infants, children and adults; face, hand, and baby wipes; shampoo and body shower gel preparations; moisturizing cream body soap preparations; bubble bath; lip and face balms; skin moisturizing lotions; toothpaste; non-Medicated skin care preparations, namely, skin ointments for cosmetic purposes; sunscreen creams and sun block preparations; sunscreen sticks and sprays. The wording "Ecolunes" has no meaning in a foreign language. |  |  |  |  |  |
|  | 87-502,515[00] | Jing Si Publishing Co. | 6-23-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of upper and lower horizontally directed and intersecting cusp-Like contours with three ball-Like designs arranged in a triangular formation above the upper cusp-Like contour. the designs are set against a shaded rectangular background. Body cream; soap, namely, bar soap; cleansing milk for cosmetic purposes; cosmetics; detergents for household use; essential oils; facial cleansers; hair lotion; hand cream; liquid soaps for hands, face and body, namely, skin soap. |  |  |  |  |  |
| Spot Attack | 87-516,006[00] | Arienn Deacon | 7-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Spot". The mark consists of the stylized wording "Spot attack" appearing on a circle; blotches appearing within the circle; and a horizontal line extending away from the left side of the letter "S" in the word "Spot" and a horizontal line extending away from the right side of the letter "T" in the word "Spot". Laundry bleaching preparations; stain removers; stain removing preparations; bleaching preparations for laundry use; washing preparations and laundry bleach. |  |  |  |  |  |
| Revitalize | 87-517,113[00] | Revitalize Products | 7-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) silver and black is/Are claimed as a feature of the mark. The mark consists of the stylized word "Revitalize" in upper case silver font on a black background. the "A" is represented by an angle with no crossbar. Cosmetic masks. |  |  |  |  |  |
| Ed Hardy | 87-517,965[00] | Hardy Way | 7-6-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Eye shadow, lipstick, lip gloss, eye pencils, blush, nail polish, nail polish remover, wet and dry makeup foundation, mascara, skin, facial and body concealer, face and body powder, lip liner, eye makeup remover, skin cleanser, skin toner, skin moisturizer and makeup cases containing makeup, namely, eyeshadow, blush, face powder, lipstick, lip gloss, lip balm, skin, facial and body concealer, eyeliner sold as a unit. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies don ed hardy, whose consent(S) to register is made of record. |  |  |  |  |  |
| Terravive | 87-518,845[00] | Puretek Corporation | 7-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| After sun non-Medicated preparation for providing post sun-Care, anti-Aging cream, anti-Wrinkle cream, essential oils for use in aromatherapy, astringents for cosmetic purposes, bath beads, bath crystals, bath gel, bath oil, body cream, body emulsions, body lotions, body masks, body scrubs, skin cleansing lotion, cold cream, compacts for cosmetic use, cold cream, eye cream, hand cream, night cream, skin cleansing cream, skin cream, vanishing cream, essential oils for personal use, eye gel, face lotions, facial masks, facial scrub, shower gel, skin moisturizer, sun block preparations, sun creams, and sunscreen preparations. The english translation of the word "Terravive" in the mark is "Earth live". |  |  |  |  |  |
| Extentioniste | 87-519,181[00] | L'oreal | 7-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Shampoos; cosmetics gels, make-Up powder; cosmetic sprays mousses, balms, creams; non-Medicated skin care preparations, namely, lotions; serums for cosmetic purposes; cosmetic masques; oils and waxes for hair styling and haircare; hair sprays, hair lacquers; hair colouring and hair decolorant preparations; protective colour for treated hair; permanent hair waving and hair curling preparations; hair strengtheners preparations. The wording "Extentioniste" has no meaning in a foreign language. |  |  |  |  |  |
| Ccori Rosé | 87-520,141[00] | Jafer Enterprises R&D, Slu | 7-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Rosé". Perfumery, fragrances for personal use, eau de cologne, eau de perfume, toilet water, perfumes; antiperspirants; deodorant for personal use; non medicated skin creams, gels and lotions; cosmetics; scented body lotions; hair shampoos and conditioners; mousses, gels, creams, lotions and balms for taking care of, styling, cleaning, fortifying and spraying hair. |  |  |  |  |  |
| Naturessenceusa Naturelight Ultra | 87-520,800[00] | Naturessence Usa | 7-9-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Ultra". Body cream; body lotion; body scrub; body wash; facial scrubs; skin cleansers; skin moisturizer; skin moisturizer masks; skin moisturizing gel; skin toners. |  |  |  |  |  |
| Yukons Beard | 87-523,250[00] | Denham, Anthony W | 7-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Beard". The mark consists of "Yukons beard" stylized within a beard of a mans face that consists of hair a mustache and beard. Lotions for beards; non-Medicated beard care preparations, namely, oils, lotions and beard products in the nature of beard oils, beard balms, and mustache waxes. |  |  |  |  |  |
| All Seasons | 87-523,680[00] | Guinot | 7-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) red is/Are claimed as a feature of the mark. The mark consists of the words "All seasons" in stylized script with a flower on the right hand side and a flower stem extension from under the letter "A" to the flower bud, all in red. Cosmetic preparations for body care; face and body lotions; hair care preparations; hair lotion; non-Medicated skin care preparations; perfume; skin soap; face and body creams; non-Medicated beauty soap. |  |  |  |  |  |
| Katties Åkesson | 87-524,180[00] | Elsa Katarina Veronica Akesson | 7-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Aromatic oils; aromatic essential oils; essential vegetable oils; ethereal oils; ethereal essences; face oils; body oils; massage oils; body butter; non-Medicated foot and skin preparations, namely, cosmetic preparations for skin care, foot lotions and hair care preparations; nail care preparations; aromatic oils for the bath; facial moisturizers; skin moisturizers used as cosmetics; beauty soap; skin soap; shaving soap; body scrub; aftershave preparations; hair oils; baby oil; non-Medicated beard care preparations, namely, oils; foot scrubs ; hand scrubs; facial scrubs; non-Medicated preparations all for the care of skin, hair and scalp. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies elsa katarina veronica akesson, whose consent(S) to register is made of record. |  |  |  |  |  |
| Éternelle Pharma | 87-524,823[00] | Marcas De Renombre, S.A. De C.V. | 7-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Pharma". The mark consists of the word "Éternelle" in upper case letters. beneath it, the word "Pharma" appears in smaller font between two horizontal lines. above "Éternelle", there appears a wreath inside a square shape with curved sides. Cosmetics; essential oils; hair lotion; perfumery. The english translation of the word "Éternelle" in the mark is "Eternal". |  |  |  |  |  |
| Crys Cosmetics | 87-525,486[00] | Bates, Crystal | 7-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Cosmetics". Eye shadow; false eyelashes; hair highlighting spray; lipstick. "Crys" identifies crystal bates, a living individual whose consent is of record. Crystal cosmetics. |  |  |  |  |  |
|  | 87-525,723[00] | Melancon, Malcolm H | 7-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) black, white and green is/Are claimed as a feature of the mark. The mark consists of a green happy face with black outline with black eyes, white teeth, and a black outlined mouth. Face painting kits; make-Up kits comprised of organic materials, namely, lip stick and eyeliners; saddle soap. |  |  |  |  |  |
| Keep The Mystery | 87-526,601[00] | L'oreal | 7-13-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfumes, eaux de toilette; non-Medicated bath and shower gels and salts; toilet soaps; personal deodorants; cosmetics, namely, creams, milks, lotions, gels and powders for face, body and hands; non-Medicated sun-Tanning and after-Sun milks, gels and oils; make-Up preparations; shampoos; shaving foams, gels and soaps; aftershave lotions and creams. |  |  |  |  |  |
| Wowax | 87-527,957[00] | Guangzhou Yangbo Trading Co.,Ltd. | 7-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Aromatic essential oils; aromatic potpourris; bath salts, not for medical purposes; beauty masks; cosmetic bath salts; cosmetic pencils; cosmetics; cotton wool for cosmetic purposes; depilatories; depilatory preparations; essential oils; fragrance sachets; non-Medicated balms for use on skin; oil of turpentine for degreasing; potpourri; skin care preparations, namely, body balm; turpentine for degreasing; vanilla perfumery; wax for removing body hair; depilatory wax; laundry wax; mustache wax. |  |  |  |  |  |
| Ses-Chlorophyll | 87-528,572[00] | Sesderma, S.L. | 7-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics, beauty creams, eye cream, beauty gels, gels for cosmetic purposes, beauty ampoules, namely, skin moisturizers, beauty serums, skin softeners, skin moisturizer, non-Medicated exfoliating preparations for the face, facial moisturizers, cosmetic preparations for skin care, skin care preparations, namely, chemical peels for the skin, and facial beauty masks, all of the foregoing goods containing chlorophyll. |  |  |  |  |  |
| The Power Of Nature Beauty Essentials | 87-528,645[00] | The Power Of Nature Beauty Essentials | 7-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) gold, brown, and green is/Are claimed as a feature of the mark. "Beauty". The mark consists of "The power of nature beauty essentials" in brown, with a gold oil drop and a green leaf. Body butter; body oils; body scrub; face oils; hair waving lotion; hair waving preparations; lip balm; lotions for face and body care; toning lotion, for the face, body and hands; waving preparations for the hair; almond soap; baby lotion; bar soap; bath lotion; beauty lotions; beauty soap; body lotion; body lotions; cosmetic body scrubs for the body butter, body scrub; cosmetic body care preparations, namely, body butter, body scrub; cosmetic olive oil for the face and body; deodorant soap; facial lotion; facial scrubs; foot scrubs; fragranced body care preparations, namely, body butter, body scrub; hand lotions; hand scrubs; naturally handmade non-Medicated soap bars; non-Medicated handmade soap bars; non-Medicated lip balms; non-Medicated herbal body care products, namely, body oils, salves, and lip balms; perfumed soap; saddle soap; skin lotion; skin lotions; skin soap; skin and body topical lotions, creams and oils for cosmetic use; skin cleansing lotion. |  |  |  |  |  |
| Araceli | 87-529,377[00] | Mcj Holdings | 7-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Eye make-Up; eye pencils; eye-Shadow; eyes make-Up; make-Up kits comprised of color eye cosmetics; make-Up sets. |  |  |  |  |  |
| Araceli | 87-529,405[00] | Mcj Holdings | 7-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the word "Araceli" using stylized letters: "A" "R" "A" "C" "E" "L" "I". Eye make-Up; eye pencils; eye-Shadow; make-Up kits comprised of color eye cosmetics; make-Up sets. |  |  |  |  |  |
| Asahd Couture | 87-529,865[00] | Business Moves Consulting | 7-16-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Couture". Fragrances, cosmetics, skin care products, namely, non-Medicated skin care preparations, non-Medicated skin care creams and lotions, namely, body cream, hand cream, skin lotion, body lotions, skin moisturizers, skin emollient, skin cleansing creams, skin cleansing lotions, all for adults and infants; hair care products, namely, non-Medicated hair care preparations, non-Medicated hair gel, shampoo, conditioner, hair mousse, hair oils, hair pomades, hair spray. The wording "Asahd" has no meaning in a foreign language. |  |  |  |  |  |
| Mmpk Sustainment Pack | 87-530,251[00] | United Sources Sought | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Pack". Refill packs in the nature of hygiene kits comprised of body powder and wipes impregnated with a cleaning preparation. |  |  |  |  |  |
| Racer's Choice | 87-530,445[00] | Superior Bearing & Supply | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Racer'S". Automobile and car wax preparations; waterless spray for the cleaning and waxing of vehicles. |  |  |  |  |  |
|  | 87-530,465[00] | Singing Flower Studio | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) yellow, green and white is/Are claimed as a feature of the mark. The mark consists of the image of a yellow flower with green petals on a white background. Body cream soap; face and body lotions; hand lotions; lip balm; natural soap bars; skin soap. |  |  |  |  |  |
| T.L.C. Sukari Babyfacial | 87-530,698[00] | Drunk Elephant | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty masks containing glycolic acid; skin masks containing glycolic acid; non-Medicated skin care preparations containing glycolic acid. T.L.C. sukari baby facial. The english translation of "Sukari" in the mark is "Sugar". |  |  |  |  |  |
| T.L.C. Framboos | 87-530,707[00] | Drunk Elephant | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty serums containing raspberry; non-Medicated skin care preparations containing raspberry. The english translation of "Framboos" in the mark is "Raspberry". |  |  |  |  |  |
| Shaba Complex | 87-530,713[00] | Drunk Elephant | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Complex". Beauty serums containing copper; non-Medicated facial and eye serum containing antioxidants and copper; non-Medicated skin care preparations containing copper. The english translation of "Shaba" in the mark is "Copper". |  |  |  |  |  |
| Nikki Naturally | 87-530,811[00] | Corona, Nicole J | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Body butter; deodorant for personal use; lip balm; sun screen; tooth powder; cosmetics sold as an integral component of non-Medicated skincare preparations; non-Medicated lip balms. |  |  |  |  |  |
| Cleancult | 87-530,893[00] | Cleancult | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Detergent soap; detergents for household use; laundry balls containing laundry detergent; laundry bleach; laundry bleaching preparations; laundry detergent; laundry detergents; laundry fabric conditioner; laundry pre-Soak; laundry soap; fabric softeners for laundry use; liquid laundry detergents; powder laundry detergents; synthetic detergents for clothes. Clean cult. |  |  |  |  |  |
| Furphy Free Essentials | 87-531,103[00] | Dutton, James H | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Essentials". 3-In-1 organic non-Medicated soap bars for use as soap, shampoo and conditioner; anti-Perspirants; antiperspirant soap; antiperspirants; antiperspirants and deodorants for personal use; antiperspirants for personal use; bath and shower gels and salts not for medical purposes; bath beads; bath bombs; bath cream; bath crystals; bath fizzies; bath flakes; bath foam; bath foams; bath gel; bath gels; bath herbs; bath lotion; bath melts; bath milks; bath oil; bath oils for cosmetic purposes; bath pearls; bath powder; bath preparations, not for medical purposes; bath salts, not for medical purposes; bath soaps; bath soaps in liquid, solid or gel form; beauty balm creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty milks; beauty serums; beauty soap; hair care creams; hair care lotions; hair conditioner; hair conditioners; hair conditioners for babies; hair creams; hair detangling preparations; hair dressings for men; hair dressings for women; hair gel; hair nourishers; hair oils; hair rinses; hair shampoo; hair shampoos and conditioners; hand cleaners; hand cleaning gels; hand cleaning preparations; hand cream; hand creams; hand lotions; hand scrubs; lip balm; lip balm; lip cream; lip gloss; lip stains; shave creams; shaving balm; shaving cream; shaving creams; shaving foam; shaving gel; shaving gels; shaving lotion; shaving lotions; shaving mousse; shaving preparations; shaving spritz in the nature of a moisturizing solution for shaving; shaving stones; soap for foot perspiration; soap powder; after shave lotions; after-Shave; after-Shave balms; after-Shave creams; after-Shave emulsions; after-Shave gel; after-Shave liquid; after-Shave lotions; aftershave; aftershave preparations; almond soap; almond soaps; aromatic oils for the bath; baby hair conditioner; baby bubble bath; baby hand soap; bar soap; body and beauty care cosmetics; body cream soap; bubble bath; cakes of soap; cakes of non-Medicated soap; cakes of toilet soap; cosmetic bath salts; cosmetic soaps; cosmetic preparations for baths; cream soaps; deodorant soap; deodorants and antiperspirants; deodorants and antiperspirants for personal use; face and body beauty creams; facial beauty masks; foam bath; gift baskets containing non-Medicated bath preparations and cosmetic preparations; granulated soaps; liquid bath soaps; loofah soaps; lotions for beards; natural soap bars; naturally handmade non-Medicated soap bars; non-Medicated bath preparations; non-Medicated bath salts; non-Medicated bath soap; non-Medicated bath soaps in liquid, solid or gel form; non-Medicated beauty soap; non-Medicated lip balms; non-Medicated bar soap; non-Medicated bubble bath preparations; non-Medicated cosmetic soap; non-Medicated cream soap; non-Medicated hand soaps; non-Medicated handmade soap bars; non-Medicated herbal body care products, namely, body oils, salves, and lip balms; non-Medicated liquid soap; non-Medicated soap in the form of bath toys; oil baths for hair care; oils for hair conditioning; organic soap bars; paper soaps for personal uses; perfumed soap; perfumed soaps; pre-Shave creams; pre-Shave gels; pre-Shave liquid; pre-Shaving preparations; shaving soap; shaving soaps; shower and bath foam; shower and bath gel; skin soap; toilet soap; toilet soaps. |  |  |  |  |  |
| Skin Society | 87-531,308[00] | The Style Society Corporation | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skin". Non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners, peels, masks, cleansers. |  |  |  |  |  |
| Tohuu | 87-531,489[00] | Shenzhen Tebida Trading Co.,Ltd | 7-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Tohuu" in stylized font to the right of a design of the tyre and waves. Air fragrancing preparations; aromatic oils; automobile wax; canned pressurized air for cleaning and dusting purposes; cloths impregnated with a detergent for cleaning; polishing wax; sachets for perfuming linen; scouring solutions; volcanic ash for cleaning; windscreen cleaning liquids. The wording "Tohuu" has no meaning in a foreign language. |  |  |  |  |  |
| Omo Sade | 87-531,876[00] | Folasade Bosede Tyler | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Omo sade" in stylized capital letters. inside the letter "D" is the shape of the african continent. above the wording appears the design of a sun and an ocean surrounded by a palm tree and four villas which are situated in a v-Like formation. a horizontal line separates the wording from the design. the wording and design are centered within a square having a double border. inside the border is a continuous wavy line with solid dots situated in the concave portions of the line. Cosmetics; liquid bath soaps; facial cleansers; skin moisturizers; face oils; body oils; bath oils; essential oils; perfume oils; oils for cosmetic purposes; skin toning oils; shea butter for cosmetic purposes; facial masks; beauty masks; lipstick; foundation; face powder. "Omo" appearing in the mark means "Child". |  |  |  |  |  |
| True Clean | 87-531,924[00] | Solid Start | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Clean". Hand cleaners. |  |  |  |  |  |
| Neostrata Regenerative Dermatology | 87-531,950[00] | Neostrata Company | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Regenerative dermatology". Facial cleansers, lotions for cosmetic purposes, facial moisturizers, creams for cosmetic purposes, gels for cosmetic purposes, beauty serums, skin toners, exfoliating facial washes, exfoliating lotions for cosmetic purposes, facial scrubs, sunscreen preparations, facial masks, facial skin peels, anti-Aging creams and non-Medicated anti-Aging serums; skin cleansers for the body, body lotions, body moisturizers, body creams, beauty gels; eye creams, gel eye masks; cosmetics, namely, foundation and concealers for the skin, face and body. |  |  |  |  |  |
| Miracle Shine | 87-531,972[00] | Gpmi Company | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Shine". Tire dressing in the nature of aerosol spray used to shine vehicle tires. |  |  |  |  |  |
| Glamour Ghoul | 87-532,095[00] | Garcia, Clarissa | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations; semi-Permanent hair color. |  |  |  |  |  |
| Nature's Sunscreen | 87-532,670[00] | Kletter, Jeff S | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sunscreen". Sunscreen cream; sunscreen creams; sunscreen preparations; cosmetic sunscreen preparations; waterproof sunscreen. |  |  |  |  |  |
| Sugar Dynamite | 87-532,741[00] | Amira Ahmed | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sugar". Non-Medicated personal care products, namely, body butters, body creams, body scrub, body polish, body spray, and body wash for humans; exfoliators, moisturizers and lotions for the body, face, hands and feet; lip balm and lip cream; scented body sprays; shaving preparations and after-Shave lotions; perfumes, fragrances and preparations for perfuming linens, namely, scented linen sprays. |  |  |  |  |  |
| Golden·Shell + | 87-532,875[00] | Zhejiang Golden-Shell Medical Technology Co. | 7-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized "Golden shell" with a dot between the terms followed by a plus sign appearing within a shaded circle, and with a shell-Like design above. Cosmetics; facial masks; hand cream; make-Up; non-Medicated handmade soap bars; non-Medicated mouth rinse; non-Medicated mouth washes; sunscreen cream. Golden shell plus. |  |  |  |  |  |
| Hotchland Nutrition | 87-533,485[00] | Dong Thai Distribution And Import Company | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Nutrition". Non-Medicated skin care preparations. |  |  |  |  |  |
| Hotchland Nutrition | 87-533,490[00] | Dong Thai Distribution And Import Company | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Nutrition". The mark consists of the stacked literal elements "Hotchland nutrition" and a curved line with an overall incomplete oval shape enveloping the right side of said literal elements. Non-Medicated skin care preparations. |  |  |  |  |  |
| Chlorinated Plus | 87-533,509[00] | Spartan Chemical Company | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Chlorinated". Degreasing preparations for commercial, industrial, institutional and professional use. |  |  |  |  |  |
| Wise Roots Living | 87-533,775[00] | Wise Roots Living | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body scrub; eye cream; lip balm; make-Up; make-Up remover; make-Up removing lotions; make-Up foundation; make-Up sets; moisturizing preparations for the skin; moisturizing solutions for the skin; toning lotion, for the face, body and hands; anti-Wrinkle creams; anti-Aging moisturizer; body butter; body wash; cleaning and washing preparations; eye make-Up remover; eye-Washes, not for medical purposes; facial moisturizers; facial washes; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; hair butter; non-Medicated anti-Aging serum; non-Medicated facial and eye serum containing antioxidants; non-Medicated skin serums; non-Medicated skin care preparation, namely, body mist; skin moisturizer; skin moisturizer masks. |  |  |  |  |  |
| Flash Flush | 87-533,861[00] | Smith & Cult | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Flush". Blush; cosmetics. |  |  |  |  |  |
| Dead Sea Secrets | 87-534,253[00] | Consulting Services | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Dead sea". Non-Medicated skin care preparations; skin masks; facial masks; non-Medicated bath salts; skin care sets containing non-Medicated bath salts, skin soap, facial masks and/Or gel eye masks, and also including massage apparatuses and/Or stress relief exercise balls; skin care sets containing non-Medicated bath salts, facial masks and/Or gloves impregnated with moisturizing preparations for the hands; skin care sets containing non-Medicated bath salts, facial masks and/Or gel eye masks; gloves impregnated with skin moisturizing preparations; all of the foregoing containing ingredients from the dead sea. |  |  |  |  |  |
|  | 87-534,288[00] | Magnificent Seven | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a big duck followed by three baby ducks, with the big duck wearing a crown. Non-Medicated baby skin care preparations, namely, baby balm, baby wash, baby oil, baby lotion, diaper rash cream, non-Medicated baby ointment, baby hand wash. |  |  |  |  |  |
| Deep Steep | 87-534,306[00] | Magnificent Seven | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated baby skin care preparations, namely, baby balm, baby wash, baby oil, baby lotion, diaper rash cream, non-Medicated baby ointment, baby hand wash. |  |  |  |  |  |
| Miavino Sensual | 87-534,772[00] | Brown, Miranda | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations. |  |  |  |  |  |
| Bubbly Mermaid Bath Creations | 87-534,808[00] | Bubbly Mermaid Bath Creations | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Bubbly" and "Bath creations". Bath bombs; body butter. |  |  |  |  |  |
| Araceli Beauty | 87-534,905[00] | Mcj Holdings | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Beauty". Eye make-Up; eye pencils; eye shadow; make-Up kits comprised of color eye cosmetics; make-Up sets. |  |  |  |  |  |
| Beauty Con Pasión | 87-534,914[00] | Mcj Holdings | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Eye make-Up; eye-Shadow; eyes pencils; make-Up kits comprised of color eye cosmetics; make-Up sets. The english translation of "Con pasión" in the mark is "With passion". |  |  |  |  |  |
| Jalisco Eyes | 87-534,918[00] | Mcj Holdings | 7-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Eyes". Eye make-Up; eye pencils; eye-Shadow; make-Up kits comprised of color eye cosmetics; make-Up sets. |  |  |  |  |  |
| Face Rejuvenator | 87-536,038[00] | Beauty Skin Deep | 7-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Face". Skin and body topical lotions, creams and oils for cosmetic use. |  |  |  |  |  |
| Bruise Out | 87-536,057[00] | Beauty Skin Deep | 7-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Bruise". Skin and body topical lotions, creams and oils for cosmetic use. |  |  |  |  |  |
| Skin Snob | 87-536,140[00] | Skin Snob | 7-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skin". Private label cosmetics. |  |  |  |  |  |
| Elta Md | 87-536,488[00] | Elta Md | 7-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Md". Non-Medicated skin care preparations. |  |  |  |  |  |
| Glam Up | 87-536,759[00] | Spigen Korea Co. | 7-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Aloe vera gel for cosmetic purposes; anti-Aging cream containing a retinoic ingredient not for medical purposes; bath powder; bb creams; beauty lotions; beauty masks; beauty serums; blush; blush pencils; blusher; body glitter; body glitters; body lotion; body lotions; body mask powder; body powder; cc creams; concealers for face, body; cosmetic creams; cosmetic creams for skin care; cosmetic facial blotting papers; cosmetic preparations for eyelashes; cosmetics; cosmetics and make-Up; cosmetics, namely, lip primer; creamy foundation; decorative ***transfers*** for use as cosmetics; eye-Shadow; eye liner; eye make-Up remover; eye shadow; eye shadows; eyebrow colors; eyebrow cosmetics; eyebrow pencils; eyeliner pencils; eyeliners; eyeshadow; eyeshadows; face paint; face powder; facial beauty masks; facial cleansers; facial concealer; facial cream; facial lotion; facial make-Up; facial moisturizers; facial oils; facial washes; false nails; foam cleansers for personal use; foundation make-Up; foundations; glitter for cosmetic purposes; henna for cosmetic purposes; lip gloss; lip gloss palette; lip glosses; lip liner; lip neutralizers; lip stains; lipstick; lipsticks; liquid eyeliners; long lash mascaras; lotions for cosmetic purposes; lotions for face and body care; make-Up foundation; make-Up foundations; make-Up powder; make-Up primer; make-Up remover; make-Up removing lotions; make-Up removing milks; make-Up sets; make up removing preparations; mascara; mascaras; mask pack for cosmetic purposes; nail-Polish removers; nail glitter; nail paint; nail polish; nail polish base coat; nail polish remover; nail polish removers; nail polish top coat; nail primer; nail tips; nail varnish; nail varnish for cosmetic purposes; nail varnish removers; nail varnishes; non-Medicated lip plumping preparations; powder for make-Up; retinol cream for cosmetic purposes; skin bronzer; skin bronzing creams; skin cleansers; skin lotion; skin lotions; skin moisturizer; skin cleansing lotion; sponges impregnated with cleaning preparations; sun-Block lotions; sun care lotions; sunscreen cream; sunscreen creams; sunscreen preparations; temporary tattoo ***transfers*** for use as cosmetics; tissues impregnated with make-Up removing preparations; adhesives for false eyelashes, hair and nails; cosmetic sunscreen preparations; face and body glitter; hair highlighting spray. |  |  |  |  |  |
| Plu | 87-536,869[00] | Zivon Cosmetic Co. | 7-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cuticle removing preparations; body cleanser; face and body lotions; foam soaps for personal use; cleansing foam in the form of bubble bath; facial scrub; face wash foams; hand cleansers; pre-Moistened cosmetic cleansing tissues; body scrubs; facial scrubs; foot scrubs; hand scrubs; sun-Protecting cosmetics; shampoos; hair rinses; body lotion; exfoliant soaps; washing preparations and laundry bleach; non-Medicated cleansers for skin, face, and hands; cakes of soap for body washing. |  |  |  |  |  |
| Shinyogle | 87-536,969[00] | Beijing Jinhongtianyu Ecommerce Co.,Ltd. | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cotton sticks for cosmetic purposes; beauty masks; false eyelashes; cosmetic preparations for eyelashes; cosmetic kits comprised of non-Medicated cosmetics, lipstick, lip gloss; cosmetics; cotton wool for cosmetic purposes; cosmetic pencils; toiletries, namely, bath soaps, non-Medicated toiletry preparations; eyebrow cosmetics; false nails; eyebrow pencils; adhesives for affixing false eyelashes; nail art stickers; eye shadow. The wording "Shinyogle" has no meaning in a foreign language. |  |  |  |  |  |
| Zoetouch | 87-537,005[00] | 1Byone Products | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "Zoetouch". Air fragrancing preparations; beauty masks; cosmetic preparations for skin care; cosmetic soaps; cosmetics; cotton for cosmetic purposes; deodorants for human beings or for animals; emery cloth; facial cleansers; leather cleaning preparations; lipstick; nail polish; perfume; potpourri; rose oil for cosmetic purposes; scouring powders; shampoos; sunscreen cream; toothpaste. Zoe touch. |  |  |  |  |  |
| Flying Jazz Monkey Still Flying Since 1967 | 87-537,312[00] | Flying Jazz Monkey | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Since 1967". The mark consists of two concentric circles where the inner circle contains a monkey head bust wearing sunglasses. the outer circle contains the wording "Flying jazz monkey" on top and the wording "Still flying since 1967" on the bottom. a shaded circle appears on each side of the outer circle between the two aforementioned phrases. Aviation cleaning preparations. Flying jazz monkey still flying since nineteen sixty seven. |  |  |  |  |  |
| Tony Skin | 87-537,379[00] | Tony Skin | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skin". Non-Medicated bath salts; skin creams. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| True Green Organics | 87-537,480[00] | True Green Organics | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Green" and "Organics". Detergents for machine dishwashing; automatic dishwashing detergents; dishwasher detergents; dishwashing detergents; all of the foregoing made in whole or substantial part of organic ingredients. |  |  |  |  |  |
| Wr Wod Relief | 87-537,616[00] | Wod Relief | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Wod relief". The mark consists of the wording "Wr wod relief" in a stylized font, with the letter "O" appearing as a kettle bell, with the letters "Wr" appearing within the kettle bell, and with the wording "Relief" appearing underneath the wording "Wr wod". Non-Medicated balms for use on muscles; non-Medicated herbal body care products, namely, topical creams, salves, and balms. |  |  |  |  |  |
| Wr Wod Relief | 87-537,642[00] | Wod Relief | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Wod relief". The mark consists of the wording "Wr wod relief" in a stylized font, with the letters "Wr" appearing at the top within a kettle bell, and with the wording "Wod relief" appearing underneath the kettle bell. Non-Medicated balms for use on muscles; non-Medicated herbal body care products, namely, topical creams, salves, and balms. |  |  |  |  |  |
| Diapspray | 87-537,805[00] | Jumping Spray Skincare | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Diaper changing spray to be sprayed on a baby or toddler during a diaper change to assist with the diaper change, namely, non-Medicated body spray. Diaper spray. |  |  |  |  |  |
| Emma's Remedies | 87-538,230[00] | Bronner Bros | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Remedies". Non-Medicated hair and skin care preparations. |  |  |  |  |  |
|  | 87-538,337[00] | Auto Armour Ppf | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of an overall hexagonal design comprising an upward facing chevron superimposed and overlapping at the tips of a downward facing chevron. Automobile cleaners; leather cleaning preparations; spray cleaners for use on vehicles; waterless spray for the cleaning and waxing of vehicles. |  |  |  |  |  |
| Aura Organics | 87-538,378[00] | Starr Labs | 7-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Organics". Organic cosmetic creams; organic beauty serums. |  |  |  |  |  |
| Camas Lilly | 87-539,193[00] | Tollisen, Marylyn | 7-24-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| (Based on use in commerce) cosmetic creams; cosmetic masks; cosmetic nourishing creams; cosmetic preparations; cosmetic preparations for skin renewal; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetic skin fresheners; anti-Aging moisturizers used as cosmetics; astringents for cosmetic purposes; body and beauty care cosmetics; cleansing creams; cosmetic creams for skin care; face creams for cosmetic use; flower essences for cosmetic purposes; fragranced skin care preparations, namely, rosewater toner; hand masks for skin care; lotions for cosmetic purposes; mask pack for cosmetic purposes; non-Medicated skin care creams and lotions; non-Medicated skin care preparation, namely, body mist; non-Medicated skin care preparations; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; non-Medicated skin care preparations, namely, lotions, creams, gels, toners, peels, cleaners; pore tightening mask packs used as cosmetics; private label cosmetics; rose oil for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin conditioning creams for cosmetic purposes; skin fresheners; skin moisturizers used as cosmetics; topical skin sprays for cosmetic purposes; wrinkle-Minimizing cosmetic preparations for topical facial use; skin care moisturizers; (Based on intent to use) cosmetic balls; cosmetic bath salts; cosmetic body care preparations, namely, body scrubs, non-Fragrance shower gels; cosmetic body scrubs for the face, feet, hands, body, face, arms, legs; cosmetic cotton wool; cosmetic facial blotting papers; cosmetic hair dressing preparations; cosmetic hair filling powders for covering bald and thinning spots on the scalp; cosmetic hair regrowth inhibiting preparations; cosmetic hand creams; cosmetic massage creams; cosmetic milks; cosmetic oils; cosmetic oils for the epidermis; cosmetic olive oil for the face and body; cosmetic pads; cosmetic pencils; cosmetic preparations against sunburn; cosmetic preparations for bath and shower; cosmetic preparations for baths; cosmetic preparations for body care; cosmetic preparations for eyelashes; cosmetic preparations for nail drying; cosmetic preparations for protecting the skin from the sun'S rays; cosmetic preparations for removing gel nails, acrylic nails, and nail polish; cosmetic preparations for slimming purposes; cosmetic preparations for the care of mouth and teeth; cosmetic preparations for the hair and scalp; cosmetic preparations, namely, skin balsams; cosmetic products in the form of aerosols for skincare; cosmetic rouges; cosmetic soaps; cosmetic sun milk lotions; cosmetic sun oils; cosmetic sun-Protecting preparations; cosmetic sun-Tanning preparations; cosmetic sunscreen preparations; cosmetic suntan lotions; cosmetic suntan preparations; cosmetic tanning preparations; cosmetic white face powder; cosmetics; cosmetics and cosmetic preparations; cosmetics and make-Up; cosmetics in general, including perfumes; cosmetics in the form of milks, lotions and emulsions; cosmetics sold as an integral component of non-Medicated skincare preparations; cosmetics, namely, compacts; cosmetics, namely, lip primer; cosmetics, namely, lip repairers; skin care preparation, namely, body polish; skin care preparations, namely, skin peels; skin care preparations, namely, body balm; skin care preparations, namely, chemical peels for skin; skin care preparations, namely, fruit acid peels for skin; skin care products, namely, non-Medicated skin serum; acrylic nail powder, liquid preparations for shaping or sculpting nails; adhesives for cosmetic purposes; adhesives for cosmetic use; after-Sun gels; after-Sun milks; after-Sun oils; almond milk for cosmetic purposes; aloe vera gel for cosmetic purposes; aloe vera preparations for cosmetic purposes; alum stones; amla oil for cosmetic purposes; argan oil for cosmetic purposes; bath melts; bath oils for cosmetic purposes; bath powder; bb creams; bleaching preparations for cosmetic purposes; castor oil for cosmetic purposes; cc creams; chalk for cosmetic use; chemicals sold as components of cosmetics; cleaner for cosmetic brushes; cleansing milk for cosmetic purposes; cocoa butter for cosmetic purposes; coconut oil for cosmetic purposes; collagen preparations for cosmetics purposes; colognes, perfumes and cosmetics; coloring preparations for cosmetic purposes; cosmetic preparations for skin care; cosmetic products in the form of aerosols for skin care; cotton balls for cosmetic purposes; cotton buds for cosmetic purposes; cotton for cosmetic purposes; cotton puffs for cosmetic purposes; cotton sticks for cosmetic purposes; cotton swabs for cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes; cotton wool balls for cosmetic use; cotton wool buds for cosmetic use; cotton wool for cosmetic purposes; decorative ***transfers*** and skin jewels for cosmetic purposes; decorative ***transfers*** for cosmetic purposes; decorative ***transfers*** for use as cosmetics; double eyelids tapes; eye compresses for cosmetic purposes; eyebrow cosmetics; foot masks for skin care; gauze for cosmetic purposes; gels for cosmetic purposes; gift baskets containing non-Medicated bath preparations and cosmetic preparations; glitter for cosmetic purposes; grape seed oil for cosmetic use; greases for cosmetic purposes; hair pomades; hair stick pomades; henna for cosmetic purposes; hydrogen peroxide for cosmetic purposes; impregnated cleaning pads impregnated with cosmetics; lip neutralizers; lip stains; liquid latex for covering skin when painting fingernails; make-Up kits comprised of lipstick, lip gloss, foundation; milk for cosmetic purposes; mineral powder for use in cosmetic body wrap applications; nail cosmetics; nail paint; nail primer; nail varnish for cosmetic purposes; non-Medicated cosmetic soap; non-Medicated cosmetic skin care preparations consisting of organic coconut virgin oil and coconut virgin oil; non-Medicated hair treatment preparations for cosmetic purposes; non-Medicated preparations all for the care of skin, hair and scalp; nutritional oils for cosmetic purposes; oil removing papers for cosmetic purposes; oils for cosmetic purposes; paraffin wax for cosmetic purposes; pencils for cosmetic purposes; perfume oils for the manufacture of cosmetic preparations; petroleum jelly for cosmetic purposes; phytocosmetic preparations; plant and herb extracts sold as components of cosmetics; pomades for cosmetic purposes; pomades for hair, lip, for cosmetic purposes; pre-Moistened cosmetic tissues; pre-Moistened cosmetic towelettes; pre-Moistened cosmetic wipes; retinol cream for cosmetic purposes; seawater-Based skin care preparations for skin renewal; self-Tanning preparations; shaving stones; shea butter for cosmetic purposes; solid powder for compacts; spirit gum for cosmetic use; suntan oils for cosmetic purposes; tanning and after-Sun milks, gels and oils; tanning gels; tanning milks; tanning oils; teeth whitening strips impregnated with teeth whitening preparations; temporary tattoo ***transfers*** for use as cosmetics; tissues impregnated with cosmetic lotions; tooth whiteners for cosmetic purposes comprised of neutral sodium fluoride sustained release gel; wrinkle removing skin care preparations. |  |  |  |  |  |
| Victoria's Body Shoppe | 87-540,274[00] | Victoria Johnson | 7-24-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Body shoppe". Non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels. The name shown in the mark identifies a living individual whose consent to register is made of record. |  |  |  |  |  |
| Babel | 87-541,517[00] | Babel Alchemy Usa | 7-25-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the words "Babel" written in stylized letters. Body wash; dry shampoos; hair shampoos and conditioners; non-Medicated beard care preparations, namely, oils, balms, and cleaners; non-Medicated soaps; reed diffusers comprised of scented oils and also including reeds and a diffuser container; sun block; wipes impregnated with a cleaning preparation; wipes impregnated with a skin cleanser; perfumes, aftershaves and colognes; pre-Moistened cosmetic wipes. |  |  |  |  |  |
|  | 87-542,339[00] | Belligerent Beard | 7-25-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized image of a face featuring sunglasses and a beard. Men'S grooming products, namely, non-Medicated beard care creams, lotions, oils, and cleansers; non-Medicated beard oils. The portrait shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Belligerent Beard | 87-542,355[00] | Belligerent Beard | 7-25-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Beard". Men'S grooming products, namely, non-Medicated beard care creams, lotions, oils, and cleansers; non-Medicated beard oils. |  |  |  |  |  |
| Rapid Remedy | 87-542,629[00] | Juuva Enterprises | 7-25-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Remedy". Cosmetic preparations for skin renewal. |  |  |  |  |  |
| Follome | 87-542,943[00] | Hangzhou Panduo Information Technology Co.,Ltd. | 7-26-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Follome" in stylized font. Adhesives for affixing false eyelashes; after-Shave lotions; anti-Perspirants; cosmetic hair regrowth inhibiting preparations; cosmetic pencils; cosmetics; cotton swabs for cosmetic purposes; cotton wool for cosmetic purposes; deodorant for personal use; deodorants for animals; double eyelids tapes; eyebrow cosmetics; eyebrow pencils; eyeliner; eyeshadows; false eyelashes; false nails; hair colourants; hair oils; hair waving preparations; lip cream; lip gloss; lipstick; mustache wax; nail-Polish removers; nail art stickers; nail care preparations; nail polish; nail polish base coat; non-Medicated lip balms; rouges; skin care preparations, namely, body balm; talcum powder; tooth powder; tooth whitening pastes; toothpaste. Follow me. The non-Latin characters in the mark transliterate to "Follome" and this means "Follomay" in english. The wording follome has no meaning in a foreign language. |  |  |  |  |  |
| Power Shield | 87-547,506[00] | Morningstar Design | 7-28-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bar soap; bath soaps; naturally handmade non-Medicated soap bars. |  |  |  |  |  |
| Noble | 87-547,576[00] | Panaceanano, | 7-28-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of "Noble" with stylized letter "O" written as a diamond. Skin care cosmetic creams and serums. |  |  |  |  |  |
| Acticaps | 87-547,847[00] | Makingcosmetics | 7-28-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Anti-Aging cream containing a retinoic ingredient not for medical purposes; anti-Aging moisturizers used as cosmetics; non-Medicated anti-Aging serum. Acti caps. |  |  |  |  |  |
| Avant La Rose Be Unique | 87-548,175[00] | Avant La Rose | 7-29-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) red, magenta, black is/Are claimed as a feature of the mark. "Rose". The mark consists of two swooshes placed one above the other, the one on top is red and the one below is magenta. below the image is the phrase "Avant la rose" in upper case, red, stylized letters. below the phrase is a thin horizontal, black line, followed by the phrase "Be unique" in black, upper case letters below the line. Cosmetics and skin care products, namely, non-Medicated skin care preparations. The english translation of the word "Avant la rose" in the mark is "Before the rose". |  |  |  |  |  |
| Xoco | 87-548,337[00] | Jamie Marshie | 7-30-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Toothpaste; toothpastes; non-Medicated mouthwash and gargle. |  |  |  |  |  |
|  | 87-548,375[00] | Drunk Elephant | 7-30-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized elephant. Beauty masks; beauty serums; eye cream; facial cleansers; facial masks; lip balm; non-Medicated skin care preparations; skin cleansers; skin masks; skin moisturizer; cleansing bars; face and body beauty creams; face and body lotions; face powder; facial oils; gels for cosmetic purposes; moisturizing creams; skin bronzer; skin care kits comprised of an assortment of non-Medicated skin care preparations; sunscreen. |  |  |  |  |  |
| Envymax | 87-548,654[00] | Cyberena | 7-31-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic hair filling powders for covering bald and thinning spots on the scalp. Envy max. |  |  |  |  |  |
| Legendary Impressions | 87-549,584[00] | Sterling Llc Usa | 7-31-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body lotion; body wash; cologne; hair shampoo; hand cream; perfume; non-Medicated skin care preparation, namely, body mist; scented body spray. |  |  |  |  |  |
|  | 87-550,678[00] | Hangzhou Wanzhu Investment Management Co., | 8-1-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of one chinese character. Cosmetics; eye shadows; skin whitening creams; spot remover; beauty masks; cleaning preparations; cleansing milk for toilet purposes; cosmetic preparations for skin care; ethereal oils; wrinkle resistant cream. The non-Latin characters in the mark transliterate to "Sa" and this means "Thirty" in english. |  |  |  |  |  |
| L | 87-551,105[00] | Triad Catalog Co. | 8-1-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of "L" in a stylized format. Fragrances; fragrances for personal use. |  |  |  |  |  |
| Coral Palm | 87-551,173[00] | Aerin | 8-1-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Fragrances for personal use; non-Medicated skin care preparations. |  |  |  |  |  |
| Isofresh | 87-551,199[00] | Fairhaven Health | 8-1-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated feminine gel. Iso fresh. |  |  |  |  |  |
| Voyage Heritage | 87-551,377[00] | Nautica Apparel | 8-1-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Aftershave cologne; cologne; eau-De-Toilette; shaving creams; scented body lotions and creams. |  |  |  |  |  |
| Perfect For Anyone With A Face | 87-551,916[00] | Togospa | 8-1-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Single-Use collagen gel masks; lip balm; non-Medicated skin serums; skin toners; skin cream. |  |  |  |  |  |
| Dermasuri | 87-552,283[00] | Dermasuri | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| Biolight | 87-552,669[00] | Sarkli-Repechage | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations, namely, cleansers, toners, creams, serums for use on the skin, gels, facial masks and facial treatment kits containing non-Medicated cleansers, toners, peels, serums for use on the skin, facial masks, gels and creams. Bio light. |  |  |  |  |  |
| If You Can See The Trick, It Isn't Magic | 87-553,172[00] | Hatchbeauty Agency | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and make-Up; eyebrow cosmetics; eyeliner; foundation; lipstick; mascara; cosmetic preparations for the hair and scalp; creamy face powder; face powder. If you see the trick, it is not magic. |  |  |  |  |  |
| Big Deal | 87-553,183[00] | Hatchbeauty Agency | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and make-Up; mascara. |  |  |  |  |  |
| A World Of Beauty Awaits | 87-553,409[00] | Cushen, Shawn | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bath beads; bath bombs; bath cream; bath crystals; bath fizzies; bath flakes; bath foam; bath gels; bath lotion; bath milks; bath oil; bath pearls; bath preparations, not for medical purposes; bath and shower gels and salts not for medical purposes; body scrub; cosmetic bath salts; cosmetic preparations for baths; face creams; facial cleansers; facial moisturizers; facial scrubs; lotions for cosmetic purposes; make-Up; non-Medicated beauty soap; non-Medicated cosmetic soap; skin cleansers; skin moisturizer; non-Medicated bath soaps in liquid, solid or gel form. |  |  |  |  |  |
| Drop And Give Me 10 | 87-553,617[00] | Louis-Harris, Donna M | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated nail care preparations. Drop and give me ten. |  |  |  |  |  |
| Yiber | 87-553,962[00] | Geestock Technology Co. | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Adhesives for affixing false eyelashes; beauty masks; cosmetic pencils; cosmetic preparations for baths; cosmetic preparations for skin care; cosmetics; cotton wool for cosmetic purposes; eye shadow; eyebrow cosmetics; eyebrow pencils; false eyelashes; false nails; hair spray; lip glosses; lipsticks; anti-Freckle creams; cotton puffs for cosmetic purposes; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; non-Medicated toiletry preparations. The wording "Yiber" has no meaning in a foreign language. |  |  |  |  |  |
| Ithink | 87-553,973[00] | Thinkoperations | 8-2-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic preparations for body care; lip balm; lotions for face and body care. I think. |  |  |  |  |  |
| Vitibiet | 87-554,214[00] | Xu Ting | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bath bombs; beauty serums; body lotion; body scrub; body and beauty care cosmetics; cleaner for cosmetic brushes; cosmetic preparations for slimming purposes; cosmetic suntan lotions; dentifrices; nail care kits comprising nail polish; shower gel; skin masks; tooth powder. The wording "Vitibiet" has no meaning in a foreign language. |  |  |  |  |  |
| Plenty Of Pout | 87-554,544[00] | Make-Up Art Cosmetics | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| Baeo | 87-554,733[00] | Preen | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated body and skin care preparations for babies and women namely, body balms, body salves, face balms, lip balms, body butters, massage butters, dusting powders, baby powders, liquid soaps for hands, face and body. |  |  |  |  |  |
| Hilltop Garden | 87-555,095[00] | Hilltop Gardens | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Moisturizing cream; aftershave cream; body and bath cleansing lotion; sun screen; non-Medicated sunburn cream; non-Medicated salve for treating joint pain; shampoo and conditioner. |  |  |  |  |  |
| Faces Of Force | 87-555,118[00] | Faces Of Force | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Shaving creams; shaving gels; skin creams; skin lotions; skin moisturizer; after-Shave; body wash; facial washes. |  |  |  |  |  |
| Bo-Thum | 87-555,155[00] | Groseclose, Jimmy | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Fabric softeners for laundry use; laundry detergent. |  |  |  |  |  |
| Mckinley | 87-555,343[00] | Mckinley Automotive Products | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Tire gloss and automotive cleaning preparations. |  |  |  |  |  |
| Footgod | 87-555,470[00] | Smashtech | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated foot lotions; non-Medicated skin care preparations, namely, peels. Foot god. |  |  |  |  |  |
| Sunherb | 87-555,677[00] | Shantou Chenghai Jinyi Technology Development Co., | 8-3-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Anti-Wrinkle cream; bath lotion; bath salts, not for medical purposes; cosmetic preparations for baths; cosmetics; eye-Shadow; hair conditioner; hair lotions; lip glosses; lipsticks; perfumes; shampoos. Sun herb. The wording "Sunherb" has no meaning in a foreign language. |  |  |  |  |  |
| Navsuma | 87-555,795[00] | Wang Xinhu | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty masks; cosmetic pencils; cosmetics; eyebrow cosmetics; false eyelashes; false nails; lip glosses; nail art stickers; nail polish. |  |  |  |  |  |
| Okaida | 87-555,797[00] | Wang Xinhu | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty masks; cosmetic pencils; cosmetics; eyebrow cosmetics; false eyelashes; false nails; lip glosses; nail art stickers; nail polish. |  |  |  |  |  |
| Vowosic | 87-555,802[00] | Wang Xinhu | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty masks; cosmetic pencils; cosmetics; eyebrow cosmetics; false eyelashes; false nails; lip glosses; nail art stickers; nail polish. |  |  |  |  |  |
| 4Ever Ultra Color | 87-556,103[00] | Ebin New York, | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Color". Hair color. Forever ultra color. |  |  |  |  |  |
| Fleshpot Eye And Cheek Gloss | 87-556,270[00] | Revlon Consumer Products Corporation | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Eye and cheek gloss". Eye make-Up; face creams for cosmetic use. |  |  |  |  |  |
|  | 87-556,496[00] | Yuenan Ma | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Decalcifying and descaling preparations for cleaning household products; dentifrices; air fragrancing preparations; facial cleansers; facial masks; hair lotions; essential oils; perfumes; cosmetics for animals; dishwashing detergents. The non-Latin characters in the mark transliterate to "Mi" and "Xia" and this means "Rice" and "Go" in english. |  |  |  |  |  |
| Pilot Farm | 87-557,086[00] | Pilot Farms | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Essential oils; essential oils for aromatherapy use; essential oils for personal use. |  |  |  |  |  |
| Reveal The Beauty! | 87-557,211[00] | For Life Products | 8-4-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cleaning agents and preparations; cleaning agents for cleaning surfaces; cleaning and polishing preparations; cleaning preparations for floors; floor stripping or cleaning preparation; household cleaning preparations. |  |  |  |  |  |
| 77Gel | 87-557,486[00] | Wilson, Gideon | 8-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Deodorant for personal use; deodorants and antiperspirants for personal use; deodorants for body care; deodorants for human beings; foot deodorant spray. Seven seven gel. |  |  |  |  |  |
| Epspa | 87-557,738[00] | Dead Sea Fusion | 8-6-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty balm creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty milks; beauty serums; beauty soap; body and beauty care cosmetics; body cream soap; face and body beauty creams; facial beauty masks; non-Medicated beauty soap. |  |  |  |  |  |
| Isaleen | 87-557,818[00] | Chen Shunyong | 8-6-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Adhesives for cosmetic purposes; bleaching preparations for cosmetic purposes; coloring preparations for cosmetic purposes; cosmetic pencils; cosmetics; cosmetics and make-Up; eyeshadow; facial concealer; false eyelashes; false nails; lip glosses; lipsticks; make-Up; make-Up powder; make-Up preparations; make-Up removing preparations; nail polish; nail varnish; rouge; varnish-Removing preparations. The wording "Isaleen" has no meaning in a foreign language. |  |  |  |  |  |
| Maange | 87-557,843[00] | Wu Xuying | 8-6-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Adhesives for affixing false eyelashes; beauty masks; breath freshening sprays; cleaning and polishing paper; cosmetic creams; cosmetic preparations for eyelashes; cosmetics; cotton sticks for cosmetic purposes; cotton wool for cosmetic purposes; deodorants for human beings or for animals; eyebrow cosmetics; eyebrow pencils; eyeshadows; false eyelashes; false nails; hair conditioner; hair straightening preparations; leather preserving polishes; lip glosses; lipstick; lipstick cases; lipsticks; make-Up kits comprised of lipstick, lip gloss; nail polish; nail varnish; perfume; perfumes. |  |  |  |  |  |
| Shine-It | 87-559,192[00] | For Life Products | 8-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cleaning agents and preparations; cleaning agents for cleaning surfaces; cleaning preparations; cleaning preparations for cleaning surfaces; cleaning preparations for household purposes; cleaning preparations for floors; cleaning and polishing preparations; floor stripping or cleaning preparation; household cleaning preparations. |  |  |  |  |  |
| Kohle | 87-559,247[00] | The Unique Collective | 8-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; sponges impregnated with cleaning preparations; toothpaste; non-Medicated mouthwash and gargle. The english translation of "Kohle" in the mark is "Coal". |  |  |  |  |  |
| Always Smell Good | 87-559,296[00] | Li, Brian | 8-7-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin soap; non-Medicated skin care preparations. |  |  |  |  |  |
| La Anti-Aging Brilliance | 87-564,290[00] | Quality Ip Holdings | 8-10-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Anti-Aging". Cosmetics. |  |  |  |  |  |
| Transition | 87-564,513[00] | Crow River Animal Hospital | 8-10-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Essential oils; essential oils for household use; essential oils for personal use; essential oils for use in aromatherapy; essential oils for use with animals; aromatic essential oils. |  |  |  |  |  |
| Victoria's Secret Girl Gang | 87-564,623[00] | Victoria's Secret Stores Brand Management | 8-10-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Girl". Body lotions; body sprays; eau de perfume; eau de toilette; fragrances and perfumery; non-Medicated skin care preparation, namely, body mist; perfume. |  |  |  |  |  |
| Bella Curls | 87-565,751[00] | Renpure, | 8-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Curls". The mark consists of the stylized words "Bella curls". Hair care preparations; hair shampoos and conditioners; hair styling preparations. |  |  |  |  |  |
| Bella Curls | 87-565,867[00] | Renpure, | 8-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Curls". The mark consists of the stylized words "Bella curls" atop abstract design features that collectively resemble wave patterns. a vertical rectangle appears in the background of the mark. Hair care preparations; hair shampoos and conditioners; hair styling preparations. |  |  |  |  |  |
| Lovely | 87-568,628[00] | Crow River Animal Hospital | 8-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Essential oils for use with animals; essential oils for use in aromatherapy with animals. |  |  |  |  |  |
| Clear Sailing | 87-568,638[00] | Crow River Animal Hospital | 8-14-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Essential oils for use with animals; essential oils for use in aromatherapy with animals. |  |  |  |  |  |
| Voluminous Lash Paradise | 87-572,496[00] | L'oreal | 8-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lash". Eyeliner. |  |  |  |  |  |
| Scalp Saver Spf | 87-572,822[00] | Smith, Jennifer | 8-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Scalp" and "Spf". Cosmetic preparations for the hair and scalp. |  |  |  |  |  |
| Almay Clear Complexion Blemish Armor | 87-576,746[00] | Revlon Consumer Products Corporation | 8-21-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Clear complexion". Cosmetics and make-Up. |  |  |  |  |  |
| Well+Lab | 87-586,982[00] | Hatchbeauty Agency | 8-28-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Collagen preparations for cosmetics purposes; cosmetic creams; cosmetic nourishing creams; cosmetic oils; moisturizing preparations for the skin; moisturizing solutions for the skin; non-Medicated skin care preparations, namely, creams; retinol cream for cosmetic purposes; skin conditioning creams for cosmetic purposes. Well plus lab. |  |  |  |  |  |
| Bold Statement | 87-595,715[00] | L'oreal | 9-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; makeup. |  |  |  |  |  |
| Up For Everything Lash | 87-600,837[00] | Make-Up Art Cosmetics | 9-8-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lash". Cosmetics, namely, mascara. |  |  |  |  |  |
| Grand Illusion | 87-600,849[00] | Make-Up Art Cosmetics | 9-8-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| Ameda Triple Zero Lanolin | 87-601,478[00] | Ameda | 9-8-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lanolin". Skin creams; skin lotions; non-Medicated skin care preparations, namely, creams, lotions and gels. |  |  |  |  |  |
| Active Placental Matrix | 87-601,734[00] | Tn Consulting | 9-8-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Placental matrix". Non-Medicated skin care preparations; skincare ingredient blend sold as a component of non-Medicated skin care preparations; non-Medicated skin care preparations and ingredients sold as a component thereof. |  |  |  |  |  |
| Escape Roots | 87-602,188[00] | Curly World | 9-9-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations. |  |  |  |  |  |
| Enchanted Curves | 87-602,814[00] | L'oreal | 9-11-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Mascara. |  |  |  |  |  |
| Introlift | 87-605,659[00] | Exclusive Label | 9-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the word "Introlift" with letters cut-Off at a bias. After shave lotions; after-Shave creams; after-Shave lotions; age spot reducing creams; anti-Aging cleanser; anti-Aging cream; anti-Aging creams; anti-Aging moisturizer; anti-Aging toner; anti-Wrinkle cream; anti-Wrinkle creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty serums; body butter; body cream; body creams; body lotion; body lotions; body mask cream; body mask lotion; body scrub; boot cream; cleansing creams; cosmetic creams; cosmetic creams for skin care; cosmetic masks; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetics in the form of milks, lotions and emulsions; eye cream; eye gels; eye lotions; face and body beauty creams; face and body creams; face and body lotions; face creams; face creams for cosmetic use; face milk and lotions; facial beauty masks; facial cream; facial creams; facial lotion; facial masks; facial scrubs; foot scrubs; gel eye masks; hand cream; hand creams; hand lotions; hand scrubs; make-Up removing lotions; make-Up removing milk, gel, lotions and creams; massage lotions; moisturizing creams; nail buffing preparations; nail care preparations; nail care preparations, namely, nail softeners; night cream; non-Medicated anti-Aging serum; non-Medicated foot cream; non-Medicated skin creams; scented body lotions and creams; shea butter for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin care products, namely, non-Medicated skin serum; skin cleansing cream; skin cream; skin creams; skin masks; skin moisturizer masks. Intro lift. |  |  |  |  |  |
| Introlift | 87-605,663[00] | Exclusive Label | 9-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| After shave lotions; after-Shave creams; after-Shave lotions; age spot reducing creams; anti-Aging cleanser; anti-Aging cream; anti-Aging creams; anti-Aging moisturizer; anti-Aging toner; anti-Wrinkle cream; anti-Wrinkle creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty serums; body butter; body cream; body creams; body lotion; body lotions; body mask cream; body mask lotion; body scrub; boot cream; cleansing creams; cosmetic creams; cosmetic creams for skin care; cosmetic masks; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetics in the form of milks, lotions and emulsions; eye cream; eye gels; eye lotions; face and body beauty creams; face and body creams; face and body lotions; face creams; face creams for cosmetic use; face milk and lotions; facial beauty masks; facial cream; facial creams; facial lotion; facial masks; facial scrubs; foot scrubs; gel eye masks; hand cream; hand creams; hand lotions; hand scrubs; make-Up removing lotions; make-Up removing milk, gel, lotions and creams; massage lotions; moisturizing creams; nail buffing preparations; nail care preparations; nail care preparations, namely, nail softeners; night cream; non-Medicated anti-Aging serum; non-Medicated foot cream; non-Medicated skin creams; scented body lotions and creams; shea butter for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin care products, namely, non-Medicated skin serum; skin cleansing cream; skin cream; skin creams; skin masks; skin moisturizer masks. Intro lift. |  |  |  |  |  |
| Newline | 87-605,696[00] | Exclusive Label | 9-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording, "Newline" under the design of an eight-Pointed figure comprised of two overlapping squares consisting of parallel lines juxtaposed at a forty-Five degree angle. After shave lotions; after-Shave creams; after-Shave lotions; age spot reducing creams; anti-Aging cleanser; anti-Aging cream; anti-Aging creams; anti-Aging moisturizer; anti-Aging toner; anti-Wrinkle cream; anti-Wrinkle creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty serums; body butter; body cream; body creams; body lotion; body lotions; body mask cream; body mask lotion; body scrub; boot cream; cleansing creams; cosmetic creams; cosmetic creams for skin care; cosmetic masks; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetics in the form of milks, lotions and emulsions; eye cream; eye gels; eye lotions; face and body beauty creams; face and body creams; face and body lotions; face creams; face creams for cosmetic use; face milk and lotions; facial beauty masks; facial cream; facial creams; facial lotion; facial masks; facial scrubs; foot scrubs; gel eye masks; hand cream; hand creams; hand lotions; hand scrubs; make-Up removing lotions; make-Up removing milk, gel, lotions and creams; massage lotions; moisturizing creams; nail buffing preparations; nail care preparations; nail care preparations, namely, nail softeners; night cream; non-Medicated anti-Aging serum; non-Medicated foot cream; non-Medicated skin creams; scented body lotions and creams; shea butter for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin care products, namely, non-Medicated skin serum; skin cleansing cream; skin cream; skin creams; skin masks; skin moisturizer masks. |  |  |  |  |  |
| Newline | 87-605,700[00] | Exclusive Label | 9-12-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| After shave lotions; after-Shave creams; after-Shave lotions; age spot reducing creams; anti-Aging cleanser; anti-Aging cream; anti-Aging creams; anti-Aging moisturizer; anti-Aging toner; anti-Wrinkle cream; anti-Wrinkle creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty serums; body butter; body cream; body creams; body lotion; body lotions; body mask cream; body mask lotion; body scrub; boot cream; cleansing creams; cosmetic creams; cosmetic creams for skin care; cosmetic masks; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetics in the form of milks, lotions and emulsions; eye cream; eye gels; eye lotions; face and body beauty creams; face and body creams; face and body lotions; face creams; face creams for cosmetic use; face milk and lotions; facial beauty masks; facial cream; facial creams; facial lotion; facial masks; facial scrubs; foot scrubs; gel eye masks; hand cream; hand creams; hand lotions; hand scrubs; make-Up removing lotions; make-Up removing milk, gel, lotions and creams; massage lotions; moisturizing creams; nail buffing preparations; nail care preparations; nail care preparations, namely, nail softeners; night cream; non-Medicated anti-Aging serum; non-Medicated foot cream; non-Medicated skin creams; scented body lotions and creams; shea butter for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin care products, namely, non-Medicated skin serum; skin cleansing cream; skin cream; skin creams; skin masks; skin moisturizer masks. |  |  |  |  |  |
|  | 87-611,420[00] | Ililewa Distribution Ililewa Manufacturing | 9-17-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The colors violet and blue are claimed as a feature of the mark. The mark consists of a stylized flower design in violet and blue gradient colors comprised of floral and curvilinear patterns with the white in the mark representing transparent or background areas and is not claimed as a feature of the mark. 3-In-1 hair conditioners; after-Shave creams; aloe vera gel for cosmetic purposes; aloe vera preparations for cosmetic purposes; anti-Aging creams; anti-Aging moisturizer; anti-Aging moisturizers used as cosmetics; anti-Aging toner; anti-Wrinkle cream; anti-Wrinkle creams; beauty balm creams; beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty milks; beauty serums; body butter; body cream; body creams; body emulsions; body lotion; body lotions; body masks; body milk; body oil; body oils; body scrub; cleansing creams; cleansing milk; cleansing milk for cosmetic purposes; cocoa butter for cosmetic purposes; coconut oil for cosmetic purposes; cosmetic creams; cosmetic creams for skin care; cosmetic facial blotting papers; cosmetic hair dressing preparations; cosmetic hand creams; cosmetic oils; cosmetic oils for the epidermis; cosmetic preparations against sunburn; cosmetic preparations for body care; cosmetic preparations for skin care; cosmetic products in the form of aerosols for skin care; cosmetic products in the form of aerosols for skincare; cosmetics and cosmetic preparations; cotton buds for cosmetic purposes; creams for cellulite reduction; deodorant for personal use; deodorants for body care; essential oils; essential oils of lemon; exfoliant creams; eye gels; eye liner; eye lotions; eyebrow gel; face creams; face creams for cosmetic use; face oils; facial beauty masks; facial cleansing milk; facial concealer; facial cream; facial creams; facial emulsions; facial lotion; facial masks; facial moisturizers; facial oils; foot scrubs; fragranced facial moisturizer; gauze for cosmetic purposes; gel eye masks; grape seed oil for cosmetic use; hair balsam; hair care products, namely, heat protection sprays; hair dressings for women; hair masks; hair nourishers; hair oils; hair rinses; hair styling gel; hair styling preparations; hair styling spray; hair tonics; hand scrubs; heat protectant sprays for hair; lotions for beards; lotions for face and body care; lotions for strengthening the nails; moisturizing creams; moisturizing milk; moisturizing preparations for the skin; moisturizing solutions for the skin; nail cream; nail enamel; nail enamels; nail polish base coat; nail polish pens; nail polish remover pens; nail polishing powder; night cream; non-Medicated body soaks; non-Medicated facial and eye serum containing antioxidants; non-Medicated hair serums; non-Medicated skin care creams and lotions; non-Medicated skin creams; non-Medicated skin toners; oils for cosmetic purposes; oils for hair conditioning; pre-Moistened cosmetic tissues; pre-Moistened cosmetic towelettes; pre-Moistened cosmetic wipes; pre-Shave creams; pre-Shave gels; roller bottles sold filled with essential oils; rose oil for cosmetic purposes; scented body lotions and creams; shampoo-Conditioners; shaving creams; shaving gels; shaving soaps; shower gels; skin and body topical lotions, creams and oils for cosmetic use; skin care preparation, namely, body polish; skin care preparations, namely, body balm; skin care products, namely, non-Medicated skin serum; skin cleansers; skin creams in liquid and solid; skin fresheners; skin masks; skin moisturizer masks; skin moisturizers used as cosmetics; skin moisturizing gel; skin softeners; skin toners; tea tree oil; wrinkle removing skin care preparations. |  |  |  |  |  |
| Incredible Chemist | 87-611,946[00] | Hatchbeauty Agency | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; fragrances; hair care preparations; make-Up; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated body care preparations; perfumes. |  |  |  |  |  |
| New Think | 87-611,975[00] | Hatchbeauty Agency | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; fragrances; hair care preparations; make-Up; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated body care preparations; perfumes. |  |  |  |  |  |
| Supercluster | 87-611,988[00] | Hatchbeauty Agency | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; fragrances; hair care preparations; make-Up; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated body care preparations; perfumes. Super cluster. |  |  |  |  |  |
| Multiverse | 87-612,002[00] | Hatchbeauty Agency | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; fragrances; hair care preparations; make-Up; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated body care preparations; perfumes. |  |  |  |  |  |
| Noteworthy | 87-612,016[00] | Hatchbeauty Agency | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; fragrances; hair care preparations; make-Up; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated body care preparations; perfumes. |  |  |  |  |  |
| Dimension X | 87-612,027[00] | Hatchbeauty Agency | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; fragrances; hair care preparations; make-Up; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated body care preparations; perfumes. |  |  |  |  |  |
| Hollingworth & Dunn | 87-612,046[00] | Ililewa Manufacturing | 9-18-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| 3-In-1 hair conditioners; 3-In-1 hair shampoos; after shave lotions; after-Shave; aftershave preparations; anti-Aging cleanser; anti-Aging moisturizer; anti-Aging toner; anti-Wrinkle creams; astringents for cosmetic purposes; bath cream; bath foam; bath foams; bath gels; bath oils; beauty balm creams; beauty creams; beauty creams for body care; beauty lotions; beauty serums; body butter; body creams; body lotion; body lotions; body masks; body oil; body oils; body scrub; body spray used as a personal deodorant and as fragrance; cleansing creams; cocoa butter for cosmetic purposes; coconut oil for cosmetic purposes; cologne; cologne water; cosmetic hand creams; cosmetic nourishing creams; cosmetic preparations for skin care; deodorants for human beings; eau de toilette and eau de cologne; essential oils for personal use; exfoliant creams; face and body beauty creams; facial beauty masks; facial cleansers; facial cream; facial emulsions; facial lotion; facial moisturizers; facial scrubs; facial washes; foam bath; fragranced facial moisturizer; grape seed oil for cosmetic use; hair balsam; hair butter; hair care creams; hair care lotions; hair conditioner; hair conditioners; hair conditioners for babies; hair creams; hair decolorants; hair dyes; hair fixers; hair gel; hair gels; hair lacquers; hair mousses; hair nourishers; hair oils; hair pomades; hair products, namely, thickening control creams; hair rinses; hair shampoo; hair shampoos and conditioners; hair spray; hair sprays and hair gels; hair styling gel; hair styling preparations; hair styling spray; hair texturizers; hair tonic; hair tonics; heat protectant sprays for hair; lotions for beards; lotions for face and body care; massage lotions; massage oil; moisturizing body lotions; moisturizing creams; moisturizing preparations for the skin; moisturizing solutions for the skin; mustache wax; natural essential oils; night cream; non-Medicated facial and eye serum containing antioxidants; non-Medicated scalp treatment cream; non-Medicated skin care creams and lotions; oil baths for hair care; oils for hair conditioning; oils for toiletry purposes; pre-Shave liquid; rose oil for cosmetic purposes; shampoo-Conditioners; shaving balm; shaving cream; shaving creams; shaving foam; shaving gel; shaving gels; shaving lotion; shaving lotions; shaving mousse; shaving soap; shaving soaps; shaving spritz in the nature of a moisturizing solution for shaving; shower and bath gel; shower creams; shower gels; skin care products, namely, non-Medicated skin serum; skin clarifiers; skin cleansers; skin creams; skin fresheners; skin lotions; skin masks; skin moisturizer; skin moisturizer masks; skin softeners; wrinkle resistant cream. Hollingworth and dunn. |  |  |  |  |  |
| Florgasm | 87-614,368[00] | Heretic | 9-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Fragrances and perfumery; fragrances for personal use; room fragrances. |  |  |  |  |  |
| Inherited Beauty | 87-614,782[00] | Cosmakery | 9-19-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Beauty". Make-Up, cosmetics, cosmetic preparations for skin care. |  |  |  |  |  |
| Tropical Radiance | 87-615,963[00] | Unique Sales And Marketing | 9-20-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body spray used as a personal deodorant and as fragrance; body sprays; body sprays, namely, water in atomized containers used to produce a cooling effect; body wash; shower gel; shower gels; shower and bath gel; sunscreen cream; sunscreen creams; sunscreen preparations; bath and shower gels and salts not for medical purposes; bb creams; cosmetic sunscreen preparations; cosmetic body care preparations, namely, body sprays deodorant; feminine deodorant sprays; fragranced body care preparations, namely, body sprays deodorant; scented body spray; waterproof sunscreen. |  |  |  |  |  |
| Thinksun | 87-627,129[00] | Thinkoperations | 9-28-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Lotions for face and body care; sun care lotions; sunscreen creams. Think sun. |  |  |  |  |  |
| Sheen Supreme | 87-635,395[00] | Make-Up Art Cosmetics | 10-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sheen". Cosmetics. |  |  |  |  |  |
| Fluidity | 87-635,717[00] | Morphe | 10-5-1712-12-17 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| Marks Published For Opposition in More Than One Class |  |  |  |  |  |
| Woo | [79-172,034] | New World Enterprise B.V. | 4-2-15[12-12-17] | Intl. 3, 4US. 1, 4, 6, 15, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Cosmetics and non-Medicated skin care products, namely, skin soaps, body lotions, body creams, skin cleansers, body scrubs, body masks and toners; hair care and hair styling preparations, namely, shampoos, conditioners, hair finishing sprays, and hair gels; personal deodorants, sun-Tanning preparations; cosmetic sunscreen preparations, namely, sunscreen oils and lotions; shaving preparations; nail enamel; pumice stone for personal use; cotton wool swabs and cotton sticks and wool swabs for cosmetic purposes all for use on the body; scented room fragrances in the nature of sprays, incense sticks, potpourri and fragrance sachets; powdered cosmetic tissues, namely, cosmetic facial blotting papers; tissues impregnated with cosmetic lotions; kits and gift sets comprised primarily of non-Medicated skin care and hair care preparations; non-Medicated preparations for massages, namely, massage creams, massage lotions, and massage oils; non-Medicated bath preparations, namely, bath gel, bath oils, bath salts, bath beads, and bath foam. Candles, wicks for candles; wax for making candles, beeswax for use in the manufacture of candles; paraffin wax; lamp oil. |  |  |  |  |  |
| This Is For The Fans | [79-183,950] | Lidl Stiftung & Co. Kg | 12-22-15[12-12-17] | Intl. 3, 4, 9, 14, 16, 18, 20, 21, 24, 25, 26, 27, 28, 35US. 1, 2, 3, 4, 5, 6, 13, 15, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 36, 37, 38, 39, 40, 41, 42, 50, 51, 52, 100, 101, 102 | - - - - |
| Bleaching preparations and other substances for laundry use, namely, laundry bleach, bleaching salts, bleaching soda, essential oils as perfume for laundry purposes, fabric softeners for laundry use, laundry additives for water softening, laundry blueing, laundry detergents, laundry fabric conditioner, laundry pre-Soak, laundry sizing, laundry soap, laundry starch, laundry wax, scent eliminating laundry detergent for use associated with hunting and outdoor recreation, seaweed gelatine for laundry use (Funori); cleaning, polishing, scouring and abrasive preparations; soaps, namely, bar soap, bath soap, antibacterial soaps, laundry soap, liquid soap, and toilet soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices. Industrial oils and greases; industrial lubricants; dust absorbing, wetting and binding compositions, namely, petroleum based dust absorbing compositions for use in sweep, dustlaying; fuels; illuminants, namely, candle torches; candles and wicks for candles for lighting. Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking and supervision, life-Saving and teaching apparatus and instruments, namely, cameras, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses, smart watches, life jackets, illumination regulators, oxygen regulators, regulators for use in scuba diving, speed regulators for record players, sensor chips for scientific use, magnetic compasses, cases especially made for photographic apparatus and instruments, cinematographic cameras, cinematographic projectors, editing appliances for cinematographic films, optical cables, optical disc drives, optical disc players, optical glasses, optical sensors, cable television transmitters, electrical and optical cables, scales and balances, weighing machines, distance measuring apparatus, hourglasses, instruments for measuring length, lasers for measuring purposes, length measuring gauges, measuring buckets, measuring cups, measuring glassware, digitizers, measuring rulers, measuring rules, measuring spoons, measuring tapes, pocket calipers for measuring, polyethylene measuring cups, pressure measuring apparatus, tool measuring instruments, marking and signalling buoys, signalling whistles, life-Saving capsules for natural disasters, life-Saving rafts, electronic sports training simulators; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electrical cables, electrical conductors, electrical controllers; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers and record discs; compact discs, dvds and digital audio and video recordings featuring movies, advertising, music and artistic performances; mechanisms for coin-Operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software for use in database management; fire-Extinguishing apparatus. Alloys of precious metal; figurines of precious metal; statues of precious metal and their alloys; jewelry ornaments; jewellery boxes and watch boxes; charms of precious metals; coins; key rings of precious metal; jewellery, precious stones; horological and chronometric instruments. Paper cardboard; works of art and figurines of paper and cardboard, and architects' models; party decorations made of paper; artists' materials, namely, artists' brushes, artists' pastels, artists' pencils, artists' charcoal, artists' pens, artists' watercolor saucers, canvas panels for artists, molds for modeling clays; hanging folders; arts, crafts and modelling equipment, namely, craft paper, arts and craft clay kits, arts and craft paint kits, modeling clay, colored craft and art sand, craft glue for stationery or household purposes; filtering materials of paper, namely, filter paper; bags and articles for packaging; wrapping and storage of paper; cardboard or plastics, namely, paper and plastic bags for packaging, plastic film for packaging, cardboard packaging and paper for wrapping and packaging; printed matter, namely, printed ***calendars***, printed forms, printed invitations, paper signs, books, manuals, newsletters, informational cards and brochures in the field of marketing; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; paint brushes; typewriters and office requisites, except furniture, namely, magnetic boards, file folders, desktop stationery cabinets; printed instructional and teaching material except apparatus in the field of mathematics; plastic materials for packaging, namely, plastic bags for packaging, plastic bubble packs for wrapping or packaging; printers' type; printing blocks. Leather and imitation leather; animal skins and hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips, harnesses and saddlery; luggage, duffel bags, wallets and suit carriers. Furniture, mirrors, picture frames; statues, figurines, works of art and ornaments and decorative ornaments, made of wood, wax, plaster or plastic, display cases, display stands and plastic signboards, non-Metallic; packaging containers of plastic, and non-Metallic closures therefor. Household or kitchen utensils; containers, namely, containers for household use, graters, sieves, spatulas, strainers, turners and kitchen tongs; combs and sponges for household purposes; brushes, namely, hair brushes and scrubbing brushes; brush-Making materials; articles for cleaning purposes, namely, cleaning brushes for household use, cleaning cloths, cleaning pads, cleaning rags and cleaning sponges; steelwool; unworked or semi-Worked glass except glass used in building; beverage glassware, porcelain and earthenware not included in other classes, namely, mugs, bowls, flowerpots and statues made of porcelain and earthenware. Textiles and textile goods, namely, textile labels, textile tablecloths, textile wall hangings, textile fabrics for the manufacture of clothing, textile serviettes and tea towels; bed covers; plastic table covers. Clothing, namely, shorts, tops, dresses, anoraks, underwear, aprons, infant and toddler one piece clothing, bath robes, bathing trunks, belts, beach coverups, beachwear, bathing suits, swimsuits, swimwear, boas, brassieres, leotards, coats, dressing gowns, ear muffs, gloves, hosiery; jackets, jerseys, jumper dresses, knitwear in the nature of knit shirts and knit dresses, leggings; leg warmers, masquerade costumes, mittens, money belts, neckties, outer jackets, pullovers, overcoats, scarves, ties, vests, waistcoats, stockings, pants, pajamas, jogging suits, warm up suits, lingerie, nightwear, night gowns; jumpsuits; loungewear; t-Shirts, sweatshirts, shirts, sleep masks, socks, sweaters, tee-Shirts, tights; trousers, vests, waterproof jackets and pants, footwear, headgear, namely, hats, caps, head scarves, head sweatbands, head wraps, bandanas, bathing caps, berets, helmet liners. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, sewing pins and needles; artificial flowers. Carpets, rugs, mats and matting, linoleum for covering existing floors; floor coverings; decorative wall hangings not of textile. Games and playthings, namely, board games, dice games, playing cards, dolls, automatic and coin-Operated amusement machines, backgammon games, bingo cards, board games, building games, chess games, chessboards, chips for gambling, conjuring apparatus, discs counters for games, cups for dice, darts, dominoes, draught boards, horseshoe games, jigsaw puzzles, mah-Jong, marbles for games, pachinkos, parlor games, quiots, ring games, roulette wheels, ninepins, slot machines, tables for indoor football; gymnastic and sporting articles, namely, footballs, tennis rackets, table tennis rackets, squash rackets, gymnastic parallel bars, gymnastic horizontal bars, bases, bats and balls for playing indoor and outdoor games, gymnastic apparatus, baseball gloves; batting gloves, boxing gloves, football gloves, hockey gloves, golf clubs; hockey sticks; ice skates; inline roller skates, spring boards, rings, cones, speed ladders, coaching sticks, training arches, ankle bands, resistance chutes, hurdles, carriers specially adapted for sport balls, balance beams, exercise and gymnastic banners, gymnastic training stools, gymnastic vaulting horses, hoops for rhythmic sportive gymnastics, ribbons specially adapted for rhythmic sportive gymnastics, pommel horses; decorations for christmas trees. Advertising; business management; business administration; providing office functions. |  |  |  |  |  |
| Micmac St. Tropez | [79-192,232] | Bouchet Jonathan Faure Robert | 5-12-16[12-12-17] | Intl. 3, 25US. 1, 4, 6, 22, 39, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "St. tropez". Soaps, perfumes, eaux de toilette, perfumery products in the nature of liquid perfumes, perfumed powders, perfumed creams, perfumes in solid form, essential oils, cosmetics, hair lotions, dentifrices. Clothing, namely, boots, shoes and slippers, belts, scarves, shirts, suits, neckties, sashes for wear, vests, gloves, skirts, petticoats, bathing suits, coats, trousers, pajamas, dresses, underwear, jackets, sweaters, tee-Shirts, sweatshirts, headgear in the nature of hats, caps, berets, bucket caps, visors. The english translation of "Micmac" in the mark is "Plot or intrigue". |  |  |  |  |  |
| Sandro | [79-192,971] | Sandro Andy | 6-10-16[12-12-17] | Intl. 3, 9, 14US. 1, 2, 4, 6, 21, 23, 26, 27, 28, 36, 38, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Perfumery products, namely, perfumes, toilet water, eaux de cologne; cosmetics. Spectacles and sunglasses, cases and frames for spectacles and sunglasses. Jewelry, rings, bracelets, neck chains, necklaces, pendants, brooches, earrings, medals, medallions, cuff links, tie pins, trinkets, namely, rings, key rings of precious metals, timepieces, watches. |  |  |  |  |  |
| Sioo:X | [79-193,475] | Sioo Woodprotection Ab | 3-18-16[12-12-17] | Intl. 1, 2, 3, 19US. 1, 4, 5, 6, 10, 11, 12, 16, 26, 33, 46, 50, 51, 52 | - - - - |
| Impregnated chemical agents for exterior surfaces of buildings other than paints or oils chemical substances; chemical products for the manufacture of protective coatings; waterproofing protective coating chemicals for waterproofing surfaces of buildings other than paints or oils; waterproofing protective coating chemicals for repelling water chemical. Coating preparations having water repellent properties for waterproofing paints; paints for marine use; pigments for protective coatings; exterior surface protective coatings for buildings paints; exterior surface protective coatings for roof paints; exterior surface protective coatings for repelling water paint; protective surface coatings in the nature of paints; protective coatings in the nature of paints for building purposes; interior protective finish coatings in the nature of paints; weather sealing coating in the nature of stains; protective surface coatings for wood surfaces; exterior surface protective coatings for waterproofing surfaces of building paints; rust preservatives in the nature of a coating for building paints; wood preservatives; rust preservatives in the nature of a coating for the surfaces of building paints; weathering preservative paints. Laundry additives for water softening; laundry liquid detergents; detergents for pressure-Impregnated wood, namely, detergents for household use and detergents prepared from petroleum. Coatings for building materials, namely, protective coating that is pre-Applied and sold as a component of cladding, decking and wood for construction purposes; building materials in the form of pressure-Impregnated wood, semi-Worked. The wording "Sioo" has no meaning in a foreign language. |  |  |  |  |  |
| Giovanna Battaglia | [79-196,869] | Giovanna Battaglia | 3-18-16[12-12-17] | Intl. 3, 9, 14, 18, 25, 28, 41US. 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36, 38, 39, 41, 50, 51, 52, 100, 101, 107 | - - - - |
| Bleaching preparations and other substances in the nature of detergents, all for laundry use; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; eau de cologne; lavender water; adhesives for cosmetic purposes; fabric softeners for laundry use; aromatics essential oils; joss sticks; make-Up; depilatory wax; false eyelashes; face powder; hair dyes; hair colorants for toilet purposes; cosmetics for animals; cosmetic creams; skin whitening creams; bleaching preparations in the nature of decolorants for cosmetic purposes; deodorants for human beings or for animals; massage gels other than for medical purposes; hair spray; nail polish; cleansing milk for toilet purposes; aftershave; hair lotions; lotions for cosmetic purposes; lip gloss; mascara; cosmetic masks; eyebrow pencils; eyebrow pencils; oils for toilet purposes; essential oils; oils for cosmetic purposes; cotton wool for cosmetic purposes; pumice stone for personal use; pomades for cosmetic purposes; pot-Pourri; cosmetics for bronzing the skin; cosmetic preparations for baths; douching preparations for personal sanitary or deodorant purposes toiletries; cosmetic preparations for slimming purposes; skincare cosmetics; depilatories; perfumery; make-Up; dental rinses, non medicated; nail care preparations; shaving preparations; toiletries; sachets for perfuming linen; make-Up removing preparations; perfumery; air fragrancing preparations; lipstick; bath salts, not for medical purposes; soap; deodorant soap; disinfectant soap; shampoo; shampoos for pets; dry shampoos; talcum powder, for toilet use; cosmetic dyes; tissues impregnated with cosmetic lotions; false nails. Cd-Roms, video discs, dvds, dats, mp3s, and laser discs in the field of music, entertainment, beauty, fashion, lifestyles, home decor, the arts, culture, travel, politics and education; downloadable musical sound recordings; downloadable video recordings in the field of music, entertainment, beauty, fashion, lifestyles, home decor, the arts, culture, travel, politics and education; downloadable electronic publications in the nature of books, booklets, magazines, journals, manuals, brochures, leaflets, pamphlets and newsletters, all in the field of music, entertainment, beauty, fashion, lifestyles, home decor, the arts, culture, politics and education; eyewear; sunglasses; eyeglasses; eyeglass frames; eyeglass, sunglass and spectacle cases; eyeglass, sunglass and spectacle straps; eyeglass, sunglass and spectacle chains; protective covers and cases for cell phones and handheld electronic devices; protective carrying cases specially adapted for personal digital assistants (Pdas); face plates for cell phones; downloadable software for games, for creating dynamic websites in the field of music, entertainment, beauty, fashion, lifestyles, home decor, the arts, culture, travel, politics and education. Jewelry; jewelry findings; charms, chokers, and pendants; lapel pins; ornamental lapel pins; pins being jewelry; body-Piercing rings and studs; ear studs; ear clips; costume jewelry; jewelry chains; jewelry pins for use on hats; key holders of precious metals; key chains of precious metal; watches; watch bracelets; parts for watches; wristwatches; pocket watches; stop watches; watch straps and bands; clocks; alarm clocks; leather key fobs as jewelry. Hand bags, baggage; credit card holders; credit card cases of leather; leather credit card holders; wallets; hand bags, trunks in the nature of luggage; travel bags in the nature of garment covers; cosmetics bags sold empty; sports bags; athletics bags; evening bags and shoulder bags for men; shopping bags made of animal skin; school book bags; travel garment covers in the nature of garment bags; shoe bags for travel; beach bags; diaper bags; rucksacks; travelling cases; canvas shopping bags; overnight bags; bags for climbers in the nature of all-Purpose carrying bags; satchels; formal handbags; vanity cases, not fitted; leather; cases and boxes of leather; briefcases as leather goods; harnesses made of leather; umbrellas; leather leashes. Clothing for men and women, namely, shirts, pants, trousers, jumpsuits, suits, skirts, sweaters; jackets, jackets as clothing, pants, skirts, tops, mackintoshes, topcoats, waist belts, gowns, topcoats, pullovers, denim jeans, gowns, cloaks, parkas, shirts, undershirts, cardigans, lingerie, baby doll nighties, bath robes, swimwear, swimming costumes, dressing gowns, evening wear, namely, dresses, suits; shawls, sashes for wear, ties, neck ties, men'S suits, sweat shirts, knitwear, namely, shirts, jumpers, cardigans, sweaters, scarfs, gloves; polo shirts, tights, blazers, trousers, shorts, casual shirts; footwear, slippers, covers for use when wearing shoes, goloshes, golf footwear, clogs, canvas shoes, hiking boots, beach shoes, running shoes, gymnastic shoes, boots, half-Boots, ankle boots, apres-Ski shoes, sandals, bath sandals; gloves; headwear, namely hats, caps, visors. Action figures and accessories therefor, stuffed toy animals, dolls, collectible toy figures, doll houses, playsets, namely, doll furniture, doll furniture accessories and food making accessories; doll clothes and doll accessories; board games; accessories for doll clothes, toy furniture, specifically beds, wardrobes, chifferobes, vanities and chests; doll cases; toy vehicles; outdoor play equipment, sports equipment, namely, golf club, tennis racket, skis. Organization of cultural events; organization of fashion events, namely, organization of fashion shows for entertainment purposes; organizing of entertainment events in the nature of social entertainment events; organization of clubs, in the nature of entertaining clubs, providing on-Line electronic publications, not downloadable, in the field of music, entertainment, beauty, fashion, lifestyles, home decor, the arts, culture, politics and education. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies "Giovanna battaglia", whose consent(S) to register is made of record. |  |  |  |  |  |
|  | [79-203,589] | Rovio Animation | 1-6-17[12-12-17] | Intl. 3, 9, 16, 18, 21, 25, 28, 30, 32, 41US. 1, 2, 3, 4, 5, 6, 13, 21, 22, 23, 26, 29, 30, 33, 36, 37, 38, 39, 40, 41, 45, 46, 48, 50, 51, 52, 100, 101, 107 | - - - - |
| The color(S) colors violet, light green, orange, beige, black and white is/Are claimed as a feature of the mark. The mark consists of the design of a highly stylized bird standing upright, with an orange and beige body, orange feet, white, black and light green eyes, black eyelashes, and a violet and orange tuft of feathers atop its head. Essential oils and aromatic extracts in the nature of perfumes; non-Medicated toiletry preparations; perfumery and fragrances; oral hygiene preparations, namely, dentifrices, toothpaste, and non-Medicated mouthwash; body cleaning and beauty care preparations, namely, non-Medicated soap, shower gels, facial and body scrubs, facial and body cleansers, skin cleansers, non-Medicated body soaks, non-Medicated exfoliating preparations for skin, perfumed body powders, body creams and lotions, face creams and lotions, after-Shave lotions, antiperspirants, deodorants for personal use, non-Medicated sun care preparations, hair shampoo, hair conditioners, hair gels, hair creams, cosmetics, lotions for cosmetic purposes, nail polishes, nail varnishes, nail enamel, nail gel, nail glitter, false nails, adhesives for artificial nails, decorative fingernail decals for cosmetic purposes, nail cream, false eyelashes, hair dyes, hair spray, beauty masks, make-Up, makeup powder, make-Up preparations, make-Up removing preparations, baby oil, baby powder, baby bath gel and baby lotion, lip gloss, and non-Medicated lip balm; cleaning preparations; fragrancing preparations, namely, perfuming sachets, air fragrancing preparations, and room fragrancing preparations. Animated cartoons recorded on pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings; audio recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; audio visual recordings featuring, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; digital music downloadable from a computer database or the internet; downloadable electronic publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; instruction manuals in downloadable electronic format; exposed cinematographic films; pre-Recorded audio tapes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; exposed film, namely, exposed camera film, exposed photographic film, and exposed slide films; digital music downloadable provided from mp3 internet web sites, namely, downloadable mp3 files and mp3 recordings from the internet and featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; holographic images, holographic displays, and holograms, all, namely, photographic recordings of a light field used to reconstruct and display a fully three-Dimensional image of a subject or scene in space with coherent light, featuring animated cartoons; digital music downloadable from the internet; weekly publications downloaded in electronic form from the internet in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, satire, art, general trivia, computer games, home video games, and animation; pre-Recorded discs bearing images featuring animated cartoons; downloadable graphics for mobile phones; downloadable musical sound recordings; downloadable music files; musical video recordings; talking books in the nature of audio books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; phonograph records in the nature of sound recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; recorded discs bearing sound, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, and cd-Rom discs featuring music, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; musical sound recordings; musical recordings in the form of discs; pre-Recorded videos, namely, pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings featuring music, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; pre-Recorded tape recordings, namely, audio tapes featuring music; downloadable electronic printed publications in machine-Readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable electronic printed publications in optically recorded format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable printed publications in electronically-Readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; cinematographic films featuring animated cartoons; downloadable podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer documentation in electronic form, namely, downloadable documents in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation provided via a website; electronic publications, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; training manuals in the form of a computer ***program***, namely, computer software for training purposes; exposed sensitized films, namely, sensitized cinematographic film, sensitized photographic film, and sensitized x-Ray film; exposed photosensitive media films, namely, exposed slide film, exposed camera film, exposed cinematographic film, and exposed photographic film; exposed cinematographic film; video recordings, namely, musical video recordings and audiovisual video recordings featuring music, images, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animation, and music videos; recorded data files, namely, downloadable electronic data files featuring audio, video, text, binary, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, graphics and multimedia files; computer game software; multimedia content and recorded content, namely, video disks and video tapes with recorded animated cartoons; computer software for computer games, video games, and processing digital images; electronic databases in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; computer game ***programs*** downloadable via the internet; downloadable electronic game ***programs***; downloadable computer game ***programs***; downloadable video game ***programs***; computer software ***programs*** for video games; computer video game software contained on cartridges for personal computers, home video game consoles, arcade-Based video game consoles, slot machines, and video lottery terminals; recorded computer game ***programs***; computer games, namely, computer game ***programs***, computer ***programs*** for pre-Recorded games, computer game software for use on mobile and cellular phones, interactive multimedia computer game ***programs***, computer game software downloadable from a global computer network, the internet, and wireless devices; video game ***programs***; computer ***programs*** stored in digital form, namely, computer ***programs*** for using the internet and the world wide web; computer software for electronic publishing; personal computer application software, namely, software for managing document control systems; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software that may be downloaded from the internet; interactive computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; interactive multimedia computer ***programs*** for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software that permits games to be played; computer application software for mobile phones, portable media players, handheld computers, portable computers, and tablets, namely, software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for education featuring instruction in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software downloadable from global computer information networks; children'S educational software; data recorded electronically, namely, computer ***programs*** recorded on data media designed for recreational game playing purposes; audio cassettes, namely, pre-Recorded cassettes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; dvds, namely, pre-Recorded dvds featuring music, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; electronic data carriers, namely, secure digital memory cards, flash drives, usb flash drives, usb cards featuring computer game software and computer game ***programs***; pre-Recorded compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; information technology equipment, namely, computers and audiovisual equipment, namely, cameras and flashes for cameras, cases for cameras and photographic equipment, movie projectors, multimedia projectors, picture projectors, sound-Reproducing apparatus, high definition televisions, and transmitting and receiving apparatus for radio and television broadcasting and for long-Distance transmission; computer operating systems. Disposable paper products, namely, paper cartons for delivering goods, paper lunch bags, advertising signs of paper, advertising signs of cardboard, art paper, bibs of paper, blank or partially printed paper labels, blank paper notebooks, lined and unlined writing pads, memo pads, notepads, book cover paper, business card paper, ***calendared*** paper, gift-Wrapping paper, blister cards paper towels, notebook paper, paper folders, paper envelopes for packaging, table cloths of paper, table linens of paper, paper napkins, toilet paper, boxes of cardboard or paper, gift boxes made of cardboard, cardboard cartons, cardboard containers, paper handkerchiefs, paper napkins for removing make-Up, paper flags, paper banners, protective covers for notebooks, place mats and coasters of paper and cardboard, and disposable paper sheets for personal hygienic use in the nature of disposable headrest covers not for medical use; decoration materials, namely, paper party decorations, paper cake decorations, decorations of paper for lunch boxes and foodstuffs, decorative paper centerpieces, and party ornaments of paper; art materials, namely, paint brushes, watercolor paints sold as part of an arts and crafts paint kit, drawing ink, pastels, crayons, pencils, pens, chalk, artists' watercolor saucers, molds for modeling clays, blackboards, drawing boards, easels, and canvas for painting; media, namely, arts and crafts clay kits, arts and craft paint kits, coloring books, stencils for face painting, rubber marking stamps, temporary tattoo ***transfers*** similar to decals, stickers and sticker albums, blackboards and scrap books; pastes and other adhesives for stationery or household purposes; printed matter, namely, note cards, greeting cards, books, booklets, printed periodicals, magazines including gaming magazines, manuals, newspapers, newsletters, journals, children'S books, baby books, comic books, coloring and children'S activity books, instructional and teaching materials, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; paper and cardboard; books in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; stationery; educational supplies, namely, two-Ring and three-Ring binders, desk pencil holders, desk pencil stands, paper folders, ***calendars***, paperweights, pencil sharpeners, electric pencil sharpeners, paper clips, thumb tacks or push pins, document folders, index cards, and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors as drawing instruments, paper clips, pencil sharpeners, writing grips, glue for stationery or household purposes and book marks; works of art made of paper and cardboard; figurines of paper and cardboard, namely, papier-Mâché figurines, and architects' models; bags, namely, paper bags, merchandise bags, grocery bags, paper party bags, party goodie bags of paper or plastic, plastic or paper bags for household use; articles for packaging made of paper, cardboard, or plastics, namely, cardboard boxes for packaging, paper bags for packaging, paper pouches for packaging, paper roll stock for packaging, padded paper envelopes for mailing or packaging, paper for wrapping and packaging, and storage containers and packaging containers made of paper or cardboard; articles for wrapping made of paper, cardboard, or plastic, namely, gift-Wrapping paper, paper gift wrap bows, paper and plastic gift wrapping ribbons, food wrapping plastic film, sheets of cellophane paper for wrapping, and plastic packaging wrap for commercial or industrial use; articles for storage made of paper, cardboard, or plastics, namely, plastic food storage bags for household use and containers for storage or transport made of paper or cardboard; drawing materials, namely, pencils, pastels, crayons, ink for writing instruments, color pencils, markers, dry erase markers, permanent markers, and highlighting markers; drawing paper; arts and crafts equipment, namely, arts and crafts clay kits, colored craft and art sand, children'S arts and crafts paper kits, and arts and craft paint kits; modelling equipment, namely, molds for modeling clays, modeling clay, and modeling clay for children. Walking sticks; luggage; bags in the nature of handbags, purses, fabric and leather pouches, coin purses, and cosmetic purses sold empty; wallets; other carriers, namely, duffel bags, beach bags, backpacks, sports bags, diaper bags, briefcases, leather and canvas shopping bags, business card holders in the nature of card cases, leather portfolios, carry-All school bags, and tool bags of leather or imitations of leather sold empty; umbrellas; parasols. Cosmetic utensils, namely, cosmetic brushes, make up applicators in the nature of applicator sticks for applying make-Up and make up brushes, shaving brushes, stands for shaving brushes, hair brushes and combs; toilet utensils, namely, toilet brushes and toilet sponges; bathroom articles, namely, bathroom pails, toilet paper holders, stands specially adapted for toothbrushes, and toothbrush cases; brushes, namely, brushes for cleaning footwear, cleaning brushes for household use, toothbrushes, nail brushes, and brushes for pets; brush-Making materials; statues, figurines, plaques, and works of art made of porcelain, terra-Cotta, or glass; tableware, namely, tea services and coffees services; cookware, namely, cooking pots and pans, glass dishes; containers for household or kitchen use; glasses, namely, drinking glasses and beverage glassware; drinking vessels; barware, namely, seltzer bottles, cocktail shakers, beverage glassware, coffee mugs, beer mugs, and earthenware mugs; serving dishes; household utensils, namely, dishes. Footwear; hats; clothing, namely, shirts, jackets, pants, dresses, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, beach cover-Ups, overalls, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, cycling shorts, slacks, jeans, men'S and women'S suits, vests, undergarments, muffs, shawls, stoles, blazers, coats, robes, sleepwear, suspenders, bandanas, and loungewear; sports shirts with short sleeves; menswear, namely, blazers, trousers, suits, jackets, and shirts; casual shirts; casual trousers; leisurewear, namely, leisure suits; clothing layettes; swimming trunks; sports clothing other than golf gloves, namely, cap visors, socks, sports bras, and athletic tops and bottoms for runners, yoga, and cycling; sportswear, namely, shorts, track suits, sports bras, sweat-Absorbent underclothes, swim suits, tennis wear, jerseys; tops; coats and socks; tee-Shirts; sweatpants; socks; shorts; slipovers; blousons; long jackets; long sleeve pullovers; printed t-Shirts; shirts; loungewear; outer clothing for men, namely, coats, jackets, cloaks, ponchos, capes, and parkas; short-Sleeve shirts; short-Sleeved or long-Sleeved t-Shirts; trousers for children; children'S wear, namely, dresses, jumpers, shirts, jackets, pants, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, slacks, jeans, vests, undergarments, sweaters, blazers, coats, robes, sleepwear, and loungewear, and cloth bibs; skirt suits; gloves; collared shirts; running suits; hooded sweatshirts; hooded tops; slacks; skirts; denim jeans; sweat shirts; sweat suits; denim jackets; sun hats; peaked headwear in the nature of cap peaks; caps with visors; bonnets; children'S headwear; headwear in the nature of bonnets; headwear in the nature of sun visors; headwear in the nature of caps; footwear in the nature of pumps; football boots; footwear excluding orthopedic footwear; footwear for men; canvas shoes; espadrilles; basketball sneakers; gym boots; children'S footwear; running shoes; training shoes; leather shoes; footwear for women; slip-On shoes; booties; slippers; shoes with hook and pile fastening tapes; sandals; infants' footwear; beach shoes; cycling shoes; leisure shoes; costumes for use in children'S dress up play. Fairground apparatus, namely, amusement park rides, rollercoasters, and carousels; playground apparatus, namely, sand boxes, swing sets, slides for playgrounds, and playground sports training apparatus to improve strength, toning, conditioning, balance and proprioception; festive decorations for christmas trees, namely, ornaments not in the nature of christmas tree lights; artificial christmas trees; toys, namely, children'S multiple activity toys, dolls, puppets, plush toys, soft dolls, teddy bears, toy figures and play sets consisting of action figures, attachable articles of clothing for toys, rocking horses, bathtub toys, ride-On toys, balls for sports, yo-Yos, balls for games, playground balls, rubber balls, mah-Jong sets, marbles for games, toy vehicles, electric toy vehicles, toy scooters, toy air pistols, toy building blocks, water squirting toys, and magnetic toy figures attachable to mobile phones; games, namely, action skill games, action target games, arcade-Type electronic education video games, board games, card games, building games, educational card games, electronic educational game machines for children, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, promotional game cards, puzzle games, and video game consoles for use with an external display screen or monitor; playthings, namely, puppet theatres, beanbags in the form of playthings, dolls' beds, dolls' clothes, dolls' houses, and dolls' rooms; novelties, namely, novelty face masks, toy foam novelty items, namely, foam fingers and hands, and novelty vampire teeth; sporting articles and equipment, namely, tennis balls, footballs, soccer balls, baseballs, volleyballs, tennis rackets, table tennis rackets, paddle rackets for use in paddle ball games, badminton rackets, squash rackets, sailboards, skateboards, snowboards, skis, waterskis, roller skates, ice skates, floats for bathing and swimming, dumb-Bells, elbow guards being sport articles for athletic use, knee guards being sport articles for athletic use, archery sets, bocce ball sets, spring boards and golf ball dispensers, golf bags, golf clubs, golf gloves, and gloves for games and sports, namely, baseball gloves, golf gloves, boxing gloves, hockey gloves, bowling gloves, and football gloves; video game apparatus, namely, video game joysticks, video game consoles, handheld units for playing video games other than those adapted for use with an external display screen or monitor, and hand-Held units for playing electronic games for use with external display screen or monitor; balloons; fabric toys, namely, stuffed and plush toys; carnival caps, namely, plastic party hats and paper party hats; face masks being playthings; children'S multiple activity toy; children'S toy bicycles for use other than for transport; board games; kites; toy hats; toy tableware; play balls; toy sporting apparatus, namely, toy game balls, paddles for use in paddle ball games, outdoor activity game equipment sold as a unit comprising sports balls, baseball bats, bases, basketball goals, soccer goals, hockey goals, hockey sticks, for playing games; toy vehicles with transforming parts; toys simulating objects used by adults in day to day activity, namely, toy watches, toy telephones, toy cell phones, toy computers, toy television sets, toy bakeware and cookware, toy knives, toy forks, toy spoons, toy pots and pans, toy bowls, toy rolling pins, toy spatulas, toy tea sets, toy cosmetics, toy makeup, toy non-Electric shaver, and toy keys; masks for children for fancy dress, namely, toy masks; battery-Operated action toys; toy figurines, namely, modeled plastic toy figurines and attachable, wearable, magnetic toy figurines; counters for games; scale model vehicles; toys or playthings in the nature of miniature car models; inflatable toys; building games; sports games, namely, target games, action skill games, horseshoe games, and paddle ball games. Processed grains; starches, namely, food starch; baking preparations and yeasts, namely, yeast, baking powders, and food flavorings other than essential oils; ice, ice creams, frozen yogurts, and sorbets; coffee and coffee substitutes; teas and tea substitutes; cocoa and cocoa substitutes, namely, cocoa, cocoa powder, and cocoa mixes; bakery goods; confectionery, namely, frozen confectioneries, chocolate confections, confectionery made of sugar, and jelly confections; chocolate; desserts, namely, dessert mousse, ice cream desserts, and dessert puddings; sugars and natural sweeteners; sweet coatings, namely, frosting; fillings in the nature of buttercream, caramel, chocolate, pudding, and custard fillings for cakes; bee products in the nature of honey; salt; food seasonings; food flavorings, other than essential oils; condiments, namely, sauces, ketchup, mustard, salsas, and dipping sauces; pastries, cakes, tarts, and biscuits; chocolates; bakery goods; foodstuffs, namely, confectionery products containing cocoa as the main constituent; confectionery in frozen form. Non-Alcoholic beverages, namely, carbonated beverages, mineral and aerated waters, mineral and aerated flavored waters, drinking water, bottled water, spring water, flavored waters, coconut waters, fruit drinks and fruit juices, non-Alcoholic fruit juice beverages, sparkling fruit juice beverages, non-Alcoholic cider, vegetable juices, non-Alcoholic beer, non-Alcoholic wine, non-Alcoholic cocktails; preparations for making beverages, namely, syrups, syrup substitutes for making beverages, syrups for making soft drinks, fruit-Based syrup for making fruit juices and fruit drinks, non-Alcoholic fruit extracts used in the preparation of beverages, and concentrates in tablet form for making effervescent soft drinks; fruit juices; flavored carbonated beverages, namely, sodas, sarsaparilla soft drinks, cola drinks, cola beverages, non-Carbonated non-Alcoholic frozen flavored beverages; energy drinks; coconut milk beverages, namely, coconut-Based beverage not being milk substitutes; non-Alcoholic cordials; orange squash. Publishing, namely, publishing books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; reporting, namely, photographic reporting, news syndication reporting, and editorial reporting services; education services, namely, conducting classes, on-Line classes, seminars, and workshops, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; entertainment services, namely, conducting contests, the creation, development, and production of cinematographic films, animation and animated films, and television ***programs*** for others, providing facilities for and arranging entertainment, namely, concerts, cabarets, circuses, shows featuring comedy, live musical performance, theatrical performances, exhibitions in the fields of art, education, culture, sports and entertainment, sports competitions, sporting and cultural activities, and live performances showcasing talent, live show performances, sports tournaments, games, recreation activities, and cultural activities, all for entertainment purposes; sports services, namely, conducting sports camps, rental of sports equipment, except vehicles, and organizing sports events, namely, swimming meets, soccer competitions, baseball competitions, football competitions, volleyball competitions, golf competitions, tennis competitions, and hockey competitions; translation services and language interpretation; news reporters services; news ***program*** services, namely, providing current event news via a global computer network, photographic reporting, news syndication reporting, and editorial reporting services; publishing of stories, namely, novels, short stories, children'S stories, animal stories, and family stories recorded by family members to preserve their heritage; publication of printed matter; publication of the editorial content of sites accessible via a global computer network; publishing of electronic publications; providing electronic non-Downloadable publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; providing on-Line non-Downloadable electronic publications, in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of texts; providing online non-Downloadable comic books and graphic novels; providing on-Line non-Downloadable general feature magazines; music publishing services; music recording services, namely, production of sound and music video recordings; on-Line publishing services, namely, online electronic publishing of books and periodicals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication and editing of printed matter; publication of printed matter relating to education; publication of educational books; publication of educational teaching materials, namely, publication of educational texts, books, instruction manuals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of instructional literature, namely, publication of musical texts, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of printed matter and printed publications in the nature of brochures, booklets, teaching materials, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of newspapers, periodicals, catalogs, and brochures; publication of books; consultation services in the field of publication of books; publishing services for books and magazines; publication and editing of books; publication of online electronic books and online journals; electronic desktop publishing; publication of books in the field of entertainment; electronic text publishing services; publication of electronic books and journals online; provision of non-Downloadable electronic publications; publication of electronic magazines; live band performances; arranging of visual entertainment, namely, entertainment services in the nature of live visual performances by actors, singers, dancers, and comedians; arranging of visual and musical entertainment, namely, entertainment services in the nature of live visual and audio performances, namely, musical, variety, news and comedy shows; organization of recreational activities, namely, organizing community festivals featuring a variety of activities, namely, art exhibitions, heritage markets, ethnic dances, and the like; provision of recreational events, namely, organizing community festivals featuring primarily sporting events, art exhibitions, ethnic dance performances, dance performances, ice dancing performances, plays, musical performances, and magic shows and also providing flea markets, dinners, lunches, food tasting, and wine tasting; providing recreational areas in the nature of play areas for children; providing online information from a computer database or the internet relating to entertainment, namely, information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services in the nature of an amusement park show; entertainment, namely, conducting carnivals; provision of entertainment services through the media of video-Films, namely, movie showings and planning and conducting a series of film festivals; provision of entertainment services through the media of publications, namely, magazine publishing, book publishing, music publishing, and electronic book rental via the internet; amusement centers; production of shows in the nature of operas, television shows, plays, live dance shows, and live music shows; entertainment, education and instruction services, namely, providing motivational and educational speakers; video entertainment services, namely, providing video podcasts, producing videos, filming videos, directing videos, editing videos, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; organization of exhibitions of video films for entertainment purposes; provision of recreational activities in the nature of skiing, hunting, fishing, providing recreational camps for children, providing play facilities for children, providing fitness and exercise facilities, arranging and conducting canoe expeditions for recreational purposes, arranging and conducting jungle and safari expeditions for recreational purposes, providing sports facilities, providing swimming pools, and providing horseback riding facilities for recreational purposes; leisure services, namely, arranging and conducting fishing tournaments, golf tournaments, music concerts, and theater shows, and provision of information in the field of leisure activities, namely, hunting, fishing, swimming, surfing, and bowling; sporting activities, namely, organizing sporting events, namely, triathlons and golf tournaments, and cultural activities, namely, organization of cultural shows, organization of events for cultural purposes, organizing cultural and art events; computer and video game amusement services, namely, providing on-Line computer games; providing information on-Line relating to computer games and computer enhancements for games; providing on-Line information in the field of computer video gaming entertainment; television entertainment, namely, television news shows, animated cartoon shows, fictional television shows for children, game shows, and reality shows; providing theme park services; theatre entertainment, namely, theater productions; theatre services in the nature of ticket reservation and booking services for recreational and leisure events, namely, music concerts, theater shows, and live dance performances; theatre productions; adventure playground services, namely, providing amusement parks and provision of children'S playgrounds at service stations; popular entertainment services, namely, personal appearances by a movie star, sports celebrity, and fictional character; provision of games by means of a computer based system, namely, providing temporary use of non-Downloadable game software; providing online computer games; game services, namely, providing information on-Line relating to computer games and computer enhancements for games provided by means of communications by computer terminals or mobile telephone; provision of on-Line entertainment, namely, providing an on-Line virtual environment for trading virtual sports trading cards and tokens, providing online video games, and providing online reviews of movies, books, music, and computer games; provision of on-Line computer games; on-Line gaming services, namely, providing online video and computer games and providing temporary use of non-Downloadable interactive games; providing on-Line computer games through a computer database; musical entertainment services, namely, organization of exhibitions for musical entertainment; entertainment services in the nature of live performance of music and singing by a singer and musical band; children'S adventure playground services, namely, arranging and conducting live, interactive, treasure hunt game adventures; organization of events for cultural entertainment purposes, namely, shows and plays, and organization of sporting competitions; organization of balls; non-Downloadable video game services provided via the internet; electronic game services provided by means of the internet; electronic game services and competitions in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation provided by means of the internet; amusement park rides and theme park services; organizing of shows, namely, fashion shows, circus shows, laser shows, and game shows for entertainment purposes; film distribution; cinematographic entertainment services, namely, rental of cinematographic machines and apparatus, motion picture film production, film and video production consulting services, and film editing; distribution of movies; rental of motion pictures; live entertainment in the nature of live music concerts, dance performances, magic performances, and theatrical performances; cinema presentations; electronic games services provided from a computer database or by means of the internet; electronic games services, namely, provision of computer games on-Line or by means of a global computer network; entertainment services, namely, television ***programs***; entertainment services, namely, production of motion pictures; entertainment services, namely, production of live shows; entertainment services in the form of cinema performances, namely, provision of cinema facilities and movie showings; provision of entertainment services through the media of audio tapes, namely, production of audio recordings; provision of entertainment services through the media of television, namely, production of television ***programs***; entertainment in the form of recorded music, namely, production of musical sound recordings; provision of entertainment services through the media of cine-Films, namely, production and distribution of movies; electronic online publication of periodicals and books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging of games, namely, arranging and conducting triathlon, cycling, walking, and running events; organization of games and sports competitions; adult training in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, sports, music, film, comedy, art, general trivia, computer games, home video games, and animation; electronic data processing training; education and instruction, namely, providing classes in the field of computer literacy arranging and conducting conferences in the field of sporting events, art exhibitions, animal exhibitions, dance performances, ice dancing performances, plays, musical performances, and magic shows; sports and fitness in the nature of physical fitness instruction, fitness boot camp, conducting fitness classes, and coaching in the field of sports; audio and video production, namely, production of audio and video recordings, and photography; training in the field of electronics; provision of education courses in the field of electronics, namely, through correspondence courses, offered through online, non-Downloadable videos and instructor assistance; english language education services, namely, language schools featuring the english language; training in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; education services for imparting language teaching methods, namely, providing classes for teachers in the field of teaching languages to students; provision of language schools and language courses, namely, language instruction; organization of language courses, namely, conducting after-School foreign language tutoring ***programs***; language tuition in the nature of language instruction; provision of information on employment training; professional consultancy in the field of education, namely, providing consultation concerning education options to pursue career opportunities; educational advisory services, namely, providing advice concerning education options to pursue career opportunities; organizing of educational games, namely, spelling competitions and educational card games; providing computer-Delivered educational testing and assessments services; providing facilities for educational conventions; educational testing services; provision of training and education, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training consultancy, namely, business training consultancy services; provision of education courses, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training and further training consultancy, namely, business training consultancy services; organization of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; development of educational materials, namely, publication of educational textbooks; dissemination of printed educational material for others, namely, educational textbooks, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging teaching ***programs***, namely, conducting educational ***programs*** in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of acting, sports, physical fitness, animation, and film production training facilities; education services relating to the development of children'S intellectual faculties, namely, teaching at elementary schools, providing classes and camps for children in the fields of animation, film production, acting, music, art, comedy, computer games, and video games; education services relating to computers, namely, providing classes in the field of computer science and computer literacy; education services relating to computer systems, namely, providing classes in the field of computer science and computer literacy; conducting educational courses, seminars and workshops, in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational services provided for children, namely, providing after school educational ***programs*** for children in grades k-12; educational services provided for teachers of children, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production, provided on a real-Time basis during classroom instruction; training in the operation of software systems; training in the development of software systems; training in the design of software systems; training of teachers in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production and courses of instruction provided on a real-Time basis during classroom instruction at the undergraduate, graduate and post-Graduate level; teacher training services, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production provided on a real-Time basis during classroom instruction; providing classes in the field of data processing and computing; school courses relating to study assistance, namely, providing educational tutoring in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training in the use of data processing ***programs***; provision of educational instruction, namely, providing classes and workshops, in the field of data processing; training services in the field of computer-Aided design; providing computer-Assisted courses of instruction, namely, providing on-Line classes and workshops in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational instruction, namely, providing training in the use of computers; educational instruction, namely, providing training in the development of computers; educational services, namely, providing classes and workshops for the provision of training in the use of computers; organization of computer related training courses, namely, providing training classes in the field of computer science and computer literacy; training services relating to computers, namely, providing training in the field of computers; computer education training; training in the operation of computerized systems; training services in the field of computer systems; computer training, namely, training in the use of computers; computer education training services; training in the development of computer ***programs***; training in the operation of computer ***programs***; training in the design of computer ***programs***; provision of educational instruction, namely, providing classes and workshops in the field of computer ***programming***; training in the field of computer ***programming***; computerized training in career counselling; training in the field of computer techniques; provision of courses of instruction in the management of information technology, namely, providing classes in the field of information technology management; training services in the field of the use of information technology; educational services relating to information technology, namely, providing classes in the field of information technology; sporting education services, namely, providing classes in the field of sports; sporting and recreational activities, namely, organizing sporting events, namely, swimming meet, soccer competition, football competition, volleyball competition, baseball competition, tennis competition, skiing competition, surfing competition, and water polo competition; sports coaching and instruction, namely, personal fitness training; film production for entertainment purposes; production and distribution of movies; production of entertainment in the form of television ***programs***; production of entertainment in the form of sound recordings; animation production services; animation production services, namely, creating animated cartoons; production of animated television ***programs*** for distribution on television and cable television systems; audio, film, video and television recording services in the nature of recording studio services. |  |  |  |  |  |
|  | [79-203,590] | Rovio Animation | 1-6-17[12-12-17] | Intl. 3, 9, 16, 18, 21, 25, 28, 30, 32, 41US. 1, 2, 3, 4, 5, 6, 13, 21, 22, 23, 26, 29, 30, 33, 36, 37, 38, 39, 40, 41, 45, 46, 48, 50, 51, 52, 100, 101, 107 | - - - - |
| The color(S) orange, green, black, blue and white is/Are claimed as a feature of the mark. The mark consists of the design of a highly stylized bird standing upright, with an orange beak and feet, a green body and tuft of feathers atop its head, white, black and blue eyes with green rings as eyelids. Essential oils and aromatic extracts in the nature of perfumes; non-Medicated toiletry preparations; perfumery and fragrances; oral hygiene preparations, namely, dentifrices, toothpaste, and non-Medicated mouthwash; body cleaning and beauty care preparations, namely, non-Medicated soap, shower gels, facial and body scrubs, facial and body cleansers, skin cleansers, non-Medicated body soaks, non-Medicated exfoliating preparations for skin, perfumed body powders, body creams and lotions, face creams and lotions, after-Shave lotions, antiperspirants, deodorants for personal use, non-Medicated sun care preparations, hair shampoo, hair conditioners, hair gels, hair creams, cosmetics, lotions for cosmetic purposes, nail polishes, nail varnishes, nail enamel, nail gel, nail glitter, false nails, adhesives for artificial nails, decorative fingernail decals for cosmetic purposes, nail cream, false eyelashes, hair dyes, hair spray, beauty masks, make-Up, makeup powder, make-Up preparations, make-Up removing preparations, baby oil, baby powder, baby bath gel and baby lotion, lip gloss, and non-Medicated lip balm; cleaning preparations; fragrancing preparations, namely, perfuming sachets, air fragrancing preparations, and room fragrancing preparations. Animated cartoons recorded on pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings; audio recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; audio visual recordings featuring, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; digital music downloadable from a computer database or the internet; downloadable electronic publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; instruction manuals in downloadable electronic format; exposed cinematographic films; pre-Recorded audio tapes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; exposed film, namely, exposed camera film, exposed photographic film, and exposed slide films; digital music downloadable provided from mp3 internet web sites, namely, downloadable mp3 files and mp3 recordings from the internet and featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; holographic images, holographic displays, and holograms, all, namely, photographic recordings of a light field used to reconstruct and display a fully three-Dimensional image of a subject or scene in space with coherent light, featuring animated cartoons; digital music downloadable from the internet; weekly publications downloaded in electronic form from the internet in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, satire, art, general trivia, computer games, home video games, and animation; pre-Recorded discs bearing images featuring animated cartoons; downloadable graphics for mobile phones; downloadable musical sound recordings; downloadable music files; musical video recordings; talking books in the nature of audio books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; phonograph records in the nature of sound recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; recorded discs bearing sound, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, and cd-Rom discs featuring music, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; musical sound recordings; musical recordings in the form of discs; pre-Recorded videos, namely, pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings featuring music, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; pre-Recorded tape recordings, namely, audio tapes featuring music; downloadable electronic printed publications in machine-Readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable electronic printed publications in optically recorded format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable printed publications in electronically-Readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; cinematographic films featuring animated cartoons; downloadable podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer documentation in electronic form, namely, downloadable documents in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation provided via a website; electronic publications, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; training manuals in the form of a computer ***program***, namely, computer software for training purposes; exposed sensitized films, namely, sensitized cinematographic film, sensitized photographic film, and sensitized x-Ray film; exposed photosensitive media films, namely, exposed slide film, exposed camera film, exposed cinematographic film, and exposed photographic film; exposed cinematographic film; video recordings, namely, musical video recordings and audiovisual video recordings featuring music, images, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animation, and music videos; recorded data files, namely, downloadable electronic data files featuring audio, video, text, binary, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, graphics and multimedia files; computer game software; multimedia content and recorded content, namely, video disks and video tapes with recorded animated cartoons; computer software for computer games, video games, and processing digital images; electronic databases in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; computer game ***programs*** downloadable via the internet; downloadable electronic game ***programs***; downloadable computer game ***programs***; downloadable video game ***programs***; computer software ***programs*** for video games; computer video game software contained on cartridges for personal computers, home video game consoles, arcade-Based video game consoles, slot machines, and video lottery terminals; recorded computer game ***programs***; computer games, namely, computer game ***programs***, computer ***programs*** for pre-Recorded games, computer game software for use on mobile and cellular phones, interactive multimedia computer game ***programs***, computer game software downloadable from a global computer network, the internet, and wireless devices; video game ***programs***; computer ***programs*** stored in digital form, namely, computer ***programs*** for using the internet and the world wide web; computer software for electronic publishing; personal computer application software, namely, software for managing document control systems; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software that may be downloaded from the internet; interactive computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; interactive multimedia computer ***programs*** for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software that permits games to be played; computer application software for mobile phones, portable media players, handheld computers, portable computers, and tablets, namely, software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for education featuring instruction in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software downloadable from global computer information networks; children'S educational software; data recorded electronically, namely, computer ***programs*** recorded on data media designed for recreational game playing purposes; audio cassettes, namely, pre-Recorded cassettes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; dvds, namely, pre-Recorded dvds featuring music, images, namely, image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities, motion picture films, animated cartoons, music videos, and computer games; electronic data carriers, namely, secure digital memory cards, flash drives, usb flash drives, usb cards featuring computer game software and computer game ***programs***; pre-Recorded compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; information technology equipment, namely, computers and audiovisual equipment, namely, cameras and flashes for cameras, cases for cameras and photographic equipment, movie projectors, multimedia projectors, picture projectors, sound-Reproducing apparatus, high definition televisions, and transmitting and receiving apparatus for radio and television broadcasting and for long-Distance transmission; computer operating systems. Disposable paper products, namely, paper cartons for delivering goods, paper lunch bags, advertising signs of paper, advertising signs of cardboard, art paper, bibs of paper, blank or partially printed paper labels, blank paper notebooks, lined and unlined writing pads, memo pads, notepads, book cover paper, business card paper, ***calendared*** paper, gift-Wrapping paper, blister cards paper towels, notebook paper, paper folders, paper envelopes for packaging, table cloths of paper, table linens of paper, paper napkins, toilet paper, boxes of cardboard or paper, gift boxes made of cardboard, cardboard cartons, cardboard containers, paper handkerchiefs, paper napkins for removing make-Up, paper flags, paper banners, protective covers for notebooks, place mats and coasters of paper and cardboard, and disposable paper sheets for personal hygienic use in the nature of disposable headrest covers not for medical use; decoration materials, namely, paper party decorations, paper cake decorations, decorations of paper for lunch boxes and foodstuffs, decorative paper centerpieces, and party ornaments of paper; art materials, namely, paint brushes, watercolor paints sold as part of an arts and crafts paint kit, drawing ink, pastels, crayons, pencils, pens, chalk, artists' watercolor saucers, molds for modeling clays, blackboards, drawing boards, easels, and canvas for painting; media, namely, arts and crafts clay kits, arts and craft paint kits, coloring books, stencils for face painting, rubber marking stamps, temporary tattoo ***transfers*** similar to decals, stickers and sticker albums, blackboards and scrap books; pastes and other adhesives for stationery or household purposes; printed matter, namely, note cards, greeting cards, books, booklets, printed periodicals, magazines including gaming magazines, manuals, newspapers, newsletters, journals, children'S books, baby books, comic books, coloring and children'S activity books, instructional and teaching materials, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; paper and cardboard; books in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; stationery; educational supplies, namely, two-Ring and three-Ring binders, desk pencil holders, desk pencil stands, paper folders, ***calendars***, paperweights, pencil sharpeners, electric pencil sharpeners, paper clips, thumb tacks or push pins, document folders, index cards, and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors as drawing instruments, paper clips, pencil sharpeners, writing grips, glue for stationery or household purposes and book marks; works of art made of paper and cardboard; figurines of paper and cardboard, namely, papier-Mâché figurines, and architects' models; bags, namely, paper bags, merchandise bags, grocery bags, paper party bags, party goodie bags of paper or plastic, plastic or paper bags for household use; articles for packaging made of paper, cardboard, or plastics, namely, cardboard boxes for packaging, paper bags for packaging, paper pouches for packaging, paper roll stock for packaging, padded paper envelopes for mailing or packaging, paper for wrapping and packaging, and storage containers and packaging containers made of paper or cardboard; articles for wrapping made of paper, cardboard, or plastic, namely, gift-Wrapping paper, paper gift wrap bows, paper and plastic gift wrapping ribbons, food wrapping plastic film, sheets of cellophane paper for wrapping, and plastic packaging wrap for commercial or industrial use; articles for storage made of paper, cardboard, or plastics, namely, plastic food storage bags for household use and containers for storage or transport made of paper or cardboard; drawing materials, namely, pencils, pastels, crayons, ink for writing instruments, color pencils, markers, dry erase markers, permanent markers, and highlighting markers; drawing paper; arts and crafts equipment, namely, arts and crafts clay kits, colored craft and art sand, children'S arts and crafts paper kits, and arts and craft paint kits; modelling equipment, namely, molds for modeling clays, modeling clay, and modeling clay for children. Walking sticks; luggage; bags in the nature of handbags, purses, fabric and leather pouches, coin purses, and cosmetic purses sold empty; wallets; other carriers, namely, duffel bags, beach bags, backpacks, sports bags, diaper bags, briefcases, leather and canvas shopping bags, business card holders in the nature of card cases, leather portfolios, carry-All school bags, and tool bags of leather or imitations of leather sold empty; umbrellas; parasols. Cosmetic utensils, namely, cosmetic brushes, make up applicators in the nature of applicator sticks for applying make-Up and make up brushes, shaving brushes, stands for shaving brushes, hair brushes and combs; toilet utensils, namely, toilet brushes and toilet sponges; bathroom articles, namely, bathroom pails, toilet paper holders, stands specially adapted for toothbrushes, and toothbrush cases; brushes, namely, brushes for cleaning footwear, cleaning brushes for household use, toothbrushes, nail brushes, and brushes for pets; brush-Making materials; statues, figurines, plaques, and works of art made of porcelain, terra-Cotta, or glass; tableware, namely, tea services and coffees services; cookware, namely, cooking pots and pans, glass dishes; containers for household or kitchen use; glasses, namely, drinking glasses and beverage glassware; drinking vessels; barware, namely, seltzer bottles, cocktail shakers, beverage glassware, coffee mugs, beer mugs, and earthenware mugs; serving dishes; household utensils, namely, dishes. Footwear; hats; clothing, namely, shirts, jackets, pants, dresses, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, beach cover-Ups, overalls, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, cycling shorts, slacks, jeans, men'S and women'S suits, vests, undergarments, muffs, shawls, stoles, blazers, coats, robes, sleepwear, suspenders, bandanas, and loungewear; sports shirts with short sleeves; menswear, namely, blazers, trousers, suits, jackets, and shirts; casual shirts; casual trousers; leisurewear, namely, leisure suits; clothing layettes; swimming trunks; sports clothing other than golf gloves, namely, cap visors, socks, sports bras, and athletic tops and bottoms for runners, yoga, and cycling; sportswear, namely, shorts, track suits, sports bras, sweat-Absorbent underclothes, swim suits, tennis wear, jerseys; tops; coats and socks; tee-Shirts; sweatpants; socks; shorts; slipovers; blousons; long jackets; long sleeve pullovers; printed t-Shirts; shirts; loungewear; outer clothing for men, namely, coats, jackets, cloaks, ponchos, capes, and parkas; short-Sleeve shirts; short-Sleeved or long-Sleeved t-Shirts; trousers for children; children'S wear, namely, dresses, jumpers, shirts, jackets, pants, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, slacks, jeans, vests, undergarments, sweaters, blazers, coats, robes, sleepwear, and loungewear, and cloth bibs; skirt suits; gloves; collared shirts; running suits; hooded sweatshirts; hooded tops; slacks; skirts; denim jeans; sweat shirts; sweat suits; denim jackets; sun hats; peaked headwear in the nature of cap peaks; caps with visors; bonnets; children'S headwear; headwear in the nature of bonnets; headwear in the nature of sun visors; headwear in the nature of caps; footwear in the nature of pumps; football boots; footwear excluding orthopedic footwear; footwear for men; canvas shoes; espadrilles; basketball sneakers; gym boots; children'S footwear; running shoes; training shoes; leather shoes; footwear for women; slip-On shoes; booties; slippers; shoes with hook and pile fastening tapes; sandals; infants' footwear; beach shoes; cycling shoes; leisure shoes; costumes for use in children'S dress up play. Fairground apparatus, namely, amusement park rides, rollercoasters, and carousels; playground apparatus, namely, sand boxes, swing sets, slides for playgrounds, and playground sports training apparatus to improve strength, toning, conditioning, balance and proprioception; festive decorations for christmas trees, namely, ornaments not in the nature of christmas tree lights; artificial christmas trees; toys, namely, children'S multiple activity toys, dolls, puppets, plush toys, soft dolls, teddy bears, toy figures and play sets consisting of action figures, attachable articles of clothing for toys, rocking horses, bathtub toys, ride-On toys, balls for sports, yo-Yos, balls for games, playground balls, rubber balls, mah-Jong sets, marbles for games, toy vehicles, electric toy vehicles, toy scooters, toy air pistols, toy building blocks, water squirting toys, and magnetic toy figures attachable to mobile phones; games, namely, action skill games, action target games, arcade-Type electronic education video games, board games, card games, building games, educational card games, electronic educational game machines for children, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, promotional game cards, puzzle games, and video game consoles for use with an external display screen or monitor; playthings, namely, puppet theatres, beanbags in the form of playthings, dolls' beds, dolls' clothes, dolls' houses, and dolls' rooms; novelties, namely, novelty face masks, toy foam novelty items, namely, foam fingers and hands, and novelty vampire teeth; sporting articles and equipment, namely, tennis balls, footballs, soccer balls, baseballs, volleyballs, tennis rackets, table tennis rackets, paddle rackets for use in paddle ball games, badminton rackets, squash rackets, sailboards, skateboards, snowboards, skis, waterskis, roller skates, ice skates, floats for bathing and swimming, dumb-Bells, elbow guards being sport articles for athletic use, knee guards being sport articles for athletic use, archery sets, bocce ball sets, spring boards and golf ball dispensers, golf bags, golf clubs, golf gloves, and gloves for games and sports, namely, baseball gloves, golf gloves, boxing gloves, hockey gloves, bowling gloves, and football gloves; video game apparatus, namely, video game joysticks, video game consoles, handheld units for playing video games other than those adapted for use with an external display screen or monitor, and hand-Held units for playing electronic games for use with external display screen or monitor; balloons; fabric toys, namely, stuffed and plush toys; carnival caps, namely, plastic party hats and paper party hats; face masks being playthings; children'S multiple activity toy; children'S toy bicycles for use other than for transport; board games; kites; toy hats; toy tableware; play balls; toy sporting apparatus, namely, toy game balls, paddles for use in paddle ball games, outdoor activity game equipment sold as a unit comprising sports balls, baseball bats, bases, basketball goals, soccer goals, hockey goals, hockey sticks, for playing games; toy vehicles with transforming parts; toys simulating objects used by adults in day to day activity, namely, toy watches, toy telephones, toy cell phones, toy computers, toy television sets, toy bakeware and cookware, toy knives, toy forks, toy spoons, toy pots and pans, toy bowls, toy rolling pins, toy spatulas, toy tea sets, toy cosmetics, toy makeup, toy non-Electric shaver, and toy keys; masks for children for fancy dress, namely, toy masks; battery-Operated action toys; toy figurines, namely, modeled plastic toy figurines and attachable, wearable, magnetic toy figurines; counters for games; scale model vehicles; toys or playthings in the nature of miniature car models; inflatable toys; building games; sports games, namely, target games, action skill games, horseshoe games, and paddle ball games. Processed grains; starches, namely, food starch; baking preparations and yeasts, namely, yeast, baking powders, and food flavorings other than essential oils; ice, ice creams, frozen yogurts, and sorbets; coffee and coffee substitutes; teas and tea substitutes; cocoa and cocoa substitutes, namely, cocoa, cocoa powder, and cocoa mixes; bakery goods; confectionery, namely, frozen confectioneries, chocolate confections, confectionery made of sugar, and jelly confections; chocolate; desserts, namely, dessert mousse, ice cream desserts, and dessert puddings; sugars and natural sweeteners; sweet coatings, namely, frosting; fillings in the nature of buttercream, caramel, chocolate, pudding, and custard fillings for cakes; bee products in the nature of honey; salt; food seasonings; food flavorings, other than essential oils; condiments, namely, sauces, ketchup, mustard, salsas, and dipping sauces; pastries, cakes, tarts, and biscuits; chocolates; bakery goods; foodstuffs, namely, confectionery products containing cocoa as the main constituent; confectionery in frozen form. Non-Alcoholic beverages, namely, carbonated beverages, mineral and aerated waters, mineral and aerated flavored waters, drinking water, bottled water, spring water, flavored waters, coconut waters, fruit drinks and fruit juices, non-Alcoholic fruit juice beverages, sparkling fruit juice beverages, non-Alcoholic cider, vegetable juices, non-Alcoholic beer, non-Alcoholic wine, non-Alcoholic cocktails; preparations for making beverages, namely, syrups, syrup substitutes for making beverages, syrups for making soft drinks, fruit-Based syrup for making fruit juices and fruit drinks, non-Alcoholic fruit extracts used in the preparation of beverages, and concentrates in tablet form for making effervescent soft drinks; fruit juices; flavored carbonated beverages, namely, sodas, sarsaparilla soft drinks, cola drinks, cola beverages, non-Carbonated non-Alcoholic frozen flavored beverages; energy drinks; coconut milk beverages, namely, coconut-Based beverage not being milk substitutes; non-Alcoholic cordials; orange squash. Publishing, namely, publishing books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; reporting, namely, photographic reporting, news syndication reporting, and editorial reporting services; education services, namely, conducting classes, on-Line classes, seminars, and workshops, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; entertainment services, namely, conducting contests, the creation, development, and production of cinematographic films, animation and animated films, and television ***programs*** for others, providing facilities for and arranging entertainment, namely, concerts, cabarets, circuses, shows featuring comedy, live musical performance, theatrical performances, exhibitions in the fields of art, education, culture, sports and entertainment, sports competitions, sporting and cultural activities, and live performances showcasing talent, live show performances, sports tournaments, games, recreation activities, and cultural activities, all for entertainment purposes; sports services, namely, conducting sports camps, rental of sports equipment, except vehicles, and organizing sports events, namely, swimming meets, soccer competitions, baseball competitions, football competitions, volleyball competitions, golf competitions, tennis competitions, and hockey competitions; translation services and language interpretation; news reporters services; news ***program*** services, namely, providing current event news via a global computer network, photographic reporting, news syndication reporting, and editorial reporting services; publishing of stories, namely, novels, short stories, children'S stories, animal stories, and family stories recorded by family members to preserve their heritage; publication of printed matter; publication of the editorial content of sites accessible via a global computer network; publishing of electronic publications; providing electronic non-Downloadable publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; providing on-Line non-Downloadable electronic publications, in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of texts; providing online non-Downloadable comic books and graphic novels; providing on-Line non-Downloadable general feature magazines; music publishing services; music recording services, namely, production of sound and music video recordings; on-Line publishing services, namely, online electronic publishing of books and periodicals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication and editing of printed matter; publication of printed matter relating to education; publication of educational books; publication of educational teaching materials, namely, publication of educational texts, books, instruction manuals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of instructional literature, namely, publication of musical texts, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of printed matter and printed publications in the nature of brochures, booklets, teaching materials, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of newspapers, periodicals, catalogs, and brochures; publication of books; consultation services in the field of publication of books; publishing services for books and magazines; publication and editing of books; publication of online electronic books and online journals; electronic desktop publishing; publication of books in the field of entertainment; electronic text publishing services; publication of electronic books and journals online; provision of non-Downloadable electronic publications; publication of electronic magazines; live band performances; arranging of visual entertainment, namely, entertainment services in the nature of live visual performances by actors, singers, dancers, and comedians; arranging of visual and musical entertainment, namely, entertainment services in the nature of live visual and audio performances, namely, musical, variety, news and comedy shows; organization of recreational activities, namely, organizing community festivals featuring a variety of activities, namely, art exhibitions, heritage markets, ethnic dances, and the like; provision of recreational events, namely, organizing community festivals featuring primarily sporting events, art exhibitions, ethnic dance performances, dance performances, ice dancing performances, plays, musical performances, and magic shows and also providing flea markets, dinners, lunches, food tasting, and wine tasting; providing recreational areas in the nature of play areas for children; providing online information from a computer database or the internet relating to entertainment, namely, information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services in the nature of an amusement park show; entertainment, namely, conducting carnivals; provision of entertainment services through the media of video-Films, namely, movie showings and planning and conducting a series of film festivals; provision of entertainment services through the media of publications, namely, magazine publishing, book publishing, music publishing, and electronic book rental via the internet; amusement centers; production of shows in the nature of operas, television shows, plays, live dance shows, and live music shows; entertainment, education and instruction services, namely, providing motivational and educational speakers; video entertainment services, namely, providing video podcasts, producing videos, filming videos, directing videos, editing videos, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; organization of exhibitions of video films for entertainment purposes; provision of recreational activities in the nature of skiing, hunting, fishing, providing recreational camps for children, providing play facilities for children, providing fitness and exercise facilities, arranging and conducting canoe expeditions for recreational purposes, arranging and conducting jungle and safari expeditions for recreational purposes, providing sports facilities, providing swimming pools, and providing horseback riding facilities for recreational purposes; leisure services, namely, arranging and conducting fishing tournaments, golf tournaments, music concerts, and theater shows, and provision of information in the field of leisure activities, namely, hunting, fishing, swimming, surfing, and bowling; sporting activities, namely, organizing sporting events, namely, triathlons and golf tournaments, and cultural activities, namely, organization of cultural shows, organization of events for cultural purposes, organizing cultural and art events; computer and video game amusement services, namely, providing on-Line computer games; providing information on-Line relating to computer games and computer enhancements for games; providing on-Line information in the field of computer video gaming entertainment; television entertainment, namely, television news shows, animated cartoon shows, fictional television shows for children, game shows, and reality shows; providing theme park services; theatre entertainment, namely, theater productions; theatre services in the nature of ticket reservation and booking services for recreational and leisure events, namely, music concerts, theater shows, and live dance performances; theatre productions; adventure playground services, namely, providing amusement parks and provision of children'S playgrounds at service stations; popular entertainment services, namely, personal appearances by a movie star, sports celebrity, and fictional character; provision of games by means of a computer based system, namely, providing temporary use of non-Downloadable game software; providing online computer games; game services, namely, providing information on-Line relating to computer games and computer enhancements for games provided by means of communications by computer terminals or mobile telephone; provision of on-Line entertainment, namely, providing an on-Line virtual environment for trading virtual sports trading cards and tokens, providing online video games, and providing online reviews of movies, books, music, and computer games; provision of on-Line computer games; on-Line gaming services, namely, providing online video and computer games and providing temporary use of non-Downloadable interactive games; providing on-Line computer games through a computer database; musical entertainment services, namely, organization of exhibitions for musical entertainment; entertainment services in the nature of live performance of music and singing by a singer and musical band; children'S adventure playground services, namely, arranging and conducting live, interactive, treasure hunt game adventures; organization of events for cultural entertainment purposes, namely, shows and plays, and organization of sporting competitions; organization of balls; non-Downloadable video game services provided via the internet; electronic game services provided by means of the internet; electronic game services and competitions in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation provided by means of the internet; amusement park rides and theme park services; organizing of shows, namely, fashion shows, circus shows, laser shows, and game shows for entertainment purposes; film distribution; cinematographic entertainment services, namely, rental of cinematographic machines and apparatus, motion picture film production, film and video production consulting services, and film editing; distribution of movies; rental of motion pictures; live entertainment in the nature of live music concerts, dance performances, magic performances, and theatrical performances; cinema presentations; electronic games services provided from a computer database or by means of the internet; electronic games services, namely, provision of computer games on-Line or by means of a global computer network; entertainment services, namely, television ***programs***; entertainment services, namely, production of motion pictures; entertainment services, namely, production of live shows; entertainment services in the form of cinema performances, namely, provision of cinema facilities and movie showings; provision of entertainment services through the media of audio tapes, namely, production of audio recordings; provision of entertainment services through the media of television, namely, production of television ***programs***; entertainment in the form of recorded music, namely, production of musical sound recordings; provision of entertainment services through the media of cine-Films, namely, production and distribution of movies; electronic online publication of periodicals and books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging of games, namely, arranging and conducting triathlon, cycling, walking, and running events; organization of games and sports competitions; adult training in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, sports, music, film, comedy, art, general trivia, computer games, home video games, and animation; electronic data processing training; education and instruction, namely, providing classes in the field of computer literacy arranging and conducting conferences in the field of sporting events, art exhibitions, animal exhibitions, dance performances, ice dancing performances, plays, musical performances, and magic shows; sports and fitness in the nature of physical fitness instruction, fitness boot camp, conducting fitness classes, and coaching in the field of sports; audio and video production, namely, production of audio and video recordings, and photography; training in the field of electronics; provision of education courses in the field of electronics, namely, through correspondence courses, offered through online, non-Downloadable videos and instructor assistance; english language education services, namely, language schools featuring the english language; training in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; education services for imparting language teaching methods, namely, providing classes for teachers in the field of teaching languages to students; provision of language schools and language courses, namely, language instruction; organization of language courses, namely, conducting after-School foreign language tutoring ***programs***; language tuition in the nature of language instruction; provision of information on employment training; professional consultancy in the field of education, namely, providing consultation concerning education options to pursue career opportunities; educational advisory services, namely, providing advice concerning education options to pursue career opportunities; organizing of educational games, namely, spelling competitions and educational card games; providing computer-Delivered educational testing and assessments services; providing facilities for educational conventions; educational testing services; provision of training and education, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training consultancy, namely, business training consultancy services; provision of education courses, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training and further training consultancy, namely, business training consultancy services; organization of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; development of educational materials, namely, publication of educational textbooks; dissemination of printed educational material for others, namely, educational textbooks, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging teaching ***programs***, namely, conducting educational ***programs*** in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of acting, sports, physical fitness, animation, and film production training facilities; education services relating to the development of children'S intellectual faculties, namely, teaching at elementary schools, providing classes and camps for children in the fields of animation, film production, acting, music, art, comedy, computer games, and video games; education services relating to computers, namely, providing classes in the field of computer science and computer literacy; education services relating to computer systems, namely, providing classes in the field of computer science and computer literacy; conducting educational courses, seminars and workshops, in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational services provided for children, namely, providing after school educational ***programs*** for children in grades k-12; educational services provided for teachers of children, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production, provided on a real-Time basis during classroom instruction; training in the operation of software systems; training in the development of software systems; training in the design of software systems; training of teachers in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production and courses of instruction provided on a real-Time basis during classroom instruction at the undergraduate, graduate and post-Graduate level; teacher training services, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production provided on a real-Time basis during classroom instruction; providing classes in the field of data processing and computing; school courses relating to study assistance, namely, providing educational tutoring in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training in the use of data processing ***programs***; provision of educational instruction, namely, providing classes and workshops, in the field of data processing; training services in the field of computer-Aided design; providing computer-Assisted courses of instruction, namely, providing on-Line classes and workshops in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational instruction, namely, providing training in the use of computers; educational instruction, namely, providing training in the development of computers; educational services, namely, providing classes and workshops for the provision of training in the use of computers; organization of computer related training courses, namely, providing training classes in the field of computer science and computer literacy; training services relating to computers, namely, providing training in the field of computers; computer education training; training in the operation of computerized systems; training services in the field of computer systems; computer training, namely, training in the use of computers; computer education training services; training in the development of computer ***programs***; training in the operation of computer ***programs***; training in the design of computer ***programs***; provision of educational instruction, namely, providing classes and workshops in the field of computer ***programming***; training in the field of computer ***programming***; computerized training in career counselling; training in the field of computer techniques; provision of courses of instruction in the management of information technology, namely, providing classes in the field of information technology management; training services in the field of the use of information technology; educational services relating to information technology, namely, providing classes in the field of information technology; sporting education services, namely, providing classes in the field of sports; sporting and recreational activities, namely, organizing sporting events, namely, swimming meet, soccer competition, football competition, volleyball competition, baseball competition, tennis competition, skiing competition, surfing competition, and water polo competition; sports coaching and instruction, namely, personal fitness training; film production for entertainment purposes; production and distribution of movies; production of entertainment in the form of television ***programs***; production of entertainment in the form of sound recordings; animation production services; animation production services, namely, creating animated cartoons; production of animated television ***programs*** for distribution on television and cable television systems; audio, film, video and television recording services in the nature of recording studio services. |  |  |  |  |  |
| Spring | [79-204,362] | Spring From Holland B.V. | 2-6-17[12-12-17] | Intl. 2, 3US. 1, 4, 6, 11, 16, 50, 51, 52 | - - - - |
| Paints; varnishes; lacquers; coatings for decorative purposes; primers; natural, synthetic and aniline dyes for decorative purposes; colorants; pigments; metallic inks and engraving inks for decorative purposes; paints for decorative purposes, also in the form of sprays and aerosols; paints for sale in aerosols; spray paints; color spray paints; gold spray paints; silver spray paints; glitter spray paints; color mixers for paint in the nature of color pigments, oil colors and colorants for decorative purposes; thinners for paints; thickeners for paints; paints also featuring glue; metals in foil and powder form for painters and decorators; wood stains; anti-Corrosive agents in the nature of anti-Corrosive coatings, anti-Corrosive oils and anti-Corrosive paints. Cleaning, polishing, scouring and abrasive preparations; antistatic products for household use; antistatic sprays for dried flowers; shining preparations for plant leaves; shining preparations for plant leaves in the form of sprays and aerosols; spray polishes; cleaning preparations in the form of sprays for household use; cleaning preparations in the form of sprays for use on fresh flowers and plants, dried flowers, artificial flowers, artificial plants, including silk flowers; fragrances and perfumery not for personal use; perfume for rooms and areas; scented room spray; potpourri fragrances; scented oils for the production of aroma when heated not for personal use; fragrance sticks for room fragrancing; incense; flower essences perfumery; natural perfumery not for personal use; perfumery in the form of a spray for dried flowers, artificial flowers and artificial plants, including silk flowers. |  |  |  |  |  |
|  | [79-205,605] | Select Sport A/S | 12-5-16[12-12-17] | Intl. 3, 5, 10, 18, 25, 28, 35US. 1, 2, 3, 4, 6, 18, 22, 23, 26, 38, 39, 41, 44, 46, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a triangle design made up of three curved bands. Cosmetic massage creams and oils; pomades for cosmetic purposes, cleaning compositions for removing resins; shoe cream. Medicated ointments, oils and creams for skin care; cooling sprays for medical purposes, namely, ice sprays for cooling injuries; medical adhesive tapes for bandaging, bandages for dressings and plasters for medical purposes, compression bandages, bandages for sports use for protecting skin from cuts, abrasions and burns; first-Aid boxes sold filled. Ice pack for first aid purposes for cooling injuries; compression garments. Sports bags; general use medical bags sold empty. Clothing, namely, t-Shirts, polo shirts, shorts, gloves, sweatsuits; sports-Uniforms; footwear and headwear; goalkeeper trousers and jerseys, studs for soccer footwear, vests for use during exercise. Gymnastic and sporting articles, namely, non-Slip resins for use by athletes in ball games; balls, namely, balls for use in exercise and rehabilitation and not for medical use, and pumps and valves specially adapted for the foregoing; clothing especially designed for sports, namely, goalkeeping gloves; equipment for use in sports training and playing sports, namely, cones; protective and supporting equipment for use in playing sports, namely, shin guards and groin protectors, nets for sports. Retail and wholesale store services, including via the internet, of cosmetic massage creams and oils, cosmetic ointments, cleaning preparations for removing resins, shoe cream, medicated ointments, medicated creams and oils, ice sprays for cooling injuries, tape bandages, bandages and plasters, compression bandages, bandages for sports use, medical bags sold filled, ice packs for cooling injuries, compression clothing, bags for sports, medical bags sold empty, clothing, footwear and headwear, goalkeeper trousers and jerseys, studs for football boots, vests for use during exercise, gymnastic and sporting articles, resins for use in ball games, balls for use in exercise and rehabilitation and not for medical use, pumps for balls, valves for balls, goalkeeping gloves, equipment for use in sports training and playing sports in the nature of cones, protective and supporting equipment for use in playing sports in the nature of shin guards and groin protectors, and nets for sports. |  |  |  |  |  |
| Ovance | [79-206,133] | Ovance | 1-18-17[12-12-17] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| Skin whitening preparations; laundry detergents; polishing preparations; degreasing preparations for cosmetic purposes; abrasive preparations, namely, skin abrasive preparations; soaps, namely, bath and shower soaps not for medical purposes, beauty soaps, cosmetic soaps, cream soaps, shaving soaps; perfumes; essential oils; cosmetics; hair lotions; dentifrices; depilatories; make-Up removing products, namely, make-Up removing preparations; lipstick; beauty masks; shaving products, namely, shaving preparations, shaving creams, shaving foam, shaving lotions, shaving gels, shaving balms; preservative polishes for leather; creams for leather. Medical services; veterinary services; skin care services for beauty and sanitary care, namely, cosmetic skin care services, skin care salon services; beauty salon services; hairdressing salon services; animal grooming services. |  |  |  |  |  |
| Tasly | [79-206,703] | Tasly Holding Group Co. | 11-10-16[12-12-17] | Intl. 3, 30US. 1, 4, 6, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized word "Tasly" with a triangular design to the left of the wording. Non-Medicated soap; cakes of soap; cosmetics; dentifrices; hair lotions; facial washing milk; bath lotion; laundry preparations, namely, laundry bleach, laundry soap, laundry detergent, laundry fabric conditioner; stain removers; hair colorants. Coffee; tea; tea-Based beverages; sugar; sweetmeats; bread; steamed stuffed buns; cereal preparations, namely, cereal bars, processed cereal, biscuits, tarts and cakes made with cereals, ready-To-Eat-Cereals; noodles; soya flour; cereal-Based snack food; cooking salt; edible ices; soya sauce; condiments, namely, ketchup, mustard, relish, sauces, mayonnaise, salad dressings; starch based thickeners for whipped cream; food leavening agents; aromatic preparations for food, namely, scented water for flavoring beverages, scented food flavoring other than essential oils; meat tenderizers, for household purposes; starch for food; honey; bee glue, namely, propolis, for human consumption; royal jelly for food purposes. |  |  |  |  |  |
| Multi-Mam | [79-206,864] | Bioclin Bv | 3-21-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetic preparations. Medicinal and pharmaceutical preparations for treating gynecological diseases; homeopathic and phytotherapeutic pharmaceuticals for treating gynecological diseases; sanitary and disinfectant preparations for medical use; medical dressings. |  |  |  |  |  |
|  | [79-208,831] | Marv Films | 12-2-16[12-12-17] | Intl. 3, 8, 21, 33US. 1, 2, 4, 6, 13, 23, 28, 29, 30, 33, 40, 44, 47, 49, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a circle with a horizontal bar within the lower third of the circle and a second bar within the circle resembling the letter v symmetrically connecting at two points inside the circle and at the midpoint of the horizontal bar. Non-Medicated soaps; perfumery; eau de parfum; eau de toilette; cologne; toilet waters; essential oils and aromatic extracts namely, aromatic oils; cosmetics; make-Up preparations; cosmetic kits comprised of cosmetics; non-Medicated toiletry preparations; non-Medicated animal grooming preparations in the nature of shampoos; non-Medicated products for the care, beauty and cleaning of the hair, namely, hair styling preparations; non-Medicated gels, mousses, balms, clays, waxes, serums and preparations in aerosol form for hairdressing, hair styling and hair care; hair shampoos; brilliantine; hair lotions; hair tonic; hair colorants; hair dyes; hair spray; moustache wax; non-Medicated beard wax; beard dyes; non-Medicated beard oil; non-Medicated beard conditioner; shaving preparations; lotions for use before and after shaving; talcum powder; shaving cream; shaving soap; shaving stones; shaving foams; dentifrices; toothpastes; mouth wash, not for medical purposes; breath freshening sprays; deodorants and antiperspirants for personal use; musk; cleaning and fragrancing preparations, namely, perfume, eau de cologne and eau de toilette; boot polish; shining preparations; shoe cream; shoe polish; shoe wax; tailors' and cobblers' wax; nail grooming products; nail care preparations; non-Medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; non-Medicated skin care preparations; non-Medicated toilet preparations, namely, cosmetic preparations, cosmetic preparation for the care of mouth and teeth, tooth cleaning and bleaching preparations, cosmetic preparation for body care, non-Medicated skin care preparations, hair care preparations; non-Medicated sun-Tanning milks, gels and oils and after-Sun preparations for cosmetics purposes; non-Medicated skin moisturisers in the nature of creams and lotions; emollients for skin and hair; non-Medicated lip care preparations; foot scrubs; body scrubs; facial scrubs; facial washes; non-Medicated skin cleansers and hydrators; skin toners; non-Medicated skin moisturisers in the nature of creams and lotions; non-Medicated creams and gels for treating and concealing blemishes; beauty masks; face and body masks; hand washes; toilet soaps; non-Medicated creams, milks, lotions, gels and powders for the face, body and hands; non-Medicated bath salts; bath and shower oils, gels, creams and foams. Razors, razor blades, razor cases, razor strops; hair trimmers; hair clippers for personal use; beard clippers; cuticle tweezers; nail files; nail clippers; manicure sets; pedicure sets; tweezers. Brushes, namely, hair brushes, shaving brushes, nail brushes, toothbrushes, shoe brushes and clothes brushes, combs; moustache combs; comb cases; toothpicks; shoe horns; shoe trees; shirt stretchers; fitted vanity cases. Alcoholic beverages except beers; spirits and liquors; whisky; bourbon; brandy; rum; vodka; gin; distilled blue agave liquor; vermouth; champagne; wine; sparkling wine; cava. |  |  |  |  |  |
| Eau Solaire | [79-210,071] | Capsum | 3-6-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Eau". Skin whitening preparations; laundry detergents; polishing preparations; degreasing preparations for keratinic material, namely, for skin or lips; abrasive preparations for keratinic material, namely, for skin or lips; non-Medicated soaps; perfumes; essential oils; cosmetics; hair lotions; dentifrices; depilatories; make-Up removing preparations; lipstick; beauty masks; shaving products, namely shaving gel, cream and lotion; leather preserving polishes; creams for leather. Pharmaceutical products, namely pharmaceutical preparations for skincare; veterinary products, namely, veterinary preparations for skincare for domestic pets; sanitary products for medical purposes; dietetic foods adapted for medical use; dietetic substances for medical use, namely, dietetic foodstuffs and beverages adapted for medical use; dietetic foodstuffs adapted for veterinary use; dietetic substances for veterinary use, namely, dietetic foodstuffs and beverages for veterinary use; food for babies; food supplements; medical plasters being materials for dressings; teeth filling materials; dental impression materials; disinfectants; products for destroying vermin; fungicides; herbicides; bath preparations for medical use; sanitary panties; sanitary towels; chemical preparations for medical use, namely, for treatment of dermatological care; chemical preparations for pharmaceutical use, namely, treatment of dermatological care; medicinal herbs; herbal teas for medicinal purposes; parasiticides; alloys of precious metals for dental use. The english translation of the word "Eau solaire" in the mark is "Solar water". |  |  |  |  |  |
| Avoria | [79-210,092] | Avoria | 3-1-17[12-12-17] | Intl. 3, 34, 35US. 1, 2, 4, 6, 8, 9, 17, 50, 51, 52, 100, 101, 102 | - - - - |
| Aromatics, namely, aromatic essential oils; scented oils used to produce aromas when heated; perfumery; terpenes, namely, terpenes essentials oils; blended essentials oils; fumigating incenses (Kunko). Electronic cigarettes; pipes, namely, tobacco pipes, electronic smoking pipes, electronic shisha smoking pipes, tobacco waterpipes and smoking pipes as smokers' articles; smokers' articles not for medical purposes, namely, hookah charcoal, cigar storage tubes, keystones for pipes, cigarettes containing tobacco substitutes, liquid nicotine solutions and flavourings thereof other than essential oils for use in electronic cigarettes; matches; tobacco; tobacco and tobacco substitutes; tobacco substitutes; tobacco substitutes not for medical purposes; tobacco free cigarettes, other than for medical purposes, namely, cigarettes containing tobacco substitutes; cigarettes containing tobacco substitutes, not for medical purposes; cigarlilos; cigars; flavorings, other than essential oils, for use in electronic cigarettes; liquid solutions for use in electronic cigarettes, namely, electronic cigarette liquid (E-Liquid) comprised of propylene glycol or vegetable glycerin; tobacco jars; personal vaporizers and electronic cigarettes, and flavourings and solutions therefor, namely, personal oral vaporizers for smoking purposes and electronic cigarettes, and liquid nicotine solutions and flavourings therefore other than essential oils for use in electronic cigarettes; hookahs; e-Liquids comprised of propylene glycol for electronic cigarettes and oral vaporizers for smoking purposes; cigarette cases made of precious metal; cigarette boxes of precious metal; electronic cigarette cases; electronic cigarette boxes; smokeless cigarette vaporizer pipes; tobacco containers, namely, tobacco jars; humidors; containers for cigars, namely, cigar boxes, tubes, cases and pouches; hand-Held machines for injecting e-Liquid into electronic cigarettes and cartridges; electronic cigarette cartonizers, namely, combination electronic cigarette refill cartridges sold empty and atomizers, sold as a component of electronic cigarettes; electronic cigars; electronic cigarette liquid (E-Liquid) comprised of propylene glycol; electronic cigarette liquid (E-Liquid) comprised of vegetable glycerin; refill cartridges sold empty for electronic cigarettes; oral vaporizers for smokers; atomizers sold as a component of electronic cigarettes. On-Line trading services in which seller posts products to be auctioned and bidding is done via the internet; retail and wholesale store services and online retail and wholesale store services all featuring pharmaceutical, veterinary and sanitary preparations and medical supplies; retail and wholesale store services and online retail and wholesale store services all featuring electronic cigarettes, evaporators, cigarettes, cigars, tobacco and tobacco products, tobacco substitutes, smokers' articles, liquids for electronic cigarettes, flavourings for electronic cigarettes; retail and wholesale store services and online retail and wholesale store services all featuring flavourings, scented oils, terpenes, essential oils; retail and wholesale store services and online retail and wholesale store services all featuring stationery, packaging, cards, periodicals, packaging materials; retail and wholesale store services and online retail and wholesale store services all featuring bags, briefcases, pocket wallets; retail and wholesale store services and online retail and wholesale store services all featuring clothing, headgear, footwear; retail and wholesale store services and online retail and wholesale store services all featuring non-Alcoholic beverages, waters, juices, flavoured aerated beverages, soya-Based beverages, preparations for making beverages, water-Based functional beverages, caffeinated water, caffeinated energy drinks, energy drinks. |  |  |  |  |  |
| Moyy | [79-210,289] | Moyy | 1-23-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetic creams; non-Medicated creams for the body; creams for firming the skin; perfumery and fragrances. Creams for dermatological use. |  |  |  |  |  |
| O | [79-210,458] | Song, Seok Ju | 4-20-17[12-12-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| The color(S) the colors pastel blue and white are claimed as a feature of the mark. The mark consists of a stylized letter "O" consisting of two sides with a break in between with the left side being in solid pastel blue and the right side being outlined in pastel blue and white inside. the color white appearing in the background represents background, outlining, shading and/Or transparent areas and is not part of the mark. Lotions for cosmetic purposes; beauty masks; cosmetics; cosmetic sun-Protecting preparations; hair lotions; cosmetic preparations for skin care; essential oils; after-Shave lotions; cosmetic bath and shower preparations; skin cleansers. Sales agency services for cosmetics, namely, sales promotion for others, promoting the sale of goods and services of others through electronic couponing, promotions and discounts, retail services by direct solicitation by sales agents in the field of cosmetics; sales arranging of cosmetics, namely, inventory and shelf arrangement, namely, replenishing and resetting items for sale, arranging and conducting incentive reward ***programs*** to promote the sale of cosmetics. |  |  |  |  |  |
| Heliobrush | [79-213,089] | Daetwyler Graphics | 1-25-17[12-12-17] | Intl. 3, 7, 21US. 1, 2, 4, 6, 13, 19, 21, 23, 29, 30, 31, 33, 34, 35, 40, 50, 51, 52 | - - - - |
| Polishing preparations. Machine parts, namely, polishing discs, polishing wheels and polishing brushes for machines for polishing printing plates, printing cylinders, gravure printing cylinders or embossing forms; brushes for use with machines for polishing printing plates, printing cylinders, gravure printing cylinders or embossing forms; electric machines for polishing printing plates, printing cylinders, gravure printing cylinders or embossing forms; electrically-Operated brushes, being parts of machines; machines for polishing printing plates, printing cylinders, gravure printing cylinders or embossing forms, featuring brushes. Polishing brushes for printing cylinders, gravure printing cylinders or embossing forms. |  |  |  |  |  |
| Skiniron | [79-213,852] | Msco Co. | 4-7-17[12-12-17] | Intl. 3, 10US. 1, 4, 6, 26, 39, 44, 50, 51, 52 | - - - - |
| Cosmetics; non-Medicated functional cosmetics; make-Up; cosmetics for the face and body; non-Medicated cosmetics for massage. Skin esthetic massage apparatus; skin esthetic massaging apparatus; esthetic facial massage apparatus for skin whitening effect; aesthetic massage apparatus, portable; massaging apparatus for personal use. |  |  |  |  |  |
| Ma | [79-213,899] | Dermanord Internatl. Ab | 5-5-17[12-12-17] | Intl. 3, 5, 35US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a circle with the design in the center of the stylized term "Ma". Bleaching preparations for cosmetic purposes, hair bleaching preparations and bleaching preparations for laundry use; cleaning, polishing, scouring and abrasive preparations; skin soaps, soaps for body care, bath soaps, shower soaps, hand soaps, beauty soaps, cosmetic soaps, creme soaps, shaving soaps; perfume; essential oils; hair care preparations; non-Medicated skin care preparations; cosmetics; sun protective oils, namely, cosmetic sun oils; sun protective products, namely, cosmetic sun-Tanning preparations; cosmetic creams; oils for cosmetic purposes; lotions for cosmetic purposes; cosmetic preparations for skin care; sun lotions, namely, cosmetic sun tan lotions; cosmetic preparations for baths; cosmetics preparations for eyelashes; colorants for cosmetic purposes; cotton wool for cosmetic purposes; cosmetic pencils. Pharmaceutical, medical and veterinary preparations, namely, pharmaceutical preparations for skin care, pharmaceutical preparations for hair care; sanitary preparations for medical purposes; pharmaceutical preparations for skin care. Retail store services and online retail store services relating to bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair care preparations, skin care preparations; retail store services and online retail store services relating to sun protective oils, sun protective products, cosmetic creams, oils for cosmetic purposes, lotions for cosmetic purposes, cosmetic preparations for skincare, sun lotions, cosmetic preparations for bath, cosmetic preparations for eyelashes, colorants for cosmetic purposes, cotton wool for cosmetic purposes, cosmetic pencils; retail store services and online retail store services relating to pharmaceuticals, medical and veterinary preparations, sanitary preparations for medical purposes, pharmaceutical preparations for skin care. Maqs advokatbyrå. |  |  |  |  |  |
| Alex Simone | [79-216,265] | Rousseau Eric Pierre Bernard | 7-24-17[12-12-17] | Intl. 3, 4, 5US. 1, 4, 6, 15, 18, 44, 46, 50, 51, 52 | - - - - |
| Non-Medicated toiletry preparations; non-Medicated hand soaps; perfumery products, namely, perfumed pastes and powders; perfumes; air fragrances; essential oils, cosmetics; scented wood; incense sticks; cosmetic pencils; cosmetic creams; body deodorants as perfumery; eau de cologne; lavender water; scented linen water; toilet water; extracts of flowers sold as components of perfumes; almond oil in the nature of essential oils; lavender oil; oils for cosmetic use; oils for toilet use, namely, perfume oils; oils for perfumes and scents; cleansing milk for toilet purposes; sachets for perfuming linen; cosmetic kits comprised of non-Medicated cosmetics, namely, lipstick and lip gloss; lotions for cosmetic use; make-Up; beauty masks; potpourris. Perfumed candles; wicks for candles; candles for lighting; tapers, church candles. Deodorants for clothing or textile materials; household deodorant; air fresheners in the nature of air deodorizing preparations. The name shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Folixidil | [79-216,503] | Voloshyn Sergii | 3-7-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the design of a hair follicle, with a hair shaft extending from the epidermis. there is an arrow pointing to the bottom left portion of the hair follicle, and a diagonal arrowhead next to the top of the hair shaft. the wording "Folixidil" sits below the design of the hair follicle. Hair lotions. Medicinal hair growth preparations; medicated hair lotions. |  |  |  |  |  |
| Kingsman | [79-975,334] | Marv Films | 12-2-16[12-12-17] | Intl. 3, 8, 21US. 1, 2, 4, 6, 13, 23, 28, 29, 30, 33, 40, 44, 50, 51, 52 | - - - - |
| Soaps; perfumery; eau de parfum; eau de toilette; cologne; toilet waters; essential oils; cosmetics; make-Up preparations; cosmetic kits comprised of cosmetics; non-Medicated toiletry preparations; animal grooming preparations in the nature of shampoos for animals; products for the care, beauty and cleaning of the hair, namely, hair grooming preparations; gels, mousses, balms, clays, waxes, serums and preparations in aerosol form for hairdressing, hair styling and hair care; shampoos; brilliantine; hair lotions; hair tonic; hair colorants; hair dyes; hair spray; moustache wax; beard wax; beard dyes; beard oil; beard conditioner; shaving preparations; lotions for use before and after shaving; talcum powder; shaving cream; shaving soap; shaving stones; shaving foams; dentifrices; toothpastes; mouth wash, not for medical purposes; breath freshening sprays; deodorants and antiperspirants for personal use; musk; cleaning and fragrancing preparations, namely, perfume, eau de cologne and eau de toilette; boot polish; shoe shining preparations; shoe cream; shoe polish; shoe wax; tailors' and cobblers' wax; nail grooming products, namely, nail care preparations; non-Medicated preparations for the application to, conditioning and care of hair, scalp, skin and nails; non-Medicated skin care preparations; non-Medicated toilet preparations; cosmetic sun-Tanning milks, gels and oils and after-Sun preparations; facial moisturizers; emollients for skin and hair; non-Medicated lip care preparations; foot scrubs; body scrubs; facial scrubs; facial washes; skin cleansing and hydrating preparations; skin toners; skin moisturizers; non-Medicated creams and gels for treating and concealing blemishes; beauty masks; face and body masks; hand washes; toilet soaps; creams, milks, lotions, gels and powders for the face, body and hands; bath salts; bath and shower oils, gels, creams and foams. Razors, razor blades, razor cases, razor strops; hair trimmers; hair clippers for personal use; beard clippers; cuticle tweezers; nail files; nail clippers; manicure sets; pedicure sets; tweezers. Brushes, namely, hair brushes, shaving brushes, nail brushes, toothbrushes, shoe brushes and clothes brushes, but not including paint brushes; combs; moustache combs; comb cases; toothpicks; shoe horns; shoe trees; shirt stretchers; fitted vanity cases. |  |  |  |  |  |
| Prêt-À-Couture De Schiaparelli | [86-253,654] | Interbasic Holding S.R.L. | 4-16-14[12-12-17] | Intl. 3, 9, 14, 18, 25US. 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36, 38, 39, 41, 50, 51, 52 | - - - - |
| "Prêt-À-Couture". Perfumery and cosmetics, namely, perfume, eau de cologne, rose water, eau de toilette, after shave lotions, makeup, personal deodorants and antiperspirants, essential oils for personal use, soaps, shaving soaps, bath oils, bath foams, bath cream, bath salts for cosmetic purposes, cleansing soaps for personal hygiene, shower soaps, shaving lotions, shaving creams, beauty creams, vanishing creams, skin lotions, hand creams, lotions, namely, beauty lotion, body lotion, non-Medicated skin care lotions; body milk, cosmetic preparations for slimming purposes, cosmetic sun oils, cosmetic sun milks, cosmetic sunscreen lotions, talcum powder, tissues impregnated with cosmetic lotions, cotton stick for cleaning ears, cotton wool for cosmetic purposes, eyebrow pencils, eye liners, mascaras; face powder, lip-Sticks, eye make-Up removers, skin milks, skin cleansing lotions, hair care preparations, shampoos, hair oils, henna for cosmetic purposes, hair lotions, hair creams, hair sprays, hair decolorants, nail polish, depilatories; cosmetic kits, namely, make-Up sets comprised of eyebrow pencils, eyeliners, mascaras, face powder, lipsticks, eye shadows; dentifrices; laundry preparations, namely, cleaning, polishing, scouring and abrasive preparations, laundry bleach and laundry detergents; shoe and boot creams and polishes. Spectacles, sunglasses, optical lenses and frames therefor, contact lenses, optical lenses, magnifying glasses, cases, chains and cords for glasses and spectacles, parts and fittings, namely, eyewear retainers and nose pads for eyewear; leather covers specifically adapted for electronic devices, namely, covers for portable multimedia players, for mobile phones, for dvds, for cds, for computer cables, for audio reproduction devices, for palmtops, for electronic agendas, for photographic cameras and for film cameras. Watches and clocks, pendulum clocks, chronographs as watches; chronometers, rough gemstones, precious stones, diamond, coral jewellery, emerald, sapphire, ruby, opal, topaz, aquamarine, earrings, rings, necklaces, bracelets, ornamental pins made of precious metal, shoe ornaments of precious metal, pearl, boxes of precious metal, jewels cases of precious metal, brooches; ornamental pins, tie clips, cuff links, leather bracelets. Bags, namely, handbags, traveling bags; briefcases, leather briefcases, leather credit card holders, wallets, leather document briefcases, leather key cases, purses, trunks, suit cases, cosmetic bags sold empty, sports bags, all purpose athletic bags, evening and shoulder bags for ladies, leather shopping bags, school bags, garment bags for travel, suit carriers for travel, shoe bags for travel, beach bags, rucksacks, diaper bags, backpacks, boston bags, traveling trunks, duffel bags, overnight bags, carry-On bags, mountain-Climbing athletic bags, satchels, opera bags, namely, handbags, unfitted vanity cases, animal hides, cases and boxes made of leather, bags made of leather for packaging, leather straps, umbrellas, leather leashes. Leather coats, leather jackets, leather trousers, leather skirts, leather tops, leather raincoats, leather long coats, leather overcoats, leather belts, leather braces for clothing, belts, suits, padded jackets, jackets, stuff jackets, jumpers, trousers, jeans, skirts, dresses, coats, overcoats, cloaks, raincoats, parkas, pullovers, shirts, t-Shirts, blouses, sweaters, underwear, baby-Dolls being nightwear, bathrobes, bathing costumes, negligee, swim suits, dressing gowns, nightgowns, one-Piece dresses, two-Piece dresses, evening dresses, shawls, scarves, ties, neckties, gentlemen suits, dress shirts, button-Front aloha shirts, sweat shirts, under shirts, polo shirts, body suits, blazers, shorts, sport shirts; shoes, athletic shoes, slippers, overshoes, low heel shoes, leather shoes, rubber shoes, galoshes, golf shoes, wooden clog, angler shoes, basketball shoes, dress shoes, heels, hiking shoes, rugby shoes, boxing shoes, baseball shoes, vinyl shoes, beach shoes, inner soles, soles for footwear, footwear upper, heelpieces for shoes and boots, non-Slipping pieces for shoes and boots, tips for footwear, rain shoes, track-Racing shoes, work shoes, straw shoes, gymnastic shoes, boots, ski boots, half boots, arctic boots, football boots, laced boots, field hockey shoes, hand ball shoes, esparto shoes or sandals, sandals, bath sandals; gloves, winter gloves, leather gloves, mittens; hats and caps, headwear, namely, visor, leather hats and caps. The english translation of "Prêt-A" and "De" in the mark is "Ready to" and "By", respectively. |  |  |  |  |  |
| Jumeirah | [86-966,852] | Jumeirah Internatl. | 4-6-16[12-12-17] | Intl. 3, 16, 35, 39, 41, 43US. 1, 2, 4, 5, 6, 22, 23, 29, 37, 38, 50, 51, 52, 100, 101, 102, 105, 107 | - - - - |
| Color is not claimed as a feature of the mark. "Jumeirah". The mark consists of the word "Jumeirah" in a stylized font, with a stylized depiction of a three-Dimensional helix above the letter "I". Preparations for cleaning, polishing, shining and scouring; soap; perfumes and fragrant oils in the nature of scented and essential oils and cosmetic and washing preparations, namely, lotions for the hair; teeth cleaners, namely, toothpaste. Paper and paper products, namely, stationery, diaries, blotters, writing paper, envelopes; cardboard and cardboard products, namely, cardboard boxes and cardboard tubes; booklets, flyers, newsletters, and pamphlets in the fields of hotel and accommodation services, hospitality, food and beverage, health and beauty, public relations, marketing, advertising, business management and administration, the retail service industry and travel industry; ***calendars***, note cards, blank forms, greeting cards, printed invitations, printed paper labels, note books, stationery pads, blotters, memorandum and engagement books, diaries, letter racks, file folders, index files, postcards, posters, printed souvenir tickets, writing pads, writing paper; newspapers, periodicals in the fields of hotel and accommodation services, hospitality, food and beverage, health and beauty, public relations, marketing, advertising, business management and administration, the retail service industry and travel industry; books in the fields of hotel and accommodation services, hospitality, food and beverage, health and beauty, public relations, marketing, advertising, business management and administration, the retail service industry and travel industry; bookbinding materials; printed publications, namely, journals, magazines and catalogues in the fields of hotel and accommodation services, hospitality, food and beverage, health and beauty, public relations, marketing, advertising, business management and administration, the retail service industry and travel industry; stationery and office requisites, namely, pens, pencils, felt pens, propelling pencils, ballpoint pens, paperweights. Public relations, marketing and advertising; business consultancy, commercial business management and advice; business administration; hotel and restaurant management for others; provision of business assistance and consultancy in relation to the establishment and operation of franchise establishments for the provision of food and non-Alcoholic beverage services, namely, for restaurant, self service restaurant, takeaway restaurant, coffee shop, cafe, snack-Bar services, preparation of food and non-Alcoholic beverages services and hotel and temporary accommodation services; the bringing together, for the benefit of others, of a variety of goods, and excluding the transport thereof, enabling customers to conveniently view and purchase those goods; office management services, namely, business management and personnel management; compiling and maintaining data in databases. Transport of passengers and goods; travel agencies; arranging of transportation for sightseeing tours; arranging of transportation for tours; arranging of cruises; boat rental; booking of seats for travel; car parking; car rental; chauffeur services; limousine services; escorting of travellers; transport and travel transportation reservation services; taxi services; provision of travel information, including via a global computer network; advisory services relating to travel, namely, advisory services in the field of transportation for travel; arrangement of travel to and from hotels. Provision of sporting and cultural activities namely, provision of golf, tennis court, and swimming pool facilities; education services, namely, providing training sessions, workshops, and classes in the fields of history, art, film-Making, tennis, water sports, poetry, diving, theatre productions, musical performances, symphony orchestra performances, cookery, hospitality training, hotel industry, fitness and golf, training in the fields of history, art, film-Making, tennis, water sports, poetry, diving, theatre productions, musical performances, symphony orchestra performances, cookery, hospitality training, hotel industry, fitness and golf, night club and entertainment services; arranging and conducting entertainment and educational conferences, meetings, exhibitions, training sessions, workshops, cultural fairs, congresses and lectures in the fields of history, art, film-Making, tennis, water sports, poetry, diving, theatre productions, musical performances, symphony orchestra performances, cookery, hospitality training, hotel industry, fitness and golf. Hotel and temporary accommodation services and reservation, booking and information services relating thereto; hotel services, specifically conference room leasing; hospitality services, namely, consulting services in the field of hospitality; contract food and non-Alcoholic beverage services; restaurant, self service restaurant, takeaway restaurant, coffee shop, cafe, snack-Bar services; catering for the provision of food and non-Alcoholic beverage services; preparation of food and non-Alcoholic beverage services; provision of nursery services for children. |  |  |  |  |  |
| Weediquette | [87-009,501] | Vice Media | 4-21-16[12-12-17] | Intl. 3, 5, 9, 25, 28, 29, 30, 32, 33, 34US. 1, 2, 4, 6, 8, 9, 17, 18, 21, 22, 23, 26, 36, 38, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52 | - - - - |
| Non-Medicated beauty treatment products, namely, soap, face and body creams and lotions; non-Medicated body treatment products, namely, face treatment products in the nature of moisturizers, face creams, anti-Aging creams, overnight creams, eye creams, astringents, body lotions, after-Sun lotions, anti-Muscle ache body creams and lotions, body creams, anti-Aging body lotions and creams; non-Medicated sun treatment products in the nature of sunscreen protection lotion, sunscreen protection spray, sunscreen for face and lips, pre-Sun creams, after sun lotions and creams for face, body, and lips; body creams, face creams; hair care products in the nature of shampoo, conditioners, styling gel, mousse, hair spray, color, color protection, and scalp treatments. Pain relief medication; vitamins; nutritional supplement energy bars; multi-Grain nutritional bars as nutritional supplements. Optical items, namely, eyeglasses, sunglasses; eyewear. Clothing, namely, t-Shirts, tanks, polo shirts, dress shirts, sweatshirts, sweaters, shorts, pants, jackets, coats, socks, gloves, scarves, fitness/Athletic wear in the nature of leggings, swimwear, track suits, jerseys, sports uniforms; footwear; headgear, namely, caps, visors, hats. Gambling machines; electronic gaming machines for gambling. Almond milk-Based beverages, soy milk, milk, non-Dairy creamers. Staple foods, namely, cereal products in the nature of cereal based snack food; confectionery, namely, gum, chocolate, hard candy, caramel, toffee, fruit chewables; pastry, cookies, cakes, brownies; candy; cereal based energy bars; teas, coffee drinks; multi-Grain based nutritional food bars. Non-Alcoholic beverages, namely, non-Alcoholic beers, including ale, stout, porter; mineral and aerated waters and other nonalcoholic drinks, namely, non-Alcoholic fruit juice beverages, soda; fruit drinks and fruit juices; syrups and other preparations for making beverages, namely, sodas, fruit drinks; non-Alcoholic cocktail mixers. Alcoholic beverages, namely, spirits. Smokers' articles, namely, cigarette rolling papers, lighters for smokers, vaporizing devices and pens, namely, electronic cigarettes, hookahs, tobacco blends, cigarette cases and tobacco containers, namely, pouches, jars and spittoons, smoking pipes, tobacco water pipes, tobacco grinders, cardboard filter tips. Weed iquette. |  |  |  |  |  |
| Corneliani | [87-052,827] | Corneliani S.P.A. | 5-27-16[12-12-17] | Intl. 3, 14, 35US. 1, 2, 4, 6, 27, 28, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the word "Corneliani" in uppercase letters with the word "Corneliani" below it in cursive. Cloths impregnated with a detergent for cleaning spectacles; skin soap; shoe polish; eau de cologne; lavender water; toilet water; scented linen water; potpourris; sachets for perfuming linen; air fragrancing preparations; antiperspirants for personal use; perfumed extracts of flowers for perfumes; fragrances for personal use; perfumery; antiperspirants; skin bronzer; after-Sun creams for cosmetic use; after-Sun milk; sun-Tanning preparations; bath foam; cosmetic preparations for baths; cosmetic preparations for shower, namely, shower gels, creams and oils; bath salts, not for medical purposes; cakes of toilet soap; deodorant soap; after-Shave balms; aftershave cologne; after-Shave creams; after-Shave emulsions; after-Shave gel; after-Shave lotions; shaving preparations; shaving soap; beard dyes; non-Medicated balms for use on hair; hair dyes; hair gel; hair spray; hair lotions; hair waving preparations; shampoos; cosmetics; anti-Wrinkle creams; cosmetic creams; depilatory creams; face and body beauty creams; beauty masks; tissues impregnated with essential oils, for cosmetic use; massage gels other than for medical purposes; almond milk for cosmetic purposes; make-Up removing gels, lotions and creams; cleansing milk for toilet purposes; cosmetic kits comprised of shaving soap, after-Shave lotions, cosmetic preparations for baths, after shave cologne; oils for toiletry purposes; essential oils; oils for perfumes and scents; oils for cosmetic purposes; pomades for cosmetic purposes; non-Medicated toiletry preparations; talcum powder, for toilet use; cosmetic dyes, namely, hair dye, beard dye; cosmetic preparations for skin care; depilatory preparations; disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; dentifrices; nail care preparations. Jewellery; earrings; tie clips; cufflinks; rings; necklaces; bracelets; charms for jewellery; brooches; scarf rings being jewelry; ornamental lapel pins made of precious metal; shoe jewellery, namely, shoe ornaments of precious metals; jewel cases of precious metal; boxes of precious metal; watches; wristwatches; electric watches; chronographs, namely, watches; chronometers; cases adapted for holding watches; watch chains; watch straps and watch bracelets; costume jewellery; key rings of precious metal. The bringing together, for the benefit of others, a variety of goods, enabling consumers to conveniently view those goods and enabling them to carry out purchases of those goods in the field of fashion clothing and accessories, cosmetic and cosmetic preparations, perfumery, body and beauty care cosmetics, jewellery, leather goods, headgear, eyewear; market research studies and market research; franchising, namely, services rendered by a franchisor consisting of assistance in management and business development of a commercial enterprise; retail store services featuring cosmetics, perfumes, shaving and after-Shaving products, body and beauty care products, cufflinks, tie clips, necklaces, bracelets, watches, bags, briefcases, purses, wallets, backpacks, clothing, casualwear, business wear, namely, suits, jackets, overcoats, trousers, blazers, sweaters, jumpers, shirts, footwear, tie, bowtie, belts, hats, gloves, scarfs; organization of trade fairs for advertising and/Or commercial purposes. |  |  |  |  |  |
| Beristyle | [87-088,011] | Beristyle | 6-29-16[12-12-17] | Intl. 3, 14US. 1, 2, 4, 6, 27, 28, 50, 51, 52 | - - - - |
| Bath and body products, namely, body, face and hand lotions, body salts, body cream, body mist, bath and shower gel, dusting powder and bath soap, skin moisturizers and skin moisturizer masks, skin conditioners, hand creams, massage oils, essential oils for personal use, talcum powder, bath beads, bath crystals, bath foam, bath oils, bath powders, bath salts, skin cleansers, body scrubs, body fragrances, body gels, body oils, body powders, body exfoliants, body masks, body mask creams and lotions, shaving preparations, shaving balm, skin abrasive preparations, non-Medicated lip care preparations, lip cream; non-Medicated topical skin products, namely, creams, ointments, gels, toners, lotions, sprays, powders, and creams and lotions with essential oils for aromatherapy use; cosmetics and make-Up, namely, facial makeup, concealers, blushers, facial powders, foundation makeup, eye makeup, eye pencils, eyebrow pencils, mascara, false eyelashes, cosmetic compacts, cosmetic pencils, lipstick, lip gloss, lip pomades, lip pencils, makeup removers, facial cleansers, toners, facial exfoliants and scrubs, facial creams, facial moisturizers, facial lotions and non-Medicated facial treatments, namely, non-Medicated acne treatment preparations, wrinkle removing skin care preparations, nail care preparations, nail polishes, nail polish removers, nail creams, cuticle removing preparations, nail buffing preparations, cosmetic pads, pre-Moistened cosmetic wipes, pre-Moistened cosmetic tissues and towelettes, cotton sticks for cosmetic purposes, all purpose cotton swabs for personal use and cosmetic purposes; hair care preparations; and sunscreen preparations, sun tanning preparations and after-Sun lotions, self-Tanning preparations, namely, self-Tanning milk and cream, accelerated tanning cream, self-Tanning lotions, gels and sprays. Jewelry articles, namely, beads for making jewelry; jewelry and fashion jewelry, namely, rings, buckles for watchstraps, earrings, bracelets, charms, brooches, chains, necklaces, pendants, fancy key rings of precious metal, their alloys, or plated therewith, ornaments of precious metal in the nature of jewelry, medallions; timepieces and chronometric instruments, namely, watches, watch bands, wrist-Watches. |  |  |  |  |  |
| Snub | [87-092,544] | Snub International | 7-4-16[12-12-17] | Intl. 3, 9, 14, 16, 25, 26, 35, 38, 41US. 1, 2, 4, 5, 6, 21, 22, 23, 26, 27, 28, 29, 36, 37, 38, 39, 40, 42, 50, 51, 52, 100, 101, 102, 104, 107 | - - - - |
| Perfumery; essential oils; cosmetics; make-Up; eye make-Up; eyeliners; blushers; lipsticks; hair lotions; soaps. Computer hardware; computer software for sending texts and photos to other, for wireless content delivery, for controlling and managing access server applications, for monitoring and controlling communication between computers and automated machine systems, for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information, and software that provides real-Time, integrated business management intelligence by combining information from various databases and presenting it in an easy-To-Understand user interface; computer peripherals; electronic data processing equipment; computer networking and data communications equipment, namely, computer networking hardware, computer network interface devices, computer network servers, computer network adapters, switches, routers and hubs, and telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; computer components and parts, namely, circuit boards, electronic components for computers, computer peripherals and parts thereof, blank hard drives for computers, logic circuits, computer cables, computer servers, computer screens, computer keyboards and computer monitors; electronic memory devices in the nature of usb hardware; electronic control apparatus in the nature of electrical controlling devices and computer keyboard controllers; ***programmed***-Data-Carrying electronic circuits in the nature of circuit boards; wires for communication, namely, electric cables, coaxial cables, computer cables; electrodes; telephones; aerials; batteries; micro-Processors; keyboards; video films. Precious metals; jewellery; precious stones; chronometric instruments. Paper; cardboard; printed publications, namely, books, brochures, booklets, magazines in the fields of art, music, entertainment, fashion and general human interest; printed matter, namely, newspapers, photographs, magazines, books, printed periodicals, newsletters, and brochures in the fields of art, music, entertainment, fashion and general human interest art, music, entertainment, fashion and general human interest; inking ribbons for computer printers; bookbinding materials; books in the fields of art, music, entertainment, fashion and general human interest; adhesives for stationery or household purposes; artists' paint brushes; music sheets; printed music scores; periodical magazines in the fields of art, music, entertainment, fashion and general human interest; photographs; stationery and educational supplies in the nature of blank note books and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue for stationery or household use and book marks; typewriters; printed instructional and teaching material, except apparatuses, in the field of art, science and technology; plastic materials in the nature of plastic film used as packaging material for general use; printing blocks. Clothing, namely, tops, bottoms, shirts, pants, jackets, coats for men and women; footwear; headgear in the nature of hats, caps, skullies; swimwear; sportswear, namely, athletic uniforms; leisurewear, namely, lounge pants, leisure suits; leisure shoes, robes, and night gowns; clothing for children, namely, tops, bottoms, shorts, children'S headwear, children'S underwear; infant wear; articles of clothing for women, namely, blouses, skirts, tops, bottoms, foulards, combinations; sleepwear, lingerie; hosiery; nightwear; sports clothing, namely, sports shirts, sports overuniforms, sports jerseys and breeches for sports, sports pants, sports bras, sports jackets; gymwear, namely, gym boots, gym pants, gym shorts; beach clothing, namely, beachwear, beach coverups, beach footwear, swim suits; belts; underwear; socks; gloves; men'S and women'S jackets, coats, trousers, vests. Lace; embroidery; ribbons; braids; buttons; hooks and eyes; pins, namely, hair pins, hat pins, curling pins; needles; artificial flowers. Advertising, business management and business administration, employment agency services relating to temporary and permanent placement of personnel; conducting skills evaluation for individuals in the nature of testing to determine employment skills; consultancy in the field of personnel management; arranging subscriptions to telecommunications services for others; presentation of goods on communication media, for retail purposes in the nature of home shopping services in the field of general consumer merchandise by means of television, mobile telephone, the internet; business management and organization consultancy; computerised file management; publication of publicity texts; rental of advertising space; dissemination of advertisements. Telecommunications and broadcast communication services; transmission and streaming of data content via computer and global information networks; operating of electronic communications networks for providing communication services in the nature of electronic transmission of data; providing access to databases; providing access to online databases via portals; electronic data interchange; telecommunications services in the nature of providing access to computer databases; providing data access to databases for downloading information via electronic media. Teaching and training in the fields of business, industry and information technology; education services, namely, providing live and on-Line classes, seminars, workshops in the field of fashion, music, entertainment, art; entertainment services, namely, provision of information relating to distribution of television shows and motion picture films; production and distribution of television ***programs***, shows and movies; provision of non-Downloadable films and television ***programs*** via video-On-Demand services; arranging and conducting of workshops, educational congresses, and lessons in the field of fashion, music, entertainment, art, law; organization of exhibitions for cultural or educational purposes; publication of electronic books and journals on-Line. |  |  |  |  |  |
| Basd | [87-093,134] | Basd Corporation | 7-5-16[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Body scrub, moisturizing cream, face scrub, lip balm, face cream. Vitamin supplements in the nature of ingestible beauty supplements for enhancing the appearance of hair, skin and nails. |  |  |  |  |  |
| Good To Be Nakd | [87-093,191] | Basd Corporation | 7-5-16[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Body scrub, moisturizing cream, face scrub, lip balm, face cream. Vitamin supplements in the nature of ingestible beauty supplements for enhancing the appearance of hair, skin and nails. Good to be naked. |  |  |  |  |  |
| Hillstone | [87-105,711] | Hillstone Restaurant Group | 7-15-16[12-12-17] | Intl. 3, 4, 8, 9, 16, 18, 20, 21, 24, 25, 27, 29, 30, 32, 33, 35, 36, 37, 39, 41, 42, 43, 44US. 1, 2, 3, 4, 5, 6, 13, 15, 19, 20, 21, 22, 23, 25, 26, 28, 29, 30, 32, 33, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 100, 101, 102, 103, 105, 106, 107 | - - - - |
| Soaps for hand and face; body oils; cosmetics; hand lotions for chefs, cooks, and culinary employees. Candles. Home products, namely, cutlery and kitchen tools in the nature of kitchen knives and cutlery. Downloadable mobile applications related to hospitality to facilitate reservations, deliveries, ***payments***, and alerts to guests regarding special offers; magnetic gift cards. Non-Magnetically encoded gift cards; paper or plastic bags for household use. Home and lifestyle products, namely, umbrellas; leather products, namely, leather backpacks, leather carrying cases. Home products, namely, dining room tables, chairs, kitchen tables, chopping block tables. Beverage glassware; cooking and household utensils, namely, mixing and cooking pots and pan; cutting boards. Home products, namely, textile goods in the nature of kitchen towels, place mats, coasters. Clothing, namely, chef apparel, namely, chef coats, chef pants, toques, culinary headwear. Home products, namely, carpets, rugs, and non-Textile wall hangings. Olive oil, meats, jams, jellies, spinach dip. Fruit teas; iced tea; tea; tea bags; tea-Based beverages with fruit flavoring; regular and decaffeinated coffee; bread; muesli; crackers. Non-Alcoholic cocktails; craft beer. Spirits and liquors; wine. On-Line ordering services in the field of restaurant take-Out and delivery; retail gift shop; providing business information in the field of social media; on-Line customer-Based social media brand marketing services; advertising and marketing; public relations; business management services in the operation of restaurants. Charitable fundraising services; property management of restaurant and hospitality-Related real estate. Construction of restaurant and food-Service related structures; maintenance of restaurant properties. Delivery of food by restaurants; packaging articles to the order and specification of others; storage of goods. Education, namely, training and instruction in the field of culinary arts and wine-Related subjects; entertainment, namely, demonstrations, events, exhibitions, and presentations in the fields of food and cooking. Design of restaurant properties. Bar services; catering services; take-Out restaurant services; providing a website featuring hospitality-Related information. Hygienic and beauty care services. Hill stone. |  |  |  |  |  |
| Organic Planet | [87-117,957] | Organic Planet | 7-27-16[12-12-17] | Intl. 3, 37US. 1, 4, 6, 50, 51, 52, 100, 103, 106 | - - - - |
| "Organic". Organic cleaner for use on countertops, kitchen and bathroom floors, furniture, and other household surfaces; organic spray cleaners for use on countertops, kitchen and bathroom floors, furniture, and other household surfaces. Cleaning of commercial premises using organic materials; cleaning of residential houses using organic materials; maid services using organic materials; real estate property cleaning, repair and maintenance services using organic materials. |  |  |  |  |  |
| Olivina Men | [87-146,956] | Olivina Nappa Valley | 8-22-16[12-12-17] | Intl. 3, 4, 8US. 1, 4, 6, 15, 23, 28, 44, 50, 51, 52 | - - - - |
| "Men". Body and personal care preparations, namely, shaving creams, non-Medicated beard care preparations in the nature of non-Medicated beard oils, colognes, personal deodorants, lotions, namely, after-Shave lotions and skin lotions, liquid soaps, bar soaps, body washes, shampoos, hair conditioners, lip balms, body scrubs, wipes impregnated with a skin cleanser, sunscreen preparations, shaving preparations, hair pomades, face moisturizers. Candles. Razors and razor blades, shaving cases. As to "Olivina". |  |  |  |  |  |
| Olivina Men | [87-146,959] | Olivina Nappa Valley | 8-22-16[12-12-17] | Intl. 3, 4, 8US. 1, 4, 6, 15, 23, 28, 44, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Men". The mark consists of a short line with the word "Olivina" in a stylized curve below the short line and the word "Men" in a stylized straight line below the word "Olivina". Body and personal care preparations, namely, shaving creams, non-Medicated beard care preparations in the nature of non-Medicated beard oils, colognes, personal deodorants, lotions, namely, after-Shave lotions and skin lotions, liquid soaps, bar soaps, body washes, shampoos, hair conditioners, lip balms, body scrubs, wipes impregnated with a skin cleanser, sunscreen preparations, shaving preparations, hair pomades, face moisturizers. Candles. Razors and razor blades, shaving cases. As to "Olivina". |  |  |  |  |  |
| We Don't Just Stand Behind Our Products, ...You Will Find Us In Front Of Them | [87-189,993] | Safe Effective Technologies | 9-30-16[12-12-17] | Intl. 1, 3, 4, 7, 8, 17, 37, 41, 42US. 1, 4, 5, 6, 10, 12, 13, 15, 19, 21, 23, 26, 28, 31, 34, 35, 44, 46, 50, 51, 52, 100, 101, 103, 106, 107 | - - - - |
| Chemical preparations, namely, synthetic industrial cleaning solvent. Valve cleaners. Synthetic valve lubricants. Parts for oil and gas field equipment, namely, sealant injection machinery in the nature of valve fittings, namely, suction and discharge valves, ball valves, plug valves, gate valves, globe valves, check valves, ball valve-Fittings, namely, ball valves, suction and discharge valves, check valves, globe valves, vent valves, plug valve fittings, namely, plug valves, suction and discharge valves, check valves, globe valves, vent valves, gate valve fittings, namely, gate valves, suction and discharge valves, check valves, globe valves, vent valves, drain fitting, namely, oil drain pumps, oil drain pipelines, fitting adapters and couplers, namely, valve adapters, relief valve coupler, buttonhead coupler, screw-On coupler, sealant injection valve fitting, namely, suction and discharge valves, sealant injection control valves, check valves, gate valves, ball valves, sealant injection equipment, namely, sealant injection module, sealant injection pumps, air and hydraulic motor sealant pumps and high pressure pumps. Manually-Operated sealant pumps; hand-Operated pumps for liquid recovery tanks; manually operated lubricant and sealant cartridge pump loader; hand-Operated pumps for use as a pressure relief tool; hand-Operated pumps for use as a packing injector. Valve maintenance products, namely, injectable sealants, synthetic valve sealants, and valve stem packings that maintain airtight nature of valve. Consulting services related to pipeline cleaning applications related to process pigging in the industries of aerospace, cryogenic, nuclear, chemical, petrochemical, oil and gas and refining and processing. Providing training information in the field of best-Practice preventative maintenance of facilities, equipment and pipelines in the oil and gas industry, and providing training for best-Practice preventative maintenance of facilities, equipment and pipelines in the oil and gas industry; providing training information in the field of usage of fittings, adapters, injection equipment, cleaning fluids, lubricants and sealants in the oil and gas industry, and providing training on the use of fittings, adapters, injection equipment, cleaning fluids, lubricants and sealants in the oil and gas industry; educational services, namely, developing and conducting educational ***programs*** and presentations about safety protocol in the oil and gas industry. Safety certification ***program*** for testing, analyzing and evaluating quality control of fittings, adapters, injection equipment, cleaning fluids, lubricants and sealants, all the afore mentioned used in the oil and gas industry. testing, analysis and evaluation of fittings, adapters, injection equipment, cleaning fluids, lubricants and sealants for the purpose of certification; inspection and certification services, namely, testing, analysis and evaluation for the purpose of certification of fittings, adapters, injection equipment, cleaning fluids, lubricants and sealants, all the aforementioned used in the oil and gas industry. We do not just stand behind our products, .You will find us in front of them. |  |  |  |  |  |
| Mess Of Blues | [87-246,369] | Stefano Zamuner | 11-23-16[12-12-17] | Intl. 3, 18, 21, 25US. 1, 2, 3, 4, 6, 13, 22, 23, 29, 30, 33, 39, 40, 41, 50, 51, 52 | - - - - |
| Perfumery and fragrances; cosmetics; greases for cosmetic purposes; hair pomades; hair styling preparations, namely, creams, lotions and oils for beards; shampoos; deodorants; soaps for body care; nail polish; tooth paste. Animal skins; boxes made of leather; leather cloth; luggage, bags, wallets and other carriers, namely, briefcases, travel cases, weekend bags, duffle bags, gym bags, tote bags; umbrellas and parasols; walking sticks; leather wallets. Combs; drinking glasses; brushes, namely, hair and beard brushes; tooth brushes. Clothing, namely, scarves, jump suits, vests, socks, underwear, neck ties, bow ties, pocket squares, bandanas, leather jackets; shirts; jackets; sport coats; blazers; suits; pants; denim jeans; belts; suspenders; shoes; leather garments, namely, leather pants, leather shoes, leather belts, leather gloves, leather jackets; headwear. |  |  |  |  |  |
| Coty Professional Beauty Store | [87-293,297] | Coty Brands Management | 1-9-17[12-12-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Professional beauty store". Perfumery; hair care preparations. Retail store services in the field of hair care preparations, cosmetics and perfumery. |  |  |  |  |  |
| Silab Softcare Solutions For Compromised Skin | [87-312,266] | Societe Industrielle Limousine D'application Biologique (Silab) | 1-24-17[12-12-17] | Intl. 3, 5, 42US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101 | - - - - |
| The color(S) blue and black is/Are claimed as a feature of the mark. "Solutions for compromised skin". The mark consists of the stylized word "Silab" in black, with the stylized word "Softcare" in black underneath. a half-Circle in blue begins at the letter "S" of "Silab" and ends at the letter "E" of "Softcare". underneath "Softcare" is a horizontal blue line, and the stylized words "Solutions for compromised skin" in blue underneath. Cosmetics, namely, cosmetic preparations; cosmetics for body and beauty care; cosmetic suntanning and sunscreening preparations; sunscreen and suntan creams, gels, oils and lotions for cosmetic purposes; milks, creams, lotions, gels, powders and oils for cosmetic purposes; preparations for the care and treatment of the body, skin, face and hair for cosmetic purposes; cosmetic concentrates for the skin; oils for cosmetic purposes; cosmetic preparations for slimming purposes; non-Medicinal preparations for application to and conditioning and care of hair, scalp, skin and nails; cosmetic preparations for toning the body; bases for flower perfumes; cosmetic deodorants; perfumery. Dermatological preparations for medical use; dermatological substances for medical use. Scientific and technological services, namely, scientific and technical studies, research, surveying, evaluations, and information all relating to scientific, cosmetic and dermatological research, physical, chemical and biological testing laboratories, cosmetic and dermatological research laboratories. |  |  |  |  |  |
| Silab Softcare : Solutions For Compromised Skin | [87-312,313] | Societe Industrielle Limousine D'application Biologique (Silab) | 1-24-17[12-12-17] | Intl. 3, 5, 42US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101 | - - - - |
| "Solutions for compromised skin". Cosmetics, namely, cosmetic preparations; cosmetics for body and beauty care; cosmetic suntanning and sunscreening preparations; sunscreen and suntan creams, gels, oils and lotions for cosmetic purposes; milks, creams, lotions, gels, powders and oils for cosmetic purposes; preparations for the care and treatment of the body, skin, face and hair for cosmetic purposes; cosmetic concentrates for the skin; oils for cosmetic purposes; cosmetic preparations for slimming purposes; non-Medicinal preparations for application to and conditioning and care of hair, scalp, skin and nails; cosmetic preparations for toning the body; bases for flower perfumes; cosmetic deodorants; perfumery. Dermatological preparations for medical use; dermatological substances for medical use. Scientific and technological services, namely, scientific and technical studies, research, surveying, evaluations, and information all relating to scientific, cosmetic and dermatological research, physical, chemical and biological testing laboratories, cosmetic and dermatological research laboratories. |  |  |  |  |  |
|  | [87-319,348] | C Berman Associates | 1-31-17[12-12-17] | Intl. 2, 3, 36, 37US. 1, 4, 6, 11, 16, 50, 51, 52, 100, 101, 102, 103, 106 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the outline of an eagle in flight with his talons drawn, in the center of a shield. Exterior surface protective coatings; paint sealant for exterior surfaces of vehicle. Carpet cleaning preparations; preparations for cleaning, protecting and preserving vehicle surfaces; automobile carpet and upholstery cleaning preparations. Insurance services, namely, underwriting extended warranty contracts in the field of automobiles. Application of protective coatings; automotive maintenance services. |  |  |  |  |  |
| Era Boutique Hotels | [87-321,254] | The Era Boutique Hotel | 2-1-17[12-12-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Boutique hotels". Convenience items provided to hotel guests, namely, lip balm, skin soap, shampoo, hair conditioner, hand lotions, bath gel. Distributorship services in the field of hotel amenities. |  |  |  |  |  |
| Beard King | [87-328,131] | Beard King Corp. | 2-8-17[12-12-17] | Intl. 3, 8, 21, 35US. 1, 2, 4, 6, 13, 23, 28, 29, 30, 33, 40, 44, 50, 51, 52, 100, 101, 102 | - - - - |
| "Beard". After-Shave; body spray used as a personal deodorant and as fragrance; essential oils; essential oils for personal use; facial oils; fragrances; hair oils; hair wax; liquid bath soaps; lotions for beards; mustache wax; oils for perfumes and scents; oils for hair conditioning; shampoo-Conditioners; shampoos; shaving creams; shaving gels; non-Medicated shampoos for beards, mustaches, facial hair; non-Medicated soaps for beard and body; paper soaps for personal uses. Beard clippers; beard trimmers; electric hair clippers; electric razors and electric hair clippers; mustache and beard trimmers; razor blades; safety razors; shaving blades; electric beard trimmers. Hair brushes; hair combs; shaving brush stands; shaving brushes. On-Line retail store services featuring grooming, shaving, personal care, and skincare products. |  |  |  |  |  |
| Pulpriot | [87-332,265] | Spiral Staircase | 2-10-17[12-12-17] | Intl. 3, 25US. 1, 4, 6, 22, 39, 50, 51, 52 | - - - - |
| Bleaching preparations for the hair; color-Removing preparations for hair; hair bleach; hair bleaching preparations; hair care creams; hair care lotions; hair care preparations; hair color chalk; hair color removers; hair conditioners; hair gel; hair lighteners; hair mousse; hair oils; hair pomades; hair shampoos and conditioners; hair spray; coloring preparations for cosmetic purposes; eyebrow dye; eyelash dye; cosmetics, namely, coloring preparations for hair, mustaches, beards, sideburns, eyebrows and eyelashes; pubic hair dye. Clothing, namely t-Shirts, bandanas, tank tops, hoodies, and jackets; headwear and footwear. Pulp riot. |  |  |  |  |  |
| Zerg | [87-334,473] | Ckl Holdings N.V. | 2-14-17[12-12-17] | Intl. 3, 9, 14, 16, 25, 26, 38, 41US. 1, 2, 4, 5, 6, 21, 22, 23, 26, 27, 28, 29, 36, 37, 38, 39, 40, 42, 50, 51, 52, 100, 101, 104, 107 | - - - - |
| Perfumery; essential oils; cosmetics; make-Up; eye make-Up; eyeliners; blushers; lipsticks; hair lotions; bath soaps. Computer hardware; computer software, namely, downloadable computer software for word processing, computer software for document and database management, for application and database integration, for producing financial models, for use as a spreadsheet, for authorizing access to databases, for creating searchable databases of information and data, for use in customer relationship management (Crm), to automate data warehousing, and for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information, software that provides real-Time, integrated business management intelligence by combining information from various databases and presenting it in an easy-To-Understand user interface; communications software for connecting computer network users, global computer networks, computer software for controlling self-Service terminals, for administration of computer networks, for wireless content delivery, for administration of computer local area networks, for use in computer access control, for controlling and managing access server applications, for controlling and managing access server applications, for monitoring and controlling communication between computers and automated machine systems, to maintain and operate computer system, for providing access to the internet; computer software for processing digital images, for processing digital music files, for organizing and viewing digital images and photographs, for creating and editing music and sounds, for creating digital animation and special effects of images, for manipulating digital audio information for use in audio media applications, to enhance the audio-Visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; computer peripherals; electronic data processing equipment; computer networking and data communications hardware; computer components and parts, namely, electronic components for computers; electronic control apparatus, namely, microcontrollers, electric control panels, computer terminals and electronic controls for machines, electronic controllers for computer hardware and peripherals excluding gaming apparatus; ***programmed***-Data- carrying electronic circuit boards; electric wires for communication; electrodes; telephones; aerials; batteries; microprocessors; keyboards; video films featuring video films, namely, video recordings featuring art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law. Precious metals; jewellery; precious stones; chronometric instruments. Paper; cardboard; printed publications and printed matter, namely, printed certificates, booklets, coupons, lectures, leaflets, paper signs, manuals, curricula, newsletters, informational cards and brochures in the fields of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; inking ribbons for computer printers; bookbinding materials; books in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; adhesives for stationery or household purposes; artists' paint brushes; printed music sheets; printed music scores; periodical magazines in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; photographs; stationery and educational supplies, namely, blank note books and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue for stationery or household use and book marks; typewriters; printed instructional and teaching material, except apparatus, namely, in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; plastic materials, namely, bags, bubble packs and films for packaging; printing blocks. Clothing, namely, shirts, pants, coats, dresses, tops and bottoms; footwear; headgear, namely, hats; swimwear; sportswear, namely, athletic shorts, athletic pants, athletic shirts, athletic uniforms; leisurewear, namely, robes, night gowns, leisure suits, leisure shoes, loungewear. Lace; embroidery; ribbons; braids; buttons; hooks and eyes; pins, namely, hair pins, hat pins, curling pins, safety pins, bobby pins, marking pins, ornamental novelty pins; needles; artificial flowers. Telecommunication services, namely, telecommunication access services, digital network telecommunications services, transmission of webcasts and podcasts, providing electronic message alerts via the internet, personal communication services and, providing multiple-User access to a global computer network, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the internet; communication services, namely, electronic transmission of voices, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the internet, information services networks and data networks, electronic transmission of data and documents among users of computers; electronic transmission of images, photographs, graphic images and illustrations over a global computer network; transmission of data, audio, video and multimedia files by telecommunications networks, wireless communication networks, the internet, information services networks and data networks; television ***programme*** broadcasting; simulcasting broadcast television over global communication networks, the internet and wireless networks; provision of telecommunication access to video and audio content provided via an online video-On-Demand service; satellite communication services; telecommunications gateway services. Education, teaching and training, namely, providing classes, seminars and workshops in the fields of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; entertainment services, namely, multimedia production services, organizing, arranging, and hosting social entertainment events, presenting live musical performances; entertainment services in the nature of development, creation, production, distribution, and post-Production of movies; production of radio and television shows and ***programs***; film production services; movie theatre services; film distribution; provision of non-Downloadable films and television ***programs*** via a video-On-Demand service; arranging and conducting seminars in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; arranging and conducting educational congresses in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest, film production, languages, science and technology, law; organization of exhibitions for cultural and educational purposes; publication of electronic books and journals online. The word "Zerg" has no meaning in a foreign language. |  |  |  |  |  |
| So Spooky | [87-337,475] | Creative Kids Far East | 2-15-17[12-12-17] | Intl. 3, 16, 25, 26, 28US. 1, 2, 4, 5, 6, 22, 23, 29, 37, 38, 39, 40, 42, 50, 51, 52 | - - - - |
| Make-Up; fake blood. Art and school supplies, namely, crayons, pens, pencils, stationery, glue for stationery use, paint sets for children, paper, namely, coloring and drawing paper, writing paper and cardboard, chalk, modeling clay and plaster sets for children, paint brushes; arts and crafts paint kits; paper halloween decorations. Halloween costumes and masks sold in connection therewith. Wigs. Halloween novelty items, namely, fake teeth, toy handcuffs, toy spears, toy shields, toy flashlights; halloween hobby craft kits for making toy jewelry, toy tiaras, toy magic wands, toy masks, and toy decorations. |  |  |  |  |  |
| Drops Dermaglove Reproduces Organically Perfect Skin | [87-345,488] | Turner Capital | 2-22-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the words "Dermaglove reproduces organically perfect skin" transcending downward and to the right with water droplets falling from the first letter of each word in bold spelling "Drops". Baby hand soap; cosmetic hand creams; hand cleaners; hand cleaning gels; hand cleaning preparations; hand creams; hand lotions; hand scrubs; hand cleaners; baby hand soap; cosmetic hand creams; non-Medicated hand soaps; all the above made in whole or substantial part of organic ingredients. Antibacterial alcohol skin sanitizer gel; antibacterial hand lotions; disposable sanitizing wipes; hand-Sanitizing preparations; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; laundry sanitizer tablets; medical preparations, namely, foot, hand and skin creams for diabetics; medicated hand wash; nail sanitizing preparations; sanitizing preparations for hospital use; sanitizing preparations for household use; sanitizing preparations for use in institutional and industrial areas; sanitizing wipes; spray sanitizer for personal use; disposable sanitizing wipes; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; medicated liquid soap; medicated liquid bath soaps; medicated bath soaps in liquid, solid or gel form; all the above made in whole or substantial part of organic ingredients. |  |  |  |  |  |
| Hh Hearth & Hand | [87-351,440] | Target Brands | 2-27-17[12-12-17] | Intl. 2, 3, 9, 28US. 1, 4, 6, 11, 16, 21, 22, 23, 26, 36, 38, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the literal words, "Hearth & hand" with the ampersand and wording in stylized cursive letters in horizontal format, and a framed house design with a single-Point roof that includes two stylized "H" letters joined in the center to form the inside frame of the house. the house design is underlined and is stacked above the wording portion of the mark. Wood preservatives and stains; paints. Potpourri; skin soap; lotions, namely, face, hand, hair and body lotions and shaving and aftershave lotions; incense; room fragrances; room fragrance refills for non-Electric room fragrance dispensers; wood conditioners. Digital scales; weather thermometers, not for medical use; measuring spoons and cups. Christmas tree ornaments and decorations; christmas tree stands and covers specially adapted for christmas trees; christmas tree skirts and stockings; outdoor activity games in the nature of croquet sets, bocce balls and lawn bowling sets comprised of bowling balls and bowling pins. Hearth and hand. |  |  |  |  |  |
| Jo Wisdom | [87-360,922] | Guang Zhou Shi You Fu Zhi Xiang Mao Yi You Xian Gong Si | 3-7-17[12-12-17] | Intl. 3, 9, 14, 18, 25US. 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36, 38, 39, 41, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "Jo wisdom" with a tree-Like design over the letter "I". Beauty masks; body cream soap; cosmetic pencils; cosmetic preparations for baths; cosmetic preparations for removing gel nails, acrylic nails, and nail polish; cosmetics; cotton sticks for cosmetic purposes; cotton wool for cosmetic purposes; facial cleansers; false eyelashes; glass cloth being abrasive cloth; hair conditioner; hair lotions; hair colorants; hair curling preparations; hair dyes; hair waving preparations; lip glosses; lipsticks; make-Up preparations; make-Up removing preparations; nail polish; nail varnish; oil removing papers for cosmetic purposes; perfumes; shaving soap. 3d spectacles; cases for spectacles, for pince-Nez and for contact lenses; contact lenses; corrective glasses; eyeglass chains; eyeglass cords; eyeglasses; pince-Nez; pince-Nez chains; pince-Nez cords; spectacle cases; spectacle frames; spectacle lenses; spectacles; sunglasses; containers for contact lenses; eyeglass cases. Clocks; gold, unwrought or beaten; jewellery; jewellery cases; jewellery chains; jewellery charms; jewelry cases; jewelry charms; metal wire for use in the making of jewelry, namely, jewelry cable; precious stones; spinels; watch bands; watch straps; wristwatches; bracelets; brooches; jewelry findings, namely, jump rings, toggles, clasps; necklaces; pearls; rings. Attaché cases; backpacks; bags for climbers in the nature of all-Purpose carrying bags; bags for sports; briefcases; handbags; hiking bags; pocket wallets; purses; school satchels; suitcase handles; suitcases; travel bags; travelling trunks; valises; wheeled shopping bags; athletic bags; beach bags; school bags; travelling bags. Baby layettes for clothing; boots; brassieres; clothing, namely, arm warmers; clothing, namely, athletic sleeves; clothing, namely, base layers; clothing, namely, crops; clothing, namely, folk costumes; clothing, namely, hand-Warmers; clothing, namely, khakis; clothing, namely, knee warmers; clothing, namely, maternity bands; clothing, namely, neck tubes; clothing, namely, neck warmers; clothing, namely, thobes; clothing, namely, wrap-Arounds; dresses; ear muffs; headwear; insoles for footwear; knit dresses; neckties; overcoats; pants; pants for babies; pyjamas; sandals; scarfs; scarves; shawls; shoes; skirts; stockings; toe caps; tops; trousers; underpants; vests; waistcoats. |  |  |  |  |  |
| Super Derm Girl | [87-363,938] | Block, Renata M. | 3-8-17[12-12-17] | Intl. 3, 5, 18, 25, 41US. 1, 2, 3, 4, 6, 18, 22, 39, 41, 44, 46, 50, 51, 52, 100, 101, 107 | - - - - |
| "Derm". After-Sun gels; after-Sun lotions; after sun creams; after sun moisturisers; anti-Aging creams; cosmetic sunscreen preparations; lip balm; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; skin care products, namely, non-Medicated skin serum; skin cleansers; sun block preparations; sunscreen preparations; suntan creams; wrinkle-Minimizing cosmetic preparations for topical facial use; anti-Aging cleanser; anti-Aging cream containing a retinoic ingredient not for medical purposes; anti-Aging moisturizer; anti-Aging toner; anti-Wrinkle creams; anti-Aging moisturizers used as cosmetics; exfoliating pad containing a glycolic ingredient not for medical purposes; facial emulsions; facial scrubs; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; non-Medicated anti-Aging serum; non-Medicated exfoliating preparations for face and body; non-Medicated exfoliating preparations for acne; self-Tanning preparations; skin bronzer; skin bronzing creams; skin masks; skin moisturizer; wipes impregnated with a skin cleanser. Acne medications; acne treatment preparations; flowers of sulfur for pharmaceutical purposes; medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; medicated skin preparation for use in treating acne; pre-Moistened medicated wipes. Backpacks; beach bags; coin purses; tote bags; umbrellas; make-Up bags sold empty. Bandanas; hats; jackets for men, women and children; scarfs; shirts; sweatshirts; t-Shirts; tank-Tops. Educational services, namely, providing online instruction in the field of skin care, skin protection, skin care products, general and cosmetic dermatology, and skin care education via an online website; on-Line journals, namely, blogs featuring information on skin care, skin protection, skin care products, general and cosmetic dermatology, and skin care education; providing a website featuring blogs and non-Downloadable publications in the nature of articles, videos and social media posts in the fields of skin care, skin protection, skin care products, general and cosmetic dermatology, and skin care education. |  |  |  |  |  |
| Imperfkt | [87-372,325] | Harris, Amanda Kiser Kiser, Holly Alexandra Kiser, Starla Jo | 3-15-17[12-12-17] | Intl. 3, 25, 35, 42US. 1, 4, 6, 22, 39, 50, 51, 52, 100, 101, 102 | - - - - |
| Make-Up; eye-Shadow, face make-Up, namely, primer, foundation, pressed face powder, loose face powder, facial concealer, blush, cheek rouges, eye liner, eye pencils, face powder, lipstick, lip pomade, lip balm, lip liner, non-Medicated skincare preparations, namely, creams, lotions, gels, toners, cleaners, and peels; facial cleansers; anti-Aging cleansers; face cream; facial moisturizer; anti-Aging moisturizer; body cream; beauty serum; eye cream; non-Medicated facial and eye serum containing antioxidants; eye makeup remover; face oils; face pomades; facial toner; body lotion; body butter; face lotion; sunscreen cream; body wash; dry shampoos. T-Shirts for women, men, children, babies; children'S and infant'S apparel, namely, jumper'S overall sleepwear, pajamas, rompers, and one piece garments; graphic t-Shirts, crop tops, long-Sleeved shirts, night shirts, sweatshirts, hooded sweatshirts, sweatpants, underwear, bras, sports bras, boxer briefs, boxer shorts, socks, robes, jackets, athletic pants, athletic shorts, leggings, tank tops, baseball caps and hats. Creative marketing and design services, providing advertising, marketing and promotional services, namely, development of advertising campaigns, provided through cable television broadcast, web casts, newspapers, magazines, online banners, outdoor billboards, wild postings, bus and subway ads; business consulting services, namely, providing assistance in development of business strategies and creative ideation. Providing a website that gives users the ability to review various print, photographic graphic image, and audio and video content and utilize a custom template to provide input, likes, dislikes, edits, changes, modifications, opinions, suggestions, and comments and engage in social, business and community networking; computer services, namely creating an online community for registered users to connect for creative or social collaboration. Imperfect. |  |  |  |  |  |
| Daddy Rocks | [87-399,047] | Daddyrocks | 4-5-17[12-12-17] | Intl. 3, 21, 24, 25, 35US. 1, 2, 4, 6, 13, 22, 23, 29, 30, 33, 39, 40, 42, 50, 51, 52, 100, 101, 102 | - - - - |
| Perfumes; oils for perfumes and scents; perfumed soaps; perfumery goods, namely, eau de parfum, eau de toilette; solid perfumes; liquid perfumes; body care products namely, baby oils, baby powder; cosmetics for body-Care purposes; shower gels, hair care products, namely, hair balsam, hair creams and lotions, shampoos; make up, beauty and personal care products, namely, talcum powder, tissues and wipes impregnated with a skin cleanser; natural body care products for the face and skin, namely, lotions for face care, sunscreen, sun creams, after sun creams; preparations for personal hygiene and personal care, namely, body cream soap, bath foam, bubble bath; cosmetics. Plates, in particular melamine plates; crockery sets, in particular crockery sets made of melamine, comprised of cups, mugs, bowls, dishes and plates; mugs, in particular mugs made of melamine; cups, in particular cups made of melamine; dishes, in particular dishes made of melamine; bowls, in particular bowls made of melamine; children'S dishes, in particular children'S dishes made of melamine; plates for children of melamine; bowls for children of melamine. Plastic table covers, table cloths of textile; blankets, namely, bed blankets, woolen blankets, travelling blankets, blankets for outdoor use. Clothing, namely, anoraks, beachwear, belts made of leather or textile, bermuda shorts, blazers, blouses, blousons, cardigans, cargo pants, coats, cravates, denim jackets, denim jeans, dresses, gloves as clothing, head scarves, hooded pullovers and sweatshirts, jogging pants and suits, lingerie, nightwear, overalls, panties, pants, parkas, polo shirts, pullovers, rain wear, scarves, shirts, shorts, skirts, sports jackets, sports jerseys and shirts, suits, sweaters, sweatpants, sweatshirts, sweatsuits, t-Shirts, tank tops, trousers, underwear, wind coats and jackets; footwear, headgear, namely, baseball caps and hats, bathing caps, beanies, caps being headwear, children'S headwear, head sweatbands, headbands, hoods, knitted caps, rain hats, small hats, sports caps and hats, woolly hats. Wholesale store services and retail store services also provided via the internet relating to perfumes, oils for perfumes and scents, perfumed soaps, perfumery goods, perfume flavor, perfume articles, solid perfumes, liquid perfumes, body care products, cosmetics for body-Care purposes, body care products, shower gels, hair care products, make up, beauty and personal care products, natural body care products for the face and skin, cosmetics, perfumery and preparations for personal hygiene and personal care, cosmetics cosmetic kits; wholesale store services and retail store services also provided via the internet relating to plates, in particular melamine plates, crockery sets, in particular crockery sets made of melamine, mugs, in particular mugs made of melamine, cups, in particular cups made of melamine, dishes, in particular dishes made of melamine, bowls, in particular bowls made of melamine, children'S dishes, in particular children'S dishes made of melamine, plates for children of melamine, bowls for children of melamine; wholesale store services and retail store services also provided via the internet relating to fabrics, table covers, table cloths, table runners, table linen, table covers and table napkins of textile, blankets, table cloths and napkins; wholesale store services and retail store services also provided via the internet relating to clothing, footwear, headgear. |  |  |  |  |  |
| Badass | [87-399,057] | Badass Brand | 4-5-17[12-12-17] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| After-Shave; after-Shave balms; after-Shave creams; after-Shave gel; after-Shave lotions; antiperspirant soap; bar soap; body cream soap; body wash; deodorant soap; hair pomades; lip balm; lotions for beards; mustache wax; pre-Shave creams; pre-Shave gels; pre-Shave liquid; pre-Shaving preparations; shaving balm; shaving creams; shaving foam; shaving gel; shaving lotions; shaving preparations; shaving soap; aftershave preparations; non-Medicated beard care preparations, namely, creams, lotions, oils, cleaners, wax, gels, balms, and wash. Brushes for washing up; combs; hair brushes; hair combs; shaving brush holders; shaving brush stands; shaving brushes; shaving dishes; squeegees for shaving brushes. |  |  |  |  |  |
| Daddy Rocks | [87-399,070] | Daddyrocks | 4-5-17[12-12-17] | Intl. 3, 21, 24, 25, 35US. 1, 2, 4, 6, 13, 22, 23, 29, 30, 33, 39, 40, 42, 50, 51, 52, 100, 101, 102 | - - - - |
| The color(S) blue is/Are claimed as a feature of the mark. The mark consists of the word "Daddy" in blue beneath which is the word "Rocks" in blue underneath which is the design of a buck deer with antlers in blue, all enclosed by a blue square. the color white represents background and is not claimed as a feature of the mark. Perfumes; oils for perfumes and scents; perfumed soaps; perfumery goods, namely, eau de parfum, eau de toilette; solid perfumes; liquid perfumes; body care products namely, baby oils, baby powder; cosmetics for body-Care purposes; shower gels, hair care products, namely, hair balsam, hair creams and lotions, shampoos; make up, beauty and personal care products, namely, talcum powder, tissues and wipes impregnated with a skin cleanser; natural body care products for the face and skin, namely, lotions for face care, sunscreen, sun creams, after sun creams; preparations for personal hygiene and personal care, namely, body cream soap, bath foam, bubble bath; cosmetics. Plates, in particular melamine plates; crockery sets, in particular crockery sets made of melamine, comprised of cups, mugs, bowls, dishes and plates; mugs, in particular mugs made of melamine; cups, in particular cups made of melamine; dishes, in particular dishes made of melamine; bowls, in particular bowls made of melamine; children'S dishes, in particular children'S dishes made of melamine; plates for children of melamine; bowls for children of melamine. Plastic table covers, table cloths of textile; blankets, namely, bed blankets, woolen blankets, travelling blankets, blankets for outdoor use. Clothing, namely, anoraks, beachwear, belts made of leather or textile, bermuda shorts, blazers, blouses, blousons, cardigans, cargo pants, coats, cravates, denim jackets, denim jeans, dresses, gloves as clothing, head scarves, hooded pullovers and sweatshirts, jogging pants and suits, lingerie, nightwear, overalls, panties, pants, parkas, polo shirts, pullovers, rain wear, scarves, shirts, shorts, skirts, sports jackets, sports jerseys and shirts, suits, sweaters, sweatpants, sweatshirts, sweatsuits, t-Shirts, tank tops, trousers, underwear, wind coats and jackets; footwear, headgear, namely, baseball caps and hats, bathing caps, beanies, caps being headwear, children'S headwear, head sweatbands, headbands, hoods, knitted caps, rain hats, small hats, sports caps and hats, woolly hats. Wholesale store services and retail store services also provided via the internet relating to perfumes, oils for perfumes and scents, perfumed soaps, perfumery goods, perfume flavor, perfume articles, solid perfumes, liquid perfumes, body care products, cosmetics for body-Care purposes, body care products, shower gels, hair care products, make up, beauty and personal care products, natural body care products for the face and skin, cosmetics, perfumery and preparations for personal hygiene and personal care, cosmetics cosmetic kits; wholesale store services and retail store services also provided via the internet relating to plates, in particular melamine plates, crockery sets, in particular crockery sets made of melamine, mugs, in particular mugs made of melamine, cups, in particular cups made of melamine, dishes, in particular dishes made of melamine, bowls, in particular bowls made of melamine, children'S dishes, in particular children'S dishes made of melamine, plates for children of melamine, bowls for children of melamine; wholesale store services and retail store services also provided via the internet relating to fabrics, table covers, table cloths, table runners, table linen, table covers and table napkins of textile, blankets, table cloths and napkins; wholesale store services and retail store services also provided via the internet relating to clothing, footwear, headgear. |  |  |  |  |  |
| Jyoti | [87-402,859] | Fka Distributing Co. | 4-7-17[12-12-17] | Intl. 3, 11US. 1, 4, 6, 13, 21, 23, 31, 34, 50, 51, 52 | - - - - |
| Essential oils; aromatic essential oils; essential oils for household use; cleaning preparations for household purposes containing essential oils; reed diffusers comprised of scented oils and also including reeds and a diffuser container. Diffusers for aromatherapy for emitting essential oils. The english translation of "Jyoti" in the mark is "Light". |  |  |  |  |  |
| Atelier Cologne | [87-408,193] | L'oreal | 4-12-17[12-12-17] | Intl. 3, 4US. 1, 4, 6, 15, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Colonge". The mark consists of the wording "Atelier cologne" in stylized form. Perfumery products namely, perfumes, toilet waters, perfumed milks and gels for the body and face, perfumed hand creams, non-Medicated soaps. Candles and scented candles. |  |  |  |  |  |
| Atelier Cologne Clementine California | [87-416,790] | L'oreal | 4-19-17[12-12-17] | Intl. 3, 4US. 1, 4, 6, 15, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Cologne" and "Clementine california". The mark consists of the wording "Atelier cologne" in stylized form with wording "Clementine california" directly below in plain type. Perfume, eau de toilette; gels, salts for the bath and the shower not for medical purpose; toilet soaps, body deodorants; cosmetics, namely, creams, milks, lotions, gels and powders for the face, the body and the hands; non-Medicated sun care preparations; make-Up preparations; shampoos; gels, sprays, mousses and balms for the hair styling and hair care; hair lacquers; hair colouring and hair decolorant preparations; permanent waving and curling preparations; essential oils for personal use. Scented candles and candles. As to "Atelier cologne". |  |  |  |  |  |
| Les Boys | [87-419,610] | Rees, Serena | 4-21-17[12-12-17] | Intl. 3, 9, 18, 35US. 1, 2, 3, 4, 6, 21, 22, 23, 26, 36, 38, 41, 50, 51, 52, 100, 101, 102 | - - - - |
| "Boys". Perfumery, essential oils, non-Medicated cosmetics; non-Medicated soaps. Eye glasses, sunglasses, spectacles; parts, fittings and accessories for eye glasses, sunglasses, and spectacles, namely, chains, cords, cases, and frames. Leather and imitation leather; leather and imitation leather bags, wallets, suitcases, purses, and handbags; luggage and all-Purpose carrying bags; handbags; rucksacks; briefcases; purses; wallets; vanity cases sold empty; parts, fittings and accessories for bags, luggage, purses, and briefcases, namely, leather and imitation leather straps, leather and imitation leather laces, and suitcase handles. Retail store services featuring clothing, footwear, clothing accessories, eyewear, perfume, and cosmetics; online retail store services featuring clothing, footwear, clothing accessories, eyewear, perfume, and cosmetics. |  |  |  |  |  |
| Les Girls Les Boys | [87-419,615] | Rees, Serena | 4-21-17[12-12-17] | Intl. 3, 9, 16, 18, 25, 35US. 1, 2, 3, 4, 5, 6, 21, 22, 23, 26, 29, 36, 37, 38, 39, 41, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. "Girls" and "Boys". The mark consists of two shaded arrows pointing in opposite directions. the first arrow, pointing up and to the right, contains the writing "Les girls" in stylized font. the second arrow, below it, pointing down and to the left, contains the writing "Les boys" in stylized font. Perfumery, essential oils, non-Medicated cosmetics; non-Medicated soaps. Eye glasses, sunglasses, spectacles; parts, fittings and accessories for eye glasses, sunglasses, and spectacles, namely, chains, cords, cases, and frames. Catalogues in the field of cosmetics, clothing, vision wear, and leather accessories; printed matter, namely, books in the field of fashion; printed publications, namely, books in the field of fashion; magazines, in the field of fashion; pamphlets, in the field of fashion; plastic packaging wrap for commercial or industrial use; hat boxes of cardboard; wrapping paper; bags of paper for packaging; bags of plastic for packaging; packaging boxes of paper; packaging boxes of cardboard. Leather and imitations of leather; leather and imitation leather bags, wallets, suitcases, purses, and handbags; luggage and all-Purpose carrying bags; handbags; rucksacks; briefcases; purses; wallets; vanity cases sold empty; parts, fittings and accessories for bags, luggage, purses, and briefcases, namely, leather and imitation leather straps, leather and imitation leather laces, and suitcase handles. Lingerie; bras; pants; thong underwear; stockings; tights; suspender belts; body shapers; camisoles; dressing gowns; negligees; corsets being underclothing; night dresses; sleep shirts; sarongs; shoulder wraps; shorts; leggings; footwear; headgear, namely, hats, baseball caps, sun visors, skullies, boaters, fascinator hats, top hats, rain hats, fur hats, tuques, bucket caps; belts; trousers; jeans; wristbands as clothing; headbands; hats; gloves; jackets; coats; jumpers; shirts; t-Shirts; sweaters; vests; skirts; waistcoats; waterproof clothing, namely, jackets, footwear, pants and headgear being rainwear; bathing costumes; pyjamas; undergarments; scarves; socks; suits; dresses; blouses; sun visors being headwear; anoraks; articles of clothing for leisurewear, namely, shirts and pants; articles of clothing for casualwear, namely, shirts, pants, jumpsuits, sweaters, rompers; articles of clothing for sportswear namely, shirts, pants, bras, sweat suits, thermal underwear, jerseys; articles of outer clothing namely, jackets, coats, gilets, shrugs; articles of weatherproof clothing, namely, jackets, pants; blazers; denims; jerseys; knitwear, namely, sweaters, sweatshirts, cardigans; parkas; sweatshirts; tops as clothing; windcheaters. Retail store services featuring clothing, footwear, clothing accessories, eyewear, perfume and cosmetics; online retail store services featuring clothing, footwear, clothing accessories, eyewear, perfume and cosmetics. |  |  |  |  |  |
| Classic Man | [87-421,989] | Firstline, Incorporated | 4-24-17[12-12-17] | Intl. 3, 8, 21, 25US. 1, 2, 4, 6, 13, 22, 23, 28, 29, 30, 33, 39, 40, 44, 50, 51, 52 | - - - - |
| "Man". Hair care products, namely, shampoos, conditioners, oils, pomades, creams and gels; pre-Shave liquid; after-Shave liquid; shaving creams; after-Shave creams. Scissors, razors, razor blades, tweezers, hair trimmers and hair clippers. Hair accessories, namely, hair combs, hair brushes and hair picks; shaving brushes. Headwear, namely, sleep caps, do-Rags, stretch caps, stocking caps, bandanas, wrap caps, exercise caps, turbans, bonnets, headbands, head scarves, shower caps and beanies. |  |  |  |  |  |
| Revanesse Versa | [87-441,060] | Prollenium Medical Technologies | 5-8-17[12-12-17] | Intl. 3, 5, 10US. 1, 4, 6, 18, 26, 39, 44, 46, 50, 51, 52 | - - - - |
| Gels for cosmetic purposes, namely, injectable dermal fillers. Gels for wound healing procedures, namely, injectable dermal fillers. Medical devices, namely, injection needles and medical syringes for injections into the lips and perioral areas. |  |  |  |  |  |
| Geneterra | [87-459,522] | Geneterra Internatl. Group Co., | 5-22-17[12-12-17] | Intl. 3, 5, 10, 29, 30, 32US. 1, 4, 6, 18, 26, 39, 44, 45, 46, 48, 50, 51, 52 | - - - - |
| Hair lotions; cleansing milk for toilet purposes; fabric softeners for laundry use; laundry preparations, namely, bleaching preparations and fabric softening preparations; cleaning preparations; polishing preparations; essential oils; cosmetics; mouthwashes, not for medical purposes; dentifrices; breath freshening sprays; teeth whitening strips impregnated with teeth whitening preparations; incense; cosmetics for animals; air fragrancing preparations. Vitamin preparations; cod liver oil; tonics, namely, multivitamin tonics in the nature of dietary food and drink supplements; medicines for human purposes in the nature of immunostimulants; dietary fiber to aid digestion; digestives for pharmaceutical purposes; disinfectants; candy for medical purposes; dietetic substances adapted for medical use, namely, food and beverages; nutritional supplements; food for babies; infant formula; powdered milk for babies; air purifying preparations; anti-Parasitic collars for animals; insect repellents; sanitary towels; babies' napkin-Pants; disinfectant wipes; breast-Nursing pads; preparations to facilitate teething, namely, teething gels. Surgical apparatus and instruments; dental apparatus and instruments, namely, dental burs, mirrors for dentists, artificial teeth and pins for artificial teeth; childbirthing mattresses; furniture especially made for medical purposes; teething rings; babies' bottles; breast pumps; pacifiers for babies; feeding bottle teats; abdominal belts for medical purposes; physiotherapy apparatus, namely, soporific pillows for insomnia; hair prostheses. Ham; fish, not live; fruits, tinned; fruit-Based snack food; vegetables, preserved; eggs; milk; yogurt; milk products, excluding ice cream, ice milk and frozen yogurt; milk beverages, milk predominating; powdered milk, other than for babies; powdered soy milk other than for babies; edible oils; fruit jellies; fruit and vegetable-Based snacks; tofu. Chocolate-Based beverages with milk; tea; tea-Based beverages; sugar; honey; food based on processed oats; pastries; flour-Based dumplings; cereal preparations, namely, cereal-Based snack foods; noodles; cereal-Based snack food; rice-Based snack food; ice cream; condiments, namely, mustard, barbecue sauce, chili sauce, cocktail sauce, hot sauce, ketchup, mayonnaise, relish, salad dressing, salt, pepper, soy sauce. Beer; whey beverages; fruit juice; water beverages; non-Alcoholic beverages, namely, carbonated soft drinks, soft drinks; fruit punch and fruit flavored drinks; vegetable juice; protein-Enriched sports beverages; smoothies; non-Alcoholic rice-Based beverages not being milk substitutes; lemonades; soya-Based beverages, other than milk substitutes. |  |  |  |  |  |
| Skin&Co Roma | [87-463,720] | Sabatino North America | 5-25-17[12-12-17] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| "Roma". Cosmetics; cosmetics in general, including perfumes. Beauty spa services, namely, cosmetic body care. Skin and co roma. The english translation of "Roma" in the mark is "Rome". |  |  |  |  |  |
| Lumidose | [87-486,167] | La Prairie | 6-13-17[12-12-17] | Intl. 1, 3US. 1, 4, 5, 6, 10, 26, 46, 50, 51, 52 | - - - - |
| Synthetic active agent in the nature of active chemical ingredients and chemical additives for the manufacturing of and use in cosmetic preparations. Non-Medicated cosmetics. |  |  |  |  |  |
| Maya Elan Skincare And Wellness Escape | [87-487,535] | Williams, Ashleigh Maya-Elan | 6-13-17[12-12-17] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| "Skincare and wellness". Cosmetics sold as an integral component of non-Medicated skincare preparations. Aesthetician services; beauty spa services, namely, cosmetic body care; health spa services for health and wellness of the body and spirit; health spa services for health and wellness of the body and spirit, namely, providing massage, facial and body treatment services, cosmetic body care services; health spa services for health and wellness of the mind, body and spirit offered in or from a remote, mobile or temporary on-Site location; health spa services, namely, body wraps, mud treatments, seaweed treatments, hydrotherapy baths, and body scrubs. The name "Maya elan" identifies a living individual whose consent is of record. |  |  |  |  |  |
| Goddess Detox | [87-500,078] | Goddess Detox | 6-21-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Detox". (Based on intent to use) bath and shower gels and salts not for medical purposes; body oil; body scrub; feminine deodorant sprays; feminine hygiene cleansing towelettes; perfumes; vaginal washes for personal sanitary or deodorant purposes; body lotion; body masks; cosmetic body scrubs for the face, feet, hands, and body; facial masks; feminine deodorant suppositories; non-Medicated feminine hygiene wash; non-Medicated herbal body care products, namely, body oils, salves, and lip balms. (Based on use in commerce) bath salts and bath preparations for medical use; feminine hygiene pads; herbal supplements for vaginal cleansing; herbal teas for medicinal purposes; herbal supplements; suppositories; tampons; vaginal moisturizers; vaginal preparations, namely, antifungals; vaginal washes for medical purposes; medical lubricant, namely, vaginal lubricants; medicinal herbal preparations. |  |  |  |  |  |
| M | [87-503,240] | Milk Makeup | 6-23-17[12-12-17] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized letter "M". Makeup for the face and body; blush; foundation; facial concealer; skin bronzer; make-Up primer; topical skin sprays for cosmetic purposes; eye shadow; lipstick; lip gloss; mascara; skin highlighter in the nature of make-Up; tattoo stamps, namely, temporary tattoo ***transfers*** for use as cosmetics; skin cleansers; body oils; skin toners. Applicator wands for applying make-Up. Milk makeup. |  |  |  |  |  |
| Bag Balm | [87-507,590] | Vermont's Original | 6-27-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Balm". Non-Medicated skin balms, skin ointments and soaps for use on pets, livestock and humans. Natural remedies in the nature of medicated skin care preparations for the treatment of cuts, sores, and skin abrasions of any kind on animals and for human beings; medicated antiseptic balms for use on hair, skin and lips for use on pets and livestock and human beings. |  |  |  |  |  |
| Bag Balm | [87-507,613] | Vermont's Original | 6-27-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The color(S) red is/Are claimed as a feature of the mark. "Balm". The mark consists of the stylized words "Bag balm" appearing in red. Non-Medicated skin balms, skin ointments and soaps for use on pets, livestock and humans. Natural remedies in the nature of medicated skin care preparations for the treatment of cuts, sores, and skin abrasions of any kind on animals and for human beings; medicated antiseptic balms for use on hair, skin and lips for use on pets and livestock and human beings. |  |  |  |  |  |
| Microbe-Lift | [87-507,779] | Ecological Labs | 6-27-17[12-12-17] | Intl. 1, 3, 5, 31US. 1, 4, 5, 6, 10, 18, 26, 44, 46, 50, 51, 52 | - - - - |
| Biological preparations, and chemical preparations, namely, bacterial cultures, in liquid and dry powder form, for accelerating the decomposing of organic waste, particularly animal manure, human excrement, fish excrement and dead plant matter, consisting of sediment and effluent, in ***agricultural***, industrial and residential applications, for treating water and for clarifying water, in ***agricultural***, industrial and residential applications; aquaponic support and enhancement products, namely, bacteria, which feed aquacultural life forms, particularly fish, aquatic animals and hydroponically-Cultivated plants and, for use in maintaining the aquaponic environment, namely, for use in water treatment and clarification; aquacultural health supplements in the nature of food supplements for feeding and enhancing the health of water-Grown plants, namely, food pellets in ***agricultural*** and residential applications. Pet stain removers, namely, chemical preparations for removing animal stains, resulting from animal urine, animal excrement and other animal excretions, in ***agricultural***, industrial and residential applications. Pet odor eliminating chemical preparations in the nature of cleaning preparations removing animal odors, resulting from animal urine, animal excrement and other animal excretions, in ***agricultural***, industrial and residential applications; aquacultural animal feed health supplements for feeding and enhancing the health of fish, namely, food pellets, in ***agricultural***, industrial and residential applications; aquacultural treatment preparations for use in lakes, ponds, rivers and aquariums, that reduce algae and water-Borne insects and parasites, particularly mosquitos, lice and anchor worm, and water-Borne pathogens, in ***agricultural***, industrial and residential applications. Aquacultural food products and health supplements in the nature of fish food for feeding and enhancing the health of fish, namely, food pellets, in ***agricultural***, industrial and residential applications. |  |  |  |  |  |
| Beáti Naturals | [87-507,866] | Beáti Naturals | 6-27-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Naturals". Eye cream; face and body creams; face and body lotions; face creams for cosmetic use; beauty serums; non-Medicated anti-Aging serum; non-Medicated facial and eye serum containing antioxidants; skin care products, namely, non-Medicated skin serum; all of the foregoing made in whole or substantial part of natural ingredients. Dietary supplements; dietary and nutritional supplements; nutritional supplement shakes; nutritional supplements; nutritional supplements for hair and nails; nutritional supplements for women; probiotic supplements; vitamin supplements; liquid vitamin supplements; all of the foregoing made in whole or substantial part of natural ingredients. |  |  |  |  |  |
| Petite 'N Pretty | [87-523,221] | Petite 'N Pretty | 7-11-17[12-12-17] | Intl. 3, 5, 8, 21, 35, 41US. 1, 2, 4, 6, 13, 18, 23, 28, 29, 30, 33, 40, 44, 46, 50, 51, 52, 100, 101, 102, 107 | - - - - |
| Cosmetics; lipstick; lip gloss, non-Medicated lip balm and lip moisturizer, eyeshadow, makeup primers, nonmedicated skincare lotions, face and body lotions; cosmetic lotions; shaving lotions; facewash; body wash, beauty, bar and skin soaps; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; eyebrow gels and pencils, eyeliner, mascara, blush, skin bronzer, nail polish, nail hardeners, nail cosmetics, nail art stickers; cosmetic body glitter, hair spray, shampoo, hair and skin conditioner, hair gel, hair lotions, hair grooming cream, hair waxes and pomades, natural wax hair pomade, hair molding paste, hair color, body temporary tattoo and glitter tattoo ***transfers*** for use as cosmetics; decorative ***transfers*** for use as cosmetics; body art pens and body art stickers; cosmetic and makeup foundation in powder, liquid, stick and cream forms; body and face sunscreen lotions, creams and sprays; spf sun block sprays; facial moisturizer with spf; spf sun block towelettes; perfume; non-Medicated refreshing hair and face mist; cosmetic preparations for skin care, hand care and foot care; cosmetics for hair removal and depilatories; soaps and cosmetics for teeth whitening; mouth washes. Medicated cosmetics; medicated make-Up; medicated soap; medicated shampoos; medicated skin cleanser and medicated hair and body lotions; medicated mouth washes; astringent for medical purposes; adhesive bandages; non-Medicated acne treatment preparations. Tweezers, hair trimmer, razor handle and razors; finger nail and toe nail clippers and files; fingernail polisher, scissors, electric hair straighteners; cuticle pushers; pedicure sets, shaving cases, curling tongs, nail clippers, nail buffers, electric nail clippers, electric nail files; electric shavers, eyelash curlers; hand tools and implements, hand operated, namely, hand-Held light based applicator for removing and reducing hair growth; hand-Held light based applicator apparatus for hair removal and hair growth reduction; razors; hand tools and implements for skin care, hair care, body care and hair removal, namely, hand-Operated hair clippers, nail skin treatment trimmers; optical energy based hair removal devices. Combs and hair and eye brow brushes, razor drip stand; cosmetic spatulas; cosmetic compacts sold empty; applicator sticks for applying make-Up; foam applicator sticks for applying cosmetics, droppers sold empty for cosmetic purposes; non-Woven fabric cosmetic wipes and sponges; cosmetic brushes; microdermabrasion sponges for cosmetic use; applicators sold empty for applying cosmetic lotions for the skin, hair, face and body; motorized and electrical applicators for applying cosmetics to the skin eyes and body; caddies for holding cosmetics, combs and hair brushes for household use; cleaning cotton. Retail and online retail store services featuring cosmetics and personal care items; providing a website featuring consumer product information relating to cosmetics and personal care items. Online journals, namely, blogs featuring cosmetics, personal care items and beauty; providing a website featuring online newsletters in the field of cosmetics, personal care items, and beauty. Petite and pretty; petite in pretty. |  |  |  |  |  |
| Curcuses | [87-528,892] | Sesderma, S.L. | 7-14-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetics; beauty gels; gels for cosmetic purposes; beauty creams; beauty serums; skin care preparations, namely, skin peels; cosmetic preparations for skin care; non-Medicated exfoliating preparations for the face; eye cream; skin softeners; beauty ampoules, namely, skin moisturizers; skin moisturizing gel; skin moisturizer; facial moisturizers. Food supplements; food supplements, namely, food supplements containing cúrcuma. |  |  |  |  |  |
| Noshinku | [87-530,546] | Noshinku | 7-17-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Skincare products, namely, non-Medicated face lotion, body lotion, non-Medicated body soap, shampoo and deodorant for personal use. Skin care products, namely, hand-Sanitizing preparations, medicated face lotion, medicated body soap. The wording "Noshinku" has no meaning in a foreign language. |  |  |  |  |  |
| Simply Wellness | [87-531,702] | Simply Wellness Beauty | 7-18-17[12-12-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Wellness". Facial and body butters. On-Line retail store services featuring cosmetics. |  |  |  |  |  |
| Beati Naturals | [87-531,830] | Beáti Naturals | 7-18-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The color(S) pink and black is/Are claimed as a feature of the mark. "Naturals". The mark consists of the literal element "Beati" printed in stylized pink font above the literal element "Naturals" printed in capital black font. Eye cream; face creams for cosmetic use; face and body lotions; face and body creams; beauty serums; non-Medicated anti-Aging serum; non-Medicated facial and eye serum containing antioxidants; skin care products, namely, non-Medicated skin serum; all of the foregoing made in whole or substantial part of natural ingredients. Dietary and nutritional supplements; dietary supplements; liquid vitamin supplements; nutritional supplement shakes; nutritional supplements; nutritional supplements for hair and nails; nutritional supplements for women; probiotic supplements; vitamin supplements; all of the foregoing made in whole or substantial part of natural ingredients. |  |  |  |  |  |
| Prosper Beauty | [87-531,893] | Prosper Beauty | 7-18-17[12-12-17] | Intl. 3, 20US. 1, 2, 4, 6, 13, 22, 25, 32, 50, 51, 52 | - - - - |
| "Beauty". Cosmetics; exfoliant creams; fragrances; lip balm; anti-Wrinkle creams; facial moisturizers; skin moisturizers used as cosmetics. Bathroom and shaving mirrors; mirrors enhanced by electric lights; mirrors. |  |  |  |  |  |
| Ode To Color By Lori Weitzner | [87-531,954] | Lori Weitzner Design | 7-18-17[12-12-17] | Intl. 3, 4, 16, 21US. 1, 2, 4, 5, 6, 13, 15, 22, 23, 29, 30, 33, 37, 38, 40, 50, 51, 52 | - - - - |
| Pot pourri. Scented candles. Gift-Wrapping paper; tissue paper; paper shopping bags; greeting cards; envelopes; paper boxes; paper ribbons; framed art pictures; blank journals; address books; daily planners. Ceramic mugs. The name "Lori weitzner" shown in the mark identifies a living individual whose consent to register is made of record. |  |  |  |  |  |
| What's In Your Tissue Tube? Wipes & Soap Bathroom Tissue | [87-532,190] | What's In Your Roll? (Bathroom Tissue) | 7-18-17[12-12-17] | Intl. 3, 16US. 1, 2, 4, 5, 6, 22, 23, 29, 37, 38, 50, 51, 52 | - - - - |
| "Wipes and soap bathroom tissue". Baby wipes; pre-Moistened cosmetic wipes; skin lotion; toothpaste; wipes impregnated with a skin cleanser. Bathroom tissue. What is in your tissue tube? wipes and soap bathroom tissue. |  |  |  |  |  |
| Moonbow Baby | [87-532,208] | Rjs Internatl. Trade Partners | 7-18-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Baby". Baby wipes. Babies' swim diapers; baby diapers; baby food; disposable sanitizing wipes; gummy vitamins; infant cloth diapers; medicated baby oils; medicated baby powders; medicated balms for treatment of skin; pregnancy test kits for home use; prenatal vitamins; breast-Nursing pads. Moon bow baby. |  |  |  |  |  |
| Sanvio | [87-533,719] | Sanvio | 7-19-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Personal care products, namely, daily face cleanser, facial moisturizer, facial mask, and non-Medicated eye serum. Medicated skin preparations, namely, medicated skin preparations for relief from pain, itch, and discomfort from common skin ailments such as fever blisters, shingles, psoriasis, minor burns, and poison ivy. The word "Sanvio" has no meaning in a foreign language. |  |  |  |  |  |
| Lustre & Lucre | [87-533,879] | Lustre & Lucre Corporation | 7-19-17[12-12-17] | Intl. 3, 35, 41US. 1, 4, 6, 50, 51, 52, 100, 101, 102, 107 | - - - - |
| Skin care products, namely, cleansers, lotions, non-Medicated serums, eye gels, face creams, moisturizers, masks; hair care products, namely, shampoo, conditioner, lotions; personal care products, namely, bar soaps, body wash, lotions, body scrub, body cream; sunscreen creams; essential oils; fragrances for personal use; perfumes; colognes; make-Up products, namely, foundation, facial concealer, tinted creams in the nature of tinted moisturizers, bb creams and cc creams, mascara, eye shadows, eyebrow pencils, blushers, skin bronzers, lip pencil, lipstick, lip gloss, primer. Retail store services featuring skin care products, hair care products, lotions, personal care products, sunscreen, oils, fragrances, and make-Up; on-Line retail store services featuring skin care products, hair care products, lotions, personal care products, sunscreen, oils, fragrances, and make-Up; providing consumer product information relating to skin care products, hair care products, lotions, personal care products, sunscreen, oils, fragrances, and make-Up. Providing a website featuring blogs in the fields of beauty and personal care. Lustre and lucre. |  |  |  |  |  |
| Topcare Everyday | [87-534,561] | Topco Holdings, Inc. (Cooperative) | 7-19-17[12-12-17] | Intl. 3, 5, 8, 18, 21, 26US. 1, 2, 3, 4, 6, 13, 18, 22, 23, 28, 29, 30, 33, 37, 39, 40, 41, 42, 44, 46, 50, 51, 52 | - - - - |
| Baby wipes; cotton balls for cosmetic purposes; cotton swabs for cosmetic purposes; non-Medicated mouthwash and gargle; toothpaste; hair shampoos; hair conditioners; bar soap; shaving cream; shaving gel; lip balms; hand lotions; body lotions; sunblock lotions; nail polish; nail polish remover. Sanitizing wipes; sanitary napkins; tampons; antibacterial soap; vitamins; infant formulas; disposable baby diapers; adult diapers; baby foods. Razors; razor blades. Cosmetic cases sold empty. Toothbrushes; dental floss; dental tape. Hair accessories, namely, hair sticks, twisters, jaw clips, claw clips, snap clips, and hair bands. Top care everyday. |  |  |  |  |  |
| Topcare Health | [87-534,567] | Topco Holdings, Inc. (Cooperative) | 7-19-17[12-12-17] | Intl. 3, 5, 8, 10, 21US. 1, 2, 4, 6, 13, 18, 23, 26, 28, 29, 30, 33, 39, 40, 44, 46, 50, 51, 52 | - - - - |
| "Health". Shampoo; lip balm; hand lotions; body lotions; skin moisturizers; non-Medicated mouthwash and gargle; toothpaste; bar soap. Aspirin; ibuprofen for use as an oral analgesic; acetaminophen for relief of pain; antacids; sanitary napkins; tampons; cough syrup; analgesics; first aid kits; smoking cessation preparations; sleep aid preparations; analgesic balm; contact lens disinfectants; cold medicine; sinus medicine; allergy medicine; decongestants; cough lozenges; hemorrhoid preparations; adhesive bandages. Foot care implements, namely, foot scrapers, foot files. Fever thermometers; elastic bandages. Toothbrushes. Top care health. |  |  |  |  |  |
| Divorce Dust | [87-535,107] | Greene, Jerimie D Sidney, Lyndsey D. | 7-19-17[12-12-17] | Intl. 3, 25US. 1, 4, 6, 22, 39, 50, 51, 52 | - - - - |
| Body glitter, body lotion, facial moisturizers, lip gloss, eye shadow, make-Up, after shave, shaving cream, cologne, perfume. Shirts, pants, underwear, hats, socks, gloves, slippers, pajamas, apparel for dancers, namely, bikini bottoms, bikini tops, t shirts, legging pants, boy shorts. |  |  |  |  |  |
| M5tr | [87-536,678] | Lee, Seung Mi | 7-20-17[12-12-17] | Intl. 3, 4, 18, 24, 25US. 1, 2, 3, 4, 6, 15, 22, 39, 41, 42, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "M5tr", with the "T" consisting of two circles in a vertical line with a horizontal line on top of the circles. Body cream; cosmetic creams; cosmetic oils; lipstick; perfume; skin lotion; skin toners. Candles; perfumed candles; scented candles. Handbags; travel bags; wallets; tote bags. Bed sheets; bed blankets; bed linen; bed spreads; bed throws; pillow covers. Dresses; pants; shirts; shoes; shorts; skirts; t-Shirts. Mister. |  |  |  |  |  |
| Rapid Clear | [87-537,091] | 513 Ventures | 7-21-17[12-12-17] | Intl. 3, 5, 35US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101, 102 | - - - - |
| Non-Medicated mouth washes. Sexual stimulant preparations in the form of synthetic urine composed of distilled water and organic chemical preparations sold as a kit with thermosensitive temperature indicator strips, heating pad, rubber band; dietary supplement beverages for detoxification and antioxidant purposes; dietary and nutritional supplements for detoxification and antioxidant purposes. Online retail store services featuring nutritional supplements, probiotic supplements detox kits, detox drinks, detox supplements, medicated mouth wash, non-Medicated mouth wash, medicated shampoo and non-Medicated shampoo. |  |  |  |  |  |
| Rapid Clear | [87-537,101] | 513 Ventures | 7-21-17[12-12-17] | Intl. 3, 5, 35US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "Rapid clear" to the left of an abstract arrow head pointing to the right. the word "Rapid" appears above the word "Clear". the abstract arrow head consists of two touching horizontally oriented diamonds and two touching diagonally oriented quadrilaterals. Non-Medicated mouth washes. Sexual stimulant preparations in the form of synthetic urine composed of distilled water and organic chemical preparations sold as a kit with thermosensitive temperature indicator strips, heating pad, rubber band; dietary supplement beverages for detoxification and antioxidant purposes; dietary and nutritional supplements for detoxification and antioxidant purposes. Online retail store services featuring nutritional supplements, probiotic supplements detox kits, detox drinks, detox supplements, medicated mouth wash, non-Medicated mouth wash, medicated shampoo and non-Medicated shampoo. |  |  |  |  |  |
| The Skincare Game Plan | [87-537,592] | Maya-Elan Skincare And Wellness Escape | 7-21-17[12-12-17] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| "Skincare". Cosmetics sold as an integral component of non-Medicated skincare preparations. Online cosmetic skincare consultation services. |  |  |  |  |  |
| Burn Candle Company | [87-538,025] | Burn Candle Company | 7-21-17[12-12-17] | Intl. 3, 4US. 1, 4, 6, 15, 50, 51, 52 | - - - - |
| "Candle company". Reed diffusers comprised of scented oils and also including reeds and a diffuser container; reeds and scented oils sold as a unit for use in room scent diffusers. Candles; candles and wicks for candles for lighting; scented candles. |  |  |  |  |  |
| Lev Vel | [87-538,128] | Ameri Nor | 7-21-17[12-12-17] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the literal element "Lev" and the literal element "Vel" separated by a leaf, wherein the "V" in "Vel" is capitalized and the "E" is written backwards. Cosmetic preparations for slimming purposes; cosmetics; make-Up; make-Up foundation; make-Up foundations; make-Up powder; make-Up remover; make-Up removing lotions; make-Up removing milks; make-Up sets; nail care preparations; nail care preparations, namely, nail softeners; nail care kits comprising nail polish; nail decolorants; nail enamel; nail enamels; nail gel; nail glitter; nail hardeners; nail strengtheners; oil baths for hair care; oils for cleaning purposes; oils for cosmetic purposes; oils for perfumes and scents; skin care preparations, namely, skin peels; skin care products, namely, non-Medicated skin serum; topical skin sprays for cosmetic purposes; aloe vera preparations for cosmetic purposes; anti-Wrinkle cream; baby lotion; baby oils; bath oils; bath oils for cosmetic purposes; beauty lotions; beauty creams for body care; body cream; body lotion; body lotions; body oil; body oils; body mask cream; cleaner for cosmetic brushes; coconut oil for cosmetic purposes; cosmetic oils; cosmetic creams for skin care; cosmetic hand creams; cosmetic nourishing creams; cosmetic preparations for body care; cosmetic products in the form of aerosols for skin care; cotton for cosmetic purposes; deodorants for body care; eye make-Up; facial cream; facial creams; facial make-Up; foot masks for skin care; gels for cosmetic purposes; hand creams; hand masks for skin care; lotions for cosmetic purposes; lotions for face and body care; make-Up kits comprised of lipstick, lip gloss, nail care products, makeup remover, cosmetics; mask pack for cosmetic purposes; moisturizing creams; night cream; non-Medicated lip care preparations; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; non-Medicated foot cream; non-Medicated herbal body care products, namely, body oils, salves, and lip balms; pencils for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin cleansing cream; skin conditioning creams for cosmetic purposes; wrinkle removing skin care preparations; wrinkle-Minimizing cosmetic preparations for topical facial use. Make-Up brushes. The english translation of "Lev vel" in the mark is "Live well". |  |  |  |  |  |
| Ingredients Iv Persuasion | [87-538,536] | Intrinsic Healthcare | 7-21-17[12-12-17] | Intl. 3, 4, 30US. 1, 4, 6, 15, 46, 50, 51, 52 | - - - - |
| "Ingredients". Fragrances, room fragrances, breath fresheners, breath freshening sprays, breath freshening strips, breath mints for use as a breath freshener, toothpaste and non-Medicated mouthwashes, scented body spray, lip gloss, lipstick. Scented candles. Chewing gum, gummy candies, non-Medicated lozenges. Ingredients four persuasion. Ingredients for persuasion. Ingredients 4 persuasion. |  |  |  |  |  |
| I Iv P | [87-538,538] | Intrinsic Healthcare | 7-21-17[12-12-17] | Intl. 3, 4, 30US. 1, 4, 6, 15, 46, 50, 51, 52 | - - - - |
| Fragrances, room fragrances, breath fresheners, breath freshening sprays, breath freshening strips, breath mints for use as a breath freshener, toothpaste and non-Medicated mouthwashes, scented body spray, lip gloss, lipstick. Scented candles. Chewing gum, gummy candies, non-Medicated lozenges. I for p. I four p. I 4 p. Ingredients iv persuasion. Ingredients four persuasion. Ingredients for persuasion. |  |  |  |  |  |
| Shany Cosmetics | [87-538,786] | Shany Enterprises | 7-22-17[12-12-17] | Intl. 3, 12, 18, 21US. 1, 2, 3, 4, 6, 13, 19, 21, 22, 23, 29, 30, 31, 33, 35, 40, 41, 44, 50, 51, 52 | - - - - |
| "Cosmetics". Cosmetics; make-Up; make-Up kits comprised of cosmetics, brushes, palettes, applicators, and mirrors; nail polish. Trolleys. Luggage and trunks; cosmetic carrying cases sold empty; vanity cases sold empty. Applicator sticks for applying make-Up; make-Up brush holders; make-Up brushes; caddies for holding make-Up and cosmetics for household use; fitted vanity cases. |  |  |  |  |  |
| Forefathers Grooming | [87-540,521] | Forefathers Grooming | 7-24-17[12-12-17] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| "Grooming". Hair texture cream; shave creams; shaving cream; shaving creams; shaving gels; shaving lotions; shaving preparations; shaving stones; skin cleansers; skin cleansing cream; skin conditioners; skin creams; skin fresheners; skin lotions; skin moisturizer; skin moisturizer masks; skin soap; skin toners; after-Shave; after-Shave balms; after-Shave creams; bath gel; bleaching preparations for the hair; cosmetic hair dressing preparations; cosmetic preparations for the hair and scalp; hair styling gel; lotions for beards; non-Medicated bath soaps in liquid, solid or gel form; non-Medicated preparations all for the care of skin, hair and scalp; pre-Shave creams; pre-Shave liquid; shaving gel; shaving soap; shaving soaps; shower gel; shower and bath gel; skin moisturizing gel; styling clay for hair; styling paste for hair; wrinkle removing skin care preparations. Barber shop services; barbering services; hair care services; hair color salon services; hair coloring services; hair cutting services; skin care salon services; providing advice and information in the fields of hairstyling, haircare, and hair maintenance; providing on-Site beauty services, namely, hair styling and make-Up application services; providing online advice and information in the fields of hairstyling, haircare, and hair maintenance. |  |  |  |  |  |
| Pharmacist Formulated Formula 2 Skin Care | [87-541,571] | Msi Enterprises | 7-25-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The mark was first used anywhere in a different form other than that sought to be registered at least as early as 01/01/1990. The mark was first used in commerce in a different form other than that sought to be registered at least as early as 01/01/1990. The mark was first used anywhere in a different form other than that sought to be registered at least as early as 01/01/1990. The mark was first used in commerce in a different form other than that sought to be registered at least as early as 01/01/1990. The color(S) yellow, blue, white, black is/Are claimed as a feature of the mark. "Skin care". The mark consists of a rectangular box divided into three sections. the first section is yellow and contains the words "Pharmacist formulated" in black. the second section is a thin white line which is parted in the middle with a circle containing the image of a black mortar and pestle. the third section is blue and contains the words "Formula 2" in white color and then below that the words "Skin care" in white color. Cosmetic creams for skin care; cosmetic preparations for skin care. Hemorrhoid preparations; hemorrhoid treatment preparations; hemorrhoidal ointments; medicated skin care preparations; medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Type You | [87-542,435] | Akorn | 7-25-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Skin cleansers; body wash for humans; non-Medicated body lotions. Cough drops; pharmaceutical preparations, namely, tablets for the prevention and treatment of colds and flu; hand sanitizing preparations; medicated skin ointments. |  |  |  |  |  |
| Type You Diabetic Care | [87-542,439] | Akorn | 7-25-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Diabetic care". Skin cleansers; body wash for humans; non-Medicated body lotions. Cough drops; pharmaceutical preparations, namely, tablets for the prevention and treatment of colds and flu; hand sanitizing preparations; medicated skin ointments. |  |  |  |  |  |
| The Hair Bakery Let Your Hair Eat Nature's Goodness | [87-543,365] | The Hair Bakery Corporation | 7-26-17[12-12-17] | Intl. 3, 25, 35US. 1, 4, 6, 22, 39, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. "Hair". The mark consists of the stylized wording "The hair bakery" with "The" above the "A" in "Hair", two dots above the "A" and "I" in "Hair" and the "H" forming a stylized whisk with a batter splashed line forming an underline, all above the stylized wording "Let your hair eat nature'S goodness!". Hair conditioner; hair conditioners; hair creams; hair gel; hair care creams; hair pomades; hair styling gel; shampoo-Conditioners; hair shampoo; hair shampoos and conditioners. T-Shirts; graphic t-Shirts. Retail on-Line ordering services featuring hair creams, shampoos, conditioners, hair gels, pomades and t-Shirts also accessible by telephone, facsimile and mail order; advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; on-Line customer-Based social media brand marketing services. |  |  |  |  |  |
| The Platinental | [87-550,729] | The Platinental | 8-1-17[12-12-17] | Intl. 3, 4, 5, 44US. 1, 4, 6, 15, 18, 44, 46, 50, 51, 52, 100, 101 | - - - - |
| Cosmetic creams for skin care; incense. Candles. Vitamins. Medical services; medical consultations. |  |  |  |  |  |
| Clean Everything | [87-552,556] | Midlab | 8-2-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| All-Purpose surface cleaners. One-Step hospital germicidal cleaner and deodorant designed for general cleaning, disinfecting and controlling mold and mildew odors on hard, non-Porous surfaces; all-Purpose disinfectants. |  |  |  |  |  |
|  | [87-554,401] | Kay Casperson | 8-3-17[12-12-17] | Intl. 3, 4, 5, 25, 44US. 1, 4, 6, 15, 18, 22, 39, 44, 46, 50, 51, 52, 100, 101 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized representation of the sun formed out of swirling lines. Cosmetics and make-Up; essential oils; hair care preparations; hair coloring preparations; lipstick; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; non-Medicated soaps; scented room sprays. Candles. Vitamins. Hats; leggings; pants; shirts; shorts; t-Shirts; yoga pants. Health spa services for health and wellness of the body and spirit, namely, providing massage, facial and body treatment services, cosmetic body care services. |  |  |  |  |  |
| Lessthan | [87-555,712] | Jiang Feng | 8-3-17[12-12-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of stylized word "Lessthan". Air fragrancing preparations; cleaning preparations; cleansing milk for toilet purposes; cosmetics; cosmetics for animals; dental bleaching gels; essential oils of cedarwood; fragrances; polishing preparations; aromatic potpourris; polishing, scouring and abrasive preparations. Accounting services; advertising and advertisement services; commercial administration of the licensing of the goods and services of others; personnel management consultancy; photocopying services; provision of an on-Line marketplace for buyers and sellers of goods and services; relocation services for businesses; retail stores featuring pharmaceutical, veterinary and sanitary preparations and medical supplies; sales promotion for others; sponsorship search; wholesale and retail store services featuring pharmaceutical, veterinary and sanitary preparations and medical supplies; wholesale store services featuring pharmaceutical, veterinary and sanitary preparations and medical supplies. Less than. |  |  |  |  |  |
| It's All About Bees! | [87-556,884] | Fletcher, Wendy | 8-4-17[12-12-17] | Intl. 3, 29, 30US. 1, 4, 6, 46, 50, 51, 52 | - - - - |
| Body cream; body lotion; lip balm. Jellies, jams. Honey. It is all about bees!. |  |  |  |  |  |
| Blend The Rules | [87-559,225] | Morphe | 8-7-17[12-12-17] | Intl. 3, 16, 21, 35US. 1, 2, 4, 5, 6, 13, 22, 23, 29, 30, 33, 37, 38, 40, 50, 51, 52, 100, 101, 102 | - - - - |
| Cosmetics and make-Up; lipstick palettes; eye shadow palettes; concealer palettes; foundation palettes; pressed powder palettes; blush palettes; bronzer palettes; brow powder palettes; eye shadows; pomades for eyebrows; eyeliner; cleaner for cosmetic brushes; false eyelashes. Non-Magnetically encoded gift cards. Make-Up brushes; make-Up brush sets comprised of make-Up brushes; cosmetic palettes sold empty. Online and retail store services featuring cosmetics and make-Up, cosmetic palettes sold empty, cleaner for cosmetic brushes, soap for cosmetic brushes, shampoo and conditioner for cosmetic brushes, sponges for cleaning cosmetic brushes, false eyelashes, adhesives for affixing false eyelashes, make-Up removers, cosmetic pencil sharpeners, make-Up setting spray, make-Up brushes, make-Up brush sets comprised of make-Up brushes, facial protectors for use when applying make-Up, non-Magnetically encoded gift cards, cosmetic cases sold empty, cosmetic spatulas and cosmetic mixing palettes, applicator wands for applying make-Up to lips, eyelashes, eyebrows, and eyelids; administration of a discount ***program*** for enabling participants to obtain discounts on goods and services through use of a discount membership card. |  |  |  |  |  |
| O Ovme | [87-560,309] | Ovme | 8-8-17[12-12-17] | Intl. 3, 5, 9, 38, 44US. 1, 4, 6, 18, 21, 23, 26, 36, 38, 44, 46, 50, 51, 52, 100, 101, 104 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Ovme" in all capital letters, above which is a large letter "O" in paint brush font. Non-Medicated creams for skin care; non-Medicated lotions for skin care; non-Medicated gels for skin care; non-Medicated powders for skin care; non-Medicated sun care preparations; hair cleansing preparations; hair care preparations; essential oils for personal use. Medicated skin care preparations; medicated creams for skin care; medicated lotions for skin care; medicated gels for skin care. Downloadable mobile application for providing access to health care information and health care professionals; downloadable mobile application for enabling remote examination and consultation with physicians and health care professionals. Telecommunications services, namely, providing audio and video conferencing services for providing consumers with access to healthcare consultations with healthcare professionals. Medical services, namely, providing medical spa health services, wellness ***programs***, and evaluation, detoxification and rejuvenation procedures, in the nature of body and facial rejuvenation and intervention treatments, facials, microneedling treatments, topical infusions, laser and intense pulsed-Light treatments for skin rejuvenation and hair removal, chemical peel therapy, radiofrequency treatments for skin rejuvenation, detoxification treatments, providing information and treatment recommendations concerning nutraceuticals and dietary supplements, fat reduction and body contouring treatments, skin tightening and cellulite reduction treatments, providing facial injectable treatments, botulinum toxin treatments, photo-Facial treatments, laser hair removal, hair transplanting, skin resurfacing, lash and brow tinting, and wellness body treatments; telemedicine services, namely, providing consumers with access to healthcare consultations with healthcare professionals via audio and video conferencing. |  |  |  |  |  |
| Creperase | [87-570,345] | Guthy-Renker | 8-15-17[12-12-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Skin and body care preparations, namely, skin cleansers, skin moisturizers, skin lotions, skin exfoliants, cosmetics, non-Medicated skin care preparations. Skin care products, namely, medicated skin care preparations, medicinal creams and medicated exfoliating preparations for skin care, medicated cosmetics; pharmaceutical preparations directed to the treatment of excess wrinkles. |  |  |  |  |  |

**Load-Date:** January 5, 2018

**End of Document**



[***Peru's tax framework moves towards international standards***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4Y1-DXYV-70JN-00000-00&context=1516831)

Oxford Business Group: Articles

August 2018

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**Length:** 4816 words

**Body**

A raft of ongoing tax reforms is expected to focus largely on expanding the country's tax base and curtailing tax evasion. There are five different types of corporations typically used by investors for the development of business activities in Peru that are regulated by the General Corporate Law (GCL).

These structures include joint stock companies, closely held corporations, publicly held corporations, limited liability companies and branches. The specific requirements of each of these models is outlined below.

**Joint Stock Company:** A minimum of two shareholders is required for this structure. Non-domiciled shareholders must elect a representative in Peru to sign off on the by-laws. There is no minimum capital required by law; however, it is the customary practice of financial institutions to request a minimum amount of PEN1000 ($308) as seed capital. Capital contributions can be made in national or foreign currency, and must be deposited in a local bank account. The liability of the shareholders is limited to the par value of the shares they hold. Shareholders' meeting, board of directors and general management are the responsible institutions for the company's management. The ***transfer*** of shares is free.

**Closely Held Corporation:**A minimum of two shareholders and a maximum of 20 is required for this corporate form. The liability of the shareholders is limited to the par value of the shares they hold. Shareholders' meeting and general management are responsible for the company's management (a board of directors is optional). Shares cannot be listed on the stock exchange. Shareholders have pre-emptive rights in the event that a ***transfer*** of shares to a third party is proposed; however, this right may be eliminated in the by-laws.

**Publicly Held Corporation:**This corporate type is generally used by companies with a large number of shareholders (more than 750), or for which an initial public offering of shares has been made, or those with convertible bonds, or in which more than 35% of the capital stock belongs to 175 or more shareholders. The company's shares must be registered in the Public Registry of the Stock Exchange (Registro Público del Mercado de Valores, RPMV). The liability of the shareholders is limited to the par value of the shares they hold. Shareholders' meeting, board of directors and general management are the bodies responsible for the company's management. Publicly held corporations are supervised by the Stock Exchange Superintendence (Superintendencia del Mercado de Valores, SMV). Any restriction or limitation on the ***transfer*** of shares is prohibited.

**Limited Liability Company:** A minimum of two and a maximum of 20 partners is required. This type of company does not issue shares. The capital is divided into ownership interests or equal parts ("participations"), which are cumulative and indivisible. At the time of the incorporation, no less than 25% of each participation should be paid. The liability of the investors is limited to the par value of the participations they hold. Partners' meeting and general management are responsible for the company's management. The ***transfer*** of participations to third parties is subject to approval by the existing partners (pre-emption right is mandatory), must be formalised in public deed and be registered in the Public Registries of Companies.

**Branch:** The agreement to establish a branch on behalf of a foreign parent company must be legalised by the Peruvian consulate and certified by the Ministry of Foreign Affairs in Peru, if applicable, or failing that, be apostilled in the country of origin, before being issued to public deed and registered in the Public Registries. A certificate of good standing from the parent company is also required.

In accordance with the GCL, branches of foreign companies may be recharacterised into a legally incorporated company in Peru under any of the other corporate entity types regulated by the above-mentioned law.

**Starting a Business**

After selecting the legal form of the company the founding minutes are prepared. These must include detailed information of the company, including: founding shareholders or partners, the corporate purpose, by-laws and appointment of directors, among other items. It must be signed by a lawyer. The document is then presented before a notary public, who will submit it to public deed and prepare the forms for the registration of the company in the Public Registries.

A taxpayer registration number must be obtained from the National Superintendency of Customs and Tax Administration (Superintendencia Nacional de Aduanas y de Administración Tributaria, SUNAT). Likewise, a cheque account must be opened under the company's name at a local bank. The GCL mandates that financial statements be prepared and presented in accordance with the legal provisions and accounting principles generally accepted in the country.

Companies in the financial sector are overseen by the Superintendency of Banking and Insurance (Superintendencia de Banca y Seguros, SBS), which establishes the specific requirements for that sector.

Certain businesses must prepare their financial statements in full compliance with the International Financial Reporting Standards issued by the International Financial Reporting Standards Board. This applies to companies with securities registered in the RPMV as well as to firms registered in the RPMV, which include:

· Brokerage agents;

· Companies managing mutual funds;

· Companies managing investment funds;

· Securitisation companies;

· Risk rating companies;

· Price vendors and other entities authorised by the SMV; and

· Companies managing collective funds and investment funds. Companies supervised by the SBS must prepare their financial statements observing the provisions determined by the SBS.

**Corporate Income Tax**

Companies incorporated in Peru are subject to income tax for their worldwide income. Non-domiciled corporations, their branches, agencies or permanent establishments are only taxed on their Peruvian-source income. The tax rate is 29.5% and it is applied to net income. Dividends received from other domiciled legal entities are exempt. Dividends received from non-domiciled entities are taxed at the rate of 29.5%.

**Income Tax Repayments**

Domiciled companies are obliged to make tax prepayments on income tax. The amount is determined by the sum that is greater when comparing the monthly instalments resulting from the application of the percentage or coefficent methods. The percentage method applies 1.5% to the total net income for the month. The coefficient method is calculated by dividing the tax from the previous fiscal ***year*** by the total net income for the same ***year*** and multiplying it by the factor of 1.0536 (this factor is only applicable for 2017 and January and February 2018). The resulting coefficient will be applied to the net income of the month. For the months of January and February, the coefficient is determined based on the calculated tax and net income of the fiscal ***year*** prior to the previous one.

It is possible to request the suspension of the obligation of making prepayments under certain circumstances. If the prepayments exceed the annual tax the excess can be carried forwards as a credit against future prepayments and even against the annual income tax of the following ***years*** - until exhausted - or a refund can be requested.

**Deductions**

In order to determine the net taxable income it is permitted to apply the deduction of expenses incurred in generation of income or maintenance of the source. In general, subject to certain requirements and conditions, deductions are allowed for:

· Interest;

· Insurance;

· Extraordinary (non-recurring) losses;

· Depreciation and pre-operating expenses;

· Authorised reserves;

· Write-offs and bad debt provisions; and

· Social benefits provisions, retirement pensions, bonuses and gratifications for employees, among others. Interest paid by domiciled taxpayers to related parties is not deductible in the portion that exceeds the result of applying a coefficient (i.e., the debt to equity ratio) of 3 to 1, at the close of the immediate preceding fiscal ***year***.

Expenses incurred abroad are deductible provided that they be necessary for the generation of taxable income and have been accredited with the respective ***payment*** vouchers issued abroad. Expenses which are not accepted as deductions include, among others, personal expenses, assumed income tax (except in the case of interest), tax and administrative fines, donations, expenses without proof of ***payment***, and reserves or provisions not permitted by law.

**Capital Gains**

Capital gains resulting from the disposal of certain securities are exempt from income tax as long as they comply with certain requirements. This exemption will be in force until 2019 according to Law 30341 and Legislative Decree 1262.

Common stock, investment shares and convertible bonds are exempt if they meet the following conditions:

· Disposed of through the Lima Stock Exchange (Bolsa de Valores de Lima, BVL);

· In any given 12-month period the taxpayer and its related parties must not ***transfer*** more than 10% of the total securities issued by the company whose securities are sold; and

· Securities must have a stock market presence. Exchange traded fund units (the underlying assets of which are shares and/or debt), debt securities, participation certificates in mutual investments funds, among others, are exempt provided they meet the first and third requirements listed above. Negotiable invoices must be disposed of through the BVL to be exempted.

Debt securities, participation certificates in mutual investments funds, participation certificates in real estate investment trust, participation certificates in securitisation trusts for the investment in income of real estate and negotiable invoices must be disposed of through the BVL to be exempted.

**Income Tax Withholding**

In the case of Peruvian-source income obtained by non-domiciled entities, the income tax withholding must be applied by Peruvian companies depending on the type of income.

For dividends and other forms of profit distribution, as well as the remittance of profits from the branch, the rates vary according to ***year***. The withholding tax rates are as follows:

· 4.1% up to December 31, 2014;

· 6.8% in 2015 and 2016; and

· 5% from 2017 onwards. Capital gains on disposal of ***transferable*** securities through the BVL are subject to a 5% rate except when qualifying for the exemption contained in Law 30341 - modified by Legislative Decree 1262. This category includes:

· Disposal or redemption of shares, bonds or other securities issued by companies incorporated in Peru; and

· Indirect disposal of shares of Peruvian companies. Capital gains on disposal of ***transferable*** securities aside from the BVL is taxed at a rate of 30%.

This category includes:

· Disposal or redemption of shares, bonds or any other securities issued by companies incorporated in Peru; and

· Indirect disposal of shares of Peruvian companies. Other types of income are subject to withholding tax as outlined below:

· 4.99% for interest, if certain requirements are met;

· 30% for interest paid to related companies abroad;

· 15% for technical assistance services economically used in Peru;

· 30% for digital services economically used in Peru;

· 30% for royalties; and

· 30% for other income resulting from business activities carried out in Peruvian territory. Income that is derived from activities performed partially in Peru and partially abroad by non-domiciled entities, including that obtained by their branches or permanent establishments, is subject to the following effective income tax rates:

· 0.3% on air transport, unless reciprocal exoneration applies;

· 0.6% on chartering or maritime transport, unless reciprocal exoneration applies;

· 2.1% on insurance;

· 8% on vessel lease, with a withholding rate of 10%;

· 6% on aircraft lease, with a withholding rate of 10%;

· 1.5% on telecommunications services;

· 3% on international news agencies;

· 6% on cinema films distribution;

· 4.5% on supply of transport containers;

· 24% on demurrage of transport containers; and

· 6% on television broadcasting rights assignment.

**Tax Havens**

Companies domiciled in the country cannot deduct, for effects of determining their income tax, the expenses derived from transactions performed with individuals or entities residing in countries or territories with low or no taxation (tax havens), nor shall they have the right to offset losses incurred by these transactions with foreign-source income, except in the case of transactions involving:

· Loans;

· Insurance and reinsurance;

· Assignment for use of vessels or aircraft;

· Transport performed from abroad to the country and vice-versa; and

· Fee for transit through the Panama Canal, as long as they are agreed at market value. As of January 2019 countries that belong to the OECD shall not be considered tax havens for income tax purposes. Derivative financial instruments entered into with taxpayers domiciled in tax havens shall be considered speculative, in which case losses may only be offset with profits of the same kind.

***Transfer* Pricing**

***Transfer*** pricing rules are based on the arm's length principle, as interpreted by the OECD, and must be considered exclusively for income tax purposes. In Peru these rules are applied to transactions between related parties and to transactions with companies domiciled in tax havens. Nevertheless, the value agreed by the parties involved must only be adjusted when they generate a tax collection detriment. The value of transactions subject to ***transfer*** pricing rules shall be determined in accordance with any of the internationally accepted methods, for which purpose the one found to best reflect the current economic reality of the operation shall be considered.

However, there are certain parameters to be considered in order to accurately determine the market value in the specific case of export or import operations of goods with a known price in the international market, the local market or the market of destination, including those of derivative financial instruments, or with prices that are fixed by reference to the prices of these markets.

Likewise, for deducting the consideration of services as cost or expense, the domiciled company must comply with the benefit test (demonstrate that the service has provided economic or commercial value, improving or maintaining its commercial position) and provide the documentation that proves the effective provision of the service, the actual need for the service, costs or expenses incurred by the service provider, and the allocation criteria, among others.

It is possible to enter into advance ***transfer*** pricing agreements with SUNAT, which may be unilateral or bilateral. Domiciled companies subject to the scope of ***transfer*** pricing rules, whose revenues accrued during the fiscal ***year*** exceed approximately $2.8m must submit the local file affidavit annually. Taxpayers who are part of an economical group whose income accrued in the fiscal ***year*** exceeds approximately $24.5m must submit the master file informative affidavit annually, containing, among other things, the organisational structure, the description of the business or businesses and the ***transfer*** pricing policies regarding intangibles, group financing and their fiscal-financial position. Likewise, taxpayers who are part of a multinational group must submit an annual country-by-country report, an informative affidavit containing, among other details, information related to the global distribution of income, taxes paid and business activities of each of the entities belonging to the multinational group that carry out their activity in a particular country or territory.

**Means of *Payment***

Any ***payment*** that exceeds the amount of PEN3500 ($1080) must be made through any of the so-called means of ***payment***, which include bank deposits, money orders, money ***transfers***, ***payment*** orders, debit or credit cards issued in the country, and non-negotiable cheques. Not using these means of ***payment*** results in failure to recognise the cost or the expense related to that ***payment*** for income tax purposes. In addition, the value-added tax (VAT) paid in such transaction may not be used as a tax credit.

**International Tax Transparency**

Starting on January 1, 2013, the International Tax Transparency Regime was incorporated, applicable to taxpayers domiciled in Peru who are owners of controlled non-domiciled entities regarding their passive income, provided that they are subject to income tax in Peru for their foreign-source income.

This system includes the passive income obtained through controlled non-domiciled entities in the taxable income of the individuals and companies domiciled in Peru, even when there is no effective distribution of the dividends related to such passive income. The law established the following requirements that a foreign company must comply with to be qualified as a controlled non-domiciled entity:

· To have a different legal identity from those of the persons that integrate it;

· To be incorporated, established, resident or domiciled in: (i) a tax haven or (ii) in a country or territory in which the passive income is not subject to income tax or it is less than 75% of the income tax applied in Peru; and

· To be owned by an individual domiciled in Peru, which occurs when the taxpayer holds either directly or indirectly an equity - individually or jointly with its related parties domiciled in the country - in more than 50% of the capital, results or voting rights of that entity. It has been established, for the application of the regime, a restrictive list of concepts that qualify as passive incomes (for example, dividends, interest, royalties, capital gains coming from the alienation of real estate property and securities) and a list of excluded concepts. Likewise, it has been established that if the income that qualifies as passive income is equal to or exceeds 80% of the total income of the controlled non-domiciled entity, its total income will be deemed to be passive income.

**Legal Stability Agreements**

The state investment promotion agency ProInversión on behalf of the Peruvian state, can enter into legal stability agreements guaranteeing foreign investors that they will enjoy the stability of the legal and tax system applicable to the investors and companies receiving these investments. For that purpose, contributions to the capital of an established company or a company to be established in Peru for an amount not less than $10m in the mining and hydrocarbons sector or $5m in any other sector are required. This investment can be made within a maximum two-***year*** period. The term of the legal stability agreement is 10 ***years***, except for those who have entered into a concession contract for the construction and use of public infrastructure works and/or the provision of public services, in which case the concession deadline applies instead.

**Double Taxation Treaties**

Currently, to avoid double taxation, Peru has signed and ratified treaties with the following countries:

· Brazil;

· Canada;

· Chile;

· Mexico;

· Portugal;

· South Korea; and

· Switzerland. Peru is also part of the Andean Community, along with Colombia, Ecuador and Bolivia. In this regard, Decision No. 578 is applicable for avoiding the double taxation between those countries, by prioritising the taxation at the source, using the exemption method.

**VAT Regulation**

VAT is levied on the sale of goods in the country, the provision and use of services and the importation of goods, with an 18% rate (including 2% for municipal promotion tax). Corporate reorganisations are not subject to this tax.

The export of goods is not taxable. In the case that the ***transfer*** of ownership occurs in the country, the goods must be subject to a Customs process for definitive export, within the deadlines established by the regulation, for not taxing the sale with VAT. If the established terms expire without the goods having been shipped it will be assumed that the operation was performed in national territory, and it shall be levied with VAT, unless it qualifies as an exempt operation.

The export of services is not taxable with VAT. Operations considered to be export of services must comply with the following requirements:

· They correspond to an onerous transaction;

· The exporter is domiciled;

· The user is non-domiciled; and

· The use or exploitation of the services by the non-domiciled party occurs abroad. In addition, exporters must be registered in the registry of service exporters administered by SUNAT.

Note that the VAT Law uses the debit/credit system, under which the VAT that is paid on sales is offset against the VAT paid on purchases. The VAT not applied as credit in a particular month may be carried forwards to the following months until it is used up. This credit is not subject to prescription or to expiration terms.

The VAT paid on purchases related to the export of goods and/or services shall entitle a balance in favour of the exporter. This may be offset against the VAT paid on local sales, if any. If there is a remaining amount, it may be offset against income tax or against other public Treasury tax debts. If there is a remaining amount, a refund can be requested. The compensation and/or refund is subject to a limit.

**VAT Recovery Regimes**

Individuals or legal entities who perform investments in any sector of the economy, who generate third-category income and who have a project in a preoperative phase of two or more ***years***, may benefit from the VAT Early Recovery Special Regime and request the return of the VAT levied on the local imports and/or acquisitions of new capital goods, new intermediate goods, construction services and contracts used directly in the execution of the corresponding project.

For this purpose, it is necessary to have an investment agreement signed with ProInversión and the corresponding sector related to the activity of the project, which will also issue a ministerial resolution qualifying the applicant as beneficiary of the regime. The minimum amount of the contract investment commitment is $5m, except for investments to be made in the ***agricultural*** sector, which is exempt from this requirement.

Moreover, there is a VAT definitive return regime, which consists in returning the VAT ***transferred*** or paid for the acquisition of certain goods and services directly related to the development of exploration activities during the exploration phase. This regime can be applied by:

· Individuals or legal entities who are holders of mining concessions; and

· Investors who have signed license or services contracts under the Hydrocarbons Law. For these purposes, in both cases the beneficiary must be in the exploration phase. In addition, in the case of holders of mining concessions, an exploration investment ***programme*** must be signed, involving a minimum investment amount of $500,000.

**Excise Tax**

Excise tax is a tax to the consumption of specific goods, such as fuels, cigarettes, beer, liquors, carbonated drinks, gambling and bets, among others. It is applied under three systems:

· Specific, involving a fixed amount in new soles per unit of measurement;

· At value, based on a percentage of the sale price; and

· Retail price, based on a percentage of the price suggested to the public. Goods subject to excise tax and applicable rates have been recently modified, specifically regarding sodas, alcoholic beverages, cigarettes, fuels and vehicles.

**Temporary Net Assets Tax**

The Temporary Net Assets Tax (ITAN) is equivalent to 0.4% of the total value of net assets that exceed PEN1m ($308,000) determined at December 31 of the previous ***year***. Companies in the pre-operational stage are excluded. ITAN is a credit against income tax, and a refund may be requested if it has not been fully offset by the close of the fiscal ***year***. However, to avoid double taxation issues, subsidiaries and branches of foreign companies may choose to use the amount effectively paid for income tax prepayments corresponding to the month of March and the followings of each ***year*** to offset the ITAN. In this way, foreign companies can claim as a foreign credit in their country of origin the income tax paid in Peru, instead of a tax levied on their assets.

**Tax on Financial Transactions**

The tax on financial transactions is levied at a rate of 0.005% and applies to deposits and withdrawals in accounts of financial institutions in Peru.

**Customs Tax**

The import of goods is subject to the ***payment*** of Customs duties, of which current ad valorem rates are set at 0%, 6% and 11%. Likewise, VAT of 18% is applied in the import of goods. In addition, depending of the merchandise type, its importation could also be subject to the ***payment*** of the following:

· Excise tax;

· Anti-dumping duties; or

· Countervailing duties, among others. In the case of the import of goods subject to the ***payment*** of anti-dumping and countervailing duties, it should be noted that the former is applied to some imported goods when the price discrimination could harm or threaten to harm a branch of national production. However, countervailing duties are applied when the imported goods are subsidised in the country of origin, and at the time of importation it could harm or threaten to harm a branch of national production. The application of taxes and Customs duties is as follows:

· Customs duties include rates of 0%, 6% and 11%, based on cost, insurance and freight value;

· The rate of Customs duties applied depends on the type of imported good;

· Capital goods are generally subject to a zero rate;

· VAT is set at 18%, based on cost, insurance and freight, and Customs duties;

· VAT could be used as a tax credit by the importer; and

· Certain assets are additionally subject to the selective consumption tax.

**Drawback Regime**

The drawback regime allows producer-exporter companies to totally or partially recover the Customs duties paid on the import of specific categories of goods provided the cost, insurance and freight import value does not exceed 50% of the free on board value of the exported product, and that all the established requirements are met in order to be eligible for this benefit. The goods to which this regime applies are:

· Raw materials;

· Inputs;

· Intermediate products; and

· Parts and pieces incorporated or used in the production of goods to be exported. The applicable drawback rate is equivalent to 4% of the free on board value of the exported product; however, from 2019 the rate will be 3%.

**Commercial Treaties**

Peru is currently a member of several regional and international trade blocs, including:

· The World Trade Organisation;

· The Andean Community;

· The Southern Common Market, also known as Mercosur;

· The Asia-Pacific Economic Cooperation; and

· The Pacific Alliance. Likewise, Peru has free trade agreements currently in force with: Canada, China, Chile, Costa Rica, Cuba, the EU, the European Free Trade Association, Honduras, Japan, Mexico, Panama, Singapore, South Korea, Thailand, the US and Venezuela.

**Personal Taxation**

Peruvian citizens domiciled in Peru are subject to taxation on their worldwide income. On the contrary, individuals not domiciled in Peru are only taxed in this country on their Peruvian source income. Foreigners residing or staying in Peru for more than 183 days within any given 12-month period will have the status of individuals domiciled in the country from January 1 of the following fiscal ***year*** in which the duration of stay expires.

In the case of individuals domiciled in Peru, income tax for the fourth and fifth categories, which are originated by the incomes from a personal work source (independent and dependent, respectively), as well as from a foreign-source income, is computed at a progressive cumulative rate, as follows:

· 8% up to five indexed tax units of account ( unidades impositivas tributaries, UITs); one UIT is equivalent to $1227;

· 14% on five-20 UITs;

· 17% on 20-35 UITs;

· 20% on 35-45 UITs; and

· 30% on anything over 45 UITs. For wages, salaries and other remuneration gained from performing dependent or independent work, the non-taxable minimum is seven UITs ($8500). The amounts paid for certain services (real estate rental, doctors, lawyers, architects, etc) may be deducted as an expense, up to three UITs ($3600), provided certain requirements are met. Lastly, a deduction of 20% on the independent labour income is permitted.

**Capital Income**

For its part, the income obtained by domiciled individuals from the lease, sublease and assignment of assets (first category income), as well as other capital incomes (second category income), are subject to an effective rate of 5% of gross income.

Dividends distributed by companies incorporated or established in Peru, received by individuals, are subject to the following rates:

· 4.1% on accrued results as of December 31, 2014;

· 6.8% on results generated in 2015 and 2016; and

· 5% on results generated from 2017 onwards.

**Load-Date:** March 12, 2020

**End of Document**



[***COMMISSION DELEGATED REGULATION (EU) 2018/162 of 23 November 2017 amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RK3-P7W1-JDG9-Y0RH-00000-00&context=1516831)

Impact News Service

February 3, 2018 Saturday

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**Length:** 2063 words

**Body**

Brussels: Official Journal of the European Union has issued the following Legislation:

COMMISSION DELEGATED REGULATION (EU) 2018/162

of 23 November 2017

amending Annex I to Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Annexes II and III to Regulation (EU) No 1307/2013 of the European Parliament and of the Council

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European ***Agricultural*** Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (1), and in particular Article 58(7) thereof,

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct ***payment*** to farmers under support schemes within the framework of the common ***agricultural*** policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (2), and in particular Articles 6(3) and 7(3) thereof,

Whereas:

(1)

Article 14(1) of Regulation (EU) No 1307/2013 provides that Member States could opt to make a certain percentage of their annual national ceilings for direct ***payments*** available as additional support for measures under rural development ***programming*** by 31 December 2013 or by 1 August 2014.

(2)

In accordance with the fourth subparagraph of Article 14(1) of Regulation (EU) No 1307/2013, France, Lithuania and the Netherlands notified the Commission by 1 August 2017 of their decision to review, for the 2018 and 2019 ***calendar*** ***years***, their previous decision to ***transfer*** a certain percentage of their annual national ceilings for direct ***payments*** to rural development ***programming***, financed under the European ***Agricultural*** Fund for Rural Development (EAFRD).

(3)

It is therefore necessary to adapt Annexes II and III to Regulation (EU) No 1307/2013 in order to incorporate the proposed amendments to the annual national ceilings and the annual net ceilings for direct ***payments***. It is also necessary to adapt Annex I to Regulation (EU) No 1305/2013 in order to reflect these amendments in the corresponding annual breakdown by Member State of the Union support for rural development.

(4)

Annex I to Regulation (EU) No 1305/2013 and Annexes II and III to Regulation (EU) No 1307/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 1305/2013 is replaced by the text in Annex I to this Regulation.

Article 2

Annexes II and III to Regulation (EU) No 1307/2013 are replaced by the text in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 November 2017.

For the Commission

The President

Jean-Claude JUNCKER

(1)  OJ L 347, 20.12.2013, p. 487.

(2)  OJ L 347, 20.12.2013, p. 608.

ANNEX I ‘

ANNEX I

Breakdown of Union support for rural development (2014 to 2020)

(current prices in EUR)

2014

2015

2016

2017

2018

2019

2020

TOTAL 2014-2020

Belgium

40 855 562

97 243 257

109 821 794

97 175 076

97 066 202

102 912 713

102 723 155

647 797 759

Bulgaria

0

502 807 341

505 020 057

340 409 994

339 966 052

339 523 306

338 990 216

2 366 716 966

Czech Republic

0

470 143 771

503 130 504

344 509 078

343 033 490

323 242 050

321 615 103

2 305 673 996

Denmark

90 287 658

90 168 920

136 397 742

144 868 072

153 125 142

152 367 537

151 588 619

918 803 690

Germany

664 601 903

1 498 240 410

1 685 574 112

1 404 073 302

1 400 926 899

1 397 914 658

1 394 588 766

9 445 920 050

Estonia

103 626 144

103 651 030

111 192 345

122 865 093

125 552 583

127 277 180

129 177 183

823 341 558

Ireland

0

469 633 941

469 724 442

313 007 411

312 891 690

312 764 355

312 570 314

2 190 592 153

Greece

0

907 059 608

1 007 736 821

703 471 245

701 719 722

700 043 071

698 261 326

4 718 291 793

Spain

0

1 780 169 908

1 780 403 445

1 185 553 005

1 184 419 678

1 183 448 718

1 183 394 067

8 297 388 821

France

4 353 019

2 336 138 618

2 363 567 980

1 665 777 592

1 668 304 328

1 984 761 729

1 987 739 983

12 010 643 249

Croatia

0

448 426 250

448 426 250

282 342 500

282 342 500

282 342 500

282 342 500

2 026 222 500

Italy

0

2 223 480 180

2 231 599 688

1 493 380 162

1 495 583 530

1 498 573 799

1 501 763 408

10 444 380 767

Cyprus

0

28 341 472

28 345 126

18 894 801

18 892 389

18 889 108

18 881 481

132 244 377

Latvia

138 327 376

150 968 424

153 066 059

155 139 289

157 236 528

159 374 589

161 491 517

1 075 603 782

Lithuania

230 392 975

230 412 316

230 431 887

230 451 686

230 472 391

247 213 599

263 791 386

1 663 166 240

Luxembourg

0

21 385 468

21 432 133

14 366 484

14 415 051

14 464 074

14 511 390

100 574 600

Hungary

0

742 851 235

737 099 981

488 620 684

488 027 342

487 402 356

486 662 895

3 430 664 493

Malta

0

20 905 107

20 878 690

13 914 927

13 893 023

13 876 504

13 858 647

97 326 898

Netherlands

87 118 078

87 003 509

118 496 585

118 357 256

118 225 747

148 107 797

147 976 388

825 285 360

Austria

557 806 503

559 329 914

560 883 465

562 467 745

564 084 777

565 713 368

567 266 225

3 937 551 997

Poland

1 569 517 638

1 175 590 560

1 193 429 059

1 192 025 238

1 190 589 130

1 189 103 987

1 187 301 202

8 697 556 814

Portugal

577 031 070

577 895 019

578 913 888

579 806 001

580 721 241

581 637 133

582 456 022

4 058 460 374

Romania

0

1 723 260 662

1 751 613 412

1 186 544 149

1 184 725 381

1 141 925 604

1 139 927 194

8 127 996 402

Slovenia

118 678 072

119 006 876

119 342 187

119 684 133

120 033 142

120 384 760

120 720 633

837 849 803

Slovakia

271 154 575

213 101 979

215 603 053

215 356 644

215 106 447

214 844 203

214 524 943

1 559 691 844

Finland

335 440 884

336 933 734

338 456 263

340 009 057

341 593 485

343 198 337

344 776 578

2 380 408 338

Sweden

0

386 944 025

378 153 207

249 386 135

249 552 108

249 710 989

249 818 786

1 763 565 250

United Kingdom

475 531 544

848 443 195

850 859 320

754 569 938

754 399 511

755 442 113

756 171 870

5 195 417 491

Total EU-28

5 264 723 001

18 149 536 729

18 649 599 495

14 337 026 697

14 346 899 509

14 656 460 137

14 674 891 797

100 079 137 365

Technical assistance

34 130 699

34 131 977

34 133 279

34 134 608

34 135 964

34 137 346

34 138 756

238 942 629

Total

5 298 853 700

18 183 668 706

18 683 732 774

14 371 161 305

14 381 035 473

14 690 597 483

14 709 030 553

100 318 079 994 ’

ANNEX II ‘

ANNEX II

National ceilings referred to in Article 6

(in thousands EUR)

***Calendar*** ***year***

2015

2016

2017

2018

2019

2020

Belgium

523 658

509 773

502 095

488 964

481 857

505 266

Bulgaria

721 251

792 449

793 226

794 759

796 292

796 292

Czech Republic

844 854

844 041

843 200

861 708

861 698

872 809

Denmark

870 751

852 682

834 791

826 774

818 757

880 384

Germany

4 912 772

4 880 476

4 848 079

4 820 322

4 792 567

5 018 395

Estonia

114 378

114 562

123 704

133 935

143 966

169 366

Ireland

1 215 003

1 213 470

1 211 899

1 211 482

1 211 066

1 211 066

Greece

1 921 966

1 899 160

1 876 329

1 855 473

1 834 618

1 931 177

Spain

4 842 658

4 851 682

4 866 665

4 880 049

4 893 433

4 893 433

France

7 302 140

7 270 670

7 239 017

6 900 842

6 877 179

7 437 200

Croatia  (\*1)

183 735

202 865

241 125

279 385

317 645

306 080

Italy

3 902 039

3 850 805

3 799 540

3 751 937

3 704 337

3 704 337

Cyprus

50 784

50 225

49 666

49 155

48 643

48 643

Latvia

181 044

205 764

230 431

255 292

280 154

302 754

Lithuania

417 890

442 510

467 070

475 319

483 680

517 028

Luxembourg

33 604

33 546

33 487

33 460

33 432

33 432

Hungary

1 345 746

1 344 461

1 343 134

1 343 010

1 342 867

1 269 158

Malta

5 241

5 241

5 242

5 243

5 244

4 690

Netherlands

749 315

736 840

724 362

682 616

670 870

732 370

Austria

693 065

692 421

691 754

691 746

691 738

691 738

Poland

3 378 604

3 395 300

3 411 854

3 431 236

3 450 512

3 061 518

Portugal

565 816

573 954

582 057

590 706

599 355

599 355

Romania

1 599 993

1 772 469

1 801 335

1 872 821

1 903 195

1 903 195

Slovenia

137 987

136 997

136 003

135 141

134 278

134 278

Slovakia

438 299

441 478

444 636

448 155

451 659

394 385

Finland

523 333

523 422

523 493

524 062

524 631

524 631

Sweden

696 890

697 295

697 678

698 723

699 768

699 768

United Kingdom

3 173 324

3 179 880

3 186 319

3 195 781

3 205 243

3 591 683

ANNEX III

Net ceilings referred to in Article 7

(in million EUR)

***Calendar*** ***year***

2015

2016

2017

2018

2019

2020

Belgium

523,7

509,8

502,1

489,0

481,9

505,3

Bulgaria

720,9

788,8

789,6

791,0

792,5

798,9

Czech Republic

840,1

839,3

838,5

856,7

856,7

872,8

Denmark

870,2

852,2

834,3

826,3

818,3

880,4

Germany

4 912,8

4 880,5

4 848,1

4 820,3

4 792,6

5 018,4

Estonia

114,4

114,5

123,7

133,9

143,9

169,4

Ireland

1 214,8

1 213,3

1 211,8

1 211,4

1 211,0

1 211,1

Greece

2 109,8

2 087,0

2 064,1

2 043,3

2 022,4

2 119,0

Spain

4 902,3

4 911,3

4 926,3

4 939,7

4 953,1

4 954,4

France

7 302,1

7 270,7

7 239,0

6 900,8

6 877,2

7 437,2

Croatia  (\*2)

183,7

202,9

241,1

279,4

317,6

306,1

Italy

3 897,1

3 847,3

3 797,2

3 750,0

3 702,4

3 704,3

Cyprus

50,8

50,2

49,7

49,1

48,6

48,6

Latvia

181,0

205,7

230,3

255,0

279,8

302,8

Lithuania

417,9

442,5

467,1

475,3

483,7

517,0

Luxembourg

33,6

33,5

33,5

33,5

33,4

33,4

Hungary

1 276,7

1 275,5

1 274,1

1 274,0

1 273,9

1 269,2

Malta

5,2

5,2

5,2

5,2

5,2

4,7

Netherlands

749,2

736,8

724,3

682,5

670,8

732,4

Austria

693,1

692,4

691,8

691,7

691,7

691,7

Poland

3 359,2

3 375,7

3 392,0

3 411,2

3 430,2

3 061,5

Portugal

565,9

574,0

582,1

590,8

599,4

599,5

Romania

1 600,0

1 772,5

1 801,3

1 872,8

1 903,2

1 903,2

Slovenia

138,0

137,0

136,0

135,1

134,3

134,3

Slovakia

435,5

438,6

441,8

445,2

448,7

394,4

Finland

523,3

523,4

523,5

524,1

524,6

524,6

Sweden

696,8

697,2

697,6

698,7

699,7

699,8

United Kingdom

3 170,7

3 177,3

3 183,6

3 192,2

3 201,4

3 591,7 ’

(\*1)  For Croatia the national ceiling shall be EUR 344 340 000 for the 2021 ***calendar*** ***year*** and EUR 382 600 000 for the 2022 ***calendar*** ***year***.

(\*2)  For Croatia, the net ceiling shall be EUR 344 340 000 for the 2021 ***calendar*** ***year*** and EUR 382 600 000 for the 2022 ***calendar*** ***year***.

**Load-Date:** February 5, 2018

**End of Document**



[***Register of Commission documents: NOTICE TO MEMBERS Petition 1684/2009 by Georgios Theodoropoulos (Greek), on pollution of the Greek River Asopos Document date: 2018-06-12 PETI\_CM(2018)445603 Notices to members***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5STM-6B61-F0YC-N1WY-00000-00&context=1516831)

Impact News Service

July 16, 2018 Monday

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**Length:** 5826 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

CM\1154902EN.docx PE445.603v07-00 EN United in diversity EN European Parliament 2014 - 2019 Committee on Petitions 30.5.2018 NOTICE TO MEMBERS Subject: Petition 1684/2009 by Georgios Theodoropoulos (Greek), on pollution of the Greek River Asopos Petition 0911/2010 by Georgios Balias (Greek), on behalf of the municipal authority of Messapion in the prefecture of Evvia, on heavy metal pollution in Messapion and failure to comply with EU environmental legislation Petition No 0286/2014 by Kyriakos Gkikas (Greek) on the pollution of the river Asopos (Greece) with hexavalent chromium 1. Summary of petition 1684/2009 The petitioner, who is the mayor of the municipality of Oinofyta, in the prefecture of Viotia, refers to the ***years*** of pollution of the River Asopos, primarily attributable to the industries and craft enterprises located in the vicinity. The petitioner points out that pollution of the river has resulted in both surface and ground water being polluted with carcinogenic heavy metals, that the responsible authorities’ interventions are confined to the imposition of fines and the firms responsible for the pollution are able to continue their unlawful discharges of waste and toxic waste water unhampered. The petitioner stresses that this situation constitutes numerous infringements of current EU legislation, including Council Directive 79/409/EEC on the conservation of wild birds, Directive 2006/11/EC of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, Council Directive 80/68/EEC on the protection of ground water against pollution caused by certain dangerous substances, Council Directive 91/689/EEC on hazardous waste, Directive 2006/12/EC of the European Parliament and of the Council on waste, Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy and Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage.

He therefore calls on the European Parliament to intervene to secure an immediate end to these blatant violations of EU PE445.603v07-00 2/12 CM\1154902EN.docx EN environment legislation. Summary of petition 0911/2010 The petitioner, who is a lawyer representing the local authority of Messapion in the prefecture of Evvia in Greece, complains about the serious pollution of soil and water with heavy metals, including chromium, nickel and arsenic, detected in the area around Messapion. The petitioner states that the measurements carried out have shown that the quantity of heavy metals far exceeds the permitted limit values set out in the Council Decision establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC. The petitioner also maintains that the existing situation blatantly conflicts with the EU ' s relevant environmental legislation, and refers in particular to Directive 2006/11/EC of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration, Council Directive 91/689/EEC on hazardous waste, Directive 2006/12/EC of the European Parliament and of the Council on waste, Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, and Directive 2004/35/EC of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage. Since the relevant national authorities have so far failed to take the necessary measures, the petitioner calls on the European Parliament to intervene. Summary of petition 0286/2014 The petitioner refers to the pollution of the river Asopos in the area of Viotia in Greece, in which levels of this cancerous substance were measured and found to be hundreds of times higher than the safety limits. Groundwater was found to be equally polluted, according to measurements taken through drilling in the area. This is attributed to leaking or dumping of polluted sewage into the river, as well as to solid waste buried by the industries operating in the area. Local people’s drinking water is not at risk, since the area is supplied with water from another source. This case has been known about for several ***years***, but the petitioner claims that the Region of Mainland Greece and the Ministry of Environment, Energy and Climate Change have not taken effective measures. 2. Admissibility Petition No 1684/2009: Declared admissible on 25 February 2010. Petition No 0911/2010: Declared admissible on 17 November 2010. Petition No 0286/2014: Declared admissible on 12 January 2015. Information requested from Commission under Rule 216(6). 3. Commission reply for petition 1684/2009, received on 24 June 2010. The petition CM\1154902EN.docx 3/12 PE445.603v07-00 EN The petitioner reports that both surface and ground water are being severely polluted, with carcinogenic heavy metals, by some firms operating in the area, despite the fines that have been imposed on them by the Greek authorities. The petitioner invokes the violation of several instruments of EU environmental legislation and, more specifically, Council Directive 2009/147/EC1 on the conservation of wild birds, Directive 2006/11/EC2 of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, Council Directive 80/68/EEC3 on the protection of ground water against pollution caused by certain dangerous substances, Council Directive 91/689/EEC4 on hazardous waste, Directive 2006/12/EC5 of the European Parliament and of the Council on waste, Directive 2000/60/EC6 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy and Directive 2004/35/EC7 of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage. The Commission's comments on the petition The Commission is aware of the situation in the River Asopos and has already opened an infringement case (2007/2370) and begun investigations. Furthermore, the Commission has also commented on the above via several written questions (i.e E-69/08, E-2078/08, E-4179/08, E-08-5250, E-5438/08, E-6024/08) from the European Parliament. As regards EU legislation on water management and protection, no breach has been identified. More specifically, it appears that the Greek authorities have taken adequate measures to comply with the requirements of the Directive 98/83/EC8 on Drinking Water (the latest measurements showed that there were no exceedances of nitrates and chromium in the main agglomeration of Oinofyta anymore, the two boreholes where such exceedances have been noticed are now closed, and a contract was concluded with the Water Company of Attiki, which now ensures the water supply of the municipality) Furthermore, with regard to the obligations arising from the Directives 2006/11/EC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community and 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, on the basis of the results available (results based on a monitoring ***programme*** which is still operational), the establishment of a special ***programme*** is not justified. It should be recalled that the river basin management plans and the ***programmes*** of measures, which are required under the Water Framework Directive 2000/60/EC, were due to be published in December 2009. As Greece has not done so, the Commission decided to open an infringement file (2010/2074) and to further investigate the matter. The Commission will continue to closely follow the next steps in the implementation of the WFD in order to ensure that the Greek authorities fulfil their obligations and will not hesitate to send a Letter of Formal 1 OJ L 20, 26.1.2010, p. 7. 2 OJ L 64, 4.3.2006, p. 52. 3 OJ L 20, 26.1.1980, p. 43. 4 OJ L 377, 31.12.1991, p. 20. 5 OJ L 114, 27.4.2006, p. 9. 6 OJ L 327, 22.12.2001, p. 1. 7 OJ L 75, 30.4.2004, p. 56. 8 OJ L 330, 31.12.1991, p. 32 to 54. PE445.603v07-00 4/12 CM\1154902EN.docx EN Notice should this be necessary. Concerning Directive 2009/147/EC, and from the evidence that is available to the Commission, no breach whatsoever can be established. On the contrary, the information transmitted by the Greek authorities to the Commission confirmed the absence of adequate planning and management of hazardous waste in the area of Asopos. The Commission had brought before the Court a horizontal infringement case (2003/2187), which is related to the failure to adopt and implement appropriate legislation for hazardous waste management all over Greece and on 11 September 2009 (case C-286/08) the Court condemned Greece for failure to adopt and implement such legislation and for not fulfilling its obligations under Directive 91/689/EEC and 2006/12/EC. The case of Asopos had already been used as an example in the framework of this horizontal infringement case and, in the beginning of 2010, the Commission took the decision to treat case 2007/2370 under the horizontal case 2003/2187, which has already reached the stage of article 260 TFEU and for which a Court ruling has already been delivered. The Commission will, therefore, continue to closely monitor the situation and ensure that Greece complies with the ruling as soon as possible. In order to comply with the ruling, Greece has already sent the Commission an action plan, which is currently being assessed. Conclusions The Commission will continue to closely monitor the situation in the River Asopos and ensure that Greece complies with the above-mentioned Court ruling by adopting and implementing appropriate legislation for hazardous waste management all over its territory. In effect, the violations invoked by the petitioner have already been addressed by a Court ruling which has now to be enforced. 4 Commission reply for petition 0911/2010, received on 11 February 2011. The petitioner has already lodged a complaint with the Commission regarding this matter. The Commission examined the allegations in light of the existing relevant EU environmental legislation and informed the complainant that, for the reasons set out below, it was not in the position to open a new infringement file as all the facts that were put forward by the complainant were already being dealt with in existing infringement cases. The complainant did not react to the Commission ' s letter. The facts mentioned by the petitioner confirm the absence of adequate planning and management of hazardous waste in the area of Messapion. In early 2003, the Commission opened an infringement file and drew the attention of the Greek authorities to the lack of adequate infrastructure and the absence of a coherent hazardous waste management plan. The Commission also expressed its concerns regarding the ‘temporary storage’ of hazardous waste. The Greek authorities tried to resolve the issue by modifying their national legislation and by adapting a new national waste management plan, CM\1154902EN.docx 5/12 PE445.603v07-00 EN approved by the Interministerial Decree 8668/2007. However, the Commission considered that the progress made was insufficient and, in January 2008, it was decided to bring this horizontal infringement case before the Court. On 10 September 2009, in Case C-286/081, the Court condemned Greece for failure to adopt and implement such legislation for hazardous waste management all over Greece, and for not fulfilling its obligations under Directives 91/689/EEC on hazardous waste, and 2006/12/EC2, the waste framework directive. More specifically, the Court ruled that: “– by failing to draw up and adopt within a reasonable period a hazardous-waste management plan that accords with the requirements of the relevant Community legislation, and by failing to establish an integrated and adequate network of disposal installations for hazardous waste characterised by the most appropriate methods in order to ensure a high level of protection for the environment and public health, and – by failing to take all the necessary measures to ensure, as regards the management of hazardous waste, compliance with Articles 4 and 8 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste and Articles 3(1), 6 to 9, 13 and 14 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste, – the Hellenic Republic has failed to fulfil its obligations under, first, Articles 1(2) and 6 of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, read in conjunction with Articles 5(1) and (2) and 7(1) of Directive 2006/12, second, Article 1(2) of Directive 1991/689, read in conjunction with the provisions of Articles 4 and 8 of Directive 2006/12, and, third, Articles 3(1), 6 to 9, 13 and 14 of Directive 1999/31.” On 5 October 2009, the Commission contacted the Greek authorities to enquire about the measures that will be taken in order to comply with the Court ruling. In their reply, the Greek authorities provided the Commission with a ***calendar*** of compliance (with intermediate objectives) and informed it that new facilities for hazardous waste management will be created to that effect. The Commission is closely following the related infringement file with a view to ensuring that the Court ruling is complied with. Concerning allegations by the petitioner that Article 6 of Directive 2006/118/EC, which lists the steps which Member States must take pursuant to Article 4 (1)(b)(i) of the Water Framework Directive, 2000/60/EC3, (related on how to make operational the ***Programmes*** of Measures specified in the River Basin Management Plans) has been breached, the Commission notes that a crucial step in the implementation of the Water Framework Directive (WFD) is the adoption of the River Basin Management Plans and the ***Programmes*** of Measures. According to Article 14(1) of the WFD, Member States should have started public consultations on draft River Basin Management plans at the latest on 22 December 2008 and should have established River Basin Management Plans by 22 December 2009. Since the River Basin Management Plans have not been published by the deadline, and since the 1 [*http://curia.europa.eu/juris/liste.jsf?language=en&num=C-286/08*](http://curia.europa.eu/juris/liste.jsf?language=en&num=C-286/08) 2 OJ L 114, 27.4.2006, p. 9. 3 OJ L 327, 22.12.2001, p. 1 to 73. PE445.603v07-00 6/12 CM\1154902EN.docx EN consultations have not yet started, the Commission decided to launch a new infringement case (2010/2074) and on 29 October 2010 it decided to send a reasoned opinion, giving Greece two months to comply. Conclusions The Commission will pursue the infringement proceedings and will take all appropriate action in order to ensure that Greece complies with the EU environmental legislation. 5. Commission reply (REV) for petition 1684/2009, received on 11 February 2011. As mentioned in the previous communication, no breach has been identified as regards EU legislation on water management and protection as it appears that the Greek authorities have taken adequate measures to comply with the requirements of the Directive 98/83/EC1 on Drinking Water (the latest measurements showed that there were no exceedances of nitrates and chromium in the main agglomeration of Oinofyta anymore, the two boreholes where such exceedances had been noticed are now closed, and a contract was concluded with the Water Company of Attiki, which now ensures the water supply of the municipality). Furthermore, with regard to the obligations arising from the Directives 2006/11/EC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community and 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances, on the basis of the results available (results based on a monitoring ***programme*** which is still operational), the establishment of a special ***programme*** is not justified. It should be recalled that the river basin management plans and the ***programmes*** of measures, which are required under the Water Framework Directive 2000/60/EC, were due to be published in December 2009. As Greece has not done so, the Commission decided to open an infringement file (2010/2074) and to send a Reasoned Opinion to Greece on 29th October 2010. The Commission will continue to closely follow the next steps in the implementation of the WFD in order to ensure that the Greek authorities fulfil their obligations and will not hesitate to refer the case to the Court should this be necessary. Concerning Directive 2009/147/EC on the conservation of wild birds, as mentioned in the previous communication of the commission, and from the available evidence, no breach whatsoever can be established. As regards the lack of planning and management of hazardous waste in the area of Asopos, following the Court ruling (C-502/03), Greece has already sent the Commission an action plan with a ***calendar*** of compliance (with intermediate objectives) and informed it that new facilities for hazardous waste management will be created to that effect. According to this ***calendar***, full compliance with the Court ruling is expected to occur in 2013. The Commission will pursue the related infringement file and will take all necessary action to ensure that the Court ruling is complied with as soon as possible and that the above-mentioned action plan is respected. 1 OJ L 330, 31.12.1991, p. 32 to 54. CM\1154902EN.docx 7/12 PE445.603v07-00 EN Conclusions The Commission will continue to closely monitor the situation in the River Asopos and ensure that Greece complies with the above-mentioned Court ruling by adopting and implementing appropriate legislation for hazardous waste management all over its territory. In effect, the violations invoked by the petitioner have already been addressed by a Court ruling which has now to be enforced. 6 Commission reply (REV) for petition 0911/2010, received on 26 October 2011. Concerning the infringement case related to the adoption of the River Basin Management P lans and the ***Programmes*** of Measures, the Commission decided, on 6 April 2011, to refer the case to the Court of Justice of the European Union. The Commission considered that Greece has breached the relevant articles of the Water Framework Directive (2006/60/EC), and more precisely articles 13, 14 and 15, as it still had not published the fourteen Management Plans or submitted them to a public consultation. Concerning the infringement case related to the planning and management of hazardous waste in Greece, and as mentioned in the previous communication, Greece has provided an action plan which includes a ***calendar*** of compliance with the Court ruling of 10 September 2009 (case C-286/08) and which also mentions the creation of new facilities for hazardous waste management. The Commission is closely monitoring the implementation of this action plan and has asked the Greek authorities to submit progress reports every six months. The first report was received on 19 May 2011. Conclusion The Commission will await the ruling of the Court as regards the first infringement case and, with regard to Greece, continue to monitor closely the implementation of the Action Plan on Hazardous Waste. The Commission will take all the further appropriate actions to ensure that Greece complies with the Court ruling, should the objectives included in the Action Plan not be met. 7. Commission reply (REV II) for petition 1684/2009, received on 26 October 2011. The two infringement cases are progressing as follows: Concerning the infringement case related to the adoption of the River Basin Management Plans and the ***Programmes*** of Measures, the Commission decided, on 6 April 2011, to refer the case to the Court of Justice of the European Union. The Commission considered that Greece has breached the relevant articles of the Water Framework Directive (2006/60/EC), and more precisely articles 13, 14 and 15, as it still had not published the fourteen Management Plans or submitted them to a public consultation. Concerning the infringement case related to the planning and management of hazardous waste in Greece, and as mentioned in the previous communication, Greece has provided an Action Plan which included a ***calendar*** of compliance with the Court ruling of 10 September 2009 PE445.603v07-00 8/12 CM\1154902EN.docx EN (case C-286/08) and which also mentioned the creation of new facilities for hazardous waste management. The Commission is closely monitoring the implementation of this action plan and has asked the Greek authorities to submit progress reports every six months. The first report was received on 19 May 2011. On 24 November 2010, Greece designated the River Basin of Asopos as a Nitrate Vulnerable Zone (NVZ) according to Article 3 of Directive 91/676/EEC1 concerning the protection of waters against pollution caused by nitrates from ***agricultural*** sources. According to Article 3 of this directive, 'Member States shall designate (and revise the designation) as vulnerable zones all known areas of land in their territories which drain into the waters identified according to paragraph 1 and which contribute to pollution'. This designation, and the action ***programme*** that would need to be established for this new NVZ, is an important step and will contribute to the reduction of the pollution, caused or induced by nitrates from ***agricultural*** sources, of the River Asopos. Conclusion The Commission will await the ruling of the Court as regards the first infringement case and, with regard to Greece, continue to monitor closely the implementation of the Action Plan on Hazardous Waste. The Commission will take all the further appropriate actions to ensure that Greece complies with the Court ruling, should the objectives included in the Action Plan not be met. 8. Commission reply (REV III) for petitions 1684/2009 and 0911/2010, received on 30 August 2012 The two infringement cases are progressing as follows: Concerning the infringement case related to the adoption of the River Basin Management Plans and the ***Programmes*** of Measures, the Court ruled on 19 April 2012 (case C-297/11) that: “by having failed to draw up, by 22 December 2009, the river basin management plans for both river basins located entirely within its own territory and international river basins, and by having failed to send copies of those plans, by 22 March 2010, to the European Commission, the Hellenic Republic has failed to fulfil its obligations under Articles 13(1) to (3) and (6) and 15(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy and, in addition, by having failed to institute, by 22 December 2008, the public information and consultation procedure regarding the draft river basin management plans, the Hellenic Republic has failed to fulfil its obligations under Article 14(1)(c) of that directive'. The Commission has contacted the Hellenic authorities in order to be informed of the measures that will be taken to comply with the ruling. 1 OJ L 375, 31.12.1991 CM\1154902EN.docx 9/12 PE445.603v07-00 EN Concerning the infringement case related to the planning and management of hazardous waste in Greece, and as mentioned in the previous communication, Greece has provided an Action Plan which included a ***calendar*** of compliance with the Court ruling of 10 September 2009 (case C-286/08) and which also mentioned the creation of new facilities for hazardous waste management. The Commission is closely monitoring the implementation of this Action Plan, and has asked the Greek authorities to submit progress reports every six months. The last report was received on 5 January 2012. Furthermore, on 24 November 2010 Greece designated the River Basin of Asopos as a Nitrate Vulnerable Zone (NVZ). It should be noted that as Greece has not designated as NVZ all the parts of its territory that satisfy the criteria for designation and/or as it has not established action ***programmes*** for all the NVZ that have (or should have) been designated as NVZ, the Commission has also launched an infringement case on this issue. Asopos is part of this procedure. The Commission awaits the reply of the Hellenic authorities as regards the first infringement case and will continue to monitor closely the second case through the implementation of the Action Plan on Hazardous Waste. The Commission will take all further appropriate actions to ensure that Greece complies with the Court ruling, should the objectives included in the Action Plan not be met. The Commission will also monitor the reduction of water pollution caused by nitrates, following the designation of River Asopos as a NVZ. 9. Commission reply (REV IV) for petitions 1684/2009 and 0911/2010, received on 27 February 2013 The two infringement cases are progressing as follows: Concerning infringement case 2010/2074 (for which the Court condemned Greece on 19 April 2012 in case C-297/11) the Commission has contacted the Hellenic authorities in order to be informed of the measures that would be taken to comply with the ruling. According to the replies submitted by the Hellenic authorities, the 12 River Basin Management Plans should all be adopted before the end of 2013 Concerning infringement case 2003/2187 (relating to the planning and management of hazardous waste in Greece), and as mentioned in the previous communication, Greece has provided an Action Plan which included a ***calendar*** of compliance with the Court ruling of 10 September 2009 (case C-286/08) and which also mentioned the creation of new facilities for hazardous waste management. Nevertheless, as slippages were noticed both in the implementation of the Action Plan and in the creation of the necessary facilities, the Commission decided on 25 January 2013 to send Greece a Letter of Formal Notice, under article 260 of the Treaty on the Functioning of the EU. Conclusions As regards case 2010/2074, the Commission will closely monitor the progress made by Greece to ensure that all River Basin Management Plans are adopted as soon as possible. PE445.603v07-00 10/12 CM\1154902EN.docx EN As regards case 2003/2187, the Commission will await the reply of the Greek authorities to its Letter of Formal Notice to verify the measures that are expected to be taken or implemented in order to reach full compliance with the Court ruling. 10. Commission reply (REV V) for petitions 1684/2009 and 0911/2010, received on 28 February 2014 The two infringement cases are progressing as follows: Concerning infringement case 2010/2074 (for which the Court condemned Greece on 19 April 2012 in case C-297/11) the Commission, following the sending on 25 October 2012 of a Letter of Formal Notice under article 260 of the Treaty on the Functioning of the EU, has been closely monitoring the progress achieved by Greece. On the basis of the last information communicated by the Greek authorities in February 2014 only 4 River Basin Management Plans are still lacking, while 2 others have been adopted and will soon be communicated to the Commission. These 4 Plans should all be adopted and communicated to the Commission in the first half of 2014. Concerning infringement case 2003/2187 (relating to the planning and management of hazardous waste in Greece), and as mentioned in the previous communication, the Commission is currently monitoring the implementation of the Action Plan submitted by the Greek authorities in their reply to the Letter of Formal Notice (under article 260 of the Treaty on the Functioning of the EU). This Action Plan, includes a ***calendar*** of compliance with the Court ruling of 10 September 2009 (case C-286/08), and mentions the creation of new facilities for hazardous waste management. The Commission, with the implication of the Task Force Greece, is assisting the Greek authorities to that effect by providing support and technical knowledge. Conclusions As regards case 2010/2074 the Commission will closely monitor the progress made by Greece to ensure that the remaining 4 River Basin Management Plans are adopted as soon as possible, and by the end of the first half of 2014 as mentioned by the Greek authorities. As regards case 2003/2187 the Commission will continue to monitor the implementation of the Action Plan that has been submitted by Greece so as to verify that the measures which have been identified as necessary in order to reach full compliance with the Court ruling are effectively implemented. 11. Commission reply for petition 0286/2014, received on 29 May 2015. The Commission services refer the Committee on Petitions to the replies provided in the context of Petition 1684/2009 on the same subject. In addition to the last reply given within the framework of Petition 1684/2009, the Commission would like to inform Parliament that as regards infringement case 2003/2187 (concerning the planning and management of hazardous waste in Greece) the Commission CM\1154902EN.docx 11/12 PE445.603v07-00 EN considered that Greece had still not complied with the judgment of the Court of 10 September 2009 (C-286/08) and, on 25 September 2014, decided to refer the matter to the Court of Justice of the European Union under Article 260 of the Treaty on the Functioning of the European Union. Conclusion The case is before the Court of Justice of the European Union. 12. Commission reply for petition 0286/2014 (REV), received on 18 December 2015. The Commission refers the Committee on Petitions to the answers provided in the context of Petition 1684/2009 on the same subject. Following the decision of the College of Commissioners of 25 September 2014 to refer the matter to the Court of Justice of the European Union under Article 260 of the Treaty on the Functioning of the European Union, the application to the Court was lodged on 5 January 2015. The Court is due to deliver its ruling towards the end of 2016 or early in 2017. 13. Commission reply for petition 0286/2014 (REV II), received on 31 January 2017. The Commission wishes to inform the Committee on Petitions that on 7 September 2016, the Court of Justice of the European Union issued its judgment (case C-584/14) and found against the Hellenic Republic. Specifically, the Court: ‘Declares that, by failing to adopt all of the measures necessary to comply with the judgment of 10 September 2009 in Commission v Greece (C-286/08, not published, EU:C:2009:543), the Hellenic Republic has failed to fulfil its obligations under Article 260(1) TFEU. Orders the Hellenic Republic to pay the European Commission, into the ‘European Union own resources’ account, a penalty ***payment*** of EUR 30 000 for each day of delay in adopting the measures necessary to comply with the judgment of 10 September 2009 in Commission v Greece (C-286/08, not published, EU:C:2009:543), from the date of delivery of the present judgment until full compliance with the judgment of 10 September 2009 in Commission v Greece (C-286/08, not published, EU:C:2009:543). That amount is divided into three parts, corresponding to the three heads of claim invoked by the European Commission and is equivalent, with respect to the first head of claim, to 10% of the total amount of the penalty ***payment***, namely EUR 3 000, with respect to the second head of claim, to 45% of that amount, namely EUR 13 500, as well as with respect to the third head of claim, which, as regards the proper management of so-called ‘historical’ waste, will be subject to a six-monthly reduction as a pro rata of the volume of that waste the management of which was in compliance. That reduction is limited to 50% of the amount of the penalty ***payment*** corresponding to that head of claim, that is to say, EUR 6 750. Orders the Hellenic Republic to pay the European Commission, into the ‘European Union own resources’ account, a lump sum of EUR 10 million.’ Conclusion PE445.603v07-00 12/12 CM\1154902EN.docx EN The Commission will monitor the progress made by the Hellenic Republic. The latter is required to pay a daily penalty until the judgment has been fully carried out. 14. Commission reply for petition 0286/2014 (REV III), received on 22 September 2017. The Commission would like to inform the Committee on Petitions of progress made with regard to the implementation of the judgment of the Court of Justice of the European Union of 7 September 2016 (case C-584/14). The Hellenic Republic has complied as regards one of the heads of claim covered by the judgment, in that it has adopted a national plan for the management of hazardous waste. However, the Hellenic Republic has still not established an appropriate and integrated network of hazardous waste disposal installations to cover the entirety of its territory, and has not yet sent all of its ‘historical’ waste (hazardous waste temporarily stored in unsuitable facilities) to appropriate installations that are managed in accordance with the rules in force. Conclusion The Commission will monitor the progress made by the Hellenic Republic. The latter will continue to pay a daily penalty until the judgment has been fully carried out. 15. Commission reply, received on 30 May 2018 Petitions 1684/2009 and 0286/2014 (REV VI and IV) The Commission would inform Parliament that the Hellenic Republic has made further progress with regard to the implementation of the judgment of the Court of Justice of the European Union of 7 September 2016 (case C-584/14). Although the Hellenic Republic has not yet complied as regards two of the remaining heads of claim (establishment of an appropriate and integrated network of hazardous waste disposal installations to cover the entirety of its territory, and dispatch of all ‘historical’ waste to appropriate installations managed in accordance with the rules in force), action has now started to export historical waste in order for it to be processed properly. Conclusion The Commission will continue to bring pressure to bear on the Greek authorities with a view to ensuring that the judgment is implemented as soon as possible. The Commission will also monitor the progress made by the Hellenic Republic. The latter will continue to pay a daily penalty until the judgment has been fully carried out.

**Load-Date:** July 17, 2018

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[***Tim Bonner: Rural and coastal communities in Yorkshire need a voice with power***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S47-88F1-F15K-22VY-00000-00&context=1516831)

Yorkshire Post

April 16, 2018 Monday

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**Length:** 887 words

**Body**

A FAIR deal for rural communities is not, on the face of it, a controversial ask, but for more than 15 ***years*** governments of different colours have failed to deliver a mechanism to make it happen.

The problem is simple: all sorts of policies that might seem sensible from an urban perspective can have a very different impact on rural communities - and also coastal towns. From public transport to broadband, from postal services to petrol prices, decisions Ministers make across government departments can have a radically different effect on rural areas than on urban ones.

The reality is that a high proportion of the UK's population lives in towns and cities and that proportion is only growing. The needs of rural communities are, therefore, not the first priority of many politicians.

Tony Blair's government became sensitive to this when a broad coalition of rural interests became concerned about the Labour Party's obsession with hunting, whilst showing little interest in the concerns of rural people themselves.

Large scale demonstrations in London, which saw much of rural Yorkshire head to the capital, reinforced the message that all was not well in the relationship between the Government and rural communities.

The response, in 2000, was a formal commitment for the Government to undertake systematic procedures to ensure that all of its policies, ***programmes*** and initiatives, nationally and regionally, take account of rural circumstances and needs.

This became known as rural proofing'. The theory was that policy makers should consider whether their policy was likely to have a different impact in rural areas, make a proper assessment of those impacts, and adjust the policy, where necessary, with solutions.

Like all government commitments, however, the key is delivery and the history of rural proofing' proves again that the best ideas will be strangled by bureaucracy if they are not applied consistently and with authority.

Since 2000 three different bodies have had responsibility for delivering rural proofing: the Countryside Agency, the Commission for Rural Communities and now the Department for Environment, Food and Rural Affairs. The first two no longer exist and the latter, with the best will in the world, has little impact on the development of policy in other government departments.

Unsurprisingly, therefore, government has continued to implement policies that have a partial and damaging impact on rural communities. A classic example is the drive to move government services, from tax returns to farm ***payments***, online. From the warmth of the Treasury, with its superfast broadband, it may seem ridiculous that anyone would not want to do their self-assessment online. It is a very different story, however, if you live in one of the many rural or coastal areas where fibre is still a foodstuff and broadband speeds are glacial.

Last ***year*** a House of Lords Committee considered rural proofing as part of a review of the Natural Environment and Rural Communities Act. The Countryside Alliance argued that the current model was not working and that the only place anyone can have a proper view of policy development across all departments is in the Cabinet Office which is essentially the hub of government.

If rural proofing is to have any chance of working, the responsibility for delivering it must sit in the Cabinet Office with a full view of policy development across government and with the ability to influence all departments that are developing policies which may have a differential impact on rural communities.

In our view, this is something that Ministers should welcome. If rural proofing works properly, it will head off potential clashes ensuring the interests of people in the countryside are properly understood and avoid any last minute policy U-turns.

It seems obvious to us that giving rural communities an independent champion in the place where policy is being developed would be of benefit to the countryside and the Government. With the best will in the world, those who have had responsibility for trying to implement rural proofing in the past have simply not been in a position to deliver it. When the Committee published its report recently, it recommended "that responsibility for promoting and embedding rural proofing across all Government departments should be clearly assigned to the Cabinet Office, within a single purpose unit with the necessary resources and breadth of experience required to exert influence on all departments".

The Committee also recommends that responsibility for rural affairs should be ***transferred*** from Defra to the Ministry of Housing, Communities and Local Government. It argues that Defra is predominantly focused upon the important environment, ***agriculture*** and food elements of its remit and that the interests of rural communities would be better served by the government department that is responsible for communities as a whole.

We do not believe, however, that wherever responsibility for rural communities lies the attitude of the Government as a whole will fundamentally change until there is a strong voice for rural people at the heart of policy making. Shuffling deckchairs will not suffice. We need someone at the wheel capable of steering around the icebergs.

Tim Bonner is chief executive of the Countryside Alliance.

**Load-Date:** April 17, 2018

**End of Document**



[***PANDEMIC AND ALL-HAZARDS PREPAREDNESS AND ADVANCING INNOVATION ACT OF 2018 (House of Representatives - September 25, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TC0-21R1-F0YC-N47M-00000-00&context=1516831)

Impact News Service

September 26, 2018 Wednesday

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**Length:** 48691 words

**Body**

Washington: The Library of Congress, The Government of USA has issued the following house proceeding:

 Mrs. BROOKS of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R 6378) to reauthorize certain ***programs*** under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes, as amended. The Clerk read the title of the bill. The text of the bill is as follows H.R 6378 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE; TABLE OF CONTENTS. (a) Short Title.--This Act may be cited as the ``Pandemic and All-Hazards Preparedness and Advancing Innovation 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--STRENGTHENING THE NATIONAL HEALTH SECURITY STRATEGY Sec. 101. National Health Security Strategy. TITLE II--IMPROVING PREPAREDNESS AND RESPONSE Sec. 201. Improving benchmarks and standards for preparedness and response. Sec. 202. Amendments to preparedness and response ***programs***. Sec. 203. Regional health care emergency preparedness and response systems. Sec. 204. Military and civilian partnership for trauma readiness. Sec. 205. Public health and health care system situational awareness and biosurveillance capabilities. Sec. 206. Strengthening and supporting the public health emergency rapid response fund. Sec. 207. Improving all-hazards preparedness and response by public health emergency volunteers. Sec. 208. Clarifying State liability law for volunteer health care professionals. Sec. 209. Report on adequate national blood supply. Sec. 210. Report on the public health preparedness and response capabilities and capacities of hospitals, long-term care facilities, and other health care facilities. TITLE III--REACHING ALL COMMUNITIES Sec. 301. Strengthening and assessing the emergency response workforce. Sec. 302. Health system infrastructure to improve preparedness and response. Sec. 303. Considerations for at-risk individuals. Sec. 304. Improving emergency preparedness and response considerations for children. Sec. 305. National advisory committees on disasters. Sec. 306. Guidance for participation in exercises and drills. TITLE IV--PRIORITIZING A THREAT-BASED APPROACH Sec. 401. Assistant Secretary for Preparedness and Response. Sec. 402. Public Health Emergency Medical Countermeasures Enterprise. Sec. 403. Strategic National Stockpile. Sec. 404. Preparing for pandemic influenza, antimicrobial resistance, and other significant threats. Sec. 405. Reporting on the Federal Select Agent ***Program***. TITLE V--INCREASING COMMUNICATION IN MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT Sec. 501. Medical countermeasure budget plan. Sec. 502. Material threat and medical countermeasure notifications. Sec. 503. Availability of regulatory management plans. Sec. 504. The Biomedical Advanced Research and Development Authority and the BioShield Special Reserve Fund. Sec. 505. Additional strategies for combating antibiotic resistance. TITLE VI--ADVANCING TECHNOLOGIES FOR MEDICAL COUNTERMEASURES Sec. 601. Administration of countermeasures. Sec. 602. Updating definitions of other transactions. Sec. 603. Medical countermeasure master files. Sec. 604. Animal rule report. Sec. 605. Review of the benefits of genomic engineering technologies and their potential role in national security. Sec. 606. Report on vaccines development. Sec. 607. Strengthening mosquito abatement for safety and health. TITLE VII--MISCELLANEOUS PROVISIONS Sec. 701. Reauthorizations and extensions. Sec. 702. Location of materials in the stockpile. Sec. 703. Cybersecurity. Sec. 704. Technical amendments. Sec. 705. Formal strategy relating to children separated from parents and guardians as a result of zero tolerance policy. Sec. 706. Reporting relating to children separated from parents and guardians as a result of zero tolerance policy. Sec. 707. Technical correction. Sec. 708. Savings clause. TITLE I--STRENGTHENING THE NATIONAL HEALTH SECURITY STRATEGY SEC. 101. NATIONAL HEALTH SECURITY STRATEGY. Section 2802 of the Public Health Service Act (42 U.S.C 300hh-1) is amended-- (1) in subsection (a)-- (A) in paragraph (1)-- (i) by striking ``2014'' and inserting ``2018''; and (ii) by striking the second sentence and inserting the following: ``Such National Health Security Strategy shall describe potential emergency health security threats and identify the process for achieving the preparedness goals described in subsection (b) to be prepared to identify and respond to such threats and shall be consistent with the national preparedness goal (as described in section 504(a)(19) of the Homeland Security Act of 2002), the National Incident Management System (as defined in section 501(7) of such Act), and the National Response Plan developed pursuant to section 504 of such Act, or any successor plan.''; (B) in paragraph (2), by inserting before the period at the end of the second sentence the following: ``, and an analysis of any changes to the evidence-based benchmarks and objective standards under sections 319C-1 and 319C-2''; and (C) in paragraph (3)-- (i) by striking ``2009'' and inserting ``2022''; (ii) by inserting ``(including gaps in the environmental health and animal health workforces, as applicable), describing the status of such workforce'' after ``gaps in such workforce''; (iii) by striking ``and identifying strategies'' and inserting ``identifying strategies''; and (iv) by inserting before the period at the end ``, and identifying current capabilities to meet the requirements of section 2803''; and (2) in subsection (b)-- (A) in paragraph (2)-- (i) in subparagraph (A), by striking ``and investigation'' and inserting ``investigation, and related information technology activities''; (ii) in subparagraph (B), by striking ``and decontamination'' and inserting ``decontamination, relevant health care services and supplies, and transportation and disposal of medical waste''; and (iii) by adding at the end the following: ``(E) Response to environmental hazards.''; (B) in paragraph (3)-- (i) in the matter preceding subparagraph (A), by striking ``including mental health'' and inserting ``including pharmacies, mental health facilities,''; and (ii) in subparagraph (F), by inserting ``or exposures to agents that could cause a public health emergency'' before the period; (C) in paragraph (5), by inserting ``and other applicable compacts'' after ``Compact''; and (D) by adding at the end the following: ``(9) Zoonotic disease, food, and ***agriculture***.--Improving coordination among Federal, State, local, tribal, and territorial entities (including through consultation with the Secretary of ***Agriculture***) to prevent, detect, and respond to outbreaks of plant or animal disease (including zoonotic disease) that could compromise national security resulting from a deliberate attack, a naturally occurring threat, the intentional adulteration of food, or other public health threats, taking into account interactions between animal health, human health, and animals' and humans' shared environment as directly related to public health emergency preparedness and response capabilities, as applicable. ``(10) Global health security.--Assessing current or potential health security threats from abroad to inform domestic public health preparedness and response capabilities.''. TITLE II--IMPROVING PREPAREDNESS AND RESPONSE SEC. 201. IMPROVING BENCHMARKS AND STANDARDS FOR PREPAREDNESS AND RESPONSE. (a) Evaluating Measurable Evidence-based Benchmarks and Objective Standards.--Section 319C-1 of the Public Health Service Act (42 U.S.C 247d-3a) is amended by inserting after subsection (j) the following: ``(k) Evaluation.-- ``(1) In general.--Not later than 2 ***years*** after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 and every 2 ***years*** thereafter, the Secretary shall conduct an evaluation of the evidence-based benchmarks and objective standards required under subsection (g). Such evaluation shall be submitted to the congressional committees of jurisdiction together with the National Health Security Strategy under section 2802, at such time as such strategy is submitted. ``(2) Content.--The evaluation under this paragraph shall include-- [[Page H8760]] ``(A) a review of evidence-based benchmarks and objective standards, and associated metrics and targets; ``(B) a discussion of changes to any evidence-based benchmarks and objective standards, and the effect of such changes on the ability to track whether entities are meeting or making progress toward the goals under this section and, to the extent practicable, the applicable goals of the National Health Security Strategy under section 2802; ``(C) a description of amounts received by eligible entities described in subsection (b) and section 319C-2(b), and amounts received by subrecipients and the effect of such funding on meeting evidence-based benchmarks and objective standards; and ``(D) recommendations, as applicable and appropriate, to improve evidence-based benchmarks and objective standards to more accurately assess the ability of entities receiving awards under this section to better achieve the goals under this section and section 2802.''. (b) Evaluating the Partnership for State and Regional Hospital Preparedness.--Section 319C-2(i)(1) of the Public Health Service Act (42 U.S.C 247-3b(i)(1)) is amended by striking ``section 319C-1(g), (i), and (j)'' and inserting ``section 319C-1(g), (i), (j), and (k)''. SEC. 202. AMENDMENTS TO PREPAREDNESS AND RESPONSE ***PROGRAMS***. (a) Cooperative Agreement Applications for Improving State and Local Public Health Security.--Section 319C-1 of the Public Health Service Act (42 U.S.C 247d-3a) is amended-- (1) in subsection (a), by inserting ``, acting through the Director of the Centers for Disease Control and Prevention,'' after ``the Secretary''; and (2) in subsection (b)(2)(A)-- (A) in clause (vi), by inserting ``, including public health agencies with specific expertise that may be relevant to public health security, such as environmental health agencies,'' after ``stakeholders''; (B) by redesignating clauses (vii) through (ix) as clauses (viii) through (x); (C) by inserting after clause (vi) the following: ``(vii) a description of how, as applicable, such entity may integrate information to account for individuals with behavioral health needs following a public health emergency;''; (D) in clause (ix), as so redesignated, by striking ``; and'' and inserting a semicolon; (E) in clause (x), as so redesignated, by inserting ``and'' after the semicolon; and (F) by adding at the end the following: ``(xi) a description of how the entity will partner with health care facilities, including hospitals and nursing homes and other long-term care facilities, to promote and improve public health preparedness and response; and ``(xii) a description of how, as appropriate and practicable, the entity will include critical infrastructure partners, such as utility companies within the entity's jurisdiction, in planning pursuant to this subparagraph to help ensure that critical infrastructure will remain functioning during, or return to function as soon as practicable after, a public health emergency.''. (b) Exception Relating to Application of Certain Requirements.-- (1) In general.--Section 319C-1(g) of the Public Health Service Act (42 U.S.C 247d-3a(g)) is amended-- (A) in paragraph (5)-- (i) by striking ``Beginning with fiscal ***year*** 2009'' and inserting ``Beginning with fiscal ***year*** 2019''; (ii) by striking ``for the immediately preceding fiscal ***year***'' and inserting ``for either of the two immediately preceding fiscal ***years***''; and (iii) by striking ``2008'' and inserting ``2018''; and (B) by amending subparagraph (A) of paragraph (6) to read as follows: ``(A) In general.--The amounts described in this paragraph are the following amounts that are payable to an entity for activities described in section 319C-1 or 319C-2: ``(i) For one (but not both) of the first two fiscal ***years*** immediately following a fiscal ***year*** in which an entity experienced a failure described in subparagraph (A) or (B) of paragraph (5) by the entity, an amount equal to 10 percent of the amount the entity was eligible to receive for the respective fiscal ***year***. ``(ii) For one (but not both) of the first two fiscal ***years*** immediately following the third consecutive fiscal ***year*** in which an entity experienced such a failure, in lieu of applying clause (i), an amount equal to 15 percent of the amount the entity was eligible to receive for the respective fiscal ***year***.''. (2) Effective date.--The amendments made by paragraph (1) shall apply with respect to cooperative agreements awarded on or after the date of enactment of this Act. (c) Partnership for State and Regional Hospital Preparedness to Improve Surge Capacity.--Section 319C-2 of the Public Health Service Act (42 U.S.C 247d-3b) is amended-- (1) in subsection (a)-- (A) by inserting ``, acting through the Assistant Secretary for Preparedness and Response,'' after ``The Secretary''; and (B) by striking ``preparedness for public health emergencies'' and inserting ``preparedness for, and response to, public health emergencies in accordance with subsection (c)''; (2) in subsection (b)(1)(A)-- (A) by striking ``partnership consisting of'' and inserting ``coalition that includes''; (B) in clause (ii), by striking ``; and'' and inserting a semicolon; and (C) by adding at the end the following: ``(iv) one or more emergency medical service organizations or emergency management organizations; and''; (3) in subsection (d)-- (A) in paragraph (1)(B), by striking ``partnership'' each place it appears and inserting ``coalition''; and (B) in paragraph (2)(C), by striking ``medical preparedness'' and inserting ``preparedness and response''; (4) in subsection (f), by striking ``partnership'' and inserting ``coalition''; (5) in subsection (g)(2)-- (A) by striking ``Partnerships'' and inserting ``Coalitions''; (B) by striking ``partnerships'' and inserting ``coalitions''; and (C) by inserting ``and response'' after ``preparedness''; and (6) in subsection (i)(1)-- (A) by striking ``An entity'' and inserting ``A coalition''; and (B) by striking ``such partnership'' and inserting ``such coalition''. (d) Public Health Security Grants Authorization of Appropriations.--Section 319C-1(h)(1)(A) of the Public Health Service Act (42 U.S.C 247d-3a(h)(1)(A)) is amended by striking ``$641,900,000 for fiscal ***year*** 2014'' and all that follows through the period at the end and inserting ``$685,000,000 for each of fiscal ***years*** 2019 through 2023 for awards pursuant to paragraph (3) (subject to the authority of the Secretary to make awards pursuant to paragraphs (4) and (5)).''. (e) Partnership for State and Regional Hospital Preparedness Authorization of Appropriations.--Section 319C- 2(j) of the Public Health Service Act (42 U.S.C 247d-3b(j)) is amended-- (1) by amending paragraph (1) to read as follows: ``(1) In general.-- ``(A) Authorization of appropriations.--For purposes of carrying out this section and section 319C-3, in accordance with subparagraph (B), there is authorized to be appropriated $385,000,000 for each of fiscal ***years*** 2019 through 2023. ``(B) Reservation of amounts for regional systems.-- ``(i) In general.--Subject to clause (ii), of the amount appropriated under subparagraph (A) for a fiscal ***year***, the Secretary may reserve up to 5 percent for the purpose of carrying out section 319C-3. ``(ii) Reservation contingent on continued appropriations for this section.--If for fiscal ***year*** 2019 or a subsequent fiscal ***year***, the amount appropriated under subparagraph (A) is such that, after application of clause (i), the amount remaining for the purpose of carrying out this section would be less than the amount available for such purpose for the previous fiscal ***year***, the amount that may be reserved under clause (i) shall be reduced such that the amount remaining for the purpose of carrying out this section is not less than the amount available for such purpose for the previous fiscal ***year***. ``(iii) Sunset.--The authority to reserve amounts under clause (i) shall expire on September 30, 2023.''; (2) in paragraph (2), by striking ``paragraph (1) for a fiscal ***year***'' and inserting ``paragraph (1)(A) for a fiscal ***year*** and not reserved for the purpose described in paragraph (1)(B)(i)''; and (3) in paragraph (3)(A), by striking ``paragraph (1) and not reserved under paragraph (2)'' and inserting ``paragraph (1)(A) and not reserved under paragraph (1)(B)(i) or (2)''. SEC. 203. REGIONAL HEALTH CARE EMERGENCY PREPAREDNESS AND RESPONSE SYSTEMS. (a) In General.--Part B of title III of the Public Health Service Act (42 U.S.C 243 et seq.) is amended by inserting after section 319C-2 the following: ``SEC. 319C-3. GUIDELINES FOR REGIONAL HEALTH CARE EMERGENCY PREPAREDNESS AND RESPONSE SYSTEMS. ``(a) Purpose.--It is the purpose of this section to identify and provide guidelines for regional systems of hospitals, health care facilities, and other public and private sector entities, with varying levels of capability to treat patients and increase medical surge capacity during, in advance of, and immediately following a public health emergency, including threats posed by one or more chemical, biological, radiological, or nuclear agents, including emerging infectious diseases. ``(b) Guidelines.--The Assistant Secretary for Preparedness and Response, in consultation with the Director of the Centers for Disease Control and Prevention, the Administrator of the Centers for Medicare & Medicaid Services, the Administrator of the Health Resources and Services Administration, the Commissioner of Food and Drugs, the Assistant Secretary for Mental Health and Substance Use, the Assistant Secretary of Labor for Occupational Safety and Health, the Secretary of Veterans Affairs, the heads of such other Federal agencies as the Secretary determines to be appropriate, and State, local, tribal, and territorial public health officials, shall, not later than 2 ***years*** after the date of enactment of this section-- ``(1) identify and develop a set of guidelines relating to practices and protocols for all-hazards public health emergency preparedness and response for hospitals and health care facilities to provide appropriate patient care during, in advance of, or immediately following, a public health emergency, resulting from one or more chemical, biological, [[Page H8761]] radiological, or nuclear agents, including emerging infectious diseases (which may include existing practices, such as trauma care and medical surge capacity and capabilities), with respect to-- ``(A) a regional approach to identifying hospitals and health care facilities based on varying capabilities and capacity to treat patients affected by such emergency, including-- ``(i) the manner in which the system will coordinate with and integrate the partnerships and health care coalitions established under section 319C-2(b); and ``(ii) informing and educating appropriate first responders and health care supply chain partners of the regional emergency preparedness and response capabilities and medical surge capacity of such hospitals and health care facilities in the community; ``(B) physical and technological infrastructure, laboratory capacity, staffing, blood supply, and other supply chain needs, taking into account resiliency, geographic considerations, and rural considerations; ``(C) protocols or best practices for the safety and personal protection of workers who handle human remains and health care workers (including with respect to protective equipment and supplies, waste management processes, and decontamination), sharing of specialized experience among the health care workforce, behavioral health, psychological resilience, and training of the workforce, as applicable; ``(D) in a manner that allows for disease containment (within the meaning of section 2802(b)(2)(B)), coordinated medical triage, treatment, and transportation of patients, based on patient medical need (including patients in rural areas), to the appropriate hospitals or health care facilities within the regional system or, as applicable and appropriate, between systems in different States or regions; and ``(E) the needs of children and other at-risk individuals; ``(2) make such guidelines available on the internet website of the Department of Health and Human Services in a manner that does not compromise national security; and ``(3) update such guidelines as appropriate, including based on input received pursuant to subsections (c) and (e) and information resulting from applicable reports required under the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (including any amendments made by such Act), to address new and emerging public health threats. ``(c) Considerations.--In identifying, developing, and updating guidelines under subsection (b), the Assistant Secretary for Preparedness and Response shall-- ``(1) include input from hospitals and health care facilities (including health care coalitions under section 319C-2), State, local, tribal, and territorial public health departments, and health care or subject matter experts (including experts with relevant expertise in chemical, biological, radiological, or nuclear threats, including emerging infectious diseases), as the Assistant Secretary determines appropriate, to meet the goals under section 2802(b)(3); ``(2) consult and engage with appropriate health care providers and professionals, including physicians, nurses, first responders, health care facilities (including hospitals, primary care clinics, community health centers, mental health facilities, ambulatory care facilities, and dental health facilities), pharmacies, emergency medical providers, trauma care providers, environmental health agencies, public health laboratories, poison control centers, blood banks, tissue banks, and other experts that the Assistant Secretary determines appropriate, to meet the goals under section 2802(b)(3); ``(3) consider feedback related to financial implications for hospitals, health care facilities, public health agencies, laboratories, blood banks, tissue banks, and other entities engaged in regional preparedness planning to implement and follow such guidelines, as applicable; and ``(4) consider financial requirements and potential incentives for entities to prepare for, and respond to, public health emergencies as part of the regional health care emergency preparedness and response system. ``(d) Technical Assistance.--The Assistant Secretary for Preparedness and Response, in consultation with the Director of the Centers for Disease Control and Prevention and the Assistant Secretary of Labor for Occupational Safety and Health, may provide technical assistance and consultation toward meeting the guidelines described in subsection (b). ``(e) Demonstration Project for Regional Health Care Preparedness and Response Systems.-- ``(1) In general.--The Assistant Secretary for Preparedness and Response may establish a demonstration project pursuant to the development and implementation of guidelines under subsection (b) to award grants to improve medical surge capacity for all hazards, build and integrate regional medical response capabilities, improve specialty care expertise for all-hazards response, and coordinate medical preparedness and response across State, local, tribal, territorial, and regional jurisdictions. ``(2) Sunset.--The authority under this subsection shall expire on September 30, 2023.''. (b) GAO Report to Congress.-- (1) Report.--Not later than 3 ***years*** after the date of enactment of this Act, the Comptroller General of the United States (referred to in this subsection as the ``Comptroller General'') shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report on the extent to which hospitals and health care facilities have implemented the recommended guidelines under section 319C-3(b) of the Public Health Service Act (as added by subsection (a)), including an analysis and evaluation of any challenges hospitals or health care facilities experienced in implementing such guidelines. (2) Content.--The Comptroller General shall include in the report under paragraph (1)-- (A) data on the preparedness and response capabilities that have been informed by the guidelines under section 319C-3(b) of the Public Health Service Act to improve regional emergency health care preparedness and response capability, including hospital and health care facility capacity and medical surge capabilities to prepare for, and respond to, public health emergencies; and (B) recommendations to reduce gaps in incentives for regional health partners, including hospitals and health care facilities, to improve capacity and medical surge capabilities to prepare for, and respond to, public health emergencies, consistent with subsection (a), which may include consideration of facilities participating in ***programs*** under section 319C-2 of the Public Health Service Act (42 U.S.C 247d-3b) or in ***programs*** under the Centers for Medicare & Medicaid Services (including innovative health care delivery and ***payment*** models), and input from private sector financial institutions. (3) Consultation.--In carrying out paragraphs (1) and (2), the Comptroller General shall consult with the heads of appropriate Federal agencies, including-- (A) the Assistant Secretary for Preparedness and Response; (B) the Director of the Centers for Disease Control and Prevention; (C) the Administrator of the Centers for Medicare & Medicaid Services; (D) the Assistant Secretary for Mental Health and Substance Use; (E) the Assistant Secretary of Labor for Occupational Safety and Health; and (F) the Secretary of Veterans Affairs. (c) Annual Reports.--Section 319C-2(i)(1) of the Public Health Service Act (42 U.S.C 247d-3b(i)(1)) is amended by inserting after the first sentence the following ``In submitting reports under this paragraph an entity shall include information on the progress that the entity has made toward the implementation of section 319C-3 (or barriers to progress, if any).''. (d) National Health Security Strategy Incorporation of Regionalized Emergency Preparedness and Response.-- Subparagraph (G) of section 2802(b)(3) of the Public Health Service Act (42 U.S.C 300hh-1(b)(3)) is amended to read as follows: ``(G) Optimizing a coordinated and flexible approach to the emergency response and medical surge capacity of hospitals, other health care facilities, critical care, trauma care (which may include trauma centers), and emergency medical systems.''. (e) Improving State and Local Public Health Security.-- (1) State and local security.--Section 319C-1(e) of the Public Health Service Act (42 U.S.C 247d-3a(e)) is amended by striking ``, and local emergency plans.'' and inserting ``, local emergency plans, and any regional health care emergency preparedness and response system established pursuant to the applicable guidelines under section 319C- 3.''. (2) Partnerships.--Section 319C-2(d)(1)(A) of the Public Health Service Act (42 U.S.C 247d-3b(d)(1)(A)) is amended-- (A) in clause (i), by striking ``; and'' and inserting ``;''; (B) by redesignating clause (ii) as clause (iii); and (C) inserting after clause (i), the following: ``(ii) among one or more facilities in a regional health care emergency system under section 319C-3; and''. SEC. 204. MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS. Title XII of the Public Health Service Act (42 U.S.C 300d et seq.) is amended by adding at the end the following new part: ``PART I--MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS GRANT ***PROGRAM*** ``SEC. 1291. MILITARY AND CIVILIAN PARTNERSHIP FOR TRAUMA READINESS GRANT ***PROGRAM***. ``(a) Military Trauma Team Placement ***Program***.-- ``(1) In general.--The Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Secretary of Defense, shall award grants to not more than 20 eligible high acuity trauma centers to enable military trauma teams to provide, on a full-time basis, trauma care and related acute care at such trauma centers. ``(2) Limitations.--In the case of a grant awarded under paragraph (1) to an eligible high acuity trauma center, such grant-- ``(A) shall be for a period of at least 3 ***years*** and not more than 5 ***years*** (and may be renewed at the end of such period); and ``(B) shall be in an amount that does not exceed $1,000,000 per ***year***. [[Page H8762]] ``(3) Availability of funds.--Notwithstanding section 1552 of title 31, United States Code, or any other provision of law, funds available to the Secretary for obligation for a grant under this subsection shall remain available for expenditure for 100 days after the last day of the performance period of such grant. ``(b) Military Trauma Care Provider Placement ***Program***.-- ``(1) In general.--The Secretary, acting through the Assistant Secretary for Preparedness and Response and in consultation with the Secretary of Defense, shall award grants to eligible trauma centers to enable military trauma care providers to provide trauma care and related acute care at such trauma centers. ``(2) Limitations.--In the case of a grant awarded under paragraph (1) to an eligible trauma center, such grant-- ``(A) shall be for a period of at least 1 ***year*** and not more than 3 ***years*** (and may be renewed at the end of such period); and ``(B) shall be in an amount that does not exceed, in a ***year***-- ``(i) $100,000 for each military trauma care provider that is a physician at such eligible trauma center; and ``(ii) $50,000 for each other military trauma care provider at such eligible trauma center. ``(c) Grant Requirements.-- ``(1) Deployment and public health emergencies.--As a condition of receipt of a grant under this section, a grant recipient shall agree to allow military trauma care providers providing care pursuant to such grant to-- ``(A) be deployed by the Secretary of Defense for military operations, for training, or for response to a mass casualty incident; and ``(B) be deployed by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, for response to a public health emergency pursuant to section 319. ``(2) Use of funds.--Grants awarded under this section to an eligible trauma center may be used to train and incorporate military trauma care providers into such trauma center, including incorporation into operational exercises and training drills related to public health emergencies, expenditures for malpractice insurance, office space, information technology, specialty education and supervision, trauma ***programs***, research, and applicable license fees for such military trauma care providers. ``(d) Rule of Construction.--Nothing in this section shall be construed to affect any other provision of law that preempts State licensing requirements for health care professionals, including with respect to military trauma care providers. ``(e) Reporting Requirements.-- ``(1) Report to the secretary and the secretary of defense.--Each eligible trauma center or eligible high acuity trauma center awarded a grant under subsection (a) or (b) for a ***year*** shall submit to the Secretary and the Secretary of Defense a report for such ***year*** that includes information on-- ``(A) the number and types of trauma cases managed by military trauma teams or military trauma care providers pursuant to such grant during such ***year***; ``(B) the ability to maintain the integration of the military trauma providers or teams of providers as part of the trauma center, including the financial effect of such grant on the trauma center; ``(C) the educational effect on resident trainees in centers where military trauma teams are assigned; ``(D) any research conducted during such ***year*** supported by such grant; and ``(E) any other information required by the Secretaries for the purpose of evaluating the effect of such grant. ``(2) Report to congress.--Not less than once every 2 ***years***, the Secretary, in consultation with the Secretary of Defense, shall submit a report to the congressional committees of jurisdiction that includes information on the effect of placing military trauma care providers in trauma centers awarded grants under this section on-- ``(A) maintaining military trauma care providers' readiness and ability to respond to and treat battlefield injuries; ``(B) providing health care to civilian trauma patients in urban and rural settings; ``(C) the capability of trauma centers and military trauma care providers to increase medical surge capacity, including as a result of a large scale event; ``(D) the ability of grant recipients to maintain the integration of the military trauma providers or teams of providers as part of the trauma center; ``(E) efforts to incorporate military trauma care providers into operational exercises and training and drills for public health emergencies; and ``(F) the capability of military trauma care providers to participate as part of a medical response during or in advance of a public health emergency, as determined by the Secretary, or a mass casualty incident. ``(f) Definitions.--For purposes of this part: ``(1) Eligible trauma center.--The term `eligible trauma center' means a Level I, II, or III trauma center that satisfies each of the following: ``(A) Such trauma center has an agreement with the Secretary of Defense to enable military trauma care providers to provide trauma care and related acute care at such trauma center. ``(B) Such trauma center utilizes a risk-adjusted benchmarking system and metrics to measure performance, quality, and patient outcomes. ``(C) Such trauma center demonstrates a need for integrated military trauma care providers to maintain or improve the trauma clinical capability of such trauma center. ``(2) Eligible high acuity trauma center.--The term `eligible high acuity trauma center' means a Level I trauma center that satisfies each of the following: ``(A) Such trauma center has an agreement with the Secretary of Defense to enable military trauma teams to provide trauma care and related acute care at such trauma center. ``(B) At least 20 percent of patients treated at such trauma center in the most recent 3-month period for which data are available are treated for a major trauma at such trauma center. ``(C) Such trauma center utilizes a risk-adjusted benchmarking system and metrics to measure performance, quality, and patient outcomes. ``(D) Such trauma center is an academic training center-- ``(i) affiliated with a medical school; ``(ii) that maintains residency ***programs*** and fellowships in critical trauma specialties and subspecialties, and provides education and supervision of military trauma team members according to those specialties and subspecialties; and ``(iii) that undertakes research in the prevention and treatment of traumatic injury. ``(E) Such trauma center serves as a medical and public health preparedness and response leader for its community, such as by participating in a partnership for State and regional hospital preparedness established under section 319C-2 or 319C-3. ``(3) Major trauma.--The term `major trauma' means an injury that is greater than or equal to 15 on the injury severity score. ``(4) Military trauma team.--The term `military trauma team' means a complete military trauma team consisting of military trauma care providers. ``(5) Military trauma care provider.--The term `military trauma care provider' means a member of the Armed Forces who furnishes emergency, critical care, and other trauma acute care services (including a physician, surgeon, physician assistant, nurse, nurse practitioner, respiratory therapist, flight paramedic, combat medic, or enlisted medical technician), or other military trauma care provider as the Secretary determines appropriate. ``(g) Authorization of Appropriations.--To carry out this section, there are authorized to be appropriated $15,000,000 for each of fiscal ***years*** 2019 through 2023, of which-- ``(1) \2/3\ of the amount made available each fiscal ***year*** shall be made available for grants under subsection (a); and ``(2) \1/3\ of the amount made available each fiscal ***year*** shall be made available for grants under subsection (b).''. SEC. 205. PUBLIC HEALTH AND HEALTH CARE SYSTEM SITUATIONAL AWARENESS AND BIOSURVEILLANCE CAPABILITIES. (a) Facilities, Capacities, and Biosurveillance Capabilities.--Section 319D of the Public Health Service Act (42 U.S.C 247d-4) is amended-- (1) in the section heading, by striking ``revitalizing'' and inserting ``facilities and capacities of''; (2) in subsection (a)-- (A) in the subsection heading, by striking ``Facilities; Capacities'' and inserting ``In General''; (B) in paragraph (1), by striking ``and improved'' and inserting ``, improved, and appropriately maintained''; (C) in paragraph (3), in the matter preceding subparagraph (A), by striking ``expand, enhance, and improve'' and inserting ``expand, improve, enhance, and appropriately maintain''; and (D) by adding at the end the following: ``(4) Study of resources for facilities and capacities.-- Not later than June 1, 2022, the Comptroller General of the United States shall conduct a study on Federal spending in fiscal ***years*** 2013 through 2018 for activities authorized under this subsection. Such study shall include a review and assessment of obligations and expenditures directly related to each activity under paragraphs (2) and (3), including a specific accounting of, and delineation between, obligations and expenditures incurred for the construction, renovation, equipping, and security upgrades of facilities and associated contracts under this subsection, and the obligations and expenditures incurred to establish and improve the situational awareness and biosurveillance network under subsection (b), and shall identify the agency or agencies incurring such obligations and expenditures.''; (3) in subsection (b)-- (A) in the subsection heading, by striking ``National'' and inserting ``Establishment of Systems of Public Health''; (B) in paragraph (1)(B), by inserting ``immunization information systems,'' after ``centers,''; and (C) in paragraph (2)-- (i) by inserting ``develop a plan to, and'' after ``The Secretary shall''; and (ii) by inserting ``and in a form readily usable for analytical approaches'' after ``in a secure manner''; and (D) by amending paragraph (3) to read as follows: ``(3) Standards.-- [[Page H8763]] ``(A) In general.--Not later than 1 ***year*** after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary, in cooperation with health care providers, State, local, tribal, and territorial public health officials, and relevant Federal agencies (including the Office of the National Coordinator for Health Information Technology and the National Institute of Standards and Technology), shall, as necessary, adopt technical and reporting standards, including standards for interoperability as defined by section 3000, for networks under paragraph (1) and update such standards as necessary. Such standards shall be made available on the internet website of the Department of Health and Human Services, in a manner that does not compromise national security. ``(B) Deference to standards development organizations.--In adopting and implementing standards under this subsection and subsection (c), the Secretary shall give deference to standards published by standards development organizations and voluntary consensus-based standards entities.''; (4) in subsection (c)-- (A) in paragraph (1)-- (i) by striking ``Not later than 2 ***years*** after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013, the Secretary'' and inserting ``The Secretary''; (ii) by inserting ``, and improve as applicable and appropriate,'' after ``shall establish''; (iii) by striking ``of rapid'' and inserting ``of, rapid''; and (iv) by striking ``such connectivity'' and inserting ``such interoperability''; (B) by amending paragraph (2) to read as follows: ``(2) Coordination and consultation.--In establishing and improving the network under paragraph (1) the Secretary shall-- ``(A) facilitate coordination among agencies within the Department of Health and Human Services that provide, or have the potential to provide, information and data to, and analyses for, the situational awareness and biosurveillance network under paragraph (1), including coordination among relevant agencies related to health care services, the facilitation of health information exchange (including the Office of the National Coordinator for Health Information Technology), and public health emergency preparedness and response; and ``(B) consult with the Secretary of ***Agriculture***, the Secretary of Commerce (and the Director of the National Institute of Standards and Technology), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Veterans Affairs, and the heads of other Federal agencies, as the Secretary determines appropriate.''; (C) in paragraph (3)-- (i) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively, and adjusting the margins accordingly; (ii) in clause (iv), as so redesignated-- (I) by inserting ``immunization information systems,'' after ``poison control,''; and (II) by striking ``and clinical laboratories'' and inserting ``, clinical laboratories, and public environmental health agencies''; (iii) by striking ``The network'' and inserting the following: ``(A) In general.--The network''; and (iv) by adding at the end the following: ``(B) Review.--Not later than 2 ***years*** after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 and every 6 ***years*** thereafter, the Secretary shall conduct a review of the elements described in subparagraph (A). Such review shall include a discussion of the addition of any elements pursuant to clause (v), including elements added to advancing new technologies, and identify any challenges in the incorporation of elements under subparagraph (A). The Secretary shall provide such review to the congressional committees of jurisdiction.''; (D) in paragraph (5)-- (i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly; (ii) by striking ``In establishing'' and inserting the following: ``(A) In general.--In establishing''; (iii) by adding at the end the following: ``(B) Public meeting.-- ``(i) In general.--Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary shall convene a public meeting for purposes of discussing and providing input on the potential goals, functions, and uses of the network described in paragraph (1) and incorporating the elements described in paragraph (3)(A). ``(ii) Experts.--The public meeting shall include representatives of relevant Federal agencies (including representatives from the Office of the National Coordinator for Health Information Technology and the National Institute of Standards and Technology); State, local, tribal, and territorial public health officials; stakeholders with expertise in biosurveillance and situational awareness; stakeholders with expertise in capabilities relevant to biosurveillance and situational awareness, such as experts in informatics and data analytics (including experts in prediction, modeling, or forecasting); and other representatives as the Secretary determines appropriate. ``(iii) Topics.--Such public meeting shall include a discussion of-- ``(I) data elements, including minimal or essential data elements, that are voluntarily provided for such network, which may include elements from public health and public and private health care entities, to the extent practicable; ``(II) standards and implementation specifications that may improve the collection, analysis, and interpretation of data during a public health emergency; ``(III) strategies to encourage the access, exchange, and use of information; ``(IV) considerations for State, local, tribal, and territorial capabilities and infrastructure related to data exchange and interoperability; ``(V) privacy and security protections provided at the Federal, State, local, tribal, and territorial levels, and by nongovernmental stakeholders; and ``(VI) opportunities for the incorporation of innovative technologies to improve the network.''; and (iv) in subparagraph (A), as so designated by clause (ii)-- (I) in clause (i), as so redesignated-- (aa) by striking ``as determined'' and inserting ``as adopted''; and (bb) by inserting ``and the National Institute of Standards and Technology'' after ``Office of the National Coordinator for Health Information Technology''; (II) in clause (iii), as so redesignated, by striking ``; and'' and inserting a semicolon; (III) in clause (iv), as so redesignated, by striking the period and inserting ``; and''; and (IV) by adding at the end the following: ``(v) pilot test standards and implementation specifications, consistent with the process described in section 3002(b)(3)(C), which State, local, tribal, and territorial public health entities may utilize, on a voluntary basis, as a part of the network.''; (E) by redesignating paragraph (6) as paragraph (7); (F) by inserting after paragraph (5) the following: ``(6) Strategy and implementation plan.-- ``(A) In general.--Not later than 18 months after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary shall submit to the congressional committees of jurisdiction a coordinated strategy and an accompanying implementation plan that-- ``(i) is informed by the public meeting under paragraph (5)(B); ``(ii) includes a review and assessment of existing capabilities of the network and related infrastructure, including input provided by the public meeting under paragraph (5)(B); ``(iii) identifies and demonstrates the measurable steps the Secretary will carry out to-- ``(I) develop, implement, and evaluate the network described in paragraph (1), utilizing elements described in paragraph (3)(A); ``(II) modernize and enhance biosurveillance activities, including strategies to include innovative technologies and analytical approaches (including prediction and forecasting for pandemics and all-hazards) from public and private entities; ``(III) improve information sharing, coordination, and communication among disparate biosurveillance systems supported by the Department of Health and Human Services, including the identification of methods to improve accountability, better utilize resources and workforce capabilities, and incorporate innovative technologies within and across agencies; and ``(IV) test and evaluate capabilities of the interoperable network of systems to improve situational awareness and biosurveillance capabilities; ``(iv) includes performance measures and the metrics by which performance measures will be assessed with respect to the measurable steps under clause (iii); and ``(v) establishes dates by which each measurable step under clause (iii) will be implemented. ``(B) Annual budget plan.--Not later than 2 ***years*** after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 and on an annual basis thereafter, in accordance with the strategy and implementation plan under this paragraph, the Secretary shall, taking into account recommendations provided by the National Biodefense Science Board, develop a budget plan based on the strategy and implementation plan under this section. Such budget plan shall include-- ``(i) a summary of resources previously expended to establish, improve, and utilize the nationwide public health situational awareness and biosurveillance network under paragraph (1); ``(ii) estimates of costs and resources needed to establish and improve the network under paragraph (1) according to the strategy and implementation plan under subparagraph (A); ``(iii) the identification of gaps and inefficiencies in nationwide public health situational awareness and biosurveillance capabilities, resources, and authorities needed to address such gaps; and ``(iv) a strategy to minimize and address such gaps and improve inefficiencies.''; (G) in paragraph (7), as so redesignated-- (i) in subparagraph (A), by inserting ``(taking into account zoonotic disease, including gaps in scientific understanding of the interactions between human, animal, and environmental health)'' after ``human health''; [[Page H8764]] (ii) in subparagraph (B)-- (I) by inserting ``and gaps in surveillance ***programs***'' after ``surveillance ***programs***''; and (II) by striking ``; and'' and inserting a semicolon; (iii) in subparagraph (C)-- (I) by inserting ``, animal health organizations related to zoonotic disease,'' after ``health care entities''; and (II) by striking the period and inserting ``; and''; and (iv) by adding at the end the following: ``(D) provide recommendations to the Secretary on policies and procedures to complete the steps described in this paragraph in a manner that is consistent with section 2802.''; and (H) by adding at the end the following: ``(8) Situational awareness and biosurveillance as a national security priority.--The Secretary, on a periodic basis as applicable and appropriate, shall meet with the Director of National Intelligence to inform the development and capabilities of the nationwide public health situational awareness and biosurveillance network.''; (5) in subsection (d)-- (A) in paragraph (1)-- (i) by inserting ``environmental health agencies,'' after ``public health agencies,''; and (ii) by inserting ``immunization ***programs***,'' after ``poison control centers,''; and (B) in paragraph (2)-- (i) in subparagraph (B), by striking ``and'' at the end; (ii) in subparagraph (C), by striking the period and inserting ``; and''; and (iii) by adding after subparagraph (C) the following: ``(D) an implementation plan that may include measurable steps to achieve the purposes described in paragraph (1).''; and (C) by striking paragraph (5) and inserting the following: ``(5) Technical assistance.--The Secretary may provide technical assistance to States, localities, tribes, and territories or a consortium of States, localities, tribes, and territories receiving an award under this subsection regarding interoperability and the technical standards set forth by the Secretary.''; (6) by redesignating subsections (f) and (g) as subsections (i) and (j), respectively; and (7) by inserting after subsection (e) the following: ``(f) Personnel Authorities.-- ``(1) Specially qualified personnel.--In addition to any other personnel authorities, to carry out subsections (b) and (c), the Secretary may-- ``(A) appoint highly qualified individuals to scientific or professional positions at the Centers for Disease Control and Prevention, not to exceed 30 such employees at any time (specific to positions authorized by this subsection), with expertise in capabilities relevant to biosurveillance and situational awareness, such as experts in informatics and data analytics (including experts in prediction, modeling, or forecasting), and other related scientific or technical fields; and ``(B) compensate individuals appointed under subparagraph (A) in the same manner and subject to the same terms and conditions in which individuals appointed under 9903 of title 5, United States Code, are compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. ``(2) Limitations.--The Secretary shall exercise the authority under paragraph (1) in a manner that is consistent with the limitations described in section 319F-1(e)(2). ``(g) Timeline.--The Secretary shall accomplish the purposes under subsections (b) and (c) no later than September 30, 2023, and shall provide a justification to the congressional committees of jurisdiction for any missed or delayed implementation of measurable steps identified under subsection (c)(6)(A)(iii). ``(h) Independent Evaluation.--Not later than 3 ***years*** after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the Secretary and the congressional committees of jurisdiction a report concerning the activities conducted under subsections (b) and (c), and provide recommendations, as applicable and appropriate, on necessary improvements to the biosurveillance and situational awareness network.''. (b) Authorization of Appropriations.--Subsection (i) of section 319D of the Public Health Service Act (42 U.S.C 247d-4), as redesignated by subsection (a)(6), is amended by striking ``$138,300,000 for each of fiscal ***years*** 2014 through 2018'' and inserting ``$161,800,000 for each of fiscal ***years*** 2019 through 2023''. (c) Biological Threat Detection Report.--The Secretary of Health and Human Services shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, not later than 180 days after the date of enactment of this Act, report to the Committee on Energy and Commerce, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives and the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate on the state of Federal biological threat detection efforts, including the following-- (1) an identification of technological, operational, and programmatic successes and failures of domestic detection ***programs*** supported by Federal departments and agencies for intentionally-introduced or accidentally-released biological threat agents and naturally occurring infectious diseases; (2) a description of Federal efforts to facilitate the exchange of information related to the information described in paragraph (1) among Federal departments and agencies that utilize biological threat detection technology; (3) a description of the capabilities of detection systems in use by Federal departments and agencies including the capability to-- (A) rapidly detect, identify, characterize, and confirm the presence of biological threat agents; (B) recover live biological agents from collection devices; (C) determine the geographical distribution of biological agents; (D) determine the extent of environmental contamination and persistence of biological agents; and (E) provide advanced molecular diagnostics to State, local, tribal, and territorial public health and other laboratories that support biological threat detection activities; (4) a description of Federal interagency coordination related to biological threat detection; (5) a description of efforts by Federal departments and agencies that utilize biological threat detection technology to collaborate with State, local, tribal, and territorial public health laboratories and other users of biological threat detection systems, including collaboration regarding the development of-- (A) biological threat detection requirements or standards; (B) a standardized integration strategy; (C) training requirements or guidelines; (D) guidelines for a coordinated public health response, including preparedness capabilities, and, as applicable, for coordination with public health surveillance systems; and (E) a coordinated environmental remediation plan, as applicable; and (6) recommendations related to research, advanced research, development, and procurement for Federal departments and agencies to improve and enhance biological threat detection systems, including recommendations on the ***transfer*** of biological threat detection technology among Federal departments and agencies, as necessary and appropriate. SEC. 206. STRENGTHENING AND SUPPORTING THE PUBLIC HEALTH EMERGENCY RAPID RESPONSE FUND. Section 319 of the Public Health Service Act (42 U.S.C 247d) is amended-- (1) in subsection (b)-- (A) in paragraph (1)-- (i) in the first sentence, by inserting ``or if the Secretary determines there is the significant potential for a public health emergency, to allow the Secretary to rapidly respond to the immediate needs resulting from such public health emergency or potential public health emergency'' before the period; and (ii) by inserting ``The Secretary shall plan for the expedited distribution of funds to appropriate agencies and entities.'' after the first sentence; (B) by redesignating paragraph (2) as paragraph (3); (C) by inserting after paragraph (1) the following: ``(2) Uses.--The Secretary may use amounts in the Fund established under paragraph (1), to-- ``(A) facilitate coordination between and among Federal, State, local, tribal, and territorial entities and public and private health care entities that the Secretary determines may be affected by a public health emergency or potential public health emergency referred to in paragraph (1) (including communication of such entities with relevant international entities, as applicable); ``(B) make grants, provide for awards, enter into contracts, and conduct supportive investigations pertaining to a public health emergency or potential public health emergency, including further supporting ***programs*** under section 319C-1, 319C-2, or 319C-3; ``(C) facilitate and accelerate, as applicable, advanced research and development of security countermeasures (as defined in section 319F-2), qualified countermeasures (as defined in section 319F-1), or qualified pandemic or epidemic products (as defined in section 319F-3), that are applicable to the public health emergency or potential public health emergency under paragraph (1); ``(D) strengthen biosurveillance capabilities and laboratory capacity to identify, collect, and analyze information regarding such public health emergency or potential public health emergency, including the systems under section 319D; ``(E) support initial emergency operations and assets related to preparation and deployment of intermittent disaster response personnel under section 2812, and the Medical Reserve Corps under section 2813; and ``(F) carry out other activities, as the Secretary determines applicable and appropriate.''; and (D) by inserting after paragraph (3), as so redesignated, the following: ``(4) Review.--Not later than 2 ***years*** after the date of enactment of the Pandemic and [[Page H8765]] All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary, in coordination with the Assistant Secretary for Preparedness and Response, shall conduct a review of the Fund under this section, and provide recommendations to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives on policies to improve such Fund for the uses described in paragraph (2). ``(5) GAO report.--Not later than 4 ***years*** after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Comptroller General of the United States shall-- ``(A) conduct a review of the Fund under this section, including its uses and the resources available in the Fund; and ``(B) 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 on such review, including recommendations related to such review, as applicable.''; and (2) in subsection (c)-- (A) by inserting ``rapidly respond to public health emergencies or potential public health emergencies and'' after ``used to''; and (B) by striking ``section.'' and inserting ``Act or funds otherwise provided for emergency response.''. SEC. 207. IMPROVING ALL-HAZARDS PREPAREDNESS AND RESPONSE BY PUBLIC HEALTH EMERGENCY VOLUNTEERS. (a) In General.--Section 319I of the Public Health Service Act (42 U.S.C 247d-7b) is amended-- (1) in the section heading, by striking ``health professions volunteers'' and inserting ``volunteer health professional''; (2) in subsection (a), by adding at the end the following: ``Such health care professionals may include members of the National Disaster Medical System, members of the Medical Reserve Corps, and individual health care professionals.''; (3) in subsection (i) by adding at the end ``In order to inform the development of such mechanisms by States, the Secretary shall make available information and material provided by States that have developed mechanisms to waive the application of licensing requirements to applicable health professionals seeking to provide medical services during a public health emergency. Such information shall be made publicly available in a manner that does not compromise national security.''; and (4) in subsection (k) by striking ``2014 through 2018'' and inserting ``2019 through 2023''. (b) All-Hazards Public Health Emergency Preparedness and Response Plan.--Section 319C-1(b)(2)(A)(iv) of the Public Health Service Act (42 U.S.C 247d-3a(b)(2)(A)(iv)) is amended to read as follows: ``(iv) a description of the mechanism the entity will implement to utilize the Emergency Management Assistance Compact, or other mutual aid agreement, for medical and public health mutual aid, and, as appropriate, the activities such entity will implement pursuant to section 319I to improve enrollment and coordination of volunteer health care professionals seeking to provide medical services during a public health emergency, which may include-- ``(I) providing a public method of communication for purposes of volunteer coordination (such as a phone number); ``(II) providing for optional registration to participate in volunteer services during processes related to State medical licensing, registration, or certification or renewal of such licensing, registration or certification; or ``(III) other mechanisms as the State determines appropriate;''. SEC. 208. CLARIFYING STATE LIABILITY LAW FOR VOLUNTEER HEALTH CARE PROFESSIONALS. (a) In General.--Title II of the Public Health Service Act (42 U.S.C 202 et seq.) is amended by inserting after section 224 the following: ``SEC. 225. HEALTH CARE PROFESSIONALS ASSISTING DURING A PUBLIC HEALTH EMERGENCY. ``(a) Limitation on Liability.--Notwithstanding any other provision of law, a health care professional who is a member of the Medical Reserve Corps under section 2813 or who is included in the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I and who-- ``(1) is responding-- ``(A) to a public health emergency determined under section 319(a), during the initial period of not more than 90 days (as determined by the Secretary) of the public health emergency determination (excluding any period covered by a renewal of such determination); or ``(B) to a major disaster or an emergency as declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C 5170) or under section 201 of the National Emergencies Act (50 U.S.C.1621) during the initial period of such declaration; and ``(2) is alleged to be liable for an act or omission-- ``(A) during the initial period of a determination or declaration described in paragraph (1) and related to the treatment of individuals in need of health care services due to such public health emergency, major disaster, or emergency; ``(B) in the State or States for which such determination or declaration is made; ``(C) in the health care professional's capacity as a member of the Medical Reserve Corps or a professional included in the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I; and ``(D) in the course of providing services that are within the scope of the license, registration, or certification of the professional, as defined by the State of licensure, registration, or certification; and ``(3) prior to the rendering of such act or omission, was authorized by the State's authorization of deploying such State's Emergency System for Advance Registration of Volunteer Health Professionals described in section 319I or the Medical Reserve Corps established under section 2813, to provide health care services, shall be subject only to the State liability laws of the State in which such act or omission occurred, in the same manner and to the same extent as a similar health care professional who is a resident of such State would be subject to such State laws, except with respect to the licensure, registration, and certification of such individual. ``(b) Volunteer Protection Act.--Nothing in this section shall be construed to affect an individual's right to protections under the Volunteer Protection Act of 1997. ``(c) Preemption.--This section shall supercede the laws of any State that would subject a health care professional described in subsection (a) to the liability laws of any State other than the State liability laws to which such individual is subject pursuant to such subsection. ``(d) Definitions.--In this section: ``(1) The term `health care professional' means an individual licensed, registered, or certified under Federal or State laws or regulations to provide health care services. ``(2) The term `health care services' means any services provided by a health care professional, or by any individual working under the supervision of a health care professional, that relate to-- ``(A) the diagnosis, prevention, or treatment of any human disease or impairment; or ``(B) the assessment or care of the health of human beings. ``(e) Effective Date.-- ``(1) In general.--This section shall take effect 90 days after the date of the enactment of the Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018. ``(2) Application.--This section shall apply to a claim for harm only if the act or omission that caused such harm occurred on or after the effective date described in paragraph (1).''. (b) GAO Study.--Not later than one ***year*** after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of-- (1) the number of health care providers who register under the Emergency System for Advance Registration of Volunteer Health Professionals under section 319I of the Public Health Service Act (42 U.S.C 247d-7b) in advance to provide services during a public health emergency; (2) the number of health care providers who are credentialed to provide services during the period of a public health emergency declaration, including those who are credentialed though ***programs*** established in the Emergency System for Advance Registration of Volunteer Health Professionals under such section 319I and those credentialed by authorities within the State in which the emergency occurred; (3) the average time to verify the credentials of a health care provider during the period of a public health emergency declaration, including the average time pursuant to the Emergency System for Advance Registration of Volunteer Health Professionals under such section 319I and for an individual's credentials to be verified by an authority within the State; and (4) the Emergency System for Advance Registration of Volunteer Health Professionals ***program*** in States, including whether physician or medical groups, associations, or other relevant provider organizations utilize such ***program*** for purposes of volunteering during public health emergencies. SEC. 209. REPORT ON ADEQUATE NATIONAL BLOOD SUPPLY. Not later than 1 ***year*** after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing recommendations related to maintaining an adequate national blood supply, including-- (1) challenges associated with the continuous recruitment of blood donors (including those newly eligible to donate); (2) ensuring the adequacy of the blood supply in the case of public health emergencies; (3) implementation of the transfusion transmission monitoring system; and (4) other measures to promote safety and innovation, such as the development, use, or implementation of new technologies, processes, and procedures to improve the safety and reliability of the blood supply. SEC. 210. REPORT ON THE PUBLIC HEALTH PREPAREDNESS AND RESPONSE CAPABILITIES AND CAPACITIES OF HOSPITALS, LONG-TERM CARE FACILITIES, AND OTHER HEALTH CARE FACILITIES. (a) Study.-- (1) In general.--Not later than one ***year*** after the date of enactment of this Act, the [[Page H8766]] Secretary of Health and Human Services shall enter into an agreement with an appropriate entity to conduct a study regarding the public health preparedness and response capabilities and medical surge capacities of hospitals, long- term care facilities, and other health care facilities to prepare for, and respond to, public health emergencies, including natural disasters. (2) Consultation.--In conducting the study under paragraph (1), the entity shall consult with Federal, State, local, tribal, and territorial public health officials (as appropriate), and health care providers and facilities with experience in public health preparedness and response activities. (3) Evaluation.--The study under paragraph (1) shall include-- (A) an evaluation of the current benchmarks and objective standards, as applicable, related to ***programs*** that support hospitals, long-term care facilities, and other health care facilities, and their effect on improving public health preparedness and response capabilities and medical surge capacities, including the Hospital Preparedness ***Program***, the Public Health Emergency Preparedness cooperative agreements, and the Regional Health Care Emergency Preparedness and Response Systems under section 319C-3 of the Public Health Service Act (as added by section 203); (B) the identification of gaps in preparedness, including with respect to such benchmarks and objective standards, such as those identified during recent public health emergencies, for hospitals, long-term care facilities, and other health care facilities to address future potential public health threats; (C) an evaluation of coordination efforts between the recipients of Federal funding for ***programs*** described in subparagraph (A) and entities with expertise in emergency power systems and other critical infrastructure partners during a public health emergency, to ensure a functioning critical infrastructure, to the greatest extent practicable, during a public health emergency; (D) an evaluation of coordination efforts between the recipients of Federal funding for ***programs*** described in subparagraph (A) and environmental health agencies with expertise in emergency preparedness and response planning for hospitals, long-term care facilities and other health care facilities; and (E) an evaluation of current public health preparedness and response capabilities and medical surge capacities related to at-risk individuals during public health emergencies, including an identification of gaps in such preparedness as they relate to such individuals. (b) Report.-- (1) In general.--The agreement under subsection (a) shall require the entity to submit to the Secretary of Health and Human Services and the congressional committees of jurisdiction, not later than 3 ***years*** after the date of enactment of this Act, a report on the results of the study conducted pursuant to this section. (2) Contents.--The report under paragraph (1) shall-- (A) describe the findings and conclusions of the evaluation conducted pursuant to subsection (a); and (B) provide recommendations for improving public health preparedness and response capability and medical surge capacity for hospitals, long-term care facilities, and other health care facilities, including-- (i) improving the existing benchmarks and objective standards for the Federal grant ***programs*** described in subsection (a)(3)(A) or developing new benchmarks and standards for such ***programs***; and (ii) identifying best practices for improving public health preparedness and response ***programs*** and medical surge capacity at hospitals, long-term care facilities, and other health care facilities, including recommendations for the evaluation under subparagraphs (C) and (D) of subsection (a)(3). TITLE III--REACHING ALL COMMUNITIES SEC. 301. STRENGTHENING AND ASSESSING THE EMERGENCY RESPONSE WORKFORCE. (a) National Disaster Medical System.-- (1) Strengthening the national disaster medical system.-- Clause (ii) of section 2812(a)(3)(A) of the Public Health Service Act (42 U.S.C 300hh-11(a)(3)(A)) is amended to read as follows: ``(ii) be present at locations, and for limited periods of time, specified by the Secretary on the basis that the Secretary has determined that a location is at risk of a public health emergency during the time specified, or there is a significant potential for a public health emergency.''. (2) Review of the national disaster medical system.-- Section 2812(b)(2) of the Public Health Service Act (42 U.S.C 300hh-11(b)(2)) is amended to read as follows: ``(2) Joint review and medical surge capacity strategic plan.-- ``(A) Review.--Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary, in coordination with the Secretary of Homeland Security, the Secretary of Defense, and the Secretary of Veterans Affairs, shall conduct a joint review of the National Disaster Medical System. Such review shall include-- ``(i) an evaluation of medical surge capacity, as described in section 2803(a); ``(ii) an assessment of the available workforce of the intermittent disaster response personnel described in subsection (c); ``(iii) the capacity of the workforce described in clause (ii) to respond to all hazards, including capacity to simultaneously respond to multiple public health emergencies and the capacity to respond to a nationwide public health emergency; ``(iv) the effectiveness of efforts to recruit, retain, and train such workforce; and ``(v) gaps that may exist in such workforce and recommendations for addressing such gaps. ``(B) Updates.--As part of the National Health Security Strategy under section 2802, the Secretary shall update the findings from the review under subparagraph (A) and provide recommendations to modify the policies of the National Disaster Medical System as necessary.''. (3) Notification of shortage.--Section 2812(c) of the Public Health Service Act (42 U.S.C 300hh-11(c)) is amended by adding at the end the following: ``(3) Notification.--Not later than 30 days after the date on which the Secretary determines the number of intermittent disaster-response personnel of the National Disaster Medical System is insufficient to address a public health emergency or potential public health emergency, the Secretary shall submit to the congressional committees of jurisdiction a notification detailing-- ``(A) the impact such shortage could have on meeting public health needs and emergency medical personnel needs during a public health emergency; and ``(B) any identified measures to address such shortage. ``(4) Certain appointments.-- ``(A) In general.--If the Secretary determines that the number of intermittent disaster response personnel within the National Disaster Medical System under this section is insufficient to address a public health emergency or potential public health emergency, the Secretary may appoint candidates directly to personnel positions for intermittent disaster response within such system. The Secretary shall provide updates on the number of vacant or unfilled positions within such system to the congressional committees of jurisdiction each quarter for which this authority is in effect. ``(B) Sunset.--The authority under this paragraph shall expire on September 30, 2021.''. (4) Authorization of appropriations.--Section 2812(g) of the Public Health Service Act (42 U.S.C 300hh-11(g)) is amended by striking ``$52,700,000 for each of fiscal ***years*** 2014 through 2018'' and inserting ``$57,400,000 for each of fiscal ***years*** 2019 through 2023''. (b) Volunteer Medical Reserve Corps.-- (1) In general.--Section 2813(a) of the Public Health Service Act (42 U.S.C 42 U.S.C 300hh-15(a)) is amended by striking the second sentence and inserting ``The Secretary may appoint a Director to head the Corps and oversee the activities of the Corps chapters that exist at the State, local, tribal, and territorial levels.''. (2) Authorization of appropriations.--Section 2813(i) of the Public Health Service Act (42 U.S.C 300hh-15(i)) is amended by striking ``2014 through 2018'' and inserting ``2019 through 2023''. (c) Strengthening the Epidemic Intelligence Service.-- Section 317F of the Public Health Service Act (42 U.S.C Sec. 247b-7) is amended-- (1) in subsection (a)-- (A) in paragraph (1)-- (i) by inserting ``or preparedness and response activities, including rapid response to public health emergencies and significant public health threats'' after ``conduct prevention activities''; and (ii) by striking ``$35,000'' and inserting ``$50,000''; and (B) in paragraph (2)(B), by striking ``3 ***years***'' and inserting ``2 ***years***''; and (2) in subsection (c)-- (A) by striking ``For the purpose of carrying out this section'' and inserting the following: ``(1) In general.--For the purpose of carrying out this section, except as described in paragraph (2)''; and (B) by adding at the end the following: ``(2) Epidemic intelligence service ***program***.--For purposes of carrying out this section with respect to qualified health professionals serving in the Epidemic Intelligence Service, as authorized under section 317G, there are authorized to be appropriated $1,000,000 for each of fiscal ***years*** 2019 through 2023.''. (d) Service Benefit for National Disaster Medical System Volunteers.-- (1) In general.--Section 2812(c) of the Public Health Service Act (42 U.S.C 300hh-11(c)), as amended by subsection (a)(3), is further amended by adding at the end the following: ``(5) Service benefit.--Individuals appointed to serve under this subsection shall be considered eligible for benefits under part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968. The Secretary shall provide notification to eligible individuals of any effect such designation may have on other benefits for which such individual are eligible, including benefits from private entities.''. (2) Public safety officer benefits.--Section 1204(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C 10284(9)) is amended-- (A) in subparagraph (C)(ii), by striking ``or'' at the end; (B) in subparagraph (D), by striking the period and inserting ``; or''; and (C) by inserting after subparagraph (D) the following: [[Page H8767]] ``(E) an individual appointed to the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C 300hh-11) who is performing official duties of the Department of Health and Human Services, if those official duties are-- ``(i) related to responding to a public health emergency or potential public health emergency, or other activities for which the Secretary of Health and Human Services has activated such National Disaster Medical System; and ``(ii) determined by the Secretary of Health and Human Services to be hazardous.''. (3) Sunset.--The amendments made by paragraphs (1) and (2) shall cease to have force or effect on October 1, 2021. (e) Mission Readiness Report to Congress.-- (1) Report.--Not later than one ***year*** after the date of enactment of this section, the Comptroller General of the United States (referred to in this subsection as the ``Comptroller General'') shall 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 on the medical surge capacity of the United States in the event of a public health emergency, including the capacity and capability of the current health care workforce to prepare for, and respond to the full range of public health emergencies or potential public health emergencies, and recommendations to address any gaps identified in such workforce. (2) Contents.--The Comptroller General shall include in the report under paragraph (1)-- (A) the number of health care providers who have volunteered to provide health care services during a public health emergency, including members of the National Disaster Medical System, the Disaster Medical Assistant Teams, the Medical Reserve Corps, and other volunteer health care professionals in the verification network pursuant to section 319I of the Public Health Service Act (42 U.S.C 247d-7b); (B) the capacity of the workforce described in subparagraph (A) to respond to a public health emergency or potential public health emergency, including the capacity to respond to multiple concurrent public health emergencies and the capacity to respond to a nationwide public health emergency; (C) the preparedness and response capabilities and mission readiness of the workforce described in subparagraph (A) taking into account areas of health care expertise and considerations for at-risk individuals (as defined in section 2802(b)(4)(B) of the Public Health Service Act (42 U.S.C 300hh-1(b)(4)(B)); (D) an assessment of the effectiveness of efforts to recruit, retain, and train such workforce; and (E) identification of gaps that may exist in such workforce and recommendations for addressing such gaps, the extent to which the Assistant Secretary for Preparedness and Response plans to address such gaps, and any recommendations from the Comptroller General to address such gaps. SEC. 302. HEALTH SYSTEM INFRASTRUCTURE TO IMPROVE PREPAREDNESS AND RESPONSE. (a) Coordination of Preparedness.--Section 2811(b)(5) of the Public Health Service Act (42 U.S.C 300hh-10(b)(5)) is amended by adding at the end the following: ``Such logistical support shall include working with other relevant Federal, State, local, tribal, and territorial public health officials and private sector entities to identify the critical infrastructure assets, systems, and networks needed for the proper functioning of the health care and public health sectors that need to be maintained through any emergency or disaster, including entities capable of assisting with, responding to, and mitigating the effect of a public health emergency, including a public health emergency determined by the Secretary pursuant to section 319(a), an emergency or major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or the National Emergencies Act, including by establishing methods to exchange critical information and deliver products consumed or used to preserve, protect, or sustain life, health, or safety, and sharing of specialized expertise.''. (b) Manufacturing Capacity.--Section 2811(d)(2)(C) of the Public Health Service Act (42 U.S.C 300hh-10(d)(2)(C)) is amended by inserting ``, and ancillary medical supplies to assist with the utilization of such countermeasures or products,'' after ``products''. (c) Evaluation of Barriers to Rapid Delivery of Medical Countermeasures.-- (1) Rapid delivery study.--The Assistant Secretary for Preparedness and Response may conduct a study on issues that have the potential to adversely affect the handling and rapid delivery of medical countermeasures to individuals during public health emergencies occurring in the United States. (2) Notice to congress.--Not later than 9 months after the date of the enactment of this Act, the Assistant Secretary for Preparedness and Response shall notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate if the Assistant Secretary for Preparedness and Response does not plan to conduct the study under paragraph (1) and shall provide such committees a summary explanation for such decision. (3) Report to congress.--Not later than 1 ***year*** after the Assistant Secretary for Preparedness and Response conducts the study under paragraph (1), such Assistant Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate containing the findings of such study. SEC. 303. CONSIDERATIONS FOR AT-RISK INDIVIDUALS. (a) At-risk Individuals in the National Health Security Strategy.--Section 2802(b)(4)(B) of the Public Health Service Act (42 U.S.C 300hh-1(b)(4)(B)) is amended-- (1) by striking ``this section and sections 319C-1, 319F, and 319L,'' and inserting ``this Act,''; and (2) by striking ``special'' and inserting ``access or functional''. (b) Countermeasure Considerations.--Section 319L(c)(6) of the Public Health Service Act (42 U.S.C 247d-7e(c)(6)) is amended-- (1) by striking ``elderly'' and inserting ``senior citizens''; and (2) by inserting ``with relevant characteristics that warrant consideration during the process of researching and developing such countermeasures and products'' before the period. (c) Biosurveillance of Emerging Public Health Threats.-- Section 2814 is amended-- (1) in paragraph (7), by striking ``; and'' and inserting a semicolon; (2) in paragraph (8), by striking the period and inserting ``; and''; and (3) by adding at the end the following: ``(9) facilitate coordination to ensure that, in implementing the situational awareness and biosurveillance network under section 319D, the Secretary considers incorporating data and information from Federal, State, local, tribal, and territorial public health officials and entities relevant to detecting emerging public health threats that may affect at-risk individuals, such as pregnant and postpartum women and infants, including adverse health outcomes of such populations related to such emerging public health threats.''. SEC. 304. IMPROVING EMERGENCY PREPAREDNESS AND RESPONSE CONSIDERATIONS FOR CHILDREN. Part B of title III of the Public Health Service Act (42 U.S.C 243 et seq.) is amended by inserting after section 319D the following: ``SEC. 319D-1. CHILDREN'S PREPAREDNESS UNIT. ``(a) Enhancing Emergency Preparedness for Children.--The Secretary, acting through the Director of the Centers for Disease Control and Prevention (referred to in this subsection as the `Director'), shall maintain an internal team of experts, to be known as the Children's Preparedness Unit (referred to in this subsection as the `Unit'), to work collaboratively to provide guidance on the considerations for, and the specific needs of, children before, during, and after public health emergencies. The Unit shall inform the Director regarding emergency preparedness and response efforts pertaining to children at the Centers for Disease Control and Prevention. ``(b) Expertise.--The team described in subsection (a) shall include one or more pediatricians, which may be a developmental-behavioral pediatrician, and may also include behavioral scientists, child psychologists, epidemiologists, biostatisticians, health communications staff, and individuals with other areas of expertise, as the Secretary determines appropriate. ``(c) Duties.--The team described in subsection (a) may-- ``(1) assist State, local, tribal, and territorial emergency planning and response activities related to children, which may include developing, identifying, and sharing best practices; ``(2) provide technical assistance, training, and consultation to Federal, State, local, tribal, and territorial public health officials to improve preparedness and response capabilities with respect to the needs of children, including providing such technical assistance, training, and consultation to eligible entities in order to support the achievement of measurable evidence-based benchmarks and objective standards applicable to sections 319C-1 and 319C-2; ``(3) improve the utilization of methods to incorporate the needs of children in planning for and responding to a public health emergency, including public awareness of such methods; ``(4) coordinate with, and improve, public-private partnerships, such as health care coalitions pursuant to sections 319C-2 and 319C-3, to address gaps and inefficiencies in emergency preparedness and response efforts for children; ``(5) provide expertise and input during the development of guidance and clinical recommendations to address the needs of children when preparing for, and responding to, public health emergencies, including pursuant to section 319C-3; and ``(6) carry out other duties related to preparedness and response activities for children, as the Secretary determines appropriate.''. SEC. 305. NATIONAL ADVISORY COMMITTEES ON DISASTERS. (a) Reauthorizing the National Advisory Committee on Children and Disasters.--Section 2811A of the Public Health Service Act (42 U.S.C 300hh-10a) is amended-- (1) in subsection (b)(2), by inserting ``, mental and behavioral,'' after ``medical''; (2) in subsection (d)-- (A) in paragraph (1), by striking ``15'' and inserting ``25''; and (B) by striking paragraph (2) and inserting the following: [[Page H8768]] ``(2) Required non-federal members.--The Secretary, in consultation with such other heads of Federal agencies as may be appropriate, shall appoint to the Advisory Committee under paragraph (1) at least 13 individuals, including-- ``(A) at least 2 non-Federal professionals with expertise in pediatric medical disaster planning, preparedness, response, or recovery; ``(B) at least 2 representatives from State, local, tribal, or territorial agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; ``(C) at least 4 members representing health care professionals, which may include members with expertise in pediatric emergency medicine; pediatric trauma, critical care, or surgery; the treatment of pediatric patients affected by chemical, biological, radiological, or nuclear agents, including emerging infectious diseases; pediatric mental or behavioral health related to children affected by a public health emergency; or pediatric primary care; and ``(D) other members as the Secretary determines appropriate, of whom-- ``(i) at least one such member shall represent a children's hospital; ``(ii) at least one such member shall be an individual with expertise in schools or child care settings; ``(iii) at least one such member shall be an individual with expertise in children and youth with special health care needs; and ``(iv) at least one such member shall be an individual with expertise in the needs of parents or family caregivers, including the parents or caregivers of children with disabilities.''. ``(3) Federal members.--The Advisory Committee under paragraph (1) shall include the following Federal members or their designees (who may be non-voting members, as determined by the Secretary): ``(A) The Assistant Secretary for Preparedness and Response. ``(B) The Director of the Biomedical Advanced Research and Development Authority. ``(C) The Director of the Centers for Disease Control and Prevention. ``(D) The Commissioner of Food and Drugs. ``(E) The Director of the National Institutes of Health. ``(F) The Assistant Secretary of the Administration for Children and Families. ``(G) The Administrator of the Health Resources and Services Administration. ``(H) The Administrator of the Federal Emergency Management Agency. ``(I) The Administrator of the Administration for Community Living. ``(J) The Secretary of Education. ``(K) Representatives from such Federal agencies (such as the Substance Abuse and Mental Health Services Administration and the Department of Homeland Security) as the Secretary determines appropriate to fulfill the duties of the Advisory Committee under subsections (b) and (c).''. ``(4) Term of appointment.--Each member of the Advisory Committee appointed under paragraph (2) shall serve for a term of 3 ***years***, except that the Secretary may adjust the terms of the Advisory Committee appointees serving on the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, or appointees who are initially appointed after such date of enactment, in order to provide for a staggered term of appointment for all members. ``(5) Consecutive appointments; maximum terms.--A member appointed under paragraph (2) may serve not more than 3 terms on the Advisory Committee, and not more than 2 of such terms may be served consecutively.''; (3) in subsection (e), by adding at the end ``At least one meeting per ***year*** shall be an in-person meeting.''; (4) by redesignating subsection (f) as subsection (g); (5) by inserting after subsection (e) the following: ``(f) Coordination.--The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D.''; and (6) in subsection (g), as so redesignated, by striking ``2018'' and inserting ``2023''. (b) Authorizing the National Advisory Committee on Seniors and Disasters.--Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C 300hh et seq.) is amended by inserting after section 2811A the following: ``SEC. 2811B. NATIONAL ADVISORY COMMITTEE ON SENIORS AND DISASTERS. ``(a) Establishment.--The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Veterans Affairs, shall establish an advisory committee to be known as the National Advisory Committee on Seniors and Disasters (referred to in this section as the `Advisory Committee'). ``(b) Duties.--The Advisory Committee shall-- ``(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate; ``(2) evaluate and provide input with respect to the medical and public health needs of seniors related to preparation for, response to, and recovery from all-hazards emergencies; and ``(3) provide advice and consultation with respect to State emergency preparedness and response activities relating to seniors, including related drills and exercises pursuant to the preparedness goals under section 2802(b). ``(c) Additional Duties.--The Advisory Committee may provide advice and recommendations to the Secretary with respect to seniors and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities under this title and title III. ``(d) Membership.-- ``(1) In general.--The Secretary, in consultation with such other heads of agencies as appropriate, shall appoint not more than 17 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number. ``(2) Required members.--The Advisory Committee shall include Federal members or their designees (who may be non- voting members, as determined by the Secretary) and non- Federal members, as follows: ``(A) The Assistant Secretary for Preparedness and Response. ``(B) The Director of the Biomedical Advanced Research and Development Authority. ``(C) The Director of the Centers for Disease Control and Prevention. ``(D) The Commissioner of Food and Drugs. ``(E) The Director of the National Institutes of Health. ``(F) The Administrator of the Centers for Medicare & Medicaid Services. ``(G) The Administrator of the Administration for Community Living. ``(H) The Administrator of the Federal Emergency Management Agency. ``(I) The Under Secretary for Health of the Department of Veterans Affairs. ``(J) At least 2 non-Federal health care professionals with expertise in geriatric medical disaster planning, preparedness, response, or recovery. ``(K) At least 2 representatives of State, local, territorial, or tribal agencies with expertise in geriatric disaster planning, preparedness, response, or recovery. ``(L) Representatives of such other Federal agencies (such as the Department of Energy and the Department of Homeland Security) as the Secretary determines necessary to fulfill the duties of the Advisory Committee. ``(e) Meetings.--The Advisory Committee shall meet not less frequently than biannually. At least one meeting per ***year*** shall be an in-person meeting. ``(f) Coordination.--The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D. ``(g) Sunset.-- ``(1) In general.--The Advisory Committee shall terminate on September 30, 2023. ``(2) Extension of committee.--Not later than October 1, 2022, the Secretary shall submit to Congress a recommendation on whether the Advisory Committee should be extended.''. (c) National Advisory Committee on Individuals With Disabilities and Disasters.--Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C 300hh et seq.), as amended by subsection (b), is further amended by inserting after section 2811B the following: ``SEC. 2811C. NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES AND DISASTERS. ``(a) Establishment.--The Secretary, in consultation with the Secretary of Homeland Security, shall establish a national advisory committee to be known as the National Advisory Committee on Individuals with Disabilities and Disasters (referred to in this section as the `Advisory Committee'). ``(b) Duties.--The Advisory Committee shall-- ``(1) provide advice and consultation with respect to activities carried out pursuant to section 2814, as applicable and appropriate; ``(2) evaluate and provide input with respect to the medical, public health, and accessibility needs of individuals with disabilities related to preparation for, response to, and recovery from all-hazards emergencies; and ``(3) provide advice and consultation with respect to State emergency preparedness and response activities, including related drills and exercises pursuant to the preparedness goals under section 2802(b). ``(c) Membership.-- ``(1) In general.--The Secretary, in consultation with such other heads of agencies and departments as appropriate, shall appoint not more than 17 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number. ``(2) Required members.--The Advisory Committee shall include Federal members or their designees (who may be non- voting members, as determined by the Secretary) and non- Federal members, as follows: ``(A) The Assistant Secretary for Preparedness and Response. ``(B) The Administrator of the Administration for Community Living. ``(C) The Director of the Biomedical Advanced Research and Development Authority. ``(D) The Director of the Centers for Disease Control and Prevention. ``(E) The Commissioner of Food and Drugs. ``(F) The Director of the National Institutes of Health. ``(G) The Administrator of the Federal Emergency Management Agency. ``(H) The Chair of the National Council on Disability. [[Page H8769]] ``(I) The Chair of the United States Access Board. ``(J) The Under Secretary for Health of the Department of Veterans Affairs. ``(K) At least 2 non-Federal health care professionals with expertise in disability accessibility before, during, and after disasters, medical and mass care disaster planning, preparedness, response, or recovery. ``(L) At least 2 representatives from State, local, territorial, or tribal agencies with expertise in disaster planning, preparedness, response, or recovery for individuals with disabilities. ``(M) At least 2 individuals with a disability with expertise in disaster planning, preparedness, response, or recovery for individuals with disabilities. ``(d) Meetings.--The Advisory Committee shall meet not less frequently than biannually. At least one meeting per ***year*** shall be an in-person meeting. ``(e) Disability Defined.--For purposes of this section, the term `disability' has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990. ``(f) Coordination.--The Secretary shall coordinate duties and activities authorized under this section in accordance with section 2811D. ``(g) Sunset.-- ``(1) In general.--The Advisory Committee shall terminate on September 30, 2023. ``(2) Recommendation.--Not later than October 1, 2022, the Secretary shall submit to Congress a recommendation on whether the Advisory Committee should be extended.''. (d) Advisory Committee Coordination.--Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C 300hh et seq.), as amended by subsection (c), is further amended by inserting after section 2811C the following: ``SEC. 2811D. ADVISORY COMMITTEE COORDINATION. ``(a) In General.--The Secretary shall coordinate duties and activities authorized under sections 2811A, 2811B, and 2811C, and make efforts to reduce unnecessary or duplicative reporting, or unnecessary duplicative meetings and recommendations under such sections, as practicable. Members of the advisory committees authorized under such sections, or their designees, shall annually meet to coordinate any recommendations, as appropriate, that may be similar, duplicative, or overlapping with respect to addressing the needs of children, seniors, and individuals with disabilities during public health emergencies. If such coordination occurs through an in-person meeting, it shall not be considered the required in-person meetings under any of sections 2811A(e), 2811B(e), or 2811C(d). ``(b) Coordination and Alignment.--The Secretary, acting through the employee designated pursuant to section 2814, shall align preparedness and response ***programs*** or activities to address similar, dual, or overlapping needs of children, seniors, and individuals with disabilities, and any challenges in preparing for and responding to such needs. ``(c) Notification.--The Secretary shall annually notify the congressional committees of jurisdiction regarding the steps taken to coordinate, as appropriate, the recommendations under this section, and provide a summary description of such coordination.''. SEC. 306. GUIDANCE FOR PARTICIPATION IN EXERCISES AND DRILLS. Not later than 2 ***years*** after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final guidance regarding the ability of personnel funded by ***programs*** authorized under this Act (including the amendments made by this Act) to participate in drills and operational exercises related to all-hazards medical and public health preparedness and response. Such drills and operational exercises may include activities that incorporate medical surge capacity planning, medical countermeasure distribution and administration, and preparing for and responding to identified threats for that region. Such personnel may include State, local, tribal, and territorial public health department or agency personnel funded under this Act (including the amendments made by this Act). The Secretary shall consult with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies as necessary and appropriate in the development of such guidance. The Secretary shall make the guidance available on the internet website of the Department of Health and Human Services. TITLE IV--PRIORITIZING A THREAT-BASED APPROACH SEC. 401. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE. Section 2811 of the Public Health Service Act (42 U.S.C 300hh-10) is amended-- (1) in subsection (b)-- (A) in the matter preceding paragraph (1) by inserting ``utilize experience related to public health emergency preparedness and response, biodefense, medical countermeasures, and other relevant topics to'' after ``shall''; and (B) in paragraph (4) by adding at the end the following: ``(I) Threat awareness.--Coordinate with the Director of the Centers for Disease Control and Prevention, the Director of National Intelligence, the Secretary of Homeland Security, the Assistant to the President for National Security Affairs, the Secretary of Defense, and other relevant Federal officials, such as the Secretary of ***Agriculture***, to maintain a current assessment of national security threats and inform preparedness and response capabilities based on the range of the threats that have the potential to result in a public health emergency.''; and (2) by adding at the end the following: ``(f) Protection of National Security From Threats.-- ``(1) In general.--In carrying out the duties under subsection (b)(3), the Assistant Secretary for Preparedness and Response shall implement strategic initiatives or activities to address threats, including pandemic influenza, that pose a significant level of risk to public health and national security based on the characteristics of such threat, which may also include a chemical, biological, radiological, or nuclear agent, including threats with a significant potential to become a pandemic. Such initiatives shall include activities to accelerate and support the advanced research, development, manufacturing capacity, procurement, and stockpiling of countermeasures, including initiatives under section 319L(c)(4)(F). Such activities may also include those related to readiness to respond to pandemic influenza threats by supporting the development and manufacturing of influenza virus seeds, clinical trial lots, and stockpiles of novel influenza strains. ``(2) Authorization of appropriations.-- ``(A) In general.--For purposes of carrying out this subsection, there is authorized to be appropriated $250,000,000 for each of fiscal ***years*** 2019 through 2023. ``(B) Supplement, not supplant.--Funds appropriated under this subsection shall be used to supplement and not supplant funds provided under section 319L(e) and section 319F-2(g). ``(C) Documentation required.--The Assistant Secretary for Preparedness and Response shall, as required under subsection (b)(7), document amounts expended for purposes of carrying out this subsection, including amounts appropriated to the Public Health and Social Services Emergency Fund under title II of Division H of the Consolidated Appropriations Act, 2018 (Public Law 115-141), as applicable to section 319L(c)(4)(F).''. SEC. 402. PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE. (a) In General.--Title XXVIII is amended by inserting after section 2811 of the Public Health Service Act (42 U.S.C 300hh-10) the following: ``SEC. 2811-1. PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE. ``(a) In General.--The Secretary shall establish the Public Health Emergency Medical Countermeasures Enterprise (referred to in this section as the `PHEMCE'). The Assistant Secretary for Preparedness and Response shall serve as chair of the PHEMCE. ``(b) Members.--The PHEMCE shall include each of the following members, or the designee of such members: ``(1) The Assistant Secretary for Preparedness and Response. ``(2) The Director of the Centers for Disease Control and Prevention. ``(3) The Director of the National Institutes of Health. ``(4) The Commissioner of Food and Drugs. ``(5) The Secretary of Defense. ``(6) The Secretary of Homeland Security. ``(7) The Secretary of ***Agriculture***. ``(8) The Secretary of Veterans Affairs. ``(9) The Director of National Intelligence. ``(10) Representatives of any other Federal agency, which may include the Director of the Biomedical Advanced Research and Development Authority, the Director of the Strategic National Stockpile, the Director of the National Institute of Allergy and Infectious Diseases, and the Director of the Office of Public Health Preparedness and Response, as the Secretary determines appropriate. ``(c) Functions.-- ``(1) In general.--The functions of the PHEMCE shall include the following: ``(A) Utilize a process to make recommendations to the Secretary regarding research, advanced research, development, procurement, stockpiling, deployment, distribution, and utilization with respect to countermeasures, as defined in section 319F-2(c), including prioritization based on the health security needs of the United States. Such recommendations shall be informed by, when available and practicable, the National Health Security Strategy pursuant to section 2802, the Strategic National Stockpile needs pursuant to section 319F-2, and assessments of current national security threats, including chemical, biological, radiological and nuclear threats, including emerging infectious diseases. In the event that members of the PHEMCE do not agree upon a recommendation, the Secretary shall provide a determination regarding such recommendation. ``(B) Identify national health security needs, including gaps in public health preparedness and response related to countermeasures and challenges to addressing such needs (including any regulatory challenges), and support alignment of countermeasure procurement with recommendations to address such needs under subparagraph (A). ``(C) Assist the Secretary in developing strategies related to logistics, deployment, distribution, dispensing, and use of countermeasures that may be applicable to the activities of the strategic national stockpile under section 319F-2(a). [[Page H8770]] ``(D) Provide consultation for the development of the strategy and implementation plan under section 2811(d). ``(2) Input.--In carrying out subparagraphs (B) and (C) of paragraph (1), the PHEMCE shall solicit and consider input from State, local, tribal, and territorial public health departments or officials, as appropriate.''. (b) Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan.--Section 2811(d) of the Public Health Service Act (42 U.S.C 300hh-10(d)) is amended-- (1) in paragraph (1)-- (A) by striking ``Not later than 180 days after the date of enactment of this subsection, and every ***year*** thereafter'' and inserting ``Not later than March 15, 2020, and biennially thereafter''; and (B) by striking ``Director of Biomedical'' and all that follows through ``Food and Drugs'' and inserting ``Public Health Emergency Medical Countermeasures Enterprise established under section 2811-1''; and (2) in paragraph (2)(J)(v), by striking ``one-***year*** period'' and inserting ``2-***year*** period''. SEC. 403. STRATEGIC NATIONAL STOCKPILE. (a) In General.--Section 319F-2(a) of the Public Health Service Act (42 U.S.C 247d-6b(a)) is amended-- (1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and (2) in paragraph (1)-- (A) by inserting ``the Assistant Secretary for Preparedness and Response and'' after ``collaboration with''; (B) by inserting ``and optimize'' after ``provide for''; (C) by inserting ``and, as informed by existing recommendations of, or consultations with, the Public Health Emergency Medical Countermeasure Enterprise established under section 2811-1, make necessary additions or modifications to the contents of such stockpile or stockpiles based on the review conducted under paragraph (2)'' before the period of the first sentence; and (D) by striking the second sentence; (3) by inserting after paragraph (1) the following: ``(2) Threat-based review.-- ``(A) In general.--The Secretary shall conduct an annual threat-based review (taking into account at-risk individuals) of the contents of the stockpile under paragraph (1), including non-pharmaceutical supplies, and, in consultation with the Public Health Emergency Medical Countermeasures Enterprise established under section 2811-1, review contents within the stockpile and assess whether such contents are consistent with the recommendations made pursuant to section 2811-1(c)(1)(A). Such review shall be submitted annually, beginning on March 15, 2019, to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, in a manner that does not compromise national security. ``(B) Additions, modifications, and replenishments.--Each annual threat-based review under subparagraph (A) shall, for each new or modified countermeasure procurement or replenishment, provide-- ``(i) information regarding-- ``(I) the quantities of the additional or modified countermeasure procured for, or contracted to be procured for, the stockpile; ``(II) planning considerations for appropriate manufacturing capacity and capability to meet the goals of such additions or modifications (without disclosing proprietary information), including consideration of the effect such additions or modifications may have on the availability of such products and ancillary medical supplies in the health care system; ``(III) the presence or lack of a commercial market for the countermeasure at the time of procurement; ``(IV) the emergency health security threat or threats such countermeasure procurement is intended to address, including whether such procurement is consistent with meeting emergency health security needs associated with such threat or threats; ``(V) an assessment of whether the emergency health security threat or threats described in subclause (IV) could be addressed in a manner that better utilizes the resources of the stockpile and permits the greatest possible increase in the level of emergency preparedness to address such threats; ``(VI) whether such countermeasure is replenishing an expiring or expired countermeasure, is a different countermeasure with the same indication that is replacing an expiring or expired countermeasure, or is a new addition to the stockpile; ``(VII) a description of how such additions or modifications align with projected investments under previous countermeasures budget plans under section 2811(b)(7), including expected life-cycle costs, expenditures related to countermeasure procurement to address the threat or threats described in subclause (IV), replenishment dates (including the ability to extend the maximum shelf life of a countermeasure), and the manufacturing capacity required to replenish such countermeasure; and ``(VIII) appropriate protocols and processes for the deployment, distribution, or dispensing of the countermeasure at the State and local level, including plans for relevant capabilities of State and local entities to dispense, distribute, and administer the countermeasure; and ``(ii) an assurance, which need not be provided in advance of procurement, that for each countermeasure procured or replenished under this subsection, the Secretary completed a review addressing each item listed under this subsection in advance of such procurement or replenishment.''; (4) in paragraph (3), as so redesignated-- (A) in subparagraph (A), by inserting ``and the Public Health Emergency Medical Countermeasures Enterprise established under section 2811-1'' before the semicolon; (B) in subparagraph (C), by inserting ``, and the availability, deployment, dispensing, and administration of countermeasures'' before the semicolon; (C) by amending subparagraph (E) to read as follows: ``(E) devise plans for effective and timely supply-chain management of the stockpile, in consultation with the Director of the Centers for Disease Control and Prevention, the Assistant Secretary for Preparedness and Response, the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of Veterans Affairs, and the heads of other appropriate Federal agencies; State, local, tribal, and territorial agencies; and the public and private health care infrastructure, as applicable, taking into account the manufacturing capacity and other available sources of products and appropriate alternatives to supplies in the stockpile;''; (D) in subparagraph (G), by striking ``; and'' and inserting a semicolon; (E) in subparagraph (H), by striking the period and inserting a semicolon; and (F) by adding at the end the following: ``(I) ensure that each countermeasure or product under consideration for procurement pursuant to this subsection receives the same consideration regardless of whether such countermeasure or product receives or had received funding under section 319L, including with respect to whether the countermeasure or product is most appropriate to meet the emergency health security needs of the United States; and ``(J) provide assistance, including technical assistance, to maintain and improve State and local public health preparedness capabilities to distribute and dispense medical countermeasures and products from the stockpile, as appropriate.''; and (5) by adding at the end the following: ``(5) GAO report.-- ``(A) In general.--Not later than 3 ***years*** after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and every 5 ***years*** thereafter, the Comptroller General of the United States shall conduct a review of any changes to the contents or management of the stockpile since January 1, 2015. Such review shall include-- ``(i) an assessment of the comprehensiveness and completeness of each annual threat-based review under paragraph (2), including whether all newly procured or replenished countermeasures within the stockpile were described in each annual review, and whether, consistent with paragraph (2)(B), the Secretary conducted the necessary internal review in advance of such procurement or replenishment; ``(ii) an assessment of whether the Secretary established health security and science-based justifications, and a description of such justifications for procurement decisions related to health security needs with respect to the identified threat, for additions or modifications to the stockpile based on the information provided in such reviews under paragraph (2)(B), including whether such review was conducted prior to procurement, modification, or replenishment; ``(iii) an assessment of the plans developed by the Secretary for the deployment, distribution, and dispensing of countermeasures procured, modified, or replenished under paragraph (1), including whether such plans were developed prior to procurement, modification, or replenishment; ``(iv) an accounting of countermeasures procured, modified, or replenished under paragraph (1) that received advanced research and development funding from the Biomedical Advanced Research and Development Authority; ``(v) an analysis of how such procurement decisions made progress toward meeting emergency health security needs related to the identified threats for countermeasures added, modified, or replenished under paragraph (1); ``(vi) a description of the resources expended related to the procurement of countermeasures (including additions, modifications, and replenishments) in the stockpile, and how such expenditures relate to the ability of the stockpile to meet emergency health security needs; ``(vii) an assessment of the extent to which additions, modifications, and replenishments reviewed under paragraph (2) align with previous relevant reports or reviews by the Secretary or the Comptroller General; ``(viii) with respect to any change in the Federal organizational management of the stockpile, an assessment and comparison of the processes affected by such change, including planning for potential countermeasure deployment, distribution, or dispensing capabilities and processes related to procurement decisions, use of stockpiled countermeasures, and use of resources for such activities; and [[Page H8771]] ``(ix) an assessment of whether the processes and procedures described by the Secretary pursuant to section 403(b) of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 are sufficient to ensure countermeasures and products under consideration for procurement pursuant to subsection (a) receive the same consideration regardless of whether such countermeasures and products receive or had received funding under section 319L, including with respect to whether such countermeasures and products are most appropriate to meet the emergency health security needs of the United States. ``(B) Submission.--Not later than 6 months after completing a classified version of the review under subparagraph (A), the Comptroller General shall submit an unclassified version of the review to the congressional committees of jurisdiction.''. (b) Additional Reporting.--In the first threat-based review submitted after the date of enactment of this Act pursuant to paragraph (2) of section 319F-2(a) of the Public Health Service Act (42 U.S.C 247d-6b(a)), as amended by subsection (a), the Secretary shall include a description of the processes and procedures through which the Director of Strategic National Stockpile and the Director of the Biomedical Advanced Research and Development Authority coordinate with respect to countermeasures and products procured under such section 319F-2(a), including such processes and procedures in place to ensure countermeasures and products under consideration for procurement pursuant to such section 319F-2(a) receive the same consideration regardless of whether such countermeasures and products receive or had received funding under section 319L of the Public Health Service Act (42 U.S.C 247d-7e), and whether such countermeasures and products are the most appropriate to meet the emergency health security needs of the United States. (c) Authorization of Appropriations, Strategic National Stockpile.--Section 319F-2(f)(1) of the Public Health Service Act (42 U.S.C 247d-6b(f)(1)) is amended by striking ``$533,800,000 for each of fiscal ***years*** 2014 through 2018'' and inserting ``$610,000,000 for each of fiscal ***years*** 2019 through 2023, to remain available until expended''. SEC. 404. PREPARING FOR PANDEMIC INFLUENZA, ANTIMICROBIAL RESISTANCE, AND OTHER SIGNIFICANT THREATS. (a) Strategic Initiatives.--Section 319L(c)(4) (247d- 7e(c)(4)) is amended by adding at the end the following: ``(F) Strategic initiatives.--The Secretary, acting through the Director of BARDA, may implement strategic initiatives, including by building on existing ***programs*** and by awarding contracts, grants, and cooperative agreements, or entering into other transactions, to support innovative candidate products in preclinical and clinical development that address priority, naturally occurring and man-made threats that, as determined by the Secretary, pose a significant level of risk to national security based on the characteristics of a chemical, biological, radiological or nuclear threat, or existing capabilities to respond to such a threat (including medical response and treatment capabilities and manufacturing infrastructure). Such initiatives shall accelerate and support the advanced research, development, and procurement of, countermeasures and products, as applicable, to address areas including-- ``(i) chemical, biological, radiological, or nuclear threats, including emerging infectious diseases, for which insufficient approved, licensed, or authorized countermeasures exist, or for which such threat, or the result of an exposure to such threat, may become resistant to countermeasures or existing countermeasures may be rendered ineffective; ``(ii) threats that consistently exist or continually circulate and have significant potential to become a pandemic, such as pandemic influenza, which may include the advanced research and development, manufacturing, and appropriate stockpiling of qualified pandemic or epidemic products, and products, technologies, or processes to support the advanced research and development of such countermeasures (including multiuse platform technologies for diagnostics, vaccines, and therapeutics; virus seeds; clinical trial lots; novel virus strains; and antigen and adjuvant material); and ``(iii) threats that may result primarily or secondarily from a chemical, biological, radiological, or nuclear agent, or emerging infectious diseases, and which may present increased treatment complications such as the occurrence of resistance to available countermeasures or potential countermeasures, including antimicrobial resistant pathogens.''. (b) Emerging Infectious Disease ***Program***.--Section 319L of the Public Health Service Act (42 U.S.C 247d-7e) is amended-- (1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and (2) by inserting after subsection (c) the following new subsections: ``(d) Emerging Infectious Disease ***Program***.-- ``(1) In general.--The Secretary, acting through the Director of BARDA, shall establish and implement a ***program*** that supports-- ``(A) advanced research and development activities for qualified pandemic or epidemic products; and ``(B) manufacturing infrastructure activities with respect to an emerging infectious disease. ``(2) Funding.-- ``(A) In general.--To carry out paragraph (1), there is authorized to be appropriated $250,000,000 for each of fiscal ***years*** 2019 through 2023, to remain available until expended. ``(B) Supplement not supplant.--Any funds provided to the Secretary under this paragraph shall be used to supplement and not supplant any other Federal funds provided to carry out paragraph (1).''. SEC. 405. REPORTING ON THE FEDERAL SELECT AGENT ***PROGRAM***. Section 351A(k) of the Public Health Service Act (42 U.S.C 262a(k)) is amended-- (1) by striking ``The Secretary'' and inserting the following: ``(1) In general.--The Secretary''; and (2) by adding at the end the following: ``(2) Implementation of recommendations of the federal experts security advisory panel and the fast track action committee on select agent regulations.-- ``(A) In general.--Not later than 1 ***year*** after the date of the enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, the Secretary shall report to the congressional committees of jurisdiction on the implementation of recommendations of the Federal Experts Security Advisory Panel concerning the select agent ***program***. ``(B) Continued updates.--The Secretary shall report to the congressional committees of jurisdiction annually following the submission of the report under subparagraph (A) until the recommendations described in such subparagraph are fully implemented, or a justification is provided for the delay in, or lack of, implementation.''. TITLE V--INCREASING COMMUNICATION IN MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT SEC. 501. MEDICAL COUNTERMEASURE BUDGET PLAN. Section 2811(b)(7) of the Public Health Service Act (42 U.S.C 300hh-10(b)(7)) is amended-- (1) in the matter preceding subparagraph (A), by striking ``March 1'' and inserting ``March 15''; (2) in subparagraph (A)-- (A) in clause (ii), by striking ``; and'' and inserting ``;''; and (B) by striking clause (iii) and inserting the following: ``(iii) procurement, stockpiling, maintenance, and potential replenishment (including manufacturing capabilities) of all products in the Strategic National Stockpile; ``(iv) the availability of technologies that may assist in the advanced research and development of countermeasures and opportunities to use such technologies to accelerate and navigate challenges unique to countermeasure research and development; and ``(v) potential deployment, distribution, and utilization of medical countermeasures; development of clinical guidance and emergency use instructions for the use of medical countermeasures; and, as applicable, potential post- deployment activities related to medical countermeasures;''; (3) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and (4) by inserting after subparagraph (C), the following: ``(D) identify the full range of anticipated medical countermeasure needs related to research and development, procurement, and stockpiling, including the potential need for indications, dosing, and administration technologies, and other countermeasure needs as applicable and appropriate;''. SEC. 502. MATERIAL THREAT AND MEDICAL COUNTERMEASURE NOTIFICATIONS. (a) Congressional Notification of Material Threat Determination.--Section 319F-2(c)(2)(C) of the Public Health Service Act (42 U.S.C 247d-6b(c)(2)(C)) is amended by striking ``The Secretary and the Homeland Security Secretary shall promptly notify the appropriate committees of Congress'' and inserting ``The Secretary and the Secretary of Homeland Security shall send to Congress, on an annual basis, all current material threat determinations and shall promptly notify the Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Energy and Commerce and the Committee on Homeland Security of the House of Representatives''. (b) Contracting Communication.--Section 319F- 2(c)(7)(B)(ii)(III) of the Public Health Service Act (42 U.S.C 247d-6b(c)(7)(B)(ii)(III)) is amended by adding at the end the following: ``The Secretary shall notify the vendor within 90 days of a determination by the Secretary to renew, extend, or terminate such contract.''. SEC. 503. AVAILABILITY OF REGULATORY MANAGEMENT PLANS. Section 565(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 360bbb-4(f)) is amended-- (1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; (2) by inserting after paragraph (2) the following: ``(3) Publication.--The Secretary shall make available on the internet website of [[Page H8772]] the Food and Drug Administration information regarding regulatory management plans, including-- ``(A) the process by which an applicant may submit a request for a regulatory management plan; ``(B) the timeframe by which the Secretary is required to respond to such request; ``(C) the information required for the submission of such request; ``(D) a description of the types of development milestones and performance targets that could be discussed and included in such plans; and ``(E) contact information for beginning the regulatory management plan process.''; (3) in paragraph (6), as so redesignated, in the matter preceding subparagraph (A)-- (A) by striking ``paragraph (4)(A)'' and inserting ``paragraph (5)(A)''; and (B) by striking ``paragraph (4)(B)'' and inserting ``paragraph (5)(B)''; and (4) in paragraph (7)(A), as so redesignated, by striking ``paragraph (3)(A)'' and inserting ``paragraph (4)(A)''. SEC. 504. THE BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY AND THE BIOSHIELD SPECIAL RESERVE FUND. (a) BioShield Special Reserve Fund.--Section 319F-2(g)(1) of the Public Health Service Act (42 U.S.C 247d-6b(g)(1)) is amended-- (1) by striking ``$2,800,000,000 for the period of fiscal ***years*** 2014 through 2018'' and inserting ``$7,100,000,000 for the period of fiscal ***years*** 2019 through 2028, to remain available until expended''; and (2) by striking the second sentence. (b) The Biomedical Advanced Research and Development Authority.--Subsection (e)(2) of section 319L of the Public Health Service Act (42 U.S.C 247d-7e), as redesignated by section 404(b), is amended by striking ``$415,000,000 for each of fiscal ***years*** 2014 through 2018'' and inserting ``$611,700,000 for each of fiscal ***years*** 2019 through 2023''. SEC. 505. ADDITIONAL STRATEGIES FOR COMBATING ANTIBIOTIC RESISTANCE. Part B of title III of the Public Health Service Act (42 U.S.C 243 et seq.) is amended by inserting after section 319E the following: ``SEC. 319E-1. ADVISORY COUNCIL ON COMBATING ANTIBIOTIC- RESISTANT BACTERIA. ``(a) Definitions.--In this section: ``(1) Action plan.--The term `Action Plan' means the Action Plan described in section 319E(a)(1). ``(2) Advisory council.--The term `Advisory Council' means the Presidential Advisory Council on Combating Antibiotic- Resistant Bacteria established by Executive Order 13676 of September 18, 2014 (79 Fed. Reg. 56931; relating to combating antibiotic-resistant bacteria). ``(3) National strategy.--The term `National Strategy' means the National Strategy for Combating Antibiotic- Resistant Bacteria issued by the White House in September 2014, and any subsequent update to such strategy or a successor strategy. ``(b) Advisory Council.--The Advisory Council shall provide advice, information, and recommendations to the Secretary regarding ***programs*** and policies intended to support and evaluate the implementation of Executive Order 13676 of September 18, 2014 (79 Fed. Reg. 56931; relating to combating antibiotic-resistant bacteria), including the National Strategy, and the Action Plan. ``(c) Meetings and Duties.-- ``(1) Meetings.--The Advisory Council shall meet as the Chair determines appropriate but not less than twice per ***year***, and, to the extent practicable, in conjunction with meetings of the task force described in section 319E. ``(2) Recommendations.--The Advisory Council shall make recommendations to the Secretary, in consultation with the Secretary of ***Agriculture*** and the Secretary of Defense, regarding ***programs*** and policies intended to-- ``(A) preserve the effectiveness of antibiotics by optimizing their use; ``(B) advance research to develop improved methods for combating antibiotic resistance and conducting antimicrobial stewardship, as defined in section 319E(h)(3); ``(C) strengthen surveillance of antibiotic-resistant bacterial infections; ``(D) prevent the transmission of antibiotic-resistant bacterial infections; ``(E) advance the development of rapid point-of-care and ***agricultural*** diagnostics; ``(F) further research on new treatments for bacterial infections; ``(G) develop alternatives to antibiotics for animal health purposes; ``(H) maximize the dissemination of up-to-date information on the appropriate and proper use of antibiotics to the general public and human and animal health care providers; and ``(I) improve international coordination of efforts to combat antibiotic resistance. ``(3) Coordination.--The Advisory Council shall, to the greatest extent practicable, coordinate activities carried out by the Council with the Antimicrobial Resistance Task Force established under section 319E(a) (commonly referred to as the `Combating Antibiotic-Resistant Bacteria Task Force').''. TITLE VI--ADVANCING TECHNOLOGIES FOR MEDICAL COUNTERMEASURES SEC. 601. ADMINISTRATION OF COUNTERMEASURES. Section 319L(c)(4)(D)(iii) of the Public Health Service Act (42 U.S.C 247d-7e(c)(4)(D)(iii)) is amended by striking ``and platform technologies'' and inserting ``platform technologies, technologies to administer countermeasures, and technologies to improve storage and transportation of countermeasures''. SEC. 602. UPDATING DEFINITIONS OF OTHER TRANSACTIONS. Section 319L of the Public Health Service Act (42 U.S.C 247d-7e) is amended-- (1) in subsection (a)(3), by striking ``, such as'' and all that follows through ``Code''; (2) in subsection (c)(5)(A)-- (A) in clause (i), by striking ``under this subsection'' and all that follows through ``Code'' and inserting ``(as defined in subsection (a)(3)) under this subsection''; and (B) in clause (ii)-- (i) by amending subclause (I) to read as follows: ``(I) In general.--To the maximum extent practicable, competitive procedures shall be used when entering into transactions to carry out projects under this subsection.''; and (ii) in subclause (II)-- (I) by striking ``$20,000,000'' and inserting ``$100,000,000''; (II) by striking ``senior procurement executive for the Department (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C 414(c)))'' and inserting ``Assistant Secretary for Financial Resources''; and (III) by striking ``senior procurement executive under'' and inserting ``Assistant Secretary for Financial Resources under''. SEC. 603. MEDICAL COUNTERMEASURE MASTER FILES. (a) In General.--The purpose of this section (including section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b)) is to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products by facilitating and encouraging submission of data and information to support such products to medical countermeasure master files, and through clarifying the authority to cross-reference to data and information previously submitted to the Secretary of Health and Human Services (referred to in this section as the ``Secretary''). (b) Medical Countermeasure Master Files.--Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 351 et seq.) is amended by inserting after section 565A the following: ``SEC. 565B. MEDICAL COUNTERMEASURE MASTER FILES. ``(a) Applicability of Reference.-- ``(1) In general.--A person may submit data and information in a master file to the Secretary with the intent to reference, or to authorize, in writing, another person to reference, such data or information to support a medical countermeasure submission (including a supplement or amendment to any such submission), without requiring the master file holder to disclose the data and information to any such persons authorized to reference the master file. Such data and information shall be available for reference by the master file holder or by a person authorized by the master file holder, in accordance with applicable privacy and confidentiality protocols and regulations. ``(2) Reference of certain master files.--In the case that data or information within a medical countermeasure master file is used only to support the conditional approval of an application filed under section 571, such master file may be relied upon to help support the effectiveness of a product that is the subject of a subsequent medical countermeasure submission only if such application is supplemented by additional data or information to support review and approval in a manner consistent with the standards applicable to such review and approval for such countermeasure, qualified countermeasure, or qualified pandemic or epidemic product. ``(b) Medical Countermeasure Master File Content.-- ``(1) In general.--A master file under this section may include data or information to support-- ``(A) the development of medical countermeasure submissions to support the approval, licensure, classification, clearance, conditional approval, or authorization of one or more security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products; and ``(B) the manufacture of security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products. ``(2) Required updates.--The Secretary may require, as appropriate, that the master file holder ensure that the contents of such master file are updated during the time such master file is referenced for a medical countermeasure submission. ``(c) Sponsor Reference.-- ``(1) In general.--Each incorporation of data or information within a medical countermeasure master file shall describe the incorporated material in a manner in which the Secretary determines appropriate and that permits the review of such information within such master file without necessitating re-submission of such data or information. Master files shall be submitted in an electronic format in accordance with sections 512(b)(4), 571(a)(4), and 745A, as applicable, and as specified in applicable guidance. ``(2) Reference by a master file holder.--A master file holder that is the sponsor of a medical countermeasure submission shall notify the Secretary in writing of the [[Page H8773]] intent to reference the medical countermeasure master file as a part of the submission. ``(3) Reference by an authorized person.--A person submitting an application for review may, where the Secretary determines appropriate, incorporate by reference all or part of the contents of a medical countermeasure master file, if the master file holder authorizes the incorporation in writing. ``(d) Acknowledgement of the Reliance Upon a Master File by the Secretary.-- ``(1) In general.--The Secretary shall provide the master file holder with a written notification indicating that the Secretary has reviewed and relied upon specified data or information within a master file and the purposes for which such data or information was incorporated by reference if the Secretary has reviewed and relied upon such specified data or information to support the approval, classification, conditional approval, clearance, licensure, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product. The Secretary may rely upon the data and information within the medical countermeasure master file for which such written notification was provided in additional applications, as applicable and appropriate and upon the request of the master file holder so notified in writing or by an authorized person of such holder. ``(2) Certain applications.--If the Secretary has reviewed and relied upon specified data or information within a medical countermeasure master file to support the conditional approval of an application under section 571 to subsequently support the approval, clearance, licensure, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product, the Secretary shall provide a brief written description to the master file holder regarding the elements of the application fulfilled by the data or information within the master file and how such data or information contained in such application meets the standards of evidence under subsection (c) or (d) of section 505, subsection (d) of section 512, or section 351 of the Public Health Service Act (as applicable) unless such disclosure includes any trade secret or confidential commercial information. ``(e) Rules of Construction.--Nothing in this section shall be construed to-- ``(1) limit the authority of the Secretary to approve, license, clear, conditionally approve, or authorize drugs, biological products, or devices pursuant to, as applicable, this Act or section 351 of the Public Health Service Act (as such applicable Act is in effect on the day before the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018), including the standards of evidence, and applicable conditions, for approval under the applicable Act; ``(2) alter the standards of evidence with respect to approval, licensure, or clearance, as applicable, of drugs, biological products, or devices under this Act or section 351 of the Public Health Service Act, including, as applicable, the substantial evidence standards under sections 505(d) and 512(d) or this Act and section 351(a) of the Public Health Service Act; or ``(3) alter the authority of the Secretary under this Act or the Public Health Service Act to determine the types of data or information previously submitted by a sponsor or any other person that may be incorporated by reference in an application, request, or notification for a drug, biological product, or device submitted under sections 505(i), 505(b), 505(j), 512(b)(1), 512(b)(2), 512(j), 564, 571, 520(g), 515(c), 513(f)(2), or 510(k) of this Act, or subsection (a) or (k) of section 351 of the Public Health Service Act, including a supplement or amendment to any such submission, and the requirements associated with such reference. ``(f) Definitions.--In this section: ``(1) The term `master file holder' means a person who submits data and information to the Secretary with the intent to reference or authorize another person to reference such data or information to support a medical countermeasure submission, as described in subsection (a). ``(2) The term `medical countermeasure submission' means an investigational new drug application under section 505(i), a new drug application under section 505(b), or an abbreviated new drug application under section 505(j) of this Act, a biological product license application under section 351(a) of the Public Health Service Act or a biosimilar biological product license application under section 351(k) of the Public Health Service Act, a new animal drug application under section 512(b)(1) or abbreviated new animal drug application under section 512(b)(2), an application for conditional approval of a new animal drug under section 571, an investigational device application under section 520(g), an application with respect to a device under section 515(c), a request for classification of a device under section 513(f)(2), a notification with respect to a device under section 510(k), or a request for an emergency use authorization under section 564 to support-- ``(A) the approval, licensure, classification, clearance, conditional approval, or authorization of a security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product; or ``(B) a new indication to an approved security countermeasure, qualified countermeasure, or qualified pandemic or epidemic product. ``(3) The terms `qualified countermeasure', `security countermeasure', and `qualified pandemic or epidemic product' have the meanings given such terms in sections 319F-1, 319F- 2, and 319F-3, respectively, of the Public Health Service Act.''. (c) Stakeholder Input.--Not later than 18 months after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs and in consultation with the Assistant Secretary for Preparedness and Response, shall solicit input from stakeholders, including stakeholders developing security countermeasures, qualified countermeasures, or qualified pandemic or epidemic products, and stakeholders developing technologies to assist in the development of such countermeasures with respect to how the Food and Drug Administration can advance the use of tools and technologies to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products, including through reliance on cross-referenced data and information contained within master files and submissions previously submitted to the Secretary as set forth in section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b). (d) Guidance.--Not later than 2 ***years*** after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall publish draft guidance about how reliance on cross-referenced data and information contained within master files under section 565B of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b) or submissions otherwise submitted to the Secretary may be used for specific tools or technologies (including platform technologies) that have the potential to support and advance the development or manufacture of security countermeasures, qualified countermeasures, and qualified pandemic or epidemic products. The Secretary, acting through the Commissioner of Food and Drugs, shall publish the final guidance not later than 3 ***years*** after the enactment of this Act. SEC. 604. ANIMAL RULE REPORT. (a) Study.--The Comptroller General of the United States shall conduct a study on the application of the requirements under subsections (c) and (d) of section 565 of the of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 360bbb-4) (referred to in this section as the ``animal rule'') as a component of medical countermeasure advanced development under the Biomedical Advanced Research and Development Authority and regulatory review by the Food and Drug Administration. In conducting such study, the Comptroller General shall examine the following: (1) The extent to which advanced development and review of a medical countermeasure are coordinated between the Biomedical Advanced Research and Development Authority and the Food and Drug Administration, including activities that facilitate appropriate and efficient design of studies to support approval, licensure, and authorization under the animal rule, consistent with the recommendations in the animal rule guidance, issued pursuant to section 565(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C 360bbb- 4(c)) and entitled ``Product Development Under the Animal Rule: Guidance for Industry'' (issued in October 2015), to resolve discrepancies in the design of adequate and well- controlled efficacy studies conducted in animal models related to the provision of substantial evidence of effectiveness for the product approved, licensed, or authorized under the animal rule. (2) The consistency of the application of the animal rule among and between review divisions within the Food and Drug Administration. (3) The flexibility pursuant to the animal rule to address variations in countermeasure development and review processes, including the extent to which qualified animal models are adopted and used within the Food and Drug Administration in regulatory decisionmaking with respect to medical countermeasures. (4) The extent to which the guidance issued under section 565(c) of the Federal Food Drug and Cosmetic Act (21 U.S.C 360bbb-4(c)), entitled, ``Product Development Under the Animal Rule: Guidance for Industry'' (issued in October 2015), has assisted in achieving the purposes described in paragraphs (1), (2), and (3). (b) Consultations.--In conducting the study under subsection (a), the Comptroller General of the United States shall consult with-- (1) the Federal agencies responsible for advancing, reviewing, and procuring medical countermeasures, including the Office of the Assistant Secretary for Preparedness and Response, the Biomedical Advanced Research and Development Authority, the Food and Drug Administration, and the Department of Defense; (2) manufacturers involved in the research and development of medical countermeasures to address biological, chemical, radiological, or nuclear threats; and (3) other biodefense stakeholders, as applicable. (c) Report.--Not later than 3 ***years*** after the date of enactment of this Act, the Comptroller General of the United States shall 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 containing the results of the study conducted [[Page H8774]] under subsection (a) and recommendations to improve the application and consistency of the requirements under subsections (c) and (d) of section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 360bbb-4) to support and expedite the research and development of medical countermeasures, as applicable. (d) Protection of National Security.--The Comptroller General of the United States shall conduct the study and issue the assessment and report under this section in a manner that does not compromise national security. SEC. 605. REVIEW OF THE BENEFITS OF GENOMIC ENGINEERING TECHNOLOGIES AND THEIR POTENTIAL ROLE IN NATIONAL SECURITY. (a) Meeting.-- (1) In general.--Not later than 1 ***year*** after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ``Secretary'') shall convene a meeting to discuss the potential role advancements in genomic engineering technologies (including genome editing technologies) may have in advancing national health security. Such meeting shall be held in a manner that does not compromise national security. (2) Attendees.--The attendees of the meeting under paragraph (1)-- (A) shall include-- (i) representatives from the Office of the Assistant Secretary for Preparedness and Response, the National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration; and (ii) representatives from academic, private, and nonprofit entities with expertise in genome engineering technologies, biopharmaceuticals, medicine, or biodefense, and other relevant stakeholders; and (B) may include-- (i) other representatives from the Department of Health and Human Services, as the Secretary determines appropriate; and (ii) representatives from the Department of Homeland Security, the Department of Defense, the Department of ***Agriculture***, and other departments, as the Secretary may request for the meeting. (3) Topics.--The meeting under paragraph (1) shall include a discussion of-- (A) the current state of the science of genomic engineering technologies related to national health security, including-- (i) medical countermeasure development, including potential efficiencies in the development pathway and detection technologies; and (ii) the international and domestic regulation of products utilizing genome editing technologies; and (B) national security implications, including-- (i) capabilities of the United States to leverage genomic engineering technologies as a part of the medical countermeasure enterprise, including current applicable research, development, and application efforts underway within the Department of Defense; (ii) the potential for state and non-state actors to utilize genomic engineering technologies as a national health security threat; and (iii) security measures to monitor and assess the potential threat that may result from utilization of genomic engineering technologies and related technologies for the purpose of compromising national health security. (b) Report.--Not later than 270 days after the meeting described in subsection (a) is held, the Assistant Secretary for Preparedness and Response shall issue a report to the congressional committees of jurisdiction on the topics discussed at such meeting, and provide recommendations, as applicable, to utilize innovations in genomic engineering (including genome editing) and related technologies as a part of preparedness and response activities to advance national health security. Such report shall be issued in a manner that does not compromise national security. SEC. 606. REPORT ON VACCINES DEVELOPMENT. Not later than one ***year*** after the date of the enactment of this Act, the Secretary of Health and Human Services shall 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 efforts and activities to coordinate with other countries and international partners during recent public health emergencies with respect to the research and advanced research on, and development of, qualified pandemic or epidemic products (as defined in section 319F-3 of the Public Health Service Act (42 U.S.C 247d-6d)). Such report may include information regarding relevant work carried out under section 319L(c)(5)(E) of the Public Health Service Act (42 U.S.C 247d-7e(c)(5)(E)), through public-private partnerships, and through collaborations with other countries to assist with or expedite the research and development of qualified pandemic or epidemic products. Such report shall not include information that may compromise national security. SEC. 607. STRENGTHENING MOSQUITO ABATEMENT FOR SAFETY AND HEALTH. (a) Reauthorization of Mosquito Abatement for Safety and Health ***Program***.--Section 317S of the Public Health Service Act (42 U.S.C 247b-21) is amended-- (1) in subsection (a)(1)(B)-- (A) by inserting ``including ***programs*** to address emerging infectious mosquito-borne diseases,'' after ``subdivisions for control ***programs***,''; and (B) by inserting ``or improving existing control ***programs***'' before the period at the end; (2) in subsection (b)-- (A) in paragraph (1), by inserting ``, including improvement,'' after ``operation''; (B) in paragraph (2)-- (i) in subparagraph (A)-- (I) in clause (ii), by striking ``or'' at the end; (II) in clause (iii), by striking the semicolon at the end and inserting ``, including an emerging infectious mosquito- borne disease that presents a serious public health threat; or''; and (III) by adding at the end the following: ``(iv) a public health emergency due to the incidence or prevalence of a mosquito-borne disease that presents a serious public health threat;''; and (ii) by amending subparagraph (D) to read as follows: ``(D)(i) is located in a State that has received a grant under subsection (a); or ``(ii) that demonstrates to the Secretary that the control ***program*** is consistent with existing State mosquito control plans or policies, or other applicable State preparedness plans.''; (C) in paragraph (4)(C), by striking ``that extraordinary'' and all that follows through the period at the end and inserting the following: ``that-- ``(i) extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver; or ``(ii) the geographical area covered by a political subdivision or consortium for a grant under paragraph (1) has an extreme mosquito control need due to-- ``(I) the size or density of the potentially impacted human population; ``(II) the size or density of a mosquito population that requires heightened control; or ``(III) the severity of the mosquito-borne disease, such that expected serious adverse health outcomes for the human population justify the waiver.''; and (D) by amending paragraph (6) to read as follows: ``(6) Number of grants.--A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).''; and (3) in subsection (f)-- (A) in paragraph (1) by striking ``for fiscal ***year*** 2003, and such sums as may be necessary for each of fiscal ***years*** 2004 through 2007'' and inserting ``for each of fiscal ***years*** 2019 through 2023''; (B) in paragraph (2), by striking ``the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' and inserting ``this Act and other medical and public health preparedness and response laws''; and (C) in paragraph (3)-- (i) in the heading, by striking ``2004'' and inserting ``2019''; and (ii) by striking ``2004'' and inserting ``2019''. (b) Epidemiology-Laboratory Capacity Grants.--Section 2821 of the Public Health Service Act (42 U.S.C 300hh-31) is amended-- (1) in subsection (a)(1), by inserting ``, including mosquito and other vector-borne diseases,'' after ``infectious diseases''; and (2) by amending subsection (b) to read as follows: ``(b) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal ***years*** 2019 through 2023.''. TITLE VII--MISCELLANEOUS PROVISIONS SEC. 701. REAUTHORIZATIONS AND EXTENSIONS. (a) Vaccine Tracking and Distribution.--Section 319A(e) of the Public Health Service Act (42 U.S.C 247d-1(e)) is amended by striking ``2014 through 2018'' and inserting ``2019 through 2023''. (b) Temporary Reassignment.--Section 319(e)(8) of the Public Health Service Act (42 U.S.C 247d(e)(8)) is amended by striking ``2018'' and inserting ``2023''. (c) Strategic Innovation Partner.--Section 319L(c)(4)(E)(ix) of the Public Health Service Act (42 U.S.C 247d-7e(c)(4)(E)(ix)) is amended by striking ``2022'' and inserting ``2023''. (d) Limited Antitrust Exemption.-- (1) In general.--Section 405 of the Pandemic and All- Hazards Preparedness Act (42 U.S.C 247d-6a note) is amended-- (A) by redesignating such section as section 319L-1; (B) by ***transferring*** such section to the Public Health Service Act (42 U.S.C 201 et seq.), to appear after section 319L of such Act (42 U.S.C 247d-7e); (C) in subsection (a)(1)(A)-- (i) by striking ``Secretary of Health and Human Services (referred to in this subsection as the `Secretary')'' and inserting ``Secretary''; (ii) by striking ``of the Public Health Service Act (42 U.S.C 247d-6b)) (as amended by this Act''; (iii) by striking ``of the Public Health Service Act (42 U.S.C 247d- 6a)) (as amended by this Act''; and (iv) by striking ``of the Public Health Service Act (42 U.S.C 247d-6d)''; and (D) in subsection (b), by striking ``12-***year***'' and inserting ``17-***year***''. (2) Conforming amendment.--The table of contents in section 1(b) of the Pandemic and All-Hazards Preparedness Act (Public Law 109-417) is amended by striking the item related to section 405. [[Page H8775]] (e) Inapplicability of Certain Provisions.--Subsection (e)(1) of section 319L of the Public Health Service Act (42 U.S.C 247d-7e) is amended-- (1) by amending subparagraph (A) to read as follows: ``(A) Non-disclosure of information.-- ``(i) In general.--Information described in clause (ii) shall be deemed to be information described in section 552(b)(3) of title 5, United States Code. ``(ii) Information described.--The information described in this clause is information relevant to ***programs*** of the Department of Health and Human Services that could compromise national security and reveal significant and not otherwise publicly known vulnerabilities of existing medical or public health defenses against chemical, biological, radiological, or nuclear threats, and is comprised of-- ``(I) specific technical data or scientific information that is created or obtained during the countermeasure and product advanced research and development carried out under subsection (c); ``(II) information pertaining to the location security, personnel, and research materials and methods of high- containment laboratories conducting research with select agents, toxins, or other agents with a material threat determination under section 319F-2(c)(2); or ``(III) security and vulnerability assessments.''; (2) by redesignating subparagraph (C) as subparagraph (D); (3) by inserting after subparagraph (B) the following: ``(C) Reporting.--One ***year*** after the date of enactment of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and annually thereafter, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the number of instances in which the Secretary has used the authority under this subsection to withhold information from disclosure, as well as the nature of any request under section 552 of title 5, United States Code that was denied using such authority.''; and (4) in subparagraph (D), as so redesignated, by striking ``12'' and inserting ``17''. SEC. 702. LOCATION OF MATERIALS IN THE STOCKPILE. Subsection (d) of section 319F-2 of the Public Health Service Act (42 U.S.C 247d-6b) is amended to read as follows: ``(d) Disclosures.--No Federal agency may disclose under section 552 of title 5, United States Code any information identifying the location at which materials in the stockpile described in subsection (a) are stored, or other information regarding the contents or deployment capability of the stockpile that could compromise national security.''. SEC. 703. CYBERSECURITY. (a) Strategy for Public Health Preparedness and Response to Cybersecurity Threats.-- (1) Strategy.--Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ``Secretary'') shall prepare and submit to the relevant committees of Congress a strategy for public health preparedness and response to address cybersecurity threats (as defined in section 102 of Cybersecurity Information Sharing Act of 2015 (6 U.S.C 1501)) that present a threat to national health security. Such strategy shall include-- (A) identifying the duties, functions, and preparedness goals for which the Secretary is responsible in order to prepare for and respond to such cybersecurity threats, including metrics by which to measure success in meeting preparedness goals; (B) identifying gaps in public health capabilities to achieve such preparedness goals; and (C) strategies to address identified gaps and strengthen public health emergency preparedness and response capabilities to address such cybersecurity threats. (2) Protection of national security.--The Secretary shall make such strategy available to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives, and other congressional committees of jurisdiction, in a manner that does not compromise national security. (b) Coordination of Preparedness for and Response to All- hazards Public Health Emergencies.--Subparagraph (D) of section 2811(b)(4) of the Public Health Service Act (42 U.S.C 300hh-10(b)(4)) is amended to read as follows: ``(D) Policy coordination and strategic direction.--Provide integrated policy coordination and strategic direction, before, during, and following public health emergencies, with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan described in section 504(a)(6) of the Homeland Security Act of 2002 (6 U.S.C 314(a)(6)), or any successor plan; and such Federal responses covered by the National Cybersecurity Incident Response Plan developed under section 228(c) of the Homeland Security Act of 2002 (6 U.S.C 149(c)), including public health emergencies or incidents related to cybersecurity threats that present a threat to national health security.''. SEC. 704. TECHNICAL AMENDMENTS. (a) Public Health Service Act.--Title III of the Public Health Service Act (42 U.S.C 241 et seq.) is amended-- (1) in paragraphs (1) and (5) of section 319F-1(a) (42 U.S.C 247d-6a(a)), by striking ``section 319F(h)'' each place such term appears and inserting ``section 319F(e)''; and (2) in section 319K(a) (42 U.S.C 247d-7d(a)), by striking ``section 319F(h)(4)'' and inserting ``section 319F(e)(4)''. (b) Public Health Security Grants.--Section 319C-1(b)(2) of the Public Health Service Act (42 U.S.C 247d-3a(b)(2)) is amended-- (1) in subparagraph (C), by striking ``individuals,,'' and inserting ``individuals,''; and (2) in subparagraph (F), by striking ``make satisfactory annual improvement and describe'' and inserting ``makes satisfactory annual improvement and describes''. (c) Emergency Use Instructions.--Subparagraph (A) of section 564A(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 360bbb-3a(e)(2)) is amended by striking ``subsection (a)(1)(C)(i)'' and inserting ``subsection (a)(1)(C)''. (d) Products Held for Emergency Use.--Section 564B(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 360bbb- 3b) is amended-- (1) in subparagraph (B), by inserting a comma after ``505''; and (2) in subparagraph (C), by inserting ``or section 564A'' before the period at the end. (e) Transparency.--Section 507(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 357(c)(3)) is amended-- (1) by striking ``Nothing in'' and inserting the following: ``(A) In general.--Nothing in''; (2) by striking ``disclose any'' and inserting ``disclose or direct-- ``(i) any''; (3) by striking the period and inserting ``; or''; and (4) by adding at the end the following: ``(ii) in the case of a drug development tool that may be used to support the development of a qualified countermeasure, security countermeasure, or qualified pandemic or epidemic product, as defined in sections 319F-1, 319F-2, and 319F-3, respectively, of the Public Health Service Act, any information that the Secretary determines has a significant potential to affect national security. ``(B) Public acknowledgment.--In the case that the Secretary, pursuant to subparagraph (A), does not make information publicly available, the Secretary shall provide on the internet website of the Food and Drug Administration an acknowledgement of the information that has not been disclosed, pursuant to subparagraph (A).''. SEC. 705. FORMAL STRATEGY RELATING TO CHILDREN SEPARATED FROM PARENTS AND GUARDIANS AS A RESULT OF ZERO TOLERANCE POLICY. Not later than 14 days after the date of enactment of this Act, the Assistant Secretary for Preparedness and Response and the Assistant Secretary for the Administration on Children and Families shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a formal strategy to reunify with their parent or guardian, if the parent or guardian chooses such reunification, each child who-- (1) as a result of the initiative announced on April 6, 2018, and due to prosecution under section 1325(a) of title 8, United States Code; (2) was separated from their parent or guardian and placed into a facility funded by the Department of Health and Human Services; and (3) can be safely reunited with such parent or guardian. SEC. 706. REPORTING RELATING TO CHILDREN SEPARATED FROM PARENTS AND GUARDIANS AS A RESULT OF ZERO TOLERANCE POLICY. Beginning on the date of enactment of this Act, the Assistant Secretary for Preparedness and Response and the Assistant Secretary for the Administration on Children and Families shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate weekly reports on the status and welfare of the children who, as a result of the ``zero tolerance'' policy, were separated from their parent or guardian and are awaiting reunification with their parent or guardian, as well as the number of such children in facilities funded by the Department of Health and Human Services. SEC. 707. TECHNICAL CORRECTION. Section 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 381(e)(4)(E)(iii)) is amended by striking ``subparagraph'' both places it appears in subclause (I) and subclause (II) and inserting ``paragraph''. SEC. 708. SAVINGS CLAUSE. Nothing in this Act shall be construed as reducing or limiting the authorities vested in any other Federal agency by any other Federal law. The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Indiana (Mrs. Brooks) and the gentleman from New Jersey (Mr. Pallone) each will control 20 minutes. The Chair recognizes the gentlewoman from Indiana. [[Page H8776]] General Leave Mrs. BROOKS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the Record on the bill. The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana? There was no objection. Mrs. BROOKS of Indiana. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise today to speak in support of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, known as PAHPA. I am proud to have introduced this important bill with Energy and Commerce Chairman Greg Walden, Ranking Member Frank Pallone, and my good friend Representative Eshoo, who is one of the original authors of the 2006 PAHPA bill and lead author of the last reauthorization in 2013. This bipartisan public health and national security effort will ensure our Nation is better prepared to respond to natural disasters like hurricanes; emerging infectious diseases like Zika and Ebola; and chemical, biological, radiological, or nuclear attacks, whether from terrorist groups or from nation-states. Seventeen ***years*** ago, Congress was the target of a biological attack when letters laced with anthrax arrived in Member offices just days or soon after the 9/11 terrorist attacks. In the aftermath of 9/11, the Blue Ribbon Study Panel on Biodefense was formed. It was led by bipartisan leaders: former Senator Joe Lieberman, former Governor Tom Ridge, and many others. In October 2015, after extensive discussions around the country where they learned from experts, they created their ``National Blueprint for Biodefense,'' which provided us with a roadmap in drafting this important legislation. I was the United States Attorney for the Southern District of Indiana during those 2001 anthrax attacks, and my own office dealt with an anthrax hoax when we received a letter with white powder inside. Of course, at the time, we didn't know it was a hoax. It was incredibly stressful for that staff member, who had to worry about their very own health. But that personal experience illustrated to me the importance of preparedness and sparked my interest in biodefense. In the ***years*** since then, we know that the threat of a chemical, biological, radiological, or nuclear incident continues to grow. Every day, our adversaries are looking for more effective and faster ways to reduce the threat. It is not really a question of if we face the threat. It is a question of when. Thanks to PAHPA and the 21st Century Cures Act, we are more prepared than ever for biological threats and attacks. In July of just this last ***year***, the FDA approved the first drug to treat smallpox. It is called TPOXX. But TPOXX isn't the only recent approval at the FDA. In July, the FDA also approved an autoinjector that provides a one-time dose of an antidote to block effects of a nerve agent. This new antidote and TPOXX will help protect Americans from biological attacks. But PAHPA is much more than just a biodefense bill. It also ensures a coordinated healthcare response, whether to hurricanes or other natural disasters. Florence has just hit the East Coast and residents in both North and South Carolina are still recovering and dealing with ongoing flooding. During the 2017 hurricane season, whether it was Hurricane Harvey, Irma, Jose, or Maria, far too many Americans were killed. It showed us that we need to do better to prioritize the needs of every person in our communities. The PAHPA bill we are considering today does just that. It prioritizes our Nation's most vulnerable populations: our children, senior citizens, and those with disabilities. It reauthorizes the advisory committee focused on the specific needs of children and creates new advisory committees to ensure the needs of the elderly and those with disabilities are considered. The bill provides liability protections for healthcare professionals who volunteer after medical disasters. In addition to these types of Good Samaritan provisions, the bill ensures more healthcare professionals like nurses, doctors, and others can be hired and trained when facing a public health crisis by strengthening our National Disaster Medical System, which provides grants to our regional healthcare network. It also ensures we have a robust supply of vaccines and basic equipment like gloves, hazmat suits, masks, personal protective gear, and more in our strategic national stockpiles located all across the country, so that our healthcare professionals and first responders have what they need. PAHPA ensures our preparedness and response capabilities will include a robust pipeline of medical countermeasures by reauthorizing and increasing funding for the BioShield Special Reserve Fund and BARDA, the Biomedical Advanced Research and Development Authority. BARDA's work over the last decade has resulted in FDA approvals for more than 42 different medical countermeasures. The development of medical countermeasures is a lengthy and often risky endeavor, which is why sending a clear signal that BARDA remains a strong and committed partner with academic institutions and the private sector in these efforts is so very important. Last week, we saw even another example of a success of research funded by BARDA when FDA approved a product called ReCell, the first spray-on skin product ever approved for use in the United States. This new treatment will help treat burn victims so they can heal faster and with less risk of infection from painful skin grafts. By using a piece of a patient's skin about the size of a credit card, a doctor can turn it into a single cell-based solution that can be sprayed over the patient's burns so that new skin can grow and replace the damaged skin. These types of investments BARDA is making into innovative research are critical, but it is also important that we continue to address threats that have been around for ***years***. It has been 100 ***years*** since the 1918 pandemic influenza killed millions of people around the globe, including 675,000 Americans. Some experts predict that we are actually due for the potential of another global pandemic influenza. To address that threat, the bill we are considering today authorizes $250 million for the Assistant Secretary for Preparedness and Response, the ASPR, to address threats like pandemic influenza. Specifically, the bill directs the ASPR to work to increase manufacturing capacity and stockpile medical countermeasures. While the PAHPA bill we are considering today authorizes funding for research into known threats like pandemic influenza, it also maintains the flexibility that is the foundation of our medical countermeasure enterprise to deal with unknown threats for which we may have no defense today. Even today, the Democratic Republic of the Congo continues to deal with an ongoing Ebola outbreak. In order to ensure we are better prepared when we face an outbreak like Ebola or Zika, the bill we are considering today does three important things. First, it improves the existing emergency response fund so that the Secretary of Health and Human Services does not have to wait on approval from Congress to immediately fund response measures needed to contain an outbreak and save lives. This emergency response fund will create a bridge so that immediate funding is available, so we can then supplement with an emergency appropriations bill later. Secondly, the bill requires GAO to conduct a review of the emergency response fund to help appropriators decide what funding levels and resources are needed. The third thing the bill does to help address threats like Ebola and Zika is to authorize $250 million in funding for an emerging infectious disease ***program*** so that BARDA can invest in new research. The PAHPA bill reauthorization we are considering is the process of months of committee work in both the House and the Senate, and I want to thank all the staff members and all of the organizations, everyone who has been involved, and all the Members who have participated, whether it is subcommittee or committee hearings on this bill, examining our response to threats. I thank everyone involved for their dedication and commitment to [[Page H8777]] making sure we have the procedures, resources, and support in place to protect our fellow citizens from public health and national security threats. I can't emphasize enough how critically important it is to reauthorize PAHPA. We have a duty as Members of Congress to keep Americans safe and secure. This bill is an essential component of accomplishing that goal. I urge all Members to support this critical bipartisan piece of legislation. Mr. Speaker, I include in the Record letters from many organizations that support the bill. Adult Vaccine Access Coalition, July 23, 2018. Hon. Susan W. Brooks, Member of Congress, Washington, DC. Hon. Anna Eshoo, Member of Congress, Washington, DC. Dear Representatives Brooks and Eshoo: On behalf of the Adult Vaccine Access Coalition (AVAC), we are pleased to express our support for bipartisan legislation that recently passed the House Energy and Commerce Committee, ``Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPA) of 2018''. AVAC includes more than fifty organizational leaders in health and public health who are committed to raising awareness of and engaging in advocacy on the importance of adult immunization. AVAC priorities and objectives are driven by a consensus process with the goal of enabling stakeholders to have a voice in the effort to improve access to and utilization of adult immunizations. The bipartisan reauthorization of the PAHPA provides improvements to key preparedness and response ***programs***, enhances personnel and hiring authorities, as well as prioritizes cybersecurity in health care and provides necessary resources for the development of medical countermeasures for pandemic influenza and emerging infectious diseases. We are delighted the Managers' Amendment included references to immunization ***programs*** and immunization information systems under Section 319D. These additions will help to strengthen and enhance coordination and integrate immunization ***programs*** and immunization information systems (IIS) capabilities into public health emergency preparedness, planning, and response activities. Immunization Information Systems (IIS), or registries, confidential, population-based, computerized systems can record immunization doses administered by participating providers to persons residing within a given jurisdiction. They provide state and local public health agencies aggregate data on immunization coverage rates for disease surveillance and ***program*** operations. IIS' can serve as a vital component for emergency preparedness and response activities and are an optimal tool for use during a pandemic or other emerging infectious disease event by enabling communication with providers, identifying variations in access and utilization of immunization, and enabling implementation of targeted strategies during emergency preparedness and response activities. Congratulations on putting together a strong, bipartisan reauthorization package that reflects many of the important priorities shared by stakeholders. We look forward to working with you throughout the process to enact the 2018 Pandemic and All-Hazards Preparedness Reauthorization Act. Sincerely, Lisa Foster, AVAC Manager. Abby Bownas, AVAC Manager. \_\_\_\_ Alliance for Biosecurity, U.S Chamber of Commerce, July 27, 2018. To the Members of the U.S House of Representatives: On behalf of the Alliance for Biosecurity and the U.S Chamber of Commerce, we support H.R 6378, the Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018, and urge the House to pass this bipartisan legislation before the Pandemic and All-Hazards Preparedness Act (PAHPA) expires at the end of September 2018. H.R 6378 is central to protecting American citizens, organizations, and communities against natural and man-made biosecurity hazards. H.R 6378 would authorize crucial funding for the Project BioShield Special Reserve Fund and Biomedical Advanced Research and Development Authority (BARDA). However, we urge policymakers to account for inflation to ensure that future spending levels adequately support the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE) Strategy and implementation Plan, the BARDA Strategic Plan, and related efforts. H.R 6378 would establish several important ***programs*** within BARDA, especially a Pandemic Influenza ***Program*** to support research and development activities to enhance responses to pandemic influenza and an Emerging Infectious Disease ***Program*** to monitor and address infectious diseases that could cause a deadly pandemic. Both ***programs*** would be funded at $250 million per ***year*** through FY 2023. The bill would also create new and sustainable market-based incentives to advance cutting-edge biomedical research. Our groups support developing strategic partnerships between BARDA and the business community to mitigate threats that could pose a significant risk to U.S health and safety. Reauthorizing PAHPA would also help ensure the sustainability of the medical countermeasures enterprise by ***transferring*** the authority that governs the procurement of medical countermeasures from the Centers for Disease Control and Prevention (CDC) to the Office of the Assistant Secretary for Preparedness and Response (ASPR). The legislation would codify ASPR's role in coordinating Strategic National Stockpile operations with CDC. We also believe that such teamwork would make the U.S better equipped to tackle public health emergencies and natural disasters. We urge the full House to swiftly consider and pass H.R      6378. Sincerely, The Honorable Jack Kingston, Secretariat, Alliance for Biosecurity. Neil L. Bradley, Executive Vice President and Chief Policy Officer, U.S Chamber of Commerce. \_\_\_\_ Allied BioScience, Plano, TX, July 23, 2018. Hon. Susan Brooks, Member of Congress, Washington, DC. Dear Representative Brooks: I write to thank you for a provision in your recently introduced legislation, H.R 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. This provision updates the authorization for the Biomedical Advanced Research and Development Authority (BARDA) to include the mitigation of infectious disease. This provision will make our nation safer. Allied BioScience (ABS) has engaged BARDA with ideas for collaboration that have the potential to enhance the biological safety of our nation by combating antimicrobial resistance through environmental intervention. Under the existing authorization, BARDA is limited to developing pharmacological interventions. This limitation precludes collaboration at this time. Your legislation amends the definition of ``qualified pandemic or epidemic products'' to include ``a product manufactured, used, designed, developed, modified, licensed, or procured to diagnose, mitigate, prevent, treat, or cure an infectious disease (as defined in section 319F-1(a)(2))''. This change would create a path forward to collaborate to develop novel solutions to antimicrobial resistance that will provide a safer nation. ABS has developed a semi-permanent antimicrobial coating that creates a long-lasting barrier to microbial growth. In clinical trials, ABS's coating, when applied in an ICU setting has shown to reduce the presence of Multi-Drug Resistant Organisms (MDROs) by up to 70% with an efficacy of at least four months per application. Comparable reductions in Hospital Acquired Infections have seen a corresponding reduction. Reduction in rates of infection decreased the need to treats MDRO's and breaks the cycle of mutation that creates increasingly potent ``superbugs''. Our research demonstrates that environmental mitigation is a key component to addressing antimicrobial resistance. Thank you again for your efforts to modernize BARDA to provide the flexibility needed to combat ever-evolving threats. We enthusiastically support H.R 6379, and look forward to its swift passage and enactment into law. If you have any questions about ABS I would be happy to talk further with you at your convenience. Sincerely, Mike Ruley, CEO. \_\_\_\_ American Association of Blood Banks, America's Blood Centers, American Red Cross, July 25, 2018. Hon. Greg Walden, Chairman, House Energy and Commerce Committee, Washington, DC. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, House Energy and Commerce Committee, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, and Representatives Brooks and Eshoo: AABB (formerly known as the American Association of Blood Banks), America's Blood Centers and the American Red Cross commend the House Energy and Commerce Committee's commitment to improving the nation's preparedness and response capabilities through the reauthorization of the Pandemic and All-Hazards Preparedness Advancing Innovation Act (PAHPAIA) of 2018 (H.R 6378). Collectively, our organizations represent the nation's blood collection establishments, transfusion services, and transfusion medicine professionals. We would like to especially highlight two sections of the bill important to us and our collective members: Section 116 is a significant step in examining the unique, and often overlooked, role of the nation's blood supply in emergency [[Page H8778]] preparedness and response systems and the specific challenges associated with donor recruitment, implementation of safety mandates and innovation, and adequacy in the face of public health emergencies. We believe that policies that support the availability of a safe and adequate blood supply are needed. The report required by this section is critical to evaluating possible solutions. We strongly support the Committee's specific recognition of the blood supply in Section 207, which requires the Assistant Secretary for Preparedness and Response (ASPR) to develop guidelines for regional health care emergency and response systems. We support the provision that requires the ASPR to consult with blood banks and other key stakeholders when developing and updating guidelines. Including blood centers in this process is paramount and consistent with the Department of Health and Human Services' (HHS) recognition of blood as one of the core functional areas in Emergency Support Function #8 of the National Response Framework. We also commend the Committee for recognizing potential financial implications for blood centers to implement and follow the guidelines. Given that blood is an essential part of the nation's trauma system, emergency preparedness and response system and healthcare system generally, it is essential that financial barriers not impede the availability of safe blood ahead of and during response activities. AABB, America's Blood Centers and the American Red Cross welcome the opportunity to work with the Committee to ensure that these important provisions promoting the safety and availability of the U.S blood supply remain during conference negotiations with the Senate. Mary Beth Bassett, President, AABB. Kate Fry, Chief Executive Officer, America's Blood Centers. James C. Hrouda, President, Biomedical Services, American Red Cross. \_\_\_\_ American College of Emergency Physicians, July 18, 2018. Hon. Susan Brooks, Washington, DC. Hon. Greg Walden, Washington, DC. Hon. Anna Eshoo, Washington, DC. Hon. Frank Pallone, Washington, DC. Dear Representatives Brooks, Eshoo, Walden, and Pallone: On behalf of the American College of Emergency Physicians (ACEP), our 38,000 members, and the more than 140 million patients we treat each ***year***, I am writing to express ACEP's support for H.R 6378, the ``Pandemic and All-Hazards Preparedness and Advancing Innovation (PAHPAI) Act of 2018.'' In particular, ACEP appreciates your legislation's focus on improving regionalized emergency preparedness and response systems, inclusion of the MISSION ZERO Act's provisions to facilitate the use of military trauma teams in civilian trauma centers, and the addition of Good Samaritan liability protections for health care professionals who volunteer during federally-declared disasters. Regionalized systems for emergency care response are vital to ensuring patients are transported and treated in the most appropriate setting. While it is important to maximize our resources and capabilities on a daily basis, it becomes imperative when health care providers respond to a natural or man-made disaster. We would like to thank you for emphasizing the establishment and enhancement of these systems, especially the demonstration ***program*** designed to improve medical surge capacity, build and integrate regional medical response capabilities, improve specialty care expertise for all-hazards response, and coordinate medical preparedness and response across states, territories, and regional jurisdictions. ACEP is very supportive of the trauma system improvements included in H.R 6378, specifically the grants for military- civilian partnerships in trauma care as established in the MISSION ZERO Act (H.R 880). ACEP believes this policy serves three purposes. First, it makes additional trauma care personnel available to treat severely injured civilian patients. Second, it allows military trauma teams to maintain their skills in between rotations to conflict areas. Third, it allows trauma team members to train together so that when they are deployed, everyone performs his/her duties in a coordinated manner with the other members, thereby improving care to injured military personnel. The Good Samaritan liability protections established in this legislation will help encourage availability of health care professionals during times of disaster, which can be crucial to supplementing the efforts of emergency physicians and the Disaster Medical Assistance Teams (DMATs) on-site. ACEP believes volunteers responding to a disaster, whether declared by the President of the United States or the Secretary of the U.S Department of Health and Human Services (HHS), should be protected from liability while they are providing care within the scope of their expertise and are acting in good faith. We appreciate your efforts to include this essential provision in H.R 6378. Other aspects of the legislation that are important to emergency physicians and will help ensure the nation is prepared to contend with all disasters and unexpected emergencies include your provisions to improve the National Disaster Medical System (NDMS); expand public health surveillance; study DMAT readiness capabilities; improve the Public Health Emergency Fund (PHEF); strengthen the Healthcare Preparedness and Response ***Program*** (HPRP), formerly the Hospital Preparedness ***Program*** (HPP); extend authorization for the Emergency System for Advanced Registration of Volunteer Health Professionals (ESAR-VHP); and study hospital preparedness capabilities. ACEP would also like to commend you on your oversight of the Assistant Secretary for Preparedness and Response's (ASPR) efforts to reunify children who were separated from their parent or guardian (due to the ``zero tolerance'' policy) and placed into the custody of HHS. Finally, we would once again urge the Committee and the Congress to ensure sufficient funding is provided for the PHEF, HPRP, NDMS, and Medical Reserve Corps (MRC) to ensure their effectiveness and we encourage you to seek a sufficient, guaranteed federal funding stream. Without a dedicated and appropriate amount of federal resources for these critical ***programs***, we are greatly concerned that the nation as a whole, and emergency medical providers specifically, will not have the infrastructure, personnel, or tools necessary to provide optimal care during a natural or man-made disaster or infectious disease outbreak. Sincerely, Paul D. Kivela, MD, MBA, FACEP, ACEP President. \_\_\_\_ American College of Surgeons, July 20, 2018. Hon. Greg Walden, Chairman, Committee on Energy and Commerce, Washington, DC. Hon. Frank Pallone, Ranking Member, Committee on Energy and Commerce, Washington, DC. Dear Chairman Walden and Ranking Member Pallone: On behalf of the more than 80,000 members of the American College of Surgeons (ACS), we would like to express our support for the Pandemic and All Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPAI), H.R 6378. We appreciate the work the Energy and Commerce Committee has accomplished to incorporate important improvements to trauma care and begin the process for establishing the framework for a trauma system that can fully meet the needs of any disaster and provide the highest-quality health care. ACS is particularly appreciative of the inclusion of the Mission Zero Act, H.R 880 in the PAHPAI. Establishing and maintaining high-quality and adequately-funded trauma systems throughout the United States, including within the Armed Forces, is a priority of the ACS and our Committee on Trauma (COT). The Mission Zero Act authorizes $15 million in grant funding to assist civilian trauma centers in partnering with military trauma professionals and creates a pathway to provide patients with excellent trauma care in times of peace and conflict. In addition, this legislation requires utilization of trauma data reporting as a requirement for the grant ***program***. The measuring and recording of data is a cornerstone of advancing not only trauma care, but health care as a whole. Overall, the Mission Zero Act is a critical step toward achieving the goal of zero preventable injury deaths after injury. Inclusion of the Good Samaritan Health Professionals Act, H.R 1876, which is legislation that would reduce barriers for health care providers looking to volunteer during a federally-declared disaster, is a welcome addition to PAHPAI. This section in PAHPAI will help to greatly decrease loss of life as well as improve outcomes during federally declared public health emergencies. We also applaud the Committee for highlighting the critical issue of improving our trauma care system by including language creating a demonstration project promoting a regionalized approach to disaster response. Trauma systems have been organized across the country to manage the time- sensitive crises of acutely injured patients in an efficient manner on a daily basis. Trauma systems span the continuum of care including prior to the point of injury and through rehabilitation. As a result, these systems engage in numerous activities aimed at improving care and outcomes, including bystander training, emergency medical services (EMS) training and coordination, hospital preparedness, injury prevention efforts, and continuous quality improvement. All of these activities will assist with responding to public health emergencies such as biological, radiological, nuclear events, and other mass casualty incidents. The ACS believes the PAHPAI represents significant progress in the process of ensuring that trauma systems, centers, and health care providers are able to meet the needs of all Americans. We thank you for your leadership on this significant legislation and stand ready to work with you toward final passage in the House. Sincerely, David B. Hoyt, MD, FACS, Executive Director, American College of Surgeons. Mrs. BROOKS of Indiana. Mr. Speaker, I reserve the balance of my time. [[Page H8779]] House of Representatives, Committee on Homeland Security, Washington, DC, September 24, 2018. Hon. Greg Walden, Chairman, Committee on Energy & Commerce, Washington, DC. Dear Chairman Walden: I write concerning H.R 6378, the ``Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018''. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Homeland Security. In order to expedite floor consideration of H.R 6378, the Committee on Homeland Security will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee names to consider such provisions. Please place a copy of this letter and your response acknowledging our jurisdictional interest in the Congressional Record during House Floor consideration of the bill. I look forward to working with the Committee on Energy and Commerce as the bill moves through the legislative process. Sincerely, Michael T. McCaul, Chairman. \_\_\_\_ House of Representatives, Committee on Energy and Commerce, Washington, DC, September 24, 2018. Hon. Michael T. McCaul, Chairman, Committee on Homeland Security, Washington, DC. Dear Chairman McCaul: Thank you for your letter concerning H.R 6378, Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, and I appreciate your willingness to forgo action on the bill. I agree that forgoing consideration of the bill should not prejudice the Committee on Homeland Security with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I will request that the Speaker name members of the Committee to any conference committee to consider such provisions. Finally, I will place a copy of your letter and this response into the Congressional Record during consideration of the measure on the House floor. Sincerely, Greg Walden, Chairman. Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise in support of H.R 6378, the Pandemic All-Hazards Preparedness and Advancing Innovation Act of 2018. I want to thank Chairman Walden and Representatives Eshoo and Brooks, as well as all the staff, for their hard work on this bill. Together, we have ensured a robust product that reflects priorities for Members on both sides of the aisle and the agencies responsible for ensuring our emergency preparedness. This is a vitally important public health bill that ensures that we can prepare for and respond to health security events like bioterrorism, emerging infectious diseases, and natural disasters. It will support the development of new treatments and the stockpiling of medications and supplies that will be deployed to communities nationwide in the case of an emergency. As we all know, effectively preparing for and responding to these events requires extensive coordination between Federal, State, local, and Tribal governments, as well as private sector organizations across the country. This bill reauthorizes or establishes critical ***programs*** that will help us better prepare and respond to any major health emergency. Let me discuss some of the specifics of how this bill will help us do that. It reauthorizes a loan repayment ***program*** that would help to strengthen and grow our public health workforce. This is critically important, as we are still trying to dig out of a public health funding hole that began during the Great Recession. This bill also makes a technical update to the Hospital Preparedness ***Program*** to reflect the use of the term ``coalition'' instead of ``partnership'' by grantees and other stakeholders. This language change is not intended to make changes related to the current cooperative agreement structure, nor does it intend to alter the role and responsibilities of States, territories, and directly funded cities, which are awardees of funding under the Hospital Preparedness ***Program***. Therefore, it continues to require that the Centers for Disease Control and Prevention, the CDC, provide funding through cooperative agreements to States, territories, and cities to support healthcare coalitions in their communities through the Hospital Preparedness ***Program***. {time} 1515 The bill also amends the Public Health Emergency Preparedness ***Program*** to require public health departments to partner with nursing homes and hospitals to promote and improve public health preparedness and response. It also requires public health departments to work with utility companies and other critical infrastructure partners to help ensure that electricity and other critical infrastructure will remain functioning or return to function as soon as practicable after a public health emergency. Both of these requirements are intended to help prevent another tragedy like the tragic deaths that occurred at a Florida nursing home last ***year*** in the aftermath of Hurricane Irma. Mr. Speaker, this bill also updates the authorization for the public health emergency rapid response fund so we can prevent any delay in HHS' rapid response to public health emergencies in the future. It also maintains the administration's flexibility to determine the best placement for the Strategic National Stockpile, or SNS. I have concerns with moving the SNS from the direction of the Centers for Disease Control and Prevention to the Assistant Secretary for Preparedness and Response. To date, I have yet to hear a strong argument in support of this move. I also believe CDC has the relationships and expertise that make the most sense for managing and operationalizing the stockpile. The CDC also has a record of successful stewardship of the SNS. That is why I supported the increased transparency and reporting included in this bill. Wherever the Strategic National Stockpile is placed, it is critical that we ensure that our current preparedness and response capabilities are not weakened by its placement. I also want to highlight two provisions that were included that will ensure Congress receives the information it needs to respond to the Trump administration's family separation crisis. The Assistant Secretary for Preparedness and Response will be required to submit to the Energy and Commerce Committee a formal strategy on their family reunification efforts as well as keep the committee informed on the status of the children still awaiting reunification. The Trump administration's cruel zero-tolerance policy resulted in a manmade crisis that has impacted the lives of thousands of parents and children. While we can't undo the damage done by this policy, these provisions ensure that Congress has the information it needs to help reunite each child with their family and make sure this never happens again. Furthermore, while these provisions are important, they should not take the place of an actual oversight hearing on this cruel policy. This is something committee Democrats have repeatedly requested, and we will continue to do so. Finally, Mr. Speaker, overall, I want to say this is a good bill. Our national preparedness and response capabilities will be better prepared to respond to public health threats thanks to the passage of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act. Mr. Speaker, I urge my colleagues to support H.R 6378, and I reserve the balance of my time. Mrs. BROOKS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. Walden), the chairman of the Energy and Commerce Committee. Mr. WALDEN. Mr. Speaker, I rise today, obviously, in support of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act. I want to thank my friend and colleague from New Jersey (Mr. Pallone), our ranking Democrat on the committee, for working with me on this effort, but especially I want to thank Representative Brooks from Indiana for her tireless effort and the partnership of my friend, Representative Anna Eshoo of California. She and Mrs. [[Page H8780]] Brooks really did the heavy lift here for the committee on this effort. They were able to shepherd this critical reauthorization to the floor today with unanimous support both in the subcommittee and in the full committee. So, for those out there who are watching our proceedings, know that actually we do work together and we do get some really important public policy done. These ***programs***, commonly known as PAHPA, enable critical partnerships between the Federal Government, State and local authorities, and the private sector to ensure our Nation is responsibly prepared for and able to respond to public health emergencies. It is time that we get it right; it is critical that we get it right; and we are. It is not really a matter of if, but when, the next pandemic strikes. The projections simply are horrifying. A full-blown pandemic flu outbreak could literally kill millions of people within months--within months. We must have the tools, backed by stable and predictable funding, to respond to these threats and especially to the threat of pandemic flu. With this vote, the House will take an important step toward keeping our families safe in the worst-case scenarios of dangerous disease outbreak or in the case of chemical or biological attack. We are moving this reauthorization on time and in a bipartisan fashion. Like my colleague from Indiana, I remember when anthrax was sent to our offices and to the postal facility, and loss of life and illness and concern, and we all wondered what is next. That was part of what prompted us to get to this point and pass this legislation, not only today but back then. This is really important work, Mr. Speaker, and I commend my colleagues and the staff, who really do the incredible work to help us get it right. This is legislation now that will head over to the Senate, where I hope they will give it the same due consideration that we are about to here today, and then get this down to President Trump's desk, where he will sign it into law. Mr. Speaker, I want to again thank my colleagues and staff on both sides of the aisle. Mr. PALLONE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time. Mrs. BROOKS of Indiana. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. Burgess), the subcommittee chair for the Subcommittee on Health. Mr. BURGESS. Mr. Speaker, I thank the gentlewoman for yielding. Mr. Speaker, one century ago, our country was in the midst of the worst pandemic in history. It claimed the lives of almost 700,000 Americans and killed more than 50 million people worldwide. Mr. Speaker, we listened to testimony; we discussed aspects of this legislation before us today; and it is critical that we remember the significance of the centennial anniversary of the 1918 influenza pandemic as we consider this legislation today. The creation of the Assistant Secretary for Preparedness and Response under the original legislation of 2006 has helped us to make monumental strides in preparedness, coordination, and response. Close collaboration between the Centers for Disease Control and the Food and Drug Administration and our State, local, and territorial public health partners has been vital in making this progress. Much like politics, much of public health is local and executed on the ground by our hospitals, our health departments, and our emergency responders, who are our front lines in addressing infectious diseases, disasters, and threats. We must evaluate the domestic biological surveillance systems, such as BioWatch. This bill will help bring those ***programs*** up to date so they are operating with the most efficient capabilities and technologies. We must also look for innovative ways to continue to advance our medical countermeasures and ensure that Americans can access the medications that will provide critical protection in the future. As we consider the problem of antimicrobial resistance in this country, we must discuss new methods to curb this growing problem. It is important to note that this reauthorization bill is being heard on the floor of the House prior to the expiration of the fiscal ***year***, at which time the current authorization expires. The House, once again, has done its work in this regard, and we do urge our counterparts in the Senate to do their work as well. This reauthorization includes an important provision: The MISSION ZERO Act. The MISSION ZERO Act seeks to connect American patients with battle-tested trauma care through the craft of military trauma care providers. The bill provides grants to allow military trauma care providers and teams to offer care in our Nation's leading trauma centers and systems. The need for top-notch trauma care extends across our Nation, far away from the battlefield. I first introduced this bipartisan bill with my fellow Texan, Representative Gene Green, following a police shooting in Dallas 2 ***years*** ago. Over 2 ***years*** ago, five police officers were killed and nine more were injured in a shooting in downtown Dallas. In the immediate aftermath of the attack, area hospitals sprung into action and activated their disaster plans. The staff at Parkland Hospital, Baylor University Hospital, and other medical professionals provided excellent emergency care to victims of the attack. Frontline facilities and responders in Dallas experienced this firsthand in 2014 when a patient presented with Ebola to a Dallas-Ft. Worth emergency department. We must remember that infectious diseases are a mere plane ride away, and we must continue to ensure that we are prepared and ready to respond to emerging infectious diseases worldwide. This Pandemic and All-Hazards Preparedness Reauthorization Act is critical to protecting the lives of Americans and providing the necessary tools and infrastructure when disaster strikes. I want to thank Representative Susan Brooks and Anna Eshoo for their work on this legislation before us today. Mr. Speaker, I strongly support this legislation, and I urge my colleagues to do the same. Mrs. BROOKS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. Bilirakis), who also serves on the Subcommittee on Health. Mr. BILIRAKIS. Mr. Speaker, I want to thank Congresswoman Brooks, who is doing an outstanding job. We both served on the House Committee on Homeland Security, and we chaired a subcommittee prior to Energy and Commerce. She is doing an outstanding job. Mr. Speaker, I rise today in strong support of H.R 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act. From storm-related injuries and illnesses to delivery and logistics issues, last ***year***'s historically costly hurricane season tested the mettle of our health delivery system, and I am pleased to see children, seniors, and other at-risk patient communities being addressed in this reauthorization. This bill also encourages innovative partnerships and coalitions, like the Nicklaus Children's Hospital and the Florida International University, to continue to develop novel approaches to healthcare delivery and, ultimately, save lives. Mr. Speaker, I urge my colleagues to support this critical piece of legislation. Mr. PALLONE. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, I want to again thank all my colleagues on both sides of the aisle for moving and working on this legislation. Mr. Speaker, I urge my colleagues to support H.R 6378, and I yield back the balance of my time. Mrs. BROOKS of Indiana. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, I would like to particularly thank Dr. Burgess and the ranking member of the Subcommittee on Health, Gene Green, for their leadership in working with so many of us who have brought this legislation to the floor at this time. It is really so very critical that all relevant Federal agencies, particularly the leadership of CDC and the ASPR, work together with our local and State partners that are truly on the ground; and I certainly urge my colleagues to [[Page H8781]] pass this important piece of legislation not only to ensure that public health is of paramount importance in this country, but, also, because this is an incredibly important piece of national security legislation. Mr. Speaker, I yield back the balance of my time. Ms. ESHOO. Mr. Speaker, I rise in support of this bipartisan legislation, the Pandemic and All-Hazards Preparedness and Innovation Act and I'm very proud to have Representative Susan Brooks as my partner. This legislation is the product of negotiation and compromise between the House and the Senate and I'm pleased that my colleagues were able to reach agreement on a bill that ensures our nation is prepared to respond to a wide range of public health emergencies, whether man-made or occurring through a natural disaster or infectious disease. In 2001 our nation endured the horrific attacks on September 11th and the anthrax attacks that followed shortly thereafter. Congress realized that our country was not prepared to coordinate responses to mass casualty events or chemical attacks, and in 2006, I wrote legislation with then-Representative Richard Burr to address these shortfalls. That important legislation, the original Pandemic and All-Hazards Preparedness Act, was signed into law the same ***year***. The Pandemic and All-Hazards Preparedness and Innovation Act we're considering today is critical to our national security. The legislation updates the original PAHPA by directing federal agencies to respond to new and emerging threats, and strengthens our nation's existing preparedness and response ***programs***. The reauthorization meets the challenges that we face today and those we anticipate facing in the future. Events over the past few ***years*** including Zika, the reemergence of Ebola, and the constant looming threat of a biological attack by another nation or hostile non-state enemies underscore the real threats our country continues to face. In 2017, our nation experienced the most destructive hurricane season in recent memory, followed quickly by the most deadly flu season in decades. This ***year***, parts of our country have already faced devastating hurricanes and the season is not over yet. Our experience with each of these hazards reminds us that our country is not yet adequately prepared to deal with potentially devastating widespread public health crises. That's why this legislation is so critical. The legislation provides the authorization and federal resources to invest in ***programs*** that allow the Biomedical Advanced Research and Development Authority to maintain its nimble and flexible framework while responding to the existing and emerging threats our country may face. It also directs BARDA to address antimicrobial resistance which is critical to our nation's biodefense If we have a chemical or biological attack that leaves individuals with burns or open wounds, the medical countermeasures BARDA has developed to treat that attack will be useless if those injured contract secondary antibiotic resistant infections. BARDA was created by my original legislation and has been extremely successful in investing in drugs that are needed to be stockpiled, and where the federal government is the only customer. There is no other market for these products and that's why BARDA is so important. BARDA has worked with over 190 partners and brought 35 medical countermeasures through research and development to FDA approval No private company has a track record that compares to what BARDA has accomplished in just over 10 ***years***. This bill restores multiyear appropriations for the Project BioShield Special Reserve Fund. My original legislation provided advanced appropriations for Project BioShield for the purpose of accelerating the research, development, purchase, and availability of effective medical countermeasures against biological, chemical, radiological, and nuclear (CBRN) threats. Restoring multiyear appropriations offers our partners with the government the certainty they need to invest in these important medical countermeasures which are a matter of national security. I urge the appropriators to fully fund the multiyear appropriations this legislation authorizes. I'm proud that our legislation incorporates many provisions that were important to Members in both the Republican Conference, the Democratic Caucus, and to our colleagues in the Senate, to meet the needs of vulnerable communities during natural and manmade disasters. The legislation also reauthorizes the HHS National Advisory Committee on Children and Disasters and authorizes the Children's Preparedness Unit at the CDC. This is critically important to address the persistent gaps in our nation's preparedness and response for the most vulnerable in many crises, our nation's children The bill also establishes an Advisory Council for People with Disabilities and an Advisory Council on Seniors to focus on the needs of these special populations during a public health emergency. It includes a proposal to prioritize bringing nursing homes back onto the power grid at the same time as hospitals after a disaster. It includes provisions related to regional health partnerships, pregnant and postpartum women and environmental health. I'm proud of this legislation and I urge my colleagues to support the Pandemic and All-Hazards Preparedness and Innovation Act. Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the Record. Health Industry Distributors Association, July 17, 2018. Hon. Greg Walden, Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, House Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, Congresswoman Brooks and Congresswoman Eshoo: On behalf of the Health Industry Distributors Association (HIDA), we appreciate the opportunity to express our support for H.R 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPAI). HIDA commends you for your leadership on this issue and appreciates the active engagement of your staff with industry to incorporate lessons learned from recent events such as Ebola and the 2017 hurricane season, in H.R 6378, to continually improve our nation's preparedness capabilities. HIDA is the trade association representing medical products distributors, all of which deliver medical products and supplies, manage logistics, and offer customer services to more than 294,000 points of care. HIDA members primarily distribute items used in every day medical services and procedures, ranging from gauze and gloves to diagnostic laboratory tests. Their customers include over 210,000 physician offices, 6,500 hospitals, and 44,000 nursing home and extended care facilities throughout the country, as well as numerous federal agencies and their healthcare facilities. As you know, the medical supply chain plays a critical role in preparedness, as it supplies key infection prevention products and protective equipment such as respirators, face shields, hoods, impermeable gowns and gloves to first responders and health care providers. Additionally, the medical supply chain is the primary source for the diagnostic and point-of-care rapid tests needed to identify infectious disease, as well as the ancillary products such as gloves, needles and syringes needed to deliver medical countermeasures effectively. HIDA and its members have collaborated with federal agencies on identifying opportunities to improve coordination and develop solutions that create more elasticity in the supply chain for key products. One of the many lessons learned during the 2017 hurricane season was a considerable need to improve coordination during an emergency response, ensuring appropriate infrastructure partners are included in a prioritization process for access to affected areas after an event. We appreciate the Committees' acknowledgement of the importance of this issue in the legislation, as well as the recognition of the healthcare supply chain in H.R 6378. Specifically, we support the following: Section 101 provisions important to the healthcare supply chain including The value of public and private sector coordination during an event to ensure critical supplies are delivered and information is shared. The requirement that ancillary products needed to deliver a medical countermeasure are incorporated into the Public Health Emergency Medical Countermeasure Enterprise planning process. Section 319C-3 provisions that create a regional healthcare system plan and that it be communicated to supply chain partners so needed product can be redirected during a response. HIDA thanks you for your continued commitment to preparedness and look forward to working with you on H.R      6378. Sincerely, Linda Rouse O'Neill, Vice President, Government Affairs, Health Industry Distributors Association. [[Page H8782]] \_\_\_\_ Infectious Disease Society of America, July 17, 2018. Hon. Greg Walden, Chairman, Energy & Commerce Committee, House of Representatives, Washington, DC. Hon. Frank Pallone, Jr., Ranking Member, Energy & Commerce Committee, House of Representatives, Washington, DC. Hon. Susan Brooks, Energy & Commerce Committee, House of Representatives, Washington, DC. Hon. Anna Eshoo, Energy & Commerce Committee, House of Representatives, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, Representative Brooks and Representative Eshoo: Thank you for your leadership in introducing H.R 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPAI) that both reauthorizes and strengthens the Pandemic All-Hazards Preparedness Act (PAHPA). IDSA represents over 11,000 infectious diseases physicians and scientists. Many of our members work on the frontlines of public health emergencies, including bioterror attacks, outbreaks, and natural disasters (e.g , hurricanes that carry significant infectious diseases risks). The ***programs*** and authorities contained within PAHPA provide essential resources for communities and health care facilities to prepare for and respond to public health threats. Further, PAHPA provides critical support for the research and development (R&D) of life-saving medical countermeasures (including vaccines, diagnostics, and antimicrobial drugs). In particular, IDSA is pleased to offer our strong support for the provision in H.R 6378 to reinstate loan repayment authority for the Centers for Disease Control and Prevention to improve ***programs*** that train public health responders and future leaders, such as the Epidemic Intelligence Service. We also support the bill's attention to antimicrobial resistance. We look forward to working with the Committee on continued efforts to address this urgent public health threat. A successful response to a public health emergency depends upon skilled personnel. Section 115 of H.R 6378 will strengthen the ability of the CDC to recruit physicians to serve in the Epidemic Intelligence Service--a fellowship ***program*** that trains expert responders to infectious disease outbreaks and other public health emergencies. We greatly appreciate your inclusion of this important provision. IDSA remains deeply concerned about antimicrobial resistance that threatens our national health security. We appreciate language in Section 302 authorizing the Biomedical Advanced Research and Development Authority to undertake strategic initiatives to address antimicrobial resistance, as well as Section 406 that codifies the Advisory Council on Combating Antibiotic Resistant Bacteria. These substantive efforts will continue to strengthen our national response to antimicrobial resistance, though we believe additional efforts will be essential to spur the research, development and appropriate use of urgently needed new antibiotics. Once again, IDSA thanks you for your dedication to our nation's health security. We look forward to continuing to work with you on these crucial issues. Sincerely, Paul G. Auwaerter, MD, MBA, FIDSA, President, IDSA. \_\_\_\_ National Association of County & City Health Officials, Washington, DC, July 18, 2018. Hon. Greg Walden, Chairman, House Energy & Commerce Committee, House of Representatives, Washington, DC. Hon. Susan Brooks, U.S House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, House Energy & Commerce Committee, House of Representatives, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, and Representatives Brooks and Eshoo: On behalf of the National Association of County and City Health Officials (NACCHO), I am writing in support of the ``Pandemic and All-Hazards Preparedness Advancing Innovation Act (PAHPAIA) of 2018'' (H.R 6378). NACCHO is the voice of the nearly 3,000 local health departments across the country that prepare communities for disasters, respond if emergencies occur, and lend support throughout the recovery process. PAHPAIA will provide needed stability for the nation's emergency preparedness and response enterprise. We thank you for your leadership on this legislation that is essential to protecting our nation and look forward to working with you to strengthen the legislation as it moves forward. Among the many provisions in the bill, NACCHO highlights the following: PHEP, HPP, MRC The ***programs*** reauthorized in PAHPAIA are vital to local health departments. The Public Health Emergency Preparedness (PHEP) ***program*** and Hospital Preparedness ***Program*** (HPP), reauthorized in PAHPAIA, are complementary ***programs*** with different purposes. PHEP supports local health departments' response to public health threats and helps to build resilient communities. HPP enables health care systems to save lives during emergencies that exceed day-to-day capacity of health and emergency response systems. In addition, the Medical Reserve Corps (MRC) ***program*** provides additional public health personnel to respond to emergency needs as well as everyday health threats. The PHEP, HPP and MRC ***programs*** deserve a level of funding that is consistent with the threats that are experienced on the ground level in cities and counties across the nation. In 2017, Congress spent a record breaking $80 billion to provide relief from Hurricanes Harvey, Irma and Maria, and devastating wildfires in California. Without the support of PHEP, HPP and MRC, the cost could have been much higher. A comprehensive, cost saving and proactive public health approach to disaster preparedness helps communities to effectively mitigate the damage and costs of disasters and help recover in the aftermath. Sustained funding to support local preparedness and response capacity helps local health departments build and convene diverse partners such as police, fire, transportation, planning departments, and community based organizations and develop and implement evidence-based, community-centered strategies. Medical Countermeasures NACCHO supports the codification of the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE). The PHEMCE Strategy and Implementation should require that state and local health departments be involved in all phases of the medical countermeasures (MCM) enterprise including in initial investment; research and development of vaccines, medicines, diagnostics and equipment for responding to emerging public health threats; and distribution and dispensing of countermeasures. NACCHO urges that state and local public health departments have a permanent place in the PHEMCE membership to ensure that all decisions that will affect state and local health functions are vetted by public health authorities. Current funding, support, and expertise provided to state and local health departments for the Strategic National Stockpile must be maintained regardless of the infrastructure or location of the SNS--it is too vital to this country's ability to respond in the midst of a variety of large-scale emergencies. Public Health Emergency Fund NACCHO appreciates that the bill strengthens existing authorities for the Public Health Emergency Fund (PHEF). A standing rapid response fund to provide bridge funding between base preparedness funding and supplemental appropriations for acute emergencies and emerging threats is absolutely necessary. NACCHO also appreciates the inclusion of provisions to maintain the pipeline of workers in the Epidemic Intelligence Service and to improve preparedness for children, seniors and people with disabilities. NACCHO appreciates the Committee's acknowledgement that pandemic influenza, antimicrobial resistance and other emerging infectious diseases are under the umbrella of the Biomedical Advanced Research and Development Authority's (BARDA) mission. Recent ***years*** have demonstrated that infectious diseases represent as significant a threat to our national security as a natural disaster or terror attack. Thank you for your work to strengthen and enhance our nation's preparedness and response system. We look forward to continuing to work with you as this legislation moves forward. Sincerely, Lori Tremmel Freeman, MBA, Chief Executive Officer. \_\_\_\_ The Partnership for Inclusive Disaster Strategies, Charleston, SC, July 18, 2018. Letter of Support for H.R 6378--Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. Dear Representative Eshoo and Representative Brooks: The Partnership for Inclusive Disaster Strategies (the Partnership) is the nation's only coalition of national, state and local stakeholder organizations working together to advocate for equal access to emergency and disaster services and ***programs*** for children and adults with disabilities before, during and after disasters. The footprint of our membership reaches every congressional district in the country, with a presence in virtually every community. The Partnership drives disability community leadership, training, technical assistance, policy and operational initiatives that improve outcomes for disaster impacted communities through self-determination, health, safety, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of community preparedness, response and disaster resilience. Our leaders include the nation's leading experts on disability inclusive emergency management. We have maintained a daily presence in support of disaster response, recovery and mitigation initiatives in TX, FL. USVI and PR since hurricanes Harvey, Irma and Maria made landfall in 2017, and our current focus includes the impact on individuals [[Page H8783]] with disabilities and disaster impacted communities from the wild fires in CA and the lava flows in Hawaii. Despite thousands of disaster related deaths and the disproportionate impact of the disasters on countless people with ``chronic health conditions'' (also clearly defined as disabilities under the ADA legal definition) in 2017 & 2018, the recently released FEMA After Action Report only mentions disability in a footnote and a list of acronyms defining the position of Disability Integration Advisors, never in any other context. Further, according to FEMA, ``the hurricanes and wildfires collectively affected more than 47 million people--nearly 15 percent of the Nation's population''. Given these statistics, it is likely that close to 10 million of these disaster impacted individuals should have been provided with the civil rights protections of equal access to emergency services and ***programs***. It is unfortunate that there is no indication of any focus in the document on FEMA's obligations, efforts or recommendations. Clearly there is an urgent need for advice and consultation from disability inclusive emergency management experts to improve outcomes for disaster impacted children and adults with disabilities and their communities. We are writing in support of H.R 6378-Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018, with specific support for Section 110, the establishment of a NATIONAL ADVISORY COMMITTEE ON INDIVIDUALS WITH DISABILITIES IN ALL-HAZARDS EMERGENCIES. The Advisory Committee will: 1. provide advice and consultation with respect to activities carried out pursuant to section 2814, as applicable and appropriate; 2. evaluate and provide input with respect to the public health, accessibility, and medical needs of individuals with disabilities as they relate to preparation for, response to, and recovery from all-hazards emergencies; and 3. provide advice and consultation with respect to State emergency preparedness and response activities, including related drills and exercises pursuant to the preparedness goals under section 2802(b). We are especially interested in the Committee report which will include recommendations that offer specific improvements that could be made across local, State, tribal, territorial, and Federal efforts to improve outcomes in areas that include-- ``(A) preparedness; ``(B) planning; ``(C) exercises and drills; ``(D) alerts, warning, and notifications; ``(E) evacuation; ``(F) sheltering; ``(G) health maintenance; ``(H) accessing emergency ***programs*** and services; ``(I) medical care (including mental health care); ``(J) temporary housing; ``(K) mitigation; and ``(L) community resilience; and ``(2) assess the strength of existing policies to incorporate such individuals as well as the efficacy of implementation. We offer our enthusiastic support for the membership of this Committee, which will include at least four representatives who are individuals with disabilities that have substantive expertise in disability inclusive emergency management policy and operations; at least two non-Federal health care professionals with expertise in disability accessibility before, during, and after disasters, medical and mass care disaster planning, preparedness, response, or recovery; and at least two representatives from State, local, territorial, or tribal agencies with expertise in disability- inclusive disaster planning, preparedness, response, or recovery. The Partnership applauds your leadership and welcomes every opportunity to work with you, and your colleagues to ensure that establishment of this vital Advisory Committee is included in final passage of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. Sincerely, Marcie Roth, Chief Executive Officer. \_\_\_\_ PEW Charitable Trusts, Washington, DC, July 17, 2018. Hon. Greg Walden, Chairman, House Energy and Commerce Committee, Washington, DC. Hon. Frank Pallone, Ranking Member, House Energy and Commerce Committee, Washington, DC. Hon. Susan W. Brooks, House Energy and Commerce Committee, Washington, DC. Hon. Anna G. Eshoo, House Energy and Commerce Committee, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, Congresswoman Brooks and Congresswoman Eshoo: The Pew Charitable Trusts thanks you for your continued efforts to respond to the ongoing threat of antibiotic resistance through the introduction of H.R 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (PAHPA). This important legislation reauthorizes the essential work of the HHS Office of the Assistant Secretary for Preparedness and Response (ASPR)'s Biomedical Advanced Research and Development Authority (BARDA) to address public health emergencies and bring desperately-needed antibiotics to patients. Effective antibacterials are central to the nation's ability to respond to public health threats, including chemical, biological, radiological, and nuclear attacks (CBRN), pandemic influenza, and emerging infectious disease--antibiotics are an integral part of the nation's armament to address these threats. We especially want to thank the Members of the House Energy and Commerce Committee for including language related to antibiotic resistance in Section 302 of PAHPA. This language will ensure that BARDA is explicitly authorized to address all CBRN threats--both intentional and naturally occurring-- through robust support of innovative approaches in both preclinical and clinical development. BARDA's unique experience working with industry to drive innovation is particularly important to advance novel therapeutics and preventive interventions and to help bridge the gap between basic science and successful clinical drug development. BARDA safeguards our nation's health infrastructure by revitalizing and encouraging antibacterial innovation to ensure that we have a healthy pool of candidate products to address emerging threats. The CARB-X accelerator addresses critical gaps along the early stages of the antibacterial pipeline, and BARDA's Broad Spectrum Antimicrobials ***program*** advances therapeutics into late stage clinical development. The two ***programs*** work in tandem to support a robust pipeline of novel approaches for highly resistant infections and emerging threat pathogens. Thank you for continued support of this important work. Sincerely, Kathy Talkington, Antibiotic Resistance Project Director. \_\_\_\_ American Association of Poison Control Centers, Alexandria, VA, July 20, 2018. Hon. Susan Brooks, Washington, DC. Hon. Anna Eshoo, Washington, DC. Dear Congresswomen Brooks and Eshoo: The American Association of Poison Control Centers (AAPCC) would like to extend our support for H.R 6378, the Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018. As you already know, AAPCC supports the nation's 55 poison control centers in their efforts to prevent and treat poison exposures. Poison control centers across the U.S receive approximately 3 million calls annually that cover a variety of substances, including prescription and over-the-counter medications, illegal drugs, household products, pesticides, cosmetics, environmental toxins, food, plants, and animal bites and stings. These calls come from a wide variety of individuals, including the public, health care providers, 911 PSAPs (Public Safety Answering Points), schools, health departments, law enforcement, and other safety agencies. The centers operate 24 hours a day, 7 days a week, 365 days a ***year*** and are accessed through a federally funded nationwide toll free number: 800-222-1222 (Poison Help). When someone calls 800-222-1222, the calls are answered by highly trained Specialists in Poison Information (pharmacists and nurses), who diagnose, triage, and offer treatment recommendations to callers with 24-hour oversight from Board Certified Medical and Clinical Toxicologists. We answer calls from every state and territory in our nation. We know that you and your staff are already familiar with the wonderful work of the Indiana Poison Center and the California Poison Control System. There are three references, all in Title II, to poison centers in Public Law 113-5 (the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013). These provisions allow states and public health departments to work directly with their regional poison center and have resulted in improved preparedness preparations in multiple communities throughout the nation. Thank you for keeping these poison center references in H.R 6378. We also deeply appreciate your inclusion of poison centers in Section 207, Regional Health Care Emergency Preparedness and Response Systems. Poison centers have a unique set of knowledge and are the primary source for poisoning information. Our employees are trained to handle stressful, potentially life altering situations on a daily basis and we already have the infrastructure in place as a 24/7 365 days a ***year*** call center. We are a vital resource on a number of topics from chemical spills to mass exposure to an unknown toxin to a public health emergency including the pandemic flu or Ebola and Zika. The poison control system is a well- established, nationwide network made up of sophisticated and specially trained medical professionals who handle calls related to over 420,000 products and substances and their related toxicities. Our poison centers support your efforts and look forward to our work together on this important topic. Finally, a special thank you to your staff, Catherine Knowles and Rachel Fybel for all of their assistance. Thank you, as always, for your continued support of our 55 poison centers. Warmest regards, William Banner, Jr., MD, PhD, President, AAPCC, Oklahoma Center for Poison & Drug Information. [[Page H8784]] Stephen Kaminski, JD, CEO and Executive Director, AAPCC. Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the Record. American Society for Microbiology, Washington, DC, July 23, 2018. Hon. Paul Ryan, Speaker of the House, House of Representatives, Washington, DC. Hon. Greg Walden, Chairman, Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Nancy Pelosi, Minority Leader, House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Speaker Ryan, Minority Leader Pelosi, Chairman Walden, Ranking Member Pallone, Representative Brooks and Representative Eshoo: The American Society for Microbiology (ASM) congratulates the Energy and Commerce Committee on its passage of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 (H.R 6378) and encourages its swift passage in the House. ASM is the largest single life science society, composed of more than 32,000 scientists and health professionals. Our mission is to promote and advance the microbial sciences, including ***programs*** and initiatives funded by the federal government departments and agencies, by virtue of the pervasive role of microorganisms in health and society. Antimicrobial resistance is among the most consequential issues facing world today. ASM is therefore pleased that H.R      6378 includes Section 406, a provision that would guarantee the continued work of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria (PACCARB) by codifying the Advisory Council. A guarantee of PACCARB's continuance also sustains the One Health partnerships--the integration of human, animal, and environmental domains--that have been formed since the establishment of PACCARB. This ***year*** marks the 100th anniversary of the Influenza Pandemic of 1918, which killed almost 40 million people, and serves a reminder that the United States must be prepared to rapidly respond to declared and potential public health emergencies, including infectious disease epidemics. ASM strongly supports the legislation's reauthorization of the Biomedical Advanced Research Development Authority (BARDA) and is pleased to see inclusion and authorization of a Pandemic Influenza ***Program*** and Emerging Infectious Disease ***Program***. Authorization of funding for the Strategic National Stockpile and the Bioshield Special Reserve Fund are all critically important to our public health security. Therefore, it is important that reauthorization be met with a corresponding commitment of federal resources. Lastly, ASM appreciates that the legislation points to the need for an adequately funded Public Health Emergency Fund (PHEF) and strengthens existing authorities for which PHEF dollars may be used, including in anticipation of a potential public health emergency. Vigilance will be required to make sure our country is adequately prepared to make financial resources available in a timely manner to potential or immediate public health emergencies, and so we look forward to your continued leadership in this regard. ASM believes that H.R 6378 will further our nation's preparedness to respond in a timely and coordinated manner to declared and potential public health threats. Toward this end, ASM strongly supports swift final passage by the Senate and House. We appreciate your championship of these issues and stands ready to work with you towards this goal. Should you have any questions, please contact Allen Segal, Director, ASM Public Policy and Advocacy. Sincerely, Stefano Bertuzzi, Ph.D , MPH, CEO, American Society for Microbiology. Allen D. Segal, Director, Public Policy and Advocacy, American Society for Microbiology. \_\_\_\_ ASTHO, September 23, 2018. Hon. Lamar Alexander, Chairman, Health, Education, Labor and Pensions Committee, U.S Senate, Washington, DC. Hon. Gregg Walden, Chairman, Energy & Commerce Committee, House of Representatives, Washington, DC. Hon. Patty Murray, Ranking Member, Health, Education, Labor and Pensions Committee, U.S Senate, Washington, DC. Hon. Frank Pallone, Jr, Ranking Member, Energy & Commerce Committee, House of Representatives, Washington, DC. Dear Chairman Alexander, Ranking Member Murray, Chairman Walden, and Ranking Member Pallone: The Association of State and Territorial Health Officials (ASTHO) submits this letter in support of most of the public health provisions included in the ``Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018'' (H.R 6378). ASTHO is the national nonprofit organization representing the state and territorial public health agencies of the United States, U.S territories, and Washington, D.C ASTHO's members, the chief health officials of these jurisdictions, are dedicated to formulating and influencing sound public health policy and assuring excellence in public health practice. ASTHO is pleased that this bill retains elements proven to be necessary, reasonable, and successful, while making further refinements to the underlying statute, as well as responding to and including many of ASTHO's priorities. These priorities, outlined in previously submitted comment letters, include suggestions for clarifications and acknowledgments regarding the importance of state, local, territorial, and tribal public health. These provisions include: Reauthorizing the Public Health Emergency Preparedness ***Program*** (PHEP) and Hospital Preparedness ***Program*** (HPP). PHEP and HPP are key to the foundational capabilities of public health preparedness and healthcare Codifying the role of CDC to administer the PHEP ***program*** Bolstering the Public Health Emergency Rapid Response Fund and mechanisms to quickly distribute funds Requiring that the Public Health Emergency Medical Countermeasure Enterprise (PHEMCE) solicit and consider input from state, local, tribal, and territorial public health departments or officials Improving the nation's ability to take a ``OneHealth'' approach to preparedness and response capabilities Reauthorizing the temporary reassignment of state and local personnel during public health emergencies Requiring the HHS secretary, in collaboration with ASPR and CDC, to maintain the strategic national stockpile Including a provision to strengthen the Epidemic Intelligence Service by increasing the loan repayment amount from $35,000 to $50,000 In addition, ASTHO expresses our concern and seeks clarification from the committee on changes to HPP, particularly those that alter eligibility requirements for funding from a ``partnership'' to``coalitions.'' One of the most crucial functions of HPP is to bring together and incentivize ``diverse and often competitive healthcare organizations to work together.'' As neutral conveners, state and territorial public health departments are the most appropriate entities and stewards of taxpayer dollars. They are also responsible for statewide planning and coordination of services and fundamentally serve all residents in their jurisdictions--not just lives covered under a plan or specific catchment area. With the establishment of hundreds of Healthcare Coalitions across the country, ASTHO seeks assurance that the letter, spirit, and intent of this modification does not in any way change the current cooperative agreement structure and stature, nor does it alter the role and responsibilities of states, territories, and directly-funded cities as awardees of funds under HPP. ASTHO also remains concerned that authorization levels-- $685 million for PHEP and $385 million for HPP--are significantly lower than our suggested authorization levels of $824 million for PHEP and $474 million for HPP. ASTHO is concerned that authorizing at these proposed levels will be insufficient. Both PHEP and HPP must be resourced at sufficient levels to ensure that every community is prepared for disasters. An efficient and effective state and local workforce depends heavily on reliable, ongoing funding support for a network of state and local expertise, relationships and trust that is carefully built over time through shared responses, training, and exercises. Regarding sections that speak to ``reservations of amounts for regional systems,'' ASTHO would also like to reiterate that HPP is already funded at a vastly insufficient level given the task of preparing the healthcare system for a surge of patients, continuity of operations, and recovery. Any funding reductions to HPP through a tap will have an adverse impact on real-time all-hazards preparedness and response activities carried out by the existing healthcare coalitions. The costs associated with exploring the development of a regional system or network should not be at the expense of current critical medical readiness and patient care services. Finally, while we appreciate that the bill strengthens existing authorities for the Public Health Emergency Fund, we continue to urge Congress to create a mechanism to fund and replenish it. Without sufficient and dedicated funding, it will be impossible to quickly access funds when needed. ASTHO appreciates the opportunity to provide our comments on this critical legislation and the bipartisan efforts of both the House and Senate committees. Sincerely, John Wiesman, DrPH, MPH, ASTHO President, Secretary of Health, Washington State Department of Health Olympia, WA. [[Page H8785]] \_\_\_\_ Biotechnology Innovation Organization, September 24, 2018. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Representatives Brooks and Eshoo: On behalf of the Biotechnology Innovation Organization (BIO), I am writing to express our strong support for final passage of H.R 6378, the ``Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018''. I wish to commend you for your extraordinary work getting this legislation to the House floor. BIO represents more than 1,000 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO's members are committed to investing in, developing, and delivering innovative vaccines, therapeutics, and diagnostic tools that are transforming how we protect, treat and cure people from devastating infectious diseases. Many of BIO's members are active partners with the U.S government to strengthen our national health security through the development and stockpile of medical countermeasures (MCM) against the myriad threats facing our nation. The value that these MCMs offer to first responders, patients and their caregivers, and the global community is phenomenal. BIO was pleased to see the Act continue to provide support for critical preparedness ***programs*** such as the BioShield Special Reserve Fund (SRF), the Biomedical Advanced Research and Development Authority (BARDA), and the Strategic National Stockpile (SNS)--all of which are necessary to ensure that we can maintain a robust medical countermeasures enterprise that can address known and unknown threats. We are also pleased to see that significant threats such pandemic influenza, emerging infectious diseases, and antimicrobial resistance are specifically recognized in the Act and that BARDA has been authorized appropriations to address these dangerous threats. We are very supportive of the overall authorization of $2.4 billion annually to the MCM enterprise, which will allow the Secretary of Health and Human Services to more fully prepare for many of the threats affecting our national health security. BIO thanks you for your commitment to our national health security and your important work to ensure that our nation is adequately prepared to respond to the myriad threats we face domestically and abroad. BIO and our member companies look forward to continuing to work with you to further strengthen our preparedness against all potential national security and public health threats as outlined in the National Biodefense Strategy. With Sincerest Regards, James C. Greenwood, President and CEO. \_\_\_\_ California Life Sciences Association, July 16, 2018. Hon. Susan Brooks, Washington, DC. Hon. Anna G. Eshoo, Washington, DC. Dear Representatives Brooks and Eshoo: On behalf of California Life Sciences Association (CLSA)--the statewide public policy organization representing California's leading life science innovators, including medical device, diagnostic, biotechnology and pharmaceutical companies, research universities and private, non-profit institutes, and venture capital firms--I am writing to express our support for H.R 6378, the Pandemic and All Hazards Preparedness and Advancing Innovation (PAHPAI) Act of 2018, your legislation that will strengthen and improve our national preparedness and response for public health emergencies, and accelerate medical countermeasure research and development. Thank you for your leadership on this critically important issue. As you know, the recent Ebola and Zika outbreaks and ongoing threats from terrorist organizations like ISIS have repeatedly exposed our nation's continued vulnerability to bioterror and pandemic threats, demonstrating the need for robust biodefense preparedness. Robust, long-term funding, and strong and sustained public-private partnerships remain critical in ensuring a well-funded, well-coordinated, swift and effective response from all stakeholders. This includes, critically, a robust statutory framework for securing our nation from chemical, biological, radiological, and nuclear (CBRN) threats, as well as from pandemic influenza (PI), antimicrobial resistance (AMR), and emerging infectious diseases (EID). To that end, H.R 6378 strengthens our country's national preparedness and response efforts for public health emergencies by codifying the Public Health Emergency Medical Countermeasure Enterprise and the duties of the Assistant Secretary for Preparedness and Response (ASPR), while maintaining the important role of the Centers for Disease Control in emergency and response activities. The legislation also provides the authorization and federal resources to invest in ***programs*** related to Pandemic Influenza and Emerging Infectious Diseases. We are pleased the bill provides new authorities to the Director of the Biomedical Advanced Research and Development Authority (BARDA) to develop strategic initiatives for threats that pose a significant level of risk to national security, including antimicrobial resistant pathogens. We also encourage you to continue working with you colleagues on the House Committee on Energy & Commerce and congressional leadership to explore the creation of new incentives to encourage investment into the development of products to treat or prevent a disease attributable to a multi-drug resistant bacterial or fungal pathogen. According to the Centers for Disease Control and Prevention (CDC), each ***year*** at least two million people in the United States are infected with bacteria that cannot be treated with an antibiotic, resulting in roughly 23,000 deaths and health care costs as much as $20 billion annually. These staggering statistics illustrate a dangerous reality: even as the rate of anti-microbial resistance has grown, research and drug development has not kept pace with the dire need for new medicines to treat these increasingly lethal ``superbugs.'' Given the threat that these deadly pathogens pose to public health in the United States and across the world, the need for effective public-private partnerships between the government, academia and industry has never been greater. The growing epidemic of multidrug-resistant infections knows no borders and the reestablishment of antibiotic development as a viable investment for life sciences innovators is imperative to public health and preparedness. Thank you again for your leadership of H.R 6378, as well as your long-standing support for legislation and policy measures that improve our nation's biodefense preparedness and response capabilities. CLSA is pleased to join a broad group of stakeholders in offering our strong support for H.R 6378, the Pandemic and All Hazards Preparedness and Advancing Innovation Act of 2018. Please let me know if CLSA can be of assistance to you. Sincerely, Jennifer Nieto Carey, Vice President--Federal Government Relations & Alliance Development. \_\_\_\_ Cellphire, Rockville, MD, July 18, 2018. Hon. Greg Walden, Chairman, House Energy and Commerce Committee, Washington, DC. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, House Energy and Commerce Committee, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Chairman Walden, Ranking Member Pallone and Representatives Brooks and Eshoo: We write in support of HR      6378, the Pandemic and All Hazards Preparedness Act (PAHPA) Reauthorization. Cellphire supports the Committee's inclusion of the national blood supply in the Committee mark-up of PAHPA. Numerous inquiries and hearings conducted after 9/11 revealed the need for a coordinated response to insure preparedness through maintaining an adequate blood supply and providing a rapid coordinated response system to distribute blood products immediately to the affected area(s) as well as recruit and manage donations required for continual resupply during the crisis. The need for a coordinated response to the nation's blood needs was first recognized in the National Response Plan, Emergency Support Function #8, Public Health and Medical Services Annex: Blood, Organs, and Blood Tissues--ESF #8 may task HHS components and request assistance from other ESF #8 partner organizations to monitor and ensure the safety, availability, and logistical requirements of blood, organs, and tissues. This includes the ability of the existing supply chain resources to meet the manufacturing, testing, storage, and distribution of these products. We applaud the Committee's recognition of the national blood supply's importance as referenced in Section 116 which requires the Secretary of Health and Human Services to provide a report on recommendations related to maintaining an adequate blood supply Hospitals across the nation as well as blood product companies like Cellphire are dependent on the stability of the blood supply and the ability of the U.S blood supply ``system'' to respond to disaster. The organizations representing the nation's blood centers, hospital-based blood banks and transfusion services, and transfusion medicine professionals have requested that you consider asking the Office of the Assistant Secretary for Preparedness and Response (ASPR) to make the sustainability of our nation's blood supply a critical element of our emergency preparedness and response systems. In addition, a joint letter to the New England Journal of Medicine authored by Harvey Klein MD, Chief Department of Medicine, the NIH Clinical Center, Chris Hrouda, President ARC Biomedical Services, and Jay Epstein MD, Director, Office of Blood Research and Review, Center for Biologics Evaluation and Research, FDA, warned of an approaching crisis in the sustainability of the U.S Blood System. The concern regarding the sustainability and responsiveness of the U.S blood supply was also raised by a RAND Corporation study initiated by the Department of Health and Human Services, ``Toward a Sustainable Blood Supply in the United States, An Analysis of the Current System and Alternatives to the Future''. [[Page H8786]] The goal at Cellphire, currently supported by the ASPR through BARDA, is to develop and field a freeze-dried platelet product to stop hemorrhage that can alleviate platelet shortages and lead to a life-saving product that controls bleeding and can be stockpiled. Supplying, distributing and resupplying this and other blood products during a crisis requires a sustainable blood supply. The PAHPA Re-authorization bill includes language for the Assistant Secretary of Preparedness Response (ASPR) to include the stability of the blood supply as it considers guidelines for infrastructure. Section 203 further lists the blood banks in the stakeholder groups with whom ASPR should engage to obtain feedback on financial implications as it relates to regional preparedness planning pursuant to the guidelines. We believe the reference to the national blood supply and the inclusion of the blood collection centers and hospital blood banks in ASPR guidelines to establish infrastructure and regional preparedness planning will ensure our nation's blood supply is ready and prepared for surge capacity in the event of a disaster or terrorist attack. Thank you for your leadership in addressing the blood supply in HR 6378, the PAHPA Reauthorization. We support the Committee's attention to this urgent matter of national security. Sincerely, Michael Fitzpatrick, Ph.D , COL (Ret.) U.S Army, President and Director of Research, Cellphire, Inc. \_\_\_\_ Coalition for Epidemic Preparedness Innovations, July 17, 2018. Hon. Greg Walden, Chairman, Washington DC. Hon. Frank Pallone, Ranking, Energy and Commerce Committee, Washington DC. Dear Chairman Walden and Ranking Member Pallone: I write in strong support of HR 6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act (PAHPA.) As you know, public health emergencies can result from natural disasters, emerging pathogens, or man-made threats. Just last ***year*** we saw health challenges emerge on multiple fronts due to hurricanes, a virulent strain of the flu, and outbreaks of plague, Lassa, Nipah and Ebola overseas. The United States must do everything in its power to prepare for health emergencies, and HR 6378 goes a long way towards helping the Department of Health and Human Services (HHS) achieve that goal. As the CEO of CEPI, an international coalition whose mission it is to develop vaccines to prevent future epidemics, I am heartened to see language in the bill asking HHS to report on its work developing vaccines to prevent epidemics, including its collaborations with international organizations (Section 303). As we saw in the recent Ebola outbreak in the Democratic Republic of Congo, vaccines and international coalitions can play a critically important role in outbreak response and HHS should maximize its support for this kind of vaccine research and development. I am also pleased that HR 6378 creates an emerging infectious disease ***program*** within the Biomedical Advanced Research and Development Authority (BARDA) [Section 302]. CEPI would welcome the opportunity to partner with BARDA on future vaccine candidates for emerging infectious diseases of global significance. In addition, the codification of the Public Health Emergency Medical Countermeasure Enterprise (PHEMCE) is another important feature of this bill [Section 101]. The PHEMCE works to ensure that medical countermeasure development is aligned across the government and that bottlenecks can be anticipated and prevented, which is important to prevent costly duplication of work and other inefficiencies. In summary, I believe that HR 6378 will strengthen US public health preparedness, particularly when it comes to vaccines and medical countermeasure development and coordination, and I am pleased that it will be considered by your committee. Sincerely, Richard Hatchett, CEO. Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the Record. Cerus, Concord, CA, July 17, 2018. Hon. Greg Walden, Chairman, House Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, House Energy & Commerce Committee, House of Representatives, Washington, DC, Dear Chairman Walden and Ranking Member Pallone: As you review and deliberate over H.R 6378, the Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018, we wanted to provide our support for the efforts in the legislation to preserve and protect the nation's blood supply--especially in a public health emergency. As you know, the American public expects the nation's blood supply is safe and available every day, but especially in situations of natural or man-made disasters. Blood transfusions can be lifesaving measures, but this depends on our collective ability to ensure the safety and availability of the blood supply. Though the danger of transfusion- transmitted infections has decreased in recent ***years*** due to improved blood testing for specific pathogens such as HIV and hepatitis, these tests do not detect the presence of all viruses, bacteria, and parasites known to contaminate blood donations. In 2015 at the height of the Zika epidemic in Puerto Rico, the FDA released guidance calling for the use of blood treatment pathogen reduction technology as an option to reduce the risk of transfusion-transmission of Zika. This pathogen reduction technology helped ensure that very ill patients would have adequate access to safe blood and that they would not contract Zika virus infection from their therapeutic blood transfusions. Section 116 is critical to ensuring the blood collection community, in concert with the Department of Health and Human Services, begins to cohesively examine the challenges with preserving capacity in the nation's blood supply for major emergency care, addressing issues like recruiting sufficient donors to ensure the adequacy of the current supply to meet public health emergencies and implementation of innovative and best safety practices. The inclusion of blood banks in Section 203 is also critical for ensuring the blood banking community has an opportunity to engage along with hospitals, health care facilities, public agencies and others to provide input into our nation's new ``Healthcare Preparedness and it Response ***Program***.'' The inclusion of blood banks is critical in providing feedback on the financial implications for the ***program*** as the industry faces many challenges in ensuring a transfusion-ready blood supply. I sincerely appreciate the time and effort that both of you, your fellow Committee members and the staff have placed in drafting, reviewing, and deliberation over H.R 6378. I look forward to continuing to work with all of you in supporting our nation's ability to respond in public health emergencies. Sincerely, Dr. Laurence Corash, MD Chief Scientific Officer, Cerus. \_\_\_\_ July 19, 2018. Hon. Greg Walden, Chairman, Committee on Energy and Commerce, Washington, DC. Hon. Susan W. Brooks, Washington, DC. Hon. Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce, Washington, DC. Hon. Anna Eshoo, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, and Representatives Brooks and Eshoo: Child Care Aware of America cares deeply about the health and well-being of children and their success in child care. We would like to thank you for your bipartisan commitment to reauthorizing the Pandemic and All-Hazards Preparedness Act. As the Pandemic and All-Hazards Preparedness (PAHPA) and Advancing Innovation Act of 2018 moves forward, we want to voice our support for extending and expanding the authorization of the National Advisory Committee on Children and Disasters (NACCD) to address the ongoing gaps in our nation's preparedness and response for children. Recent natural disasters such as Hurricanes Harvey, Irma and Maria have demonstrated that our nation still is not fully prepared to respond to the child care needs of children. We also appreciate the proposed additional expertise to the NACCD to include non-federal experts in pediatric mental or behavioral health, pediatric infectious disease, children's hospitals, and children and youth with special health care needs, and particularly, professionals with expertise in child care or school settings. The NACCD was established to provide advice and consultation to the Department of Health and Human Services (HHS) Secretary and the Assistant Secretary for Preparedness and Response (ASPR) on issues related to the medical and public health needs of children before, during, and after disasters. The NACCD has completed several reports in recent ***years*** focused on youth leadership, surge capacity, and the provision of human services. Their expertise has been invaluable in ensuring that children are protected during public health emergencies and disasters. Our organization learned that after Hurricane Irma, 22% of the child care facilities in the state of Florida were closed due to the storm. In the Miami-Dade-Monroe area specifically, 32% of facilities were closed. Following Hurricane Harvey, 18% of child care facilities were closed in the Houston area. This means that thousands of children and their families were left without child care. This carries an incredible burden on families as they struggle to find child care when they are needed at work. Furthermore, the interruption of normalcy can cause stress on children leading to negative consequences for brain development. Including expertise in child care will help in making sure that the needs of the 11 million children in child care will be met before, during, and after a disaster. Children are not little adults. They have specialized needs that must be considered when planning for, responding to, and recovering from a disaster. This includes having a strong, well-funded public health and medical system. We thank you considering the many needs of children and including them [[Page H8787]] in the Pandemic and All-Hazards Preparedness (PAHPA) and Advancing Innovation Act of 2018. Sincerely, Child Care Aware of America. \_\_\_\_ CHIME & AEHIS, July 23, 2018. Re Inclusion of Cybersecurity in the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018 Hon. Greg Walden, Chairman, House Committee on Energy and Commerce, House of Representatives, Washington, DC. Hon. Frank Pallone, Ranking Member, House Committee on Energy and Commerce, House of Representatives, Washington, DC. Dear Chairman Walden and Ranking Member Pallone: The College of Healthcare Information Management Executives (CHIME) and the Association for Executives in Healthcare Information Security (AEHIS) sincerely appreciate the inclusion of cybersecurity provisions in section 401 of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. This critical section of legislation recognizes the importance of ensuring the nation's health systems are better prepared and better able to respond in the event of a cybersecurity incident. CHIME is an executive organization dedicated to serving chief information officers (CIOs), chief medical information officers (CMIOs), chief nursing information officers (CNIOs) and other senior healthcare IT leaders. Consisting of more than 2,600 members in 51 countries, our members are responsible for the selection and implementation of clinical and business technology systems that are facilitating healthcare transformation. CHIME members are among the nation's foremost health IT experts, including on the topic of cybersecurity. Launched by CHIME in 2014, AEHIS represents more than 850 chief information security officers (CISOs) and provides education and networking for senior IT security leaders in healthcare. CHIME and AEHIS members take their responsibility to protect the privacy and security of patient data and devices networked to their system very seriously. The widespread attacks experienced by health systems worldwide during the spring of 2017 highlighted the need to consider the cybersecurity readiness of the healthcare sector and demonstrated the importance of increased preparedness and rapid response in the event of an incident. Cybersecurity threats are growing in frequency and sophistication coming from a variety of actors seeking to send our country's healthcare system into disarray. Our members continue to worry about the threats to patient care and safety posed by cybersecurity attacks. CHIME and AEHIS appreciate the inclusion of cybersecurity in the Pandemic All Hazards Preparedness Reauthorization Act of 2018. We agree that cybersecurity threats and the recognition of their potential to disrupt healthcare delivery is of the utmost importance to patient safety and therefore, needs to be a part of the National Health Security Strategy. CHIME and AEHIS believe it is imperative that cybersecurity is treated as a threat to our nation in similarity to other hazards. We also appreciate the designation of the Assistant Secretary for Preparedness and Response (ASPR) as the leader within the Department of Health and Human Services (HHS) in the event of a cybersecurity incident. Our members have repeatedly cited confusion, leading to frustration, about which operating division within HHS has responsibility over cybersecurity and serves as a liaison to the industry. We appreciate your continued interest and leadership on this important and increasingly urgent subject. We stand ready to work with you and your colleagues to pursue legislative solutions to improve the cybersecurity readiness of the nation's healthcare sector. Sincerely, Cletis Earle, Chair, CHIME Board of Trustees Vice President, CIO Information Technology, Kaleida Health. Erik Decker, Chair, AEHIS Board CISO and Chief Privacy Officer, University of Chicago Medicine. \_\_\_\_ Emergent BioSolutions, July 17, 2018. Hon. Susan Brooks, Washington, DC. Hon. Greg Walden, Washington, DC. Hon. Anna Eshoo, Washington, DC. Hon. Frank Pallone, Washington, DC. Dear Reps. Brooks, Eshoo, Walden, and Pallone: Thank you to you and your staff for your hard work in introducing H.R      6378, the Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. This legislation, like PAHPRA and PAHPA before it, is vital to ensuring our nation is safe from and prepared for both human-deployed and natural chemical, biological, radiological, and nuclear (CBRN) threats. Emergent is pleased to support PAHPAI. We are appreciative of your staff for taking the time to meet with us and solicit feedback about the PAHPAI. Thank you for your leadership in ensuring the legislation further strengthens our nation's preparedness for biological threats. Funding Levels: Emergent strongly supports the robust funding levels authorized in PAHPAI. This funding is needed to continue to grow the public-private partnership Congress created to ensure the U.S is adequately prepared for CBRN threats. Sustained and expanded investment in these ***programs*** is a vital market pull to ensure private partners produce medical countermeasures for the most serious threats we face as a nation, such as anthrax, smallpox, and chemical threats. If the government fails to adequately support the Special Reserve Fund, BARDA, and the SNS, the nation faces the dual risk of squandering resources already invested into research and preparedness, while also being underprepared or unprepared for material threats to our national security. Identified Authorization Funding Levels for Key ***Programs***: Emergent is strongly supportive of the inclusion of specific funding authorization that breaks out the minimum amounts for the critical Pandemic Influenza and Emerging Infectious Disease (EID) activities supported through BARDA. Specific authorizations help ensure that BARDA's priorities receive consistent funding needed to drive the development of countermeasures to respond to material threats, pandemic influenza, emerging infectious diseases, and other public health hazards. Other Transaction (OT) Authority: We appreciate your efforts to update the medical countermeasure enterprise's OT authority and harmonize it with the OT authority of other agencies. These changes will provide the enterprise needed flexibility to better prepare for manmade and naturally- occurring biological threats. The public health threat matrix is real and growing. Reauthorization of PAHPAI is vital to ensuring our nation is prepared for the most severe threats facing the country. As introduced, PAHPAI will greatly enhance our nation's biosecurity preparedness. We believe that Emergent is uniquely positioned to enable the U.S and allied governments to address many of these threats based on our growing portfolio of medical countermeasures, decades of experience and expertise in government partnering and contracting, and our broad and deep manufacturing capabilities. We hope we can be a resource as the committee continues to work towards passage of PAHPAI. Sincerely, Chris Frech, Senior Vice President, Global Government Affairs, Emergent BioSolutions, Inc. \_\_\_\_ Genentech, Washington, DC, 17 July 2018. Hon. Anna G. Eshoo, House of Representatives, Washington, DC. Hon. Greg Walden, Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC. Hon. Susan W. Brooks, House of Representatives, Washington, DC. Hon. Frank Pallone, Jr., Ranking Member, Committee on Energy and Commerce, House of Representatives, Washington, DC. Dear Representatives Eshoo and Brooks, Chairman Walden, and Ranking Member Pallone: Genentech, Inc. (Genentech) would like to express our strong support for H.R 6378--The Pandemic and All Hazards Preparedness and Advancing Innovation Act of 2018. We applaud your shared leadership and bipartisan efforts to strengthen the nation's public health preparedness and response ***programs***. We are particularly appreciative that H.R 6378 authorizes a specific Pandemic Influenza ***program*** at the Biomedical Advanced Research and Development Authority (BARDA) to support research and development activities to enhance a rapid response to pandemic influenza. As you continue your work toward reauthorization, Genentech welcomes the opportunity to share our relevant experience and provide any needed feedback. Sincerely, David Burt, Senior Director, Federal Government Affairs. \_\_\_\_ Grifols Public Affairs, Washington, DC, July 24, 2018. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Congresswoman Brooks and Congresswoman Eshoo: Thank you for your leadership on healthcare issues in the Congress. Grifols is proud to join the public health and infectious disease communities in expressing our strong support for H.R      6378, the ``Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018.'' This legislation is critical to maintaining our national preparedness in response to public health emergencies. Grifols is a global healthcare company with a 75-***year*** history of producing plasma-derived medicines, diagnostic tools and hospital pharmacy products. Grifols is a leader in transfusion medicine as a supplier of blood and plasma infectious disease screening systems that are critical to safeguarding the U.S blood supply. [[Page H8788]] The Nation's experience with emerging infectious diseases, such as Zika, demonstrates the need for a coordinated response to public health threats. In a report commissioned by the Department of Health and Human Services Office of the Assistant Secretary of Health, the RAND Corporation found there are 86 emerging or recently emerged pathogens that threaten the safety of the blood supply. The threat posed by these emerging infectious diseases exhibits the need to plan for managing potential outbreaks. In particular, Grifols is supportive of the provisions in H.R 6378 to aid the development and appropriate utilization of multiuse platform technologies for diagnostics, vaccines, and therapeutics; virus seeds; clinical trial lots; novel virus strains; and antigen and adjuvant material; as well as the provisions aimed at strengthening the U.S blood supply: Requiring a report on the adequacy of the national blood supply Establish guidelines, in consultation with health care providers--including blood banks, relating to emergency preparedness which consider the needs of the blood supply, taking into account resiliency, geographic and rural considerations, as well as the financial implications of implementing such guidelines Seeking input from all blood supply stakeholders in the development of emergency preparedness guidelines will help strengthen the public health infrastructure by ensuring that the unique needs of the blood supply are met. In the interests of U.S public health, we encourage Congress to pass H.R 6378 to ensure a robust response to public health threats. Sincerely, Christopher Healey, Vice President. Mrs. BROOKS of Indiana. Mr. Speaker, I include the following letters in the Record. July 18, 2018. Hon. Susan Brooks, Washington, DC. Hon. Anna Eshoo, Washington, DC. Dear Representatives Brooks and Eshoo: I am writing on behalf of Roche Diagnostics Corporation in support of H.R      6378, Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018. Congratulations on advancing this legislation out of the Energy and Commerce Committee. We applaud your efforts in improving the nation's overall preparedness and response capabilities. We especially appreciate the Committee's recognition that diagnostics can play a key role in responding to public health and medical emergencies. We look forward to continuing to work with you as this legislation advances in Congress. Sincerely, Russell C. Ring, Vice President, Government Affairs, Roche Diagnostics Corporation. \_\_\_\_ Strategic Health Information Exchange Collaborative, July 18, 2018. Reps. Brooks and Eshoo and Members of the Energy and Commerce Committee: On behalf of the Strategic Health Information Exchange Collaborative (SHIEC), which represents more than 60 Health Information Exchanges (HIEs) across the nation, thank you for your leadership on the reauthorization of the Pandemic and All Hazards Preparedness Act (PAHPAI). SHIEC HIEs have played an important role across the country and have a strong interest in emergency preparedness and disaster relief. SHIEC HIEs have demonstrated the important role they play in federal, state, and local governments. In 2017 SHIEC HIEs in Texas partnered with local providers and patients to access critical medical information in the wake of Hurricane Harvey, and SHIEC HIEs in New York helped to thwart a ransomware attack and safeguard patient information. SHIEC is a recognized leader in medical record interoperability via the Patient Centered Data Home. This initiative allows patients, no matter where they are--whether caught up in emergencies while traveling or displaced by disasters--access to their medical information when and where they need it. SHIEC is pleased with the proposed direction for this reauthorization of PAHPAI, particularly the broadened scope of Title II regarding ``Optimizing State and Local All- Hazards Preparedness and Response.'' State and local agencies and hospitals are not the only healthcare stakeholders during a crisis. There are many entities that should be consulted in emergency-planning. Addressing the problems and solutions more broadly allows state and local agencies and hospitals to better prepare and handle disasters. To this end SHIEC applauds the Committee's inclusion of not just the brick and mortar infrastructure, but also the ``technological infrastructure'' while developing guidelines and protocols. SHIEC is also happy to see the broad reference to ``healthcare or subject matter experts'' which replaces a more restrictive reference to healthcare providers and agencies. SHIEC recommends inclusion of HIEs specifically. As the data trustees in a community, SHIEC HIEs offer vital services to support a community in crisis. Awareness and realization of this full benefit has yet to be achieved in some areas. Without inclusion of clarifying language, SHIEC is concerned HIEs may still be left out of planning. SHIEC hopes however, that the broader, more inclusive language that the Committee has proposed will be expansive enough to ensure HIEs a seat at the emergency preparedness and disaster relief table. Thank you, Kelly Hoover Thompson, CEO. \_\_\_\_ Takeda, Cambridge, MA, July 20, 2018. Hon. Greg Walden, Chariman, House Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Susan W. Brooks, House of Representatives, Washington, DC. Hon. Frank Pallone, Jr., Ranking Member, House and Energy and Commerce Committee, House of Representatives, Washington, DC. Hon. Anna G. Eshoo, House of Representatives, Washington, DC. Chairman Walden, Ranking Member Pallone, and Representatives Brooks and Eshoo: Takeda Vaccines appreciates the opportunity to support H.R 6378, the Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018. The legislation contains important provisions to improve the nation's ability to respond to public health emergencies and to accelerate research and development of medical countermeasures. Of particular note is the creation of the Emerging Infectious Disease ***Program*** within the Biomedical Advanced Research and Development Authority (``BARDA'') that will support research and development and manufacturing infrastructure with respect to emerging infectious diseases. Takeda is a global, research and development-driven pharmaceutical company committed to bringing better health and a brighter future to patients by translating science into life-changing medicines. In addition to its efforts in oncology, gastroenterology, and neuroscience, Takeda is actively engaged in the research and development of vaccines including one for the deadly Zika virus. We appreciate the collaboration with BARDA to advance innovation in this disease state. Takeda applauds the action of the House Energy and Commerce Committee to pass H.R 6378 on July 18, 2018, and thanks the Members and staff for their hard work on this critical bill. Sincerely, Rajeev Venkayya, M.D , President, Global Vaccines Business Unit, Takeda Pharmaceutical Company Limited. \_\_\_\_ Trauma Center Association of America, July 24, 2018. Hon. Greg Walden, Chairman, House Committee on Energy & Commerce, Washington, DC. Hon. Susan Brooks, House of Representatives, Washington, DC. Hon. Frank Pallone, Jr., Ranking Member, House Committee on Energy & Commerce, Washington, DC. Hon. Anna Eshoo, House of Representatives, Washington, DC. Dear Chairman Walden, Ranking Member Pallone, Rep. Brooks and Rep. Eshoo: The Trauma Center Association of America (``TCAA'') strongly supports H.R 6378, the Pandemic and All- Hazards Preparedness and Advancing Innovation Act of 2018. We applaud your bipartisan leadership in developing this legislation that will help improve and strengthen the preparedness and response capabilities of our nation's trauma care system. We appreciate your willingness to work with TCAA and our members as you crafted this important piece of legislation. Specifically, we are pleased to see that the bill reauthorizes federal grant funding to support the core missions of trauma centers to offset the cost of activities such as patient stabilization and ***transfer***, trauma education and outreach, coordination with local and regional trauma systems, essential personnel, trauma staff recruitment and retention, ensuring surge capacity, and trauma-related emotional and mental health services. Additionally, TCAA has long advocated for the MISSION ZERO Act, and we strongly support the inclusion of language to establish a grant ***program*** for military-civilian partnerships in trauma care that will allow both sectors to benefit from the others' expertise and experience. This will benefit patients both on and off the battlefield and we look forward to continuing to work with you to implement this ***program***. Finally, we were pleased to see that the bill requires the development of guidelines, and the authorization of a demonstration ***program***, to promote coordination and surge capacity among regional systems of hospitals and other public health facilities during a public health emergency. This will help improve our nation's response capabilities and give more patients access to high quality trauma care. We look forward to passage of H.R 6378 and continued work with the Senate to ensure that this legislation becomes law. Again, thank you for your hard work and commitment to preparing and equipping our [[Page H8789]] healthcare system for future disasters and public health emergencies. Eileen Whalen, MHA, BSN, RN, Chair, Board of Directors. Trauma Center Association of America. Jennifer Ward, MBA, BSN, RN, President, Trauma Center Association of America. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Indiana (Mrs. Brooks) that the House suspend the rules and pass the bill, H.R 6378, as amended. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed. The title of the bill was amended so as to read: ``A bill to reauthorize certain ***programs*** under the Pandemic and All-Hazards Preparedness Reauthorization Act.''. A motion to reconsider was laid on the table.

**Load-Date:** November 5, 2018

**End of Document**



[***Tim Bommer: Rural and coastal communities in Yorkshire need a voice with power***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S3Y-XYK1-JDPH-B4GN-00000-00&context=1516831)

Yorkshire Post

April 16, 2018 Monday

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**Length:** 887 words

**Body**

A FAIR deal for rural communities is not, on the face of it, a controversial ask, but for more than 15 ***years*** governments of different colours have failed to deliver a mechanism to make it happen.

The problem is simple: all sorts of policies that might seem sensible from an urban perspective can have a very different impact on rural communities - and also coastal towns. From public transport to broadband, from postal services to petrol prices, decisions Ministers make across government departments can have a radically different effect on rural areas than on urban ones.

The reality is that a high proportion of the UK's population lives in towns and cities and that proportion is only growing. The needs of rural communities are, therefore, not the first priority of many politicians.

Tony Blair's government became sensitive to this when a broad coalition of rural interests became concerned about the Labour Party's obsession with hunting, whilst showing little interest in the concerns of rural people themselves.

Large scale demonstrations in London, which saw much of rural Yorkshire head to the capital, reinforced the message that all was not well in the relationship between the Government and rural communities.

The response, in 2000, was a formal commitment for the Government to undertake systematic procedures to ensure that all of its policies, ***programmes*** and initiatives, nationally and regionally, take account of rural circumstances and needs.

This became known as rural proofing'. The theory was that policy makers should consider whether their policy was likely to have a different impact in rural areas, make a proper assessment of those impacts, and adjust the policy, where necessary, with solutions.

Like all government commitments, however, the key is delivery and the history of rural proofing' proves again that the best ideas will be strangled by bureaucracy if they are not applied consistently and with authority.

Since 2000 three different bodies have had responsibility for delivering rural proofing: the Countryside Agency, the Commission for Rural Communities and now the Department for Environment, Food and Rural Affairs. The first two no longer exist and the latter, with the best will in the world, has little impact on the development of policy in other government departments.

Unsurprisingly, therefore, government has continued to implement policies that have a partial and damaging impact on rural communities. A classic example is the drive to move government services, from tax returns to farm ***payments***, online. From the warmth of the Treasury, with its superfast broadband, it may seem ridiculous that anyone would not want to do their self-assessment online. It is a very different story, however, if you live in one of the many rural or coastal areas where fibre is still a foodstuff and broadband speeds are glacial.

Last ***year*** a House of Lords Committee considered rural proofing as part of a review of the Natural Environment and Rural Communities Act. The Countryside Alliance argued that the current model was not working and that the only place anyone can have a proper view of policy development across all departments is in the Cabinet Office which is essentially the hub of government.

If rural proofing is to have any chance of working, the responsibility for delivering it must sit in the Cabinet Office with a full view of policy development across government and with the ability to influence all departments that are developing policies which may have a differential impact on rural communities.

In our view, this is something that Ministers should welcome. If rural proofing works properly, it will head off potential clashes ensuring the interests of people in the countryside are properly understood and avoid any last minute policy U-turns.

It seems obvious to us that giving rural communities an independent champion in the place where policy is being developed would be of benefit to the countryside and the Government. With the best will in the world, those who have had responsibility for trying to implement rural proofing in the past have simply not been in a position to deliver it. When the Committee published its report recently, it recommended "that responsibility for promoting and embedding rural proofing across all Government departments should be clearly assigned to the Cabinet Office, within a single purpose unit with the necessary resources and breadth of experience required to exert influence on all departments".

The Committee also recommends that responsibility for rural affairs should be ***transferred*** from Defra to the Ministry of Housing, Communities and Local Government. It argues that Defra is predominantly focused upon the important environment, ***agriculture*** and food elements of its remit and that the interests of rural communities would be better served by the government department that is responsible for communities as a whole.

We do not believe, however, that wherever responsibility for rural communities lies the attitude of the Government as a whole will fundamentally change until there is a strong voice for rural people at the heart of policy making. Shuffling deckchairs will not suffice. We need someone at the wheel capable of steering around the icebergs.

Tim Bonner is chief executive of the Countryside Alliance.

**Load-Date:** April 16, 2018

**End of Document**



[***Commission throws the ball to EU capitals on future of short food chains***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SMX-S1D1-DYXB-V223-00000-00&context=1516831)

EurActiv.com

June 25, 2018 Monday

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**Length:** 1003 words

**Byline:** Sarantis Michalopoulos

**Highlight:** The development of short food supply chains (SFSC) is constantly gaining ground in the EU. Producing and consuming locally is seen as a way to achieve fairer remunerations for farmers and higher quality local food products.

**Body**

The development of short food supply chains (SFSC) is constantly gaining ground in the EU. Producing and consuming locally is seen as a way to achieve fairer remunerations for farmers and higher quality local food products.

But the reduction of the EU funds for the post-2020 Common ***Agricultural*** Policy highlights the role the member states need to play to further boost this rising trend.

In 2015, 15% of farmers sold half of their products through such short food supply chains, according to a [*study*](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/586650/EPRS_BRI(2016)586650_EN.pdf) carried out by the European Parliamentary Research Service (EPRS). In addition, a   [*2016 Eurobarometer survey*](http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2087) noted that four out of five European citizens consider that 'strengthening the farmer's role in the food chain' is either fairly or very important.

On the other hand, critics suggest that such schemes can only provide benefits on a local level and are not a solution to the rising global population and food demand.

The concept was initially introduced by the Common ***Agricultural*** Policy (CAP) for the 2014-2020 funding period via the European ***Agricultural*** Fund for Rural Development.

**SFSC getting popular**

European Coordination Via Campesina (ECVC), an organisation that defends farmers' rights and sustainable farming, says that in Northern Europe, an increasing number of farms sell directly and are very popular among consumers and caterers.

Citing Austria as an example, ECVC said that 27% of farms sell directly and for half of these, direct sales make up the bulk of their income.

In France, the number is more than one out of five farms, especially in the southeast (1 to 4 regions), and concerns all kinds of productions, in particular wine, fruits and vegetables, poultry and honey.

"Outdoor markets are very popular and collective stores of farm products are multiplying, usually in cooperative form, which leaves the control to producers," ECVC emphasised.

According to the organisation, another phenomenon in development is the creation of partnerships between consumers and producers, in the form of the Community Supported ***Agriculture*** (CSA) or AMAP (Association pour le Maintien d'une ***Agriculture*** Paysanne) in France.

Particularly, consumers pay growers up-front for the needed food and through this, farms and families form a network of mutual support.

"With the sale of prepaid baskets at a steady price, it makes it possible to secure the income of farmers as well as the supply of quality products for consumers."

**A conservative CAP**

ECVC criticised the executive's proposals for the post-2020 CAP, saying that they do not promote such schemes.

"We can truly say that farm products and short circuits are developing despite the CAP and not thanks to it," ECVC said.

"Despite claiming to be 'modern', the new CAP is largely conservative and in no way promotes short food supply chains, even though they are supported by an increasing number of consumers," ECVC told EURACTIV.

The organisation said the new CAP would still be based on per hectare ***payments***. "These farms, which are generally small, receive only small ***payments*** when they receive them. Conversely, the large ***payments*** granted to the largest farms lead to unfair competition for access to land for people who want to settle in modest areas and who cannot keep up with rising land prices."

In addition, potentially interesting support (investment, training, help with setting up, disadvantaged areas) is found primarily in the second pillar, whose funding is greatly reduced in the CAP's next period.

For its part, ECVC proposes a positive policy in favour of the installation of young and new producers thanks to income support for the first ***years*** of installation, which are often difficult.

**Commission throws the ball to member states**

According to the EU executive proposals, the rural development financial support will be decreased in the period after 2020 and it's possible that such schemes will be negatively affected if member states do not fill the funding gap.

Contacted by EURACTIV, European Commission sources said that under the new rules, member states will have more flexibility in how to use their funding allocations, allowing them to design tailor-made ***programmes*** that respond most effectively to farmers' and wider rural communities' concerns.

"Member states will also have the option to ***transfer*** up to 15% of their CAP allocations between direct ***payments*** and rural development and vice-versa to ensure that their priorities and measures can be funded."

In an effort to protect farmers' fragile income from price volatility and reduce the pressure from large operators, the European Commission presented on 12 April its much-awaited [*proposals for a directive*](https://ec.europa.eu/commission/news/tackling-unfair-trading-practices-food-supply-chain-2018-apr-12-0_en) to tackle unfair trade practices in the food supply chain.

With these proposals, the executive aims to restore the imbalance in the food supply chain and provide trading partners with weak bargaining power, such as individual farmers, with safeguards.

According to Copa-Cogeca, the EU farmers' association, farmers receive on average 21% of the share of the value of the ***agricultural*** product whilst 28% goes to processors and as much as 51% to retailers.

For ECVC, though, the farmers' main problem is not addressed: low prices imposed within a value chain dominated by oligopoly and the lack of profitability of their work.

"You need to get to the bottom of the problem, which is the deregulation of markets."

The farmers also say that the proposal for a "directive" and not a "regulation" might result in different regulations across the EU and therefore risk the EU internal trade.

In addition, they say the directive does not cover the control and sanction of abusive practices of all operators in the agri-food chain.

"Controlling and sanctioning practices only on small and medium-sized farmers can lead operators to buy ***agricultural*** products where they do not have to comply with regulations."

"On the other hand, the directive does not cover one of the most harmful practices for farmers, which is selling at a loss or ***payments*** to farmers below the cost of production."

**Load-Date:** June 25, 2018

**End of Document**



[***BBC Radio 4 - 06:35 AM GMT***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RV3-GWF1-DY08-31TW-00000-00&context=1516831)

TVEyes - BBC Radio 4

March 10, 2018 Saturday

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**Section:** U.K. NATIONAL RADIO

**Length:** 815 words

**Body**

**Speech to text transcript:**[[3]](#footnote-4)1

full of stuff that the birds can eat basically we grow malted barley and oilseed rape and million weeks some of the artists that the spring malted barley as well and on headlands we have mainly 10 to 20 metre margins which are spread out throughout the whole of the estate which is quite important that we cover the whole area because the wildlife doesn't just it existed in one place and we have a range of different strips so that there's always a feed-in nesting habitat in place throughout the whole of the ***calendar*** ***year*** and those strips have been designed by environmentalists and bird specialist who have researched ***programme*** of provided sustenance and a good living conditions for farmland birds in in the UK I sound of birdsong they like what you're doing Nick just explain how you get paid for this is all part of stewardship schemes on farmers net Yes it's based on income for Gonen where very much commercial farming company produce in and around 5m have 6000 tonnes of human consumption theatre and also animal food and for the areas that we take out of production those areas are no longer producing food provided environment for enrichment the what else do you do environmentally what about the soil for example so early is absolutely vital it is our factory the building on the farm It's the storage Component of the business the fields of the factory their bit that produced food the things we do so we have things like over winter stock ball which is where where the cereal crops are harvested in the autumn will leave those doubles right through to the spring so that different forms of wildlife can benefit from those we have lots of woodland on the estate which is also fringed with pollen and nectar margins and other things we standing next to this woodland here which looks not bad old to me when you plant this this field was say arable field in 1996 and it was planted under farmland premium scheme which gave me 15 ***years*** worth of funding and as you can see it now turned into a delightful landscape feature which also has a wildlife features built into it as a wildlife claim for butterflies and birds and there's a good range of species including its nesting habitat it as well and this would sit in the middle of a large block of our also quite important we created a wildlife Ireland and with a green corridor system to it we use sound like you're ahead of the game when it comes to environmental schemes on the farm of course we are here this morning to talk about angry environment schemes because of course public money for public goods is the new mantra for the environment Secretary when it comes to post Brexit ***agricultural*** policy Michael Gove said he wants to use taxpayers money to pay farmers the things the market doesn't reward them for biodiversity protecting clean water flood protection public access to land and encouraging wildlife and so on and so on there are currently no money for and green violent schemes comes from the EU common ***agricultural*** policy on the ground the system is slightly different in England Wales Scotland and Northern Ireland because each has its own scheme for administering the money currently available from the European Union now while there are some frustrations with the way it all works which I'm sure we will hear about later on in the ***programme*** many people looking at these schemes will survive Brexit in some form Gary Williams is a Hill farmer in green their income rather sharp his farm gets Glasdir funding announced the scheme through which the Welsh government provides EU environment ***payments*** he's been speaking to married Clegg Terry Jones about his hopes for the future of the scheme West stood on the top of the black mountain looking out over this amazing patchwork quilt of feels in front of us a lot of this is due to the environmental wake of debt well so you can see you can see the different environmental cause and even tried to achieve a fair areas of woodland that have been planted areas of wetland that have been fenced though done on limited Greece in patterns to try and encourage you know that the 4 under and the plants you look at the farmers Hall and some of these areas close to this ***year*** border Hill their armour poor quality soil it difficult to manage the be reverted to reach the environmental goals well as the bear active this red sandstone soil on the other side of the farm which is far more productive it easier to farm we can then target that as an area of high levels of production so it is about beacon D almost making environmental deal if this area which is

**Load-Date:** March 10, 2018

**End of Document**



[***Washington: INTERIOR, ENVIRONMENT, FINANCIAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2019--Continued (Senate - July 31, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S23-H871-F0YC-N01N-00000-00&context=1516831)

Impact News Service

August 1, 2018 Wednesday

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**Length:** 15102 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 Mr. RUBIO. Mr. President, one of the interesting developments in our public debate in America today is Russia and the elections of 2016. Lost in all the noise and all the debate and all the legitimate issues that arise from it is this perception that if you are taking on Russian interference, that is a Democratic position or an anti-President Trump position, and that if you think this is all much ado about nothing, then you are taking a pro-President position. Nothing could be further from the truth. Vladimir Putin is neither a Republican nor a Democrat. He is not interested in making America great; he is interested in making America weak.

The reason Vladimir Putin is interested in making America weak is because while America is not at war with Vladimir Putin, Vladimir Putin is at war with America. You may say: Well, that doesn't sound right because war means bullets, rockets, missiles, aircraft, and launching attacks. This misses the broader point. For Russia, under the Russian doctrine of conflict, information is a weapon; information war is a part of war. We are not in an armed conflict, but sadly, while we Americans go on about our lives and do not spend all day obsessing about Russia--until 2016 and some of the issues that arose there-- Vladimir Putin is obsessed with America, and those in his government who surround him are as well. We Americans look at Russia and say they are an important country. They have nuclear weapons and significant conventional military capabilities. But they have a very small economy of $2 trillion--about the size of Italy's or Spain's. They are not really geopolitically relevant in many parts of the world. They still can't project power the way they used to during the Soviet Union. Yes, they are involved in Syria and other places, and they are doing more of that than ever before, and they have a veto vote on the United Nations Security Council. They are not really a relevant nation. Culturally, their people have much to be proud of and have contributed a tremendous amount to the world. On a daily basis, Russia may be a nuclear and somewhat military peer competitor of the United States but not economically, not commercially. But the Russian Government's view of America is very different. They view America as an aggressive power that seeks to destroy Russia. I know that sounds bizarre to Americans who know that we spend little, if any, time thinking about how to go to war with Russia, but in their mindset, we do. They view us as an aggressive power that wants to fight and degrade them. They hold us responsible for the end of the Soviet Union, which, to them, represented power--not so much ideology, but power--for the current leaders. They blame us for expanding NATO in a way they feel encircles them. They blame us for the color revolutions throughout Europe, and they believe we want one of those to happen in Russia as well. Most of all, they think we are seeking to take advantage of Russia and humiliate them. This is the view of Russia's leaders. This is why, while we are not at war with Russia on information, Russia, under Vladimir Putin, is at war with the United States. We keep talking about this issue as if it were espionage. I have had people come to me and say that everybody spies on everyone. This is not about espionage--trust me. Many countries in the world spy, and on each other, including our allies. This is not about espionage; this is about information warfare. Information warfare is a part of the Russian doctrine of confronting an enemy and weakening them from within. What happened in 2016 and what is [[Page S5494]] happening now is nothing less than an information war against America-- not for purposes of electing Donald Trump President or having Republicans win or vice versa but for purposes of dividing us among each other so they can weaken us from within, opening a permanent front domestically in order to hurt this country. They do this all over the world. They do this in Eastern Europe. They do it all over the world where they have an interest, and it takes different forms. In many of the countries in which Russia is involved in information warfare, one of the things they do is openly and strongly financially support pro-Russian candidates, pro-Russian parties, or they may support pro-Russian separatists the way they did in parts of Ukraine. We don't have a pro-Russia party in the United States. We don't really have pro-Russian constituencies in American politics--certainly not in large numbers that yield any power or influence. Instead, the way to weaken us is to divide us from within by pitting us against each other. The weapons they use in this war are their goals. Let me start with their goals. How do they weaken us? The first is they seek to amplify political and social divisions in our country. You will see that both in 2016 and in the current efforts I am about to show that they focus largely on issues of race, immigration, and gun control. They know the issues that pit Americans against each other. They know the hot-button issues that get us to fight and call each other names and accuse one another of horrible things, and that is why they focus on those issues. Another goal they have is to undermine confidence in our democracy-- to be able to go around saying that our elections are rigged--so that we may come to doubt that a winner of an election really won. The third is that they seek to weaken our image globally--for example, making up stories about how American troops in some country are killing civilians or committing war crimes and things of that nature, doctoring photos and video, and spreading fake news through their Russian propaganda outlets. This is how they seek to weaken us. The methods they use are enlightening because they used them in 2016, and they are using them even at this very moment that I am speaking to you now. How do they amplify our political and social divisions? What do they do to get us to fight with one another? Because if they just put a bunch of segments on RT--everyone knows RT is the Kremlin's television station, but they are keen watchers of American habits. What do they know? They know a significant and growing percentage of Americans get their news and their information from social media. In the old days, if you wanted to start a rumor, you started a rumor, and people had to tell someone else. Propaganda and informational warfare is not new. What is new is the ability to spread it to millions of people instantaneously by using platforms that were not available just a short time ago. They know Americans increasingly, as I said, get information from social media. The first thing they do is they develop networks of followers for fake social media accounts. ``Fake'' meaning they are real accounts but fake in that it is not the person. It is a Russian operative who creates a social media account. Initially, the account may not even have anything to do with politics. It might have a variety of different topics in order to attract people to follow it, until you get to 10,000 15,0000, 20,000, 30,000 followers. Once they have reached a critical mass--and they have dozens of these--then, they use those platforms to inject divisive or false content or memes. They can use that, for example, to just sow instability and get us to fight with one another, but they can also use it to target specific candidates. For example, they are using these networks, potentially, to leak stolen documents from a computer they hacked; or email doctored documents, where they change a few words and make it sound like you said something you never said; or, an even greater and growing threat, potentially, one day develop deepfake videos that you will watch on your news feed. You will look at the video, and it looks like someone saying and doing something, but it was carefully doctored and only an expert can tell. By the time a campaign or candidate bats it down, the election has passed, and that video has been spread far and wide and probably even found its way into regular media. They know how the metrics work. How does the story pop up on your news feed, for example, on Facebook? It is based on how many people click and look at it. They unleash automated bots and even potentially paid advertising to drive traffic to those sites so those fake stories or that false content and that divisive content begins to rise on the news feed, meaning more people will read it. The result is, you have started a massive internet rumor that you know is going to get Americans to fight against one another. This is not a relic of 2016. This is happening now. This is happening today. We were reminded of it earlier this morning, earlier today. I want to show you two slides that Facebook revealed--two slides of content that Facebook has now removed because they have identified it as the work of Russian intelligence and their informational war against the United States. Our first slide, under a fake account named Resisters, was posted on the 1st of September of last ***year***. It says: Millions of indigenous people died during the conquest of America. History is history. But if we want integrity and equality, we have to erase these bloody memories and start over. Congratulations, Louisiana. What it posts is a picture--a picture with a sign on it that says: Christian terrorism begins in 1492. Sorry. It says, Congratulations Los Angeles because what it was referring to was Los Angeles canceled Columbus Day. Columbus Day is no more in the Nation's second-largest city. Why do they put that on Facebook? Why would they post that? Because they know it is going to get us to fight. Some people will see that and be outraged about Christian terrorism. It will make them angry that this kind of thing is happening, and they will ascribe this as the work of the political left. Others, potentially who agree with this message, will send it to their group of followers, saying: Look, this is exactly right. This is what we have been saying all along. The point is, this is a message that would divide Americans against each other. It will get us to fight along religious lines and potentially ethnic lines. That is the purpose of this kind of stuff--a fake account they boosted with automated bots so it got on people's news feeds. By the way, they do dozens and dozens of these sorts of posts. This is just one example of it. This may reach 4,000 there, 18,000 people over there. This stuff adds up. Let me show you a second slide. This is a slide from Aztlan Warriors. As you can see, it is pictures and the names of various Native American figures from America's past giving thanks to our vets in the 500-***year*** war against colonialism. Look at that one. Why would they post that? Geronimo, Crazy Horse, Chief Joseph, and the like. Why would they post that? Again, this is just two examples of things they were pushing to get people to fight. Maybe they are hoping some political or well-known figure will like it and then create a scandal about them in the press, but they know this will outrage people. This is an outrageous message. This is a message designed to generate outrage. This is not a pro-Trump message or pro-Democratic message; this is an outrage message. This is informational warfare. They know we have a First Amendment. This is protected speech, oftentimes. They use it against us. You can't do that in Russia. This stuff is censored in Russia, but they have figured out how to use this information to get us to fight against one another. There are dozens of other ads like this that today were removed. One of them attacks President Trump as a Nazi--a divisive message designed to get us to fight. Again, these are not ads designed to win a campaign. This ad is not going to lead you to directly go out and vote for your Congressman or against him or for your Senator or against him. This is designed to drive conflict, along lines in this country that they know drives [[Page S5495]] conflict. These are conflict messages. This is informational warfare. This is what they are doing now ***year***-round. In campaigns, they may tailor it for something else, but this is what they are doing to us ***year***-round. This is what they did in 2016, with the primary objective of getting us to be divided, with the primary objective of ensuring that no matter who won that election--Hillary Clinton or Donald Trump--the next President of the United States was going to take office with a dark cloud over their head and a nation continually debating these issues and divided over it. This is how you weaken an adversary from within. This is 21st century information warfare, and this is what is happening to our country. The target of this campaign is not the Democratic Party. It is not the Republican Party. It is you, the American people. A foreign country, under a foreign dictator, is coming into your homes, across your computer screen and your mobile phones, and targeting you for psychological and informational warfare. That is what we have to fully accept, as well as the implications it has for our country, for its future, for our Republic, for our elections, and for our ability to do work here. They are better at this today than they were 2 ***years*** ago. Imagine when they start using that to try to influence the debates in the Senate or the House--contemporary issues. It is coming. I don't have a magic solution for how to stop it. This is a 21st century reality. We have to address it and be prepared for it. I know this. I don't like Vladimir Putin. I don't respect Vladimir Putin. I don't consider him to be a great leader or anything like that. I largely consider him to be a weak and very corrupt man whose government is largely based on corruption and the ability to provide wealth to those who surround him, as long as they give him some of their money. He is largely an organized crime figure in charge of a nuclear arsenal and a great nation of great people. He has empowered himself with that. I do know he is a calculated actor. We have every reason to believe he makes decisions by weighing the benefits and the costs. I believe, in 2016, he looked at the efforts in 2016 and said: I think weakening America from within through an informational warfare campaign will yield great benefits at a cost I am willing to pay. I believe as we get closer to 2018 and future elections, he will have to make that decision again. I believe one of the things we can do is something that the Senator from Maryland, Mr. Van Hollen, spoke about earlier and we are working on together; that is, we have to do what we can to ensure that when he makes a decision about what to do in 2018 or beyond, the price of doing it is substantially higher than the benefit he thinks he will gain from informational warfare. That is the purpose of the DETER Act, a bill we have filed together and continues to gain cosponsors. It is to make sure Vladimir Putin knows how high the price will be in comparison to the benefit before he decides what he wants to do about 2018 or beyond. The bill is pretty straightforward. It doesn't deal with 2016. It doesn't look backward. It looks forward. It says two things. The first is, after every election, the Director of National Intelligence has to issue a report, after consulting with the Attorney General, with the White House, with all the heads of the intelligence agencies, about whether Russia attempted to interfere in our elections. I am not talking about five Russian guys on Twitter. I am talking about a real campaign to interfere in our elections and conduct informational warfare for the purposes of disrupting our election, for the purposes of undermining confidence in the ballot box, for the purposes of driving divisions in America. If the answer is yes, it defines very clearly a set of specific, very hard-hitting sanctions in waiting--sanctions in waiting--that will be imposed if, but only if, there is interference. Sanctions are important as a penalty for what has been happening in the past, but deterrence happens when people know it is going to happen in the future. He has already paid the price for 2016. Those sanctions are already in place. That is already baked into the equation now. You can't reimpose the same sanctions. Vladimir Putin is well aware what will happen if he conducts a massive cyber attack on our infrastructure. He is well aware of what will happen if he launches a rocket, a missile against one of America's cities. He knows very well what will happen if he tries to shoot down one of our airplanes. Right now, he is kind of wondering what will happen if ``I did this again because they seem pretty divided about this whole thing. Maybe I can get away with it.'' We have to change that equation, and that is what this bill is about. The best way to prevent these things is to change that calculus. The best way to deal with this or any problem is to prevent it from happening in the first place. I cannot guarantee that if we pass a strong deterrence bill, he will not still wage informational warfare, but I can almost guarantee that if we don't, he will at some point in the future, and the target could be the Republicans the next time or anyone, for that matter. Vladimir Putin is not a Republican. He is anti-American, and he seeks to destroy this country from within, with driving an informational warfare campaign. We are prepared to change and tailor our bill. There are some parts of that bill that need to be altered and refined. We recognize that. We are working to do that. We are willing to take ideas from anyone. The purpose of this is not to do something reckless or irresponsible. I am not interested, and I know Senator Van Hollen is not interested, in a talking point or a messaging exercise. We want to pass a law, which means it has to have 60 votes in the Senate, a majority in the House, and something President Trump can sign. We are willing to change the bill so long as it can pass, and it will actually have strong enough deterrence. That is good public policy without unintended consequences. That is the purpose of this. I will close where I began. We make a terrible mistake if we think this somehow is an effort by Vladimir Putin to engage himself in a partisan competition in the United States. His goal is not to elect one party or any individual candidate. His ultimate goal is to divide us against each other. I ask everyone this. If a stranger came into your home--no matter what problems you may have with your family member or your children-- and actively encouraged you to fight with your spouse and fight with your kids and fight with your relatives, constantly trying to instigate, I know most people would tell this person: Listen, we are family, and we argue with one another, but you are not. You have no place to come into our home and get us to fight with one another. We need to do that with our country. We need to do that with America. That is what we are hoping we can do here; 2016 is being dealt with. The Intelligence Committee that I sit on continues to do its work. We learn more every day that I think will help us be stronger for the future. Is the independent counsel doing his work? I think the best thing that could happen is that all the truth can come out. The best thing for the President, the best thing for the country is that he be allowed to finish his work and that we know everything that happened in detail. The truth, I truly believe, is what is in the best interest of everyone, including the President of the United States. We can't change the past. We can react to it, but we can't change it. We have a chance to influence the future, and that is the point of the DETER Act and why I hope we can make progress. The election in the fall is less than 100 days away now. We are running out of time to put in place the things we need to put in place to ensure that this does not continue to happen. We already are pretty irritated about these issues in America. The last thing we need is for some foreign, malign power, which seeks to weaken us, to have a foothold in making things worse and, in cases like what I just showed, getting us fighting with one another over things that aren't even real. We are the target of a psychological and informational war. It is time we stand up for ourselves, and I hope we will pass something like the DETER Act to do so. I yield the floor. [[Page S5496]] I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Perdue). The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. LANKFORD. Mr. President, over the past week, the Senate has debated and amended the financial services and general government appropriations bill. It is the first time that this bill has the potential to cross the floor of this Senate since 2007, when the bill was created. Not one time has it passed the Senate since this appropriations bill was created. Usually, this particular appropriations bill is airdropped into an end-of-the-***year*** spending package or an omnibus without ever being publicly debated, without ever coming to the Senate floor, without a single amendment. This ***year*** changed that. This bill has been on this floor this entire week. And it was here last week. And it is being amended. And it is going through a process. That may not seem like a big deal to some. That should be a no-brainer for most Americans, certainly for most Oklahomans. They would think, of course, the bill is being amended and debated. But that has not happened since 2007, and we are changing a process, trying to relearn how to actually pass bills--to debate them and to go through this process. I think countless Americans across the country who complain about the inaction of Congress and all the backroom deals have been justified in their complaints about this bill. But I am telling you, we are at a historic turning point of trying to shift this process around. We have demonstrated that appropriations bills can be debated and amended in an open, orderly, and fair process for all of the country to see. I was grateful to accept the role of chairman of the subcommittee earlier this ***year*** because of the agencies and ***programs*** that are impacted by this particular appropriations bill. It affects the lives of millions of Americans, plays an important role in supporting the American economy, and promoting private sector growth. The funding for this particular appropriations bill is $23.688 billion. It includes funding for entities across all three branches of government, from the White House to the Supreme Court, to a diverse group of 27 independent agencies and the Treasury. In fact, more than half of this particular appropriations bill, $12.7 billion, funds the Department of the Treasury, the offices of which execute important functions that promote economic growth, combat illicit finance, safeguard our financial system, administer the Internal Revenue Code, and manage the Federal Government's fiscal operations. Last ***year***, the Tax Cut and Jobs Act passed this Congress and is now law. It provided much needed relief to Oklahomans and all Americans by lowering tax rates for the middle class, simplifying tax rates for every American, and dramatically changing how we tax businesses. The tax reform bill has helped small and large businesses and individuals throughout this ***year***. In fact, as a direct result of that bill passing last ***year***, this past quarter, our economy grew at 4.1 percent. Unemployment is down to historic levels. Wages have started to increase again. We have seen some significant growth in our economy, but with that significant growth, from a new Tax Code, there are also significant changes that are happening in tax administration. This particular bill provides the funds necessary for the IRS to be able to complete its work to implement the tax reform bill to ensure that the tax forms and all of the IT systems are ready for the filing system and April 15. We want to make sure that Americans get their questions answered because there will be additional questions coming this next ***year*** as they file under a new system--hopefully a simplified system. The bill also provides funding for the taxpayer assistance centers to ensure that local offices in my State--like those in Enid, Lawton, Oklahoma City, and Tulsa--remain open and available for individuals to have face-to-face conversations with someone from the IRS and that there is also the opportunity for them to be able to call directly, if they have questions for the IRS. These important centers help Oklahomans resolve tax issues, change tax account information, arrange ***payments***, as well as get answers to questions regarding the new tax law. This bill also includes $159 million for the Office of Terrorism and Financial Intelligence. It is at the Treasury Department, but it levies the sanctions against terrorist organizations, international narcotics traffickers, rogue regimes, and individuals and entities involved in the proliferation of weapons of mass destruction. It is an incredibly important office that functions in our Treasury. The State of Oklahoma knows firsthand the devastation that can be caused by terrorism, and I am pleased that this terrorism finance entity received a $17.2 million increase in our bill. It increases their capacity to curb terrorist financing and dismantle the financial networks that support them. If you stop the flow of money to terrorism and to cartels, you can stop the flow of drugs and violence and every other evil thing that they bring. This bill also includes $118 million for the Financial Crimes Enforcement Network or what is called FinCEN. It combats money laundering. In 2018, financial institutions in Oklahoma have filed over 12,000 suspicious activity reports that they identified with FinCEN to identify suspicious activities or potentially suspicious activities that helped FinCEN to follow the money and track down drug kingpins, money laundering, human smugglers, and other criminal enterprises. Furthermore, this bill makes critical investments in our Nation's financial markets by providing targeted increases for the Securities and Exchange Commission and the Commodity Futures Trading Commission. The SEC--Securities and Exchange Commission--works to ensure that our financial markets are fair, orderly, and efficient. This helps Oklahoma companies have access to the capital they need to get started, to grow, to hire, and to thrive. Over the past ***year***, the SEC has made protection of Main Street investors its top priority. This will help ensure that Wall Street insiders can't manipulate stocks prices for retirees in Norman or give unscrupulous financial advice to investors in Broken Arrow. I am pleased we were able to fund this initiative. Households in Oklahoma have more than $164 billion in mutual fund assets, and the SEC regulates investment companies that issue these securities so that families are not victims of Ponzi schemes or fraud that wipe out their entire life savings. With $164 billion in Oklahoma money invested, it is incredibly important that we get this regulated and get it done right. The bill provides funding, as well, for the CFTC, which ensures that derivatives markets in the United States are free from fraud, manipulation, and abuse of practices while ensuring that they remain globally competitive. Some people may say: Well, the CFTC doesn't affect me directly. Do you know what? If you are a soybean farmer or a rancher or you are involved in oil and gas production in Oklahoma, CFTC markets help these people hedge their risk. It is very important to them and to our economy. I am pleased that the CFTC Chairman, Christopher Giancarlo, is visiting Oklahoma next week to meet with ***agriculture*** and energy groups face to face and listen to their needs as the agency implements thoughtful rules and regulations that encourage participation and innovation in the markets. We welcome the CFTC Chairman to Oklahoma. The bill also provides $280 million for the High Intensity Drug Trafficking Areas ***Program***, which supports law enforcement agencies operating in major drug trafficking regions and corridors. One of those initiatives in this ***program*** is the Texoma HIDTA, which encompasses a handful of counties in North Texas, as well as Cleveland, Comanche, McIntosh, Muskogee, Oklahoma, Pittsburg, Sequoyah, and Tulsa Counties. Those counties are sometimes used as a transnational shipping distribution area for drugs arriving from Mexico that are destined for Oklahoma and other parts of the country. With this funding, the Texoma HIDTA coordinates training, information sharing, and joint task forces that [[Page S5497]] connect 70 different Federal, State, and local law enforcement agencies in Oklahoma and North Texas. For example, this week, from Wednesday to Friday, the Texoma HIDTA is hosting a training for local street patrol officers, investigators, and detectives to increase awareness of the trends, methods of operations, and drug activity of the most commonly encountered criminal street gangs. It is important that this ***program*** stays in place. The bill includes $99 million for the Office of National Drug Control Policy and the Drug-Free Communities Support ***Program*** that supports community coalitions to prevent youth drug use. Many youth have a difficult time navigating junior high and high school and early college, trying to stay away from drugs--and keep away. This ***program*** supports grants and nonprofit organizations in towns in my State like Oologah, Lexington, and Hulbert in their efforts to reduce teen substance abuse. The bill also provides funding increases to the U.S Postal Services inspector general to address the growing concern of narcotics trafficking through the mail. This funding increase will enable the inspector general to address the increase in the number of allegations of postal employees stealing drugs from the mail or postal employees assisting drug trafficking organizations in the delivery of narcotics shipped through the mail. We have thousands and thousands of great employees in the U.S Postal Service, but, sometimes, if we have a bad apple in the group, the mail itself is used to deliver some of the worst narcotics to Americans. We need to increase for the inspector general to be able to track down a bad actor, even in our U.S Postal Service. The bill provides full funding to the Federal Communications Commission to help close the digital divide between metropolitan areas and rural areas in Oklahoma. We want to protect consumer and public safety and improve the regulatory process for telecommunications companies throughout the State. This also sets the precedent for increasing cell phone coverage in some of the most rural areas in the country, including rural areas in Oklahoma. Oklahoma receives the second largest allocation of Lifeline funds in the entire country, $128 million. But there is some waste and inefficiency, and there are some individuals even in my State who are getting Lifeline funds but should not. So we have increased the ability to be more efficient and to make sure that Lifeline funds are targeted to people who actually need it the most. Further, this bill provides full funding for the Federal Trade Commission to fulfill its mission to prevent anticompetitive mergers and anticompetitive business practices in the marketplace. Each of the ***programs*** that I just mentioned has a real impact on Oklahoma and Oklahoma families. But it is important to note that we are not just sending a check to these entities and agencies, and walking away. Prior to passing the bill, we held open hearings to require agency leaders to publicly defend their budget requests, and we will continue to hold hearings and have conversations with agency heads and senior leaders and budget directors about the use of their funds. In some cases, we have made cuts already, and there will be others that may have to be made in the future. Last ***year***, we provided $150 million for the Technology Modernization Fund at the GSA, the General Services Administration. They came back this ***year*** and asked for $210 million. We said no. We have not seen results from that ***program*** yet, and we don't have any data on it, and I wasn't going to allocate $210 million to something that we don't know is working. The National Archives and Records Administration does incredibly important work to protect our Nation's history, but we reduced their budget for administrative expenses in this bill. They responded by finding more efficiencies to compensate for that. This can be a model for other agencies and entities. There are ways to help protect Americans' money, and it begins by the government remembering that the money that is allocated in this bill is not our money; it is money that is coming out of the paychecks of hard- working Americans, and they want us to be responsible with it-- rightfully so. Again, this is a historic week for the Appropriations Committee, for this particular subcommittee, and for the Senate. I do applaud the determination of Chairman Shelby and Vice Chairman Leahy as they push these bills through and publicly debate these bills on the floor. I also want to thank the ranking member of the subcommittee, Mr. Coons. He has been a great partner in this effort. Our team and his team have worked very cooperatively together through a lot of difficult issues. I appreciate everyone's engagement on these issues as we try to solve this long term. I look forward to continuing oversight in the months ahead as we pass this bill and then watch over how those dollars are actually spent. We want to make sure that decisions that have been made are best for the American people, best for the agencies, and best for the future of our country. I look forward to seeing this bill completed in just the next few hours or next couple of days and finishing the work and then partnering this bill with what the House has passed to get a final conference report and put it on the President's desk. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Vermont. Mr. LEAHY. Mr. President, I appreciate the comments of the Senator preceding me, and I thank him very much. He has worked very hard in the Appropriations Committee. Senator Shelby and I have worked very hard to get a bipartisan bill. I would hope that we could have a consent agreement very soon to bring the current bills to a conclusion. I would note that both Mr. Shelby and I have done our best to work with Members of both parties. Many people on the Appropriations Committee have concerns, some of which are by nature parochial, many national. I think we have tried to accommodate as many people as possible, and I hope that Senators can reach an agreement soon so we can know exactly what we will be voting on if not tonight, tomorrow morning. I thank the Senator for his comment. I see my friend is about to speak, so I will yield the floor. The PRESIDING OFFICER. The Senator from Kansas. Mr. MORAN. Mr. President, I appreciate the kind remarks and the comments about the appropriations process and bill by the ranking member, the vice chairman of the committee. In this package of appropriations bills is the FSGG that was just talked about by the Senator from Oklahoma, the chairman of the subcommittee of which I am a member. Tonight, I want to speak about an aspect of that appropriations bill. I want to speak on the evolving threats in cyber security that not only pose harm to individual Americans but also to Federal agencies that are tasked with ensuring the economic and national security of our Nation. In recent ***years***, it has become clear that threats in cyber security are rapidly changing. Cyber attacks are not only growing in volume but also in complexity. I chair a subcommittee of the Senate Commerce Committee, the Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security. I have convened hearings and publicly questioned Federal agencies and private corporations alike to determine what standards and practices they have in place to better protect their customers' personal and financial data. With examples of breaches exposing the personally identifiable information of tens of millions of Americans, such as in the 2015 breach within the U.S Office of Personnel Management, the ability to compromise data networks in the Federal Government cannot be overstated. Companies must do all they can to prevent hackers from gaining access to their customers' information. The Federal Government and State officials must do the same. Advancements in information technology, or IT, will continue to drive the changes in our Nation's security, economic competitiveness, communications, healthcare, privacy, and other areas. The Federal Government must keep pace with these changes through nimble, expeditious, and results-driven decision making. [[Page S5498]] A stringent and cumbersome budgeting and acquisition process has tied the hands of Federal agencies in their efforts to modernize their IT systems in an efficient fashion. The U.S Government Accountability Office's 2015 ``High-Risk Series'' report highlighted several issues it deemed critical to improving IT acquisition. Specifically, the report stated that about 75 percent of the $80 billion the Federal Government spends annually on IT investments is spent on operating and maintaining outdated and unsupported legacy systems, creating major cyber security vulnerabilities at home and abroad. In fact, the Federal Chief Information Officer, Suzette Kent, recently testified to the House Committee on Oversight and Government Reform last week, where she identified the replacement of legacy IT systems as critical to achieving stronger Federal cyber security protections. With the support of the Trump administration, I partnered with Senator Tom Udall of New Mexico to introduce the Modernizing Government Technology Act, which is being referred to as the MGT Act, in an effort to address the foundational cyber security threats that outdated legacy systems in our Federal agencies pose. The MGT Act establishes IT working capital funds for 24 CFO Act- eligible agencies and allows them to use savings obtained through streamlining IT systems, replacing legacy products, and transitioning to cloud computing for further modernization efforts for up to 3 ***years***. The bill also creates the Technology Modernization Fund, a separate centralized fund within the Department of the Treasury. These resources would be administered across the Federal Government by the head of the General Services Administration in consultation with a board of Federal IT experts. It is fitting that the MGT Act was signed into law last ***year*** as part of the National Defense Authorization Act for Fiscal ***Year*** 2018, as cyber security policy is increasingly interwoven into comprehensive national security discussions. As contributors to the original drafting of the MGT Act, Senate appropriators demonstrated their continued support for the innovative policy by appropriating $100 million to the Technology Modernization Fund for fiscal ***year*** 2018, last ***year***'s appropriations bill. Of this original funding, the Technology Modernization Fund has already awarded substantial grants to applicant agencies, including the Departments of Housing and Urban Development, Energy, and ***Agriculture***, to replace their outdated, unsupported, and vulnerable systems. Given these early-stage successes, I was disappointed to find that the Senate Appropriations Subcommittee for Financial Services and General Government, FSGG--the subcommittee that the Senator from Oklahoma chairs and that I am a member of--provided no funds for the Technology Modernization Fund in the mark for this fiscal ***year***, 2019. I appreciate the opportunity to work with Subcommittee Chairman Lankford and his staff. It was clear to me in that conversation and those discussions that GSA and OMB need to provide more information on individual agency proposals submitted to and awarded by the Technology Modernization Fund. I worked with the subcommittee to include specific reporting requirements in this bill for the agencies to provide Congress. Agency officials have been providing necessary information to appropriators since the markup of the bill, so progress is being made. These commonsense requirements are absolutely critical and will lead to more transparency, and it is important that the GSA and OMB work closely with the Appropriations Committee on proposals for moving forward. Congress and the Federal agencies must work hand-in-hand to provide the necessary resources to the Technology Modernization Fund, which, used responsibly, is a vital tool for the Federal Government's task of keeping our Nation's critical IT infrastructure efficient and secure. Inherently tied to improving our Nation's critical IT infrastructure is bolstering cyber security efforts against those who try to do us harm in the cyber domain. The Federal role in cyber security involves both securing Federal systems and assisting in protecting non-Federal systems. Under current law, all Federal agencies have cyber security responsibilities relating to their own systems, and many have sector- specific responsibilities. One of the most well-known topics related to our Nation's cyber security capabilities relates to the intelligence community indicating that Russian cyber actors interfered with U.S elections. These exposures threatened to compromise one of the most sacred privileges we have, as Americans, afforded to us in our constitutional freedom to participate in democracy through election. Back-end election systems, including voter registration databases, ballot creation systems, voting machine configuration systems, absentee processing and reporting, and tabulation software, are increasingly vulnerable and have been compromised by both private and state actors. While States are charged with the primary responsibility of securing their systems, the Federal Government can bolster those efforts through legislation, such as the Secure Elections Act, which I cosponsored in an effort to strengthen protections against foreign interference and prevent Russian meddling in our election, as they did in 2016. Our Nation faces existential threats from adversaries such as Russia and China in a warfare we cannot see that rages in the shadows of cyber space, where cyber attacks know no bounds, affecting our Federal systems, States, and crossing the line among numerous sectors in our Nation's critical infrastructure. As our intelligence and other communities analyze cyber threats, whether attacking our democracy or our critical infrastructure, it is important that the Federal Government promptly streamline and share cyber security information with State, local, and private sector partners. Although talk of cyber threats to our State networks and critical infrastructure across all sectors continues to grow, this threat is not new. Just last July, we saw hackers infiltrate a network of companies that run nuclear plants in the United States, including a nuclear powerplant in my home State of Kansas. Incidentally, a cross-section of stakeholders at the State and Federal level and among the private sector are represented at the Kansas Intelligence Fusion Center, which plays a critical role in analyzing and comparing cyber data and intelligence among public- private partners and Federal agencies to identify similarities, anomalies, and ways our cyber defenses can improve. The Fusion Center, headquartered in Topeka and managed by the Kansas National Guard, has analytical capability that works as an intermediary, supporting companies across the United States in our financial and energy sectors, as well as our intelligence community and the Department of Defense, the Department of Energy, and the Department of Homeland Security. With the Fusion Center's ability to access, analyze, and transmit data at classified levels, they are able to more accurately assess cyber threats from the vantage point that private sector partners cannot. Similarly, they are able to share what they learn from cyber attacks on private sector partners to Federal agencies. As we look for ways to improve IT systems across the Federal Government, there is much to be gained from the private sector and their experience and exposure to cyber attacks. As the Departments of Defense, Energy, and Homeland Security develop an assessment of our Nation's cyber infrastructure, I hope they seek the perspective of our private sector partners that have just as much at stake in protecting our infrastructure across the country as does the Federal Government. We must do all we can to keep our Nation's ability to detect, prevent, and respond to cyber security attacks, which is why fully funding the Technology Modernization Fund is so important to bolstering an environment that incentivizes organizations to strengthen their IT systems. I hope my colleagues recognize the importance of investing in defensive cyber security capacity and join me in supporting funding for the Technology Modernization Fund in the Financial [[Page S5499]] Services and General Government appropriations bill and supporting the Secure Elections Act. Mr. President, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Daines). The clerk will call the roll. The assistant bill clerk proceeded to call the roll. Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Rounds). Without objection, it is so ordered. Mr. MORAN. Mr. President, I ask unanimous consent that it be in order to call up and consider the amendments in the managers' package, which is at the desk, with a modification to amendment No. 3670, en bloc. The PRESIDING OFFICER. Is there objection? The Senator from Vermont. Mr. LEAHY. Mr. President, Senator Shelby and I and Senator Moran have worked on this. We have no objection. The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be considered en bloc. Amendments Nos. 3406; 3428; 3436; 3437; 3438; 3447; 3454; 3468; 3476; 3480; 3482; 3492; 3493; 3517; 3540; 3546; 3551; 3560; 3562; 3563; 3566; 3578; 3582; 3585; 3595; 3607; 3608; 3613; 3615; 3621; 3633; 3645; 3646; 3650; 3651; 3661; 3665; 3666; 3684; 3668; 3669; 3670, as modified; 3671; 3675; 3676; 3677; and 3679 to Amendment No. 3399 Mr. MORAN. Mr. President, I ask unanimous consent that the amendments be made pending, en bloc, under the previous order. The PRESIDING OFFICER. Without objection, the amendments are now pending en bloc. Mr. MORAN. Mr. President, I know of no further debate on the amendments. The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendments en bloc. The amendments (Nos. 3406; 3428; 3436; 3437; 3438; 3447; 3454; 3468; 3476; 3480; 3482; 3492; 3493; 3517; 3540; 3546; 3551; 3560; 3562; 3563; 3566; 3578; 3582; 3585; 3595; 3607; 3608; 3613; 3615; 3621; 3633; 3645; 3646; 3650; 3651; 3661; 3665; 3666; 3684; 3668; 3669; 3670, as modified; 3671; 3675; 3676; 3677; and 3679) were agreed to en bloc, as follows: AMENDMENT NO. 3406 (Purpose: To authorize the Secretary of ***Agriculture*** to provide technical assistance relating to a disaster caused by a volcanic eruption) At the appropriate place in division C, insert the following: Sec. \_\_\_. The Secretary of ***Agriculture*** shall provide to any State or county impacted by a volcanic eruption covered by a major disaster declared by the President in ***calendar*** ***year*** 2018 in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C 5170) technical assistance-- (1) to assess damage to ***agricultural*** production and rural infrastructure; and (2) to develop recovery plans for impacted farmers, ranchers, and rural communities. AMENDMENT NO. 3428 (Purpose: To require a report on engagement with local interests relating to intelligent transportation systems technologies and smart cities solutions) At the appropriate place in title I of division D, insert the following: Sec. 1\_\_. Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives a report on efforts by the Department of Transportation to engage with local communities, metropolitan planning organizations, and regional transportation commissions on advancing data and intelligent transportation systems technologies and other smart cities solutions. AMENDMENT NO. 3436 (Purpose: To require the Administrator of the Federal Aviation Administration to submit a report on implementation of NextGen at commercial service airports in the United States) At the appropriate place, insert the following: SEC. \_\_\_. REPORT ON NEXTGEN IMPLEMENTATION. (a) In General.--Not later than 1 ***year*** after the date of enactment of this Act, the Administrator shall submit to Congress a report on the implementation of NextGen at commercial service airports in the United States. (b) Elements.--The report required by subsection (a) shall include the following: (1) The number and percentage of commercial service airports in the United States that have fully implemented NextGen. (2) The percentage completion of NextGen implementation at each commercial service airport in the United States. (c) Development of Standard to Determine Percentage Implementation of NextGen.-- (1) In general.--The Administrator shall develop a standard for determining under subsection (b)(2) the percentage completion of NextGen implementation at commercial service airports in the United States based on factors that may include an accounting of efficiency benefits achieved, the degree of NextGen technology and infrastructure installed, and the extent of controller training on NextGen. (2) Inclusion in report.--The Administrator shall include in the report submitted under subsection (a) the standard developed under paragraph (1). (d) Definitions.--In this section: (1) Administrator.--The term ``Administrator'' means the Administrator of the Federal Aviation Administration. (2) Nextgen.--The term ``NextGen'' means the Next Generation Air Transportation System. AMENDMENT NO. 3437 (Purpose: To provide a set-aside for the dryland ***agriculture*** research ***program***) On page 315, line 13, insert ``of which not less than $2,000,000 shall be available to carry out the dryland ***agriculture*** research ***program***;'' before ``and of which''. AMENDMENT NO. 3438 (Purpose: To strike section 531) Strike section 531. AMENDMENT NO. 3447 (Purpose: To provide additional funds for grants from the Historic Preservation Fund for historically Black colleges and universities, with an offset) On page 17, line 4, strike ``$88,910,000'' and insert ``$91,910,000''. On page 17, line 14, strike ``$5,000,000'' and insert ``$8,000,000''. On page 40, line 7, strike ``$134,673,000'' and insert ``$131,673,000''. amendment no. 3454 (Purpose: To require the Secretary of ***Agriculture*** to establish a working group to conduct research relating to ocean ***agriculture***) At the appropriate place in division C, insert the following: research on ocean ***agriculture*** Sec. \_\_\_. (a) The Secretary of ***Agriculture***, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, shall establish a working group (referred to in this section as the ``working group'')-- (1) to study how mangroves, kelp forests, tidal marshes, and seagrass meadows could help deacidify the oceans; (2) to study emerging ocean farming practices that use kelp and seagrass to deacidify the oceans while providing feedstock for ***agriculture*** and other commercial and industrial inputs; and (3) to coordinate and conduct research to develop and enhance pilot-scale research for farming of kelp and seagrass in order-- (A) to deacidify ocean environments; (B) to produce a feedstock for ***agriculture***; and (C) to develop other scalable commercial applications for kelp, seagrass, or products derived from kelp or seagrass. (b) The working group shall include-- (1) the Secretary of ***Agriculture***; (2) the Administrator of the National Oceanic and Atmospheric Administration; (3) representatives of any relevant offices within the National Oceanic and Atmospheric Administration; and (4) the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy. (c) Not later than 2 ***years*** after the date of enactment of this Act, the working group shall submit to Congress a report that includes-- (1) the findings of the research described in subsection (a); (2) the results of the pilot-scale research described in subsection (a)(3); and (3) any policy recommendations based on those findings and results. AMENDMENT NO. 3468 (Purpose: To set aside funds for the development of a map depicting pyrrhotite occurrences throughout the United States) On page 21, line 23, insert after ``2020;'' the following: ``of which $100,000 shall be made available to the United States Geological Survey Mineral Resources ***Program*** for the development of a map depicting pyrrhotite occurrences throughout the United States;''. amendment no. 3476 (Purpose: To provide for the use of funds to ensure that survivors of domestic violence and sexual assault do not face housing discrimination) At the appropriate place in division D, insert the following: Sec. \_\_. (a) The Secretary of Housing and Urban Development shall continue to engage in efforts authorized by the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4; 127 Stat. 54) to ensure that survivors of domestic violence and sexual assault are not unlawfully evicted or denied housing by certain landlords based on their experience as survivors. (b) Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to Congress a report on the efforts described in subsection (a). [[Page S5500]] amendment no. 3480 (Purpose: To encourage the Department of Transportation and the Corps of Engineers to cooperate to develop a path forward in allowing freight funding eligibility for inland waterways improvements) At the appropriate place in title I of division D, insert the following: Sec. 1\_\_. The Secretary of Transportation shall consult with the Assistant Secretary of the Army for Civil Works to identify any existing authorities and any additional authorities that may be needed to leverage funds from Department of Transportation ***programs*** for purposes of inland waterway project costs. amendment no. 3482 (Purpose: To set aside funds for the conduct of certain wood utilization research) On page 84, line 5, insert after ``2022'' the following: ``, of which not less than $500,000 shall be made available for wood utilization research to develop woody and ***agricultural*** biomass conversion of low-value woody biomass using microwave-assisted liquefaction''. amendment no. 3492 (Purpose: To ensure safe and timely completion of the flexible sleeper berth pilot ***program***) On page 455, between lines 18 and 19, insert the following: Sec. 13\_. To the maximum extent practicable, the Federal Motor Carrier Safety Administration shall ensure the safe and timely completion of the flexible sleeper berth pilot ***program*** of the Administration. AMENDMENT NO. 3493 (Purpose: To require the Secretary of ***Agriculture*** to submit a report on conservation ***programs*** administered by the Natural Resources Conservation Service relating to ocelots) At the appropriate place in title VII of division C, insert the following: Sec. \_\_. Not later than 180 days after the date of enactment of this Act, the Secretary of ***Agriculture*** shall submit to Congress a report describing the ways in which conservation ***programs*** administered by the Natural Resources Conservation Service may be better used for the conservation of ocelots (Leopardus pardalis) and any action taken by the Chief of the Natural Resources Conservation Service relating to the conservation of ocelots. AMENDMENT NO. 3517 (Purpose: To set aside funds for the Colorado River Basin salinity control ***program***) On page 5, line 5, strike the period and insert the following: ``: Provided, That of the amounts made available under this heading, $2,000,000 shall be made available to carry out the Colorado River Basin salinity control ***program***.''. amendment no. 3540 (Purpose: To set aside additional funds for grants for the conduct of certain hazardous fuels management activities) On page 85, line 17, strike ``$15,000,000'' and insert ``$20,000,000''. amendment no. 3546 (Purpose: To require the Rural Housing Service to submit a report on certain properties) At the appropriate place in division C, insert the following: Sec. \_\_. Not later than 1 ***year*** after the date of enactment of this Act, the Rural Housing Service of the Department of ***Agriculture*** shall submit to Congress a report including-- (1) a description of-- (A) the number of properties assisted under title V of the Housing Act of 1949 (42 U.S.C 1471 et seq.) that are reaching the end of their loan term; (B) the location of each property described in subparagraph (A); (C) the number of units in each property described in subparagraph (A); and (D) the date on which each the loan for each property described in subparagraph (A) is expected to reach maturity; (2) the strategy of the Rural Housing Service to preserve the long-term affordability of the properties described in paragraph (1)(A) when the loan matures; and (3) a description of the resources and tools that the Rural Housing Service needs from Congress in order to preserve the long-term affordability of the properties described in paragraph (1) (A). AMENDMENT NO. 3551 (Purpose: To provide funding to study and combat harmful algal blooms) On page 22, line 10, strike the period at the end and insert the following: ``: Provided further, That of the amounts made available under this heading, not less than $200,000 shall be used for activities to better understand mechanisms that result in toxins being present in harmful algal blooms.''. On page 65, line 5, strike the period at the end and insert the following: ``: Provided further, That of the amounts made available under this heading, not less than $5,000,000 shall be used to investigate health impacts from exposure to harmful algal blooms and cyanobacteria toxins, and to develop innovative methods to monitor, characterize, and predict blooms for early action.''. amendment no. 3560 (Purpose: To require FinCEN to submit to Congress a report on Geographic Targeting Orders) At the appropriate place, insert the following: Sec. \_\_\_. Not later than 180 days after the date of enactment of this Act, the Financial Crimes Enforcement Network and the appropriate divisions of the Department of the Treasury shall submit to Congress a report on any Geographic Targeting Orders issued since 2016, including-- (1) the type of data collected; (2) how the Financial Crimes Enforcement Network uses the data; (3) whether the Financial Crimes Enforcement Network needs more authority to combat money laundering through high-end real estate; (4) how a record of beneficial ownership would improve and assist law enforcement efforts to investigate and prosecute criminal activity and prevent the use of shell companies to facilitate money laundering, tax evasion, terrorism financing, election fraud, and other illegal activity; and (5) the feasibility of implementing Geographic Targeting Orders on a permanent basis on all real estate transactions in the United States greater than $300,000. amendment no. 3562 (Purpose: To prohibit certain companies from receiving assistance) At the appropriate place in division B, insert the following: Sec. \_\_. None of the funds made available to the Small Business Administration in this Act may be provided to a company-- (1) that is headquarted in the People's Republic of China; or (2) for which more than 25 percent of the voting stock of the company is owned by affiliates that are citizens of the People's Republic of China. amendment no. 3563 (Purpose: To provide for the use of funds from the Indian Irrigation Fund) On page 34, line 19, strike the period at the end and insert the following: ``: Provided further, That of the funds made available under this heading, $10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114-322; 130 Stat. 1749).''. amendment no. 3566 (Purpose: Of a perfecting nature) At the appropriate place in division C, insert the following: Sec. \_\_. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than July 1, 2019, and following the review required under Executive Order 12866 (5 U.S.C 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled ``Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability'' (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption. amendment no. 3578 (Purpose: To add a provision to clarify eligibility and establish an eligibility appeal mechanism under the rural broadband loan and grant pilot ***program***) At the appropriate place in division C, insert the following: Sec. \_\_\_. In administering the pilot ***program*** established by section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115-141), the Secretary of ***Agriculture*** shall-- (1) ensure that applicants that are determined to be ineligible for the pilot ***program*** have a means of appealing or otherwise challenging that determination in a timely fashion; and (2) in determining whether an entity may overbuild or duplicate broadband expansion efforts made by any entity that has received a broadband loan from the Rural Utilities Service, not consider loans that were rescinded or defaulted on, or loans the terms and conditions of which were not met, if the entity under consideration has not previously defaulted on, or failed to meet the terms and conditions of, a Rural Utilities Service loan or had a Rural Utilities Service loan rescinded. amendment no. 3582 (Purpose: To increase funding for 1890 land-grant colleges, with an offset) At the appropriate place in title VII of division C, insert the following: 1890 land-grant colleges, including tuskegee university Sec. 7\_\_. (a) Notwithstanding any other provision of this Act, the amounts made available by this Act to carry out sections 1444 and 1445, respectively, of the National ***Agricultural*** Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C 3221, 3222) shall each be increased by $3,000,000. (b) Notwithstanding any other provision of this Act, the amount made available under the heading ``(including ***transfers*** of funds)'' under the heading ``***Agriculture*** Buildings and Facilities'' under the heading ``***AGRICULTURAL*** ***PROGRAMS***'' in title I shall be decreased by $6,000,000. [[Page S5501]] amendment no. 3585 (Purpose: To set aside funds for the Alyce Spotted Bear and Walter Soboleff Commission on Native Children) On page 41, line 4, strike the period and insert the following: ``: Provided further, That of the amounts made available under this heading, $400,000 shall be made available to the commission established by section 3(a) of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (Public Law 114-244; 130 Stat. 981).''. amendment no. 3595 (Purpose: To prohibit the use of funds to enforce certain requirements with respect to added sugars in the rules issued by the Food and Drug Administration on nutrition labels) At the appropriate place in title VII of division C, insert the following: Sec. \_\_. None of the funds made available by this Act shall be used to enforce the requirement in the final rule entitled ``Food Labeling: Revision of the Nutrition and Supplement Facts Labels'', published in the Federal Register on May 27, 2016 (81 Fed. Reg. 33742), that any single ingredient sugar, honey, agave, or syrup (including maple syrup) that is packaged and offered for sale as a single ingredient food bear the declaration ``Includes `X'g Added Sugars''. amendment no. 3607 (Purpose: To require the use of Environmental Protection Agency funds to implement recommendations relating to clean and safe water compliance) At the end of title II of division A, insert the following: Using funds appropriated under this title, the Administrator of the Environmental Protection Agency shall implement the recommendations described in the report of the Office of Inspector General of the Environmental Protection Agency entitled ``Management Weakness Delayed Response to Flint Water Crisis'', numbered 18-P-0221, and dated July 19, 2018, to ensure clean and safe water compliance under the Safe Drinking Water Act (42 U.S.C 300f et seq.). If the Administrator of the Environmental Protection Agency does not implement 1 or more recommendations required by the preceding sentence, the Administrator shall submit to the Committees on Appropriations and Environment and Public Works of the Senate and the Committees on Appropriations and Energy and Commerce of the House of Representatives a report explaining why the Administrator did not implement the recommendation and identifying specific actions the Administrator is implementing to address the concerns raised in the report. amendment no. 3608 (Purpose: To prohibit the use of funds to implement certain new policies of the Federal Transit Administration relating to the Capital Investment Grant ***program***) On page 472, between lines 6 and 7, insert the following: Sec. 163. None of the funds made available under this Act may be used for the implementation or furtherance of new policies detailed in the ``Dear Colleague'' letter distributed by the Federal Transit Administration to capital investment grant ***program*** project sponsors on June 29, 2018. amendment no. 3613 (Purpose: To set aside funds for the United States Semiquincentennial Commission) On page 16, line 18, strike the period and insert the following: ``: Provided further, That notwithstanding section 9(a) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114-196; 130 Stat. 691), $500,000 of the funds made available under this heading shall be provided to the organization selected under section 9(b) of that Act for expenditure by the United States Semiquincentennial Commission in accordance with that Act.''. amendment no. 3615 (Purpose: To require the Small Business Administration to conduct a study on matchmaking ***programs*** for veteran entrepreneurs) At the appropriate place in division B, insert the following: Sec. \_\_. Not later than 180 days after the date of enactment of this Act, the Small Business Administration shall conduct a study on whether the provision of matchmaking services that, using data collected through outside entities such as local chambers of commerce, link veteran entrepreneurs to business leads in given industry sectors or geographic regions, would enhance the existing veterans entrepreneurship ***programs*** of the Administration. amendment no. 3621 (Purpose: To require the Comptroller General of the United States to issue a report on the removal of lead-based paint and other hazardous materials) At the appropriate place in division A, insert the following: Sec. \_\_. Within Available funds, not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall issue a report on efforts by the Department of Housing and Urban Development and the Environmental Protection Agency relating to the removal of lead-based paint and other hazardous materials, which shall include-- (1) a description of direct removal efforts by the Department of Housing and Urban Development and the Environmental Protection Agency; (2) a description of education provided by the Department of Housing and Urban Development and the Environmental Protection Agency to other Federal agencies, local governments and communities, recipients of grants made by either entity, and the general public relating to the removal of lead-based paint and other hazardous materials; (3) a description of assistance received from other Federal agencies relating to the removal of lead-based paint and other hazardous materials; and (4) any best practices developed or provided by the Department of Housing and Urban Development and the Environmental Protection Agency relating to the removal of lead-based paint and other hazardous materials. amendment no. 3633 (Purpose: To require a report on Federal agency compliance with respect to establishing an Office of Small and Disadvantaged Business Utilization) At the appropriate place, insert the following: Sec. \_\_. The Administrator of the Small Business Administration shall-- (1) work with Federal agencies to review each Office of Small and Disadvantaged Business Utilization's efforts to comply with the requirements under section 15(k) of the Small Business Act (15 U.S.C 644(k)); and (2) not later than 180 days after the date of enactment of this Act, submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives-- (A) a report on Federal agency compliance with the requirements under such section 15(k); and (B) a report detailing the status of issuance by the Small Business Administration of detailed guidance for the peer review process of the Small Business Procurement Advisory Council in order to facilitate a more in depth review of Federal agency compliance with the requirements under such section 15(k). amendment no. 3645 (Purpose: To prohibit the use of funds for the enforcement of certain requirements with respect to certain roads) On page 487, between lines 13 and 14, insert the following: Sec. 1\_\_. (a) Subject to subsections (c) and (d), none of the funds appropriated or otherwise made available to the Department of Transportation by this or any other Act may be obligated or expended to enforce or require the enforcement of section 127(a) of title 23, United States Code, with respect to a segment described in paragraph (1) or (2) of subsection (b) if the segment is designated as a route of the Interstate System. (b) The segments referred to in subsection (a) are the following: (1) The William H. Natcher Parkway (to be designated as a spur of Interstate Route 65) from Interstate Route 65 in Bowling Green, Kentucky, to United States Route 60 in Owensboro, Kentucky. (2) The Julian M. Carroll (Purchase) Parkway (to be designated as Interstate Route 69) in the State of Kentucky from the Tennessee State line to the interchange with Interstate Route 24, near Calvert City, Kentucky. (c) Only a vehicle that could operate legally on a segment described in paragraph (1) or (2) of subsection (b) before the date of designation of the segment as a route of the Interstate System may continue to operate on that segment, subject to the condition that, except as provided in subsection (d), the gross vehicle weight of such a vehicle shall not exceed 120,000 pounds. (d) Nothing in this section prohibits a State from issuing a permit for a nondivisible load or vehicle with a gross vehicle weight that exceeds 120,000 pounds. amendment no. 3646 (Purpose: To provide funding to the Secretary of ***Agriculture*** to conduct an inventory and evaluation of certain land for inclusion in the National Wilderness Presentation System) At the appropriate place in division A, insert the following: Sec. \_\_\_. (a) Within available funds for the National Forest System, the Secretary of ***Agriculture*** shall conduct an inventory and evaluation of certain land, as generally depicted on the map entitled ``Flatside Wilderness Adjacent Inventory Areas'' and dated November 30, 2017, to determine the suitability of that land for inclusion in the National Wilderness Preservation System. (b) The Chief of the Forest Service shall submit to the Committees on ***Agriculture***, Nutrition, and Forestry, Appropriations, and Energy and Natural Resources of the Senate the results of the inventory and evaluation required under subsection (a). amendment no. 3650 (Purpose: To provide for the conduct of a study to identify underlying contributing factors for pediatric cancer that are unique to certain States and to provide assistance to support States with a high incidence of such cancer) At the appropriate place in Division A, insert the following: SEC. \_\_. ADDRESSING PEDIATRIC CANCER RATES IN THE UNITED STATES. (a) Report Identifying Geographic Variation of Types of Pediatric Cancer.--Using [[Page S5502]] funds appropriated under the heading ``Toxic Substances and Environmental Health'' for the Agency for Toxic Substances and Disease Registry, the Secretary of Health and Human Services, not later than 180 days after the date of enactment of this Act, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives, a report that provides details on the geographic variation in pediatric cancer incidence in the United States, including-- (1) the types of pediatric cancer within each of the 10 States with the highest age-adjusted incidence rate of cancer among persons aged 20 ***years*** or younger; (2) geographic concentrations of types and prevalence of pediatric cancers within each such State, in accordance with Centers for Disease Control and Prevention guidelines; and (3) an update on current activities related to pediatric cancer, including with respect to carrying out section 399V-6 of the Public Health Service Act (42 U.S.C 280g-17). (b) Support for States With High Incidence of Pediatric Cancer.--Using funds appropriated under the heading ``Toxic Substances and Environmental Public Health'' for the Agency for Toxic Substances and Disease Registry, the Secretary of Health and Human Services may conduct public outreach, in collaboration with State departments of health, particularly in the 10 States with the highest age-adjusted incidence rate of cancer among persons aged 20 ***years*** or younger, to improve awareness by residents, clinicians, and others, as appropriate, of possible contributing factors to pediatric cancer, including environmental exposures, in a manner that is complementary of, and does not conflict with, ongoing pediatric cancer-related activities supported by the Department of Health and Human Services. (c) Privacy.--The Secretary of Health and Human Services shall ensure that all information with respect to patients that is contained in the reports under this section is de- identified and protects personal privacy of such patients in accordance with applicable Federal and State privacy law. amendment no. 3651 (Purpose: To require a study on the financial impact of the mineral pyrrhotite in concrete home foundations) At the appropriate place in division B, insert the following: Sec. \_\_\_. The Comptroller General of the United States, in consultation with relevant regulators, shall conduct a study that-- (1) examines the financial impact of the mineral pyrrhotite in concrete home foundations; and (2) provides recommendations on regulatory and legislative actions needed to help mitigate the financial impact described in paragraph (1) on banks, mortgage lenders, tax revenues, and homeowners. amendment no. 3661 (Purpose: To designate a rest area on the Mount Vernon Trail as the ``Peter B. Webster III Memorial Area'') On page 41, line 4, strike the period at the end and insert the following: ``: Provided further, That within available amounts provided under this heading, the Secretary of the Interior shall designate the rest area bound by Alexandria Avenue, West Boulevard Drive, and the George Washington Memorial Parkway on the Mount Vernon Trail within the George Washington Memorial Parkway as the `Peter B. Webster III Memorial Area' and any reference in a law, map regulation, document, paper, or other record of the United States to the rest area shall be deemed to be a reference to the `Peter B. Webster III Memorial Area'; Provided further, That the Secretary of the Interior shall accept and expend private contributions for the design, procurement, preparation, and installation of a plaque honoring Peter B. Webster III on the condition that the Director of the National Park Service shall approve the design and placement of the plaque.''. amendment no. 3665 (Purpose: To ensure continued passenger rail operations on long- distance routes) On page 464, line 24, strike ``regulation.'' and insert the following: ``regulation: Provided further, That not less than $50,000,000 of the amount provided under this heading shall be for capital expenses related to safety improvements, maintenance, and the non-Federal match for discretionary Federal grant ***programs*** to enable continued passenger rail operations on long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole tenant of the host railroad and positive train control systems are not required by law (including regulations): Provided further, That none of the funds provided under this heading shall be used by Amtrak to give notice under subsection (a) or (b) of section 24706 of title 49, United States Code, with respect to long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole tenant of the host railroad and positive train control systems are not required by law (including regulations), or otherwise initiate discontinuance of, reduce the frequency of, suspend, or substantially alter the schedule or route of rail service on any portion of such route operated in fiscal ***year*** 2018, including implementation of service permitted by section 24305(a)(3)(A) of title 49, United States Code, in lieu of rail service.''. amendment no. 3666 (Purpose: To extend by 1 ***year*** the deadline for expenditure for transportation projects awarded funding from the Transportation Investment Generating Economic Recovery (TIGER) 2012 and 2013 discretionary grant ***programs*** of the Department of Transportation) On page 414, line 24, strike ``determines'' and insert the following: ``determines: Provided further, That funds provided for national infrastructure investments for passenger rail transportation projects under title I of division C of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55; 125 Stat. 641), may be expended until September 30, 2019: Provided further, That funds provided for national infrastructure investment for port infrastructure projects under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6; 127 Stat. 432) shall be available until September 30, 2020: Provided further, That of the unobligated balances of contract authority for the TIFIA ***program*** (as defined in section 601(a) of title 23, United States Code), $13,000,000 shall be permanently rescinded, and the associated obligation limitation shall be reduced by an equal amount.''. amendment no. 3684 (Purpose: To improve the amendment) On page 1, line 2, strike ``That'' and all that follows through ``amount'' on page 2, line 9, and insert the following: ``That such sums provided for national infrastructure investments for passenger rail transportation projects under title I of division C of the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112- 55; 125 Stat. 641), shall remain available for expenditure through fiscal ***year*** 2019 for the liquidation of valid obligations of active grants incurred in fiscal ***year*** 2012: Provided further, That such sums provided for national infrastructure investments for port infrastructure projects under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113- 6; 127 Stat. 432) shall remain available through fiscal ***year*** 2020 for the liquidation of valid obligations of active grants incurred in fiscal ***year*** 2013: Provided further, That the 2 preceding provisos shall be applied as if they were in effect on September 30, 2018: Provided further, That after calculating the distribution of obligation limitation for Federal-aid highways for fiscal ***year*** 2019 under section 120(a), the obligation limitation shall be reduced by $52,000,000 to a total of $45,216,596,000: Provided further, That the reduction in the preceding proviso shall be applied to the obligation limitation determined under section 120(a)(4) for the TIFIA ***program*** (as defined in section 601(a) of title 23, United States Code)''. amendment no. 3668 (Purpose: To increase the amount set aside for the breastfeeding peer counselors ***program***) On page 360, line 13, strike ``$60,000,000'' and insert ``$67,500,000''. amendment no. 3669 (Purpose: To prohibit the use of funds to carry out requirements relating to electronic logging devices) At the appropriate place in title I of division D, insert the following: Sec. 1\_\_. None of the funds appropriated or otherwise made available to the Department of Transportation may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock, as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C 1471) or insects. AMENDMENT NO. 3670, As Modified (Purpose: To prohibit funds made available to the Federal Transit Administration from being used for the procurement of rolling stock from manufacturers supported by certain foreign governments) At the appropriate place in title I of division D, insert the following: Sec. \_\_. (a) None of the funds appropriated or otherwise made available to the Federal Transit Administration under this title to carry out sections 5307, 5311, 5337, and 5339 of title 49, United States Code, may be used in awarding a contract or subcontract to an entity on or after the date of enactment of this Act for the procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock is incorporated in or has manufacturing facilities in the United States and receives support from the government of a country that-- (1) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C 1677(18))) as of the date of enactment of this Act; (2) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C 2242) as a priority foreign country under subsection (a)(2) of that section; and (3) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C 2416). [[Page S5503]] (b) This section shall be applied in a manner consistent with the obligations of the United States under international agreements. (c)(1) This section shall not apply to the award of a contract or subcontract made by a public transportation agency with a rail rolling stock manufacturer described in subsection (a) if the manufacturer ``produces'' rail rolling stock for an eligible public transportation agency through a contract executed prior to the date of enactment of this Act. (2) A rail rolling stock manufacturer described in subsection (a) may not use funds provided under a contract or subcontract described in paragraph (1) to expand the manufacturer's production of rail rolling stock within the United States to an ``amount of rolling stock vehicles or railcars'' that is greater than the amount required under contractual obligations of the manufacturer as of the date of enactment of this ``Act including all options per for additional rolling stock.'' (d) Nothing in this section shall be construed to apply to funds that are not appropriated or otherwise made available to the Federal Transit Administration under this title. AMENDMENT NO. 3671 (Purpose: To prohibit funds from being used to provide housing assistance benefits to individuals convicted of certain criminal offenses) At the appropriate place in title II of division D, insert the following: Sec. \_\_\_. None of the funds made available under this Act may be used to provide housing assistance benefits for an individual who is convicted of-- (1) aggravated sexual abuse under section 2241 of title 18, United States Code; (2) murder under section 1111 of title 18, United States Code; or (3) any other Federal or State offense involving-- (A) severe forms of trafficking in persons or sex trafficking, as those terms are defined in paragraphs (9) and (10), respectively, of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C 7102); or (B) child pornography, as defined in section 2256 of title 18, United States Code. AMENDMENT NO. 3675 (Purpose: To provide for rural health and safety education ***programs*** to address and combat the opioid abuse epidemic) At the appropriate place in title III of division C, insert the following: rural health and safety education ***programs*** Any funds provided by this Act for rural health and safety education ***programs*** authorized under section 502(i) of the Rural Development Act of 1972 (7 U.S.C 2662(i)) may be used under those ***programs*** to address the opioid abuse epidemic and to combat opioid abuse in rural communities. AMENDMENT NO. 3676 (Purpose: To provide an additional $2,000,000 for hiring staff for tribal detention facilities by reducing the amounts made available through the Working Capital Fund of the Department of the Interior) At the appropriate place in title I of division A, insert the following: Sec. \_\_\_\_. (a) There are appropriated under the heading ``Operation of Indian ***Programs***'' under the heading ``Bureau of Indian Affairs and Bureau of Indian Education'', in addition to any other amounts made available under such heading and in order to provide additional funding for hiring staff for tribal detention facilities, including addressing the needs of newly funded tribal detention facilities, $2,000,000, to remain available until September 30, 2020. (b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ``Working Capital Fund'' for the Department of the Interior is hereby reduced by $2,000,000. amendment no. 3677 (Purpose: To require the National Railroad Passenger Corporation to grant a discount to members of the public benefit corporation Veterans Advantage) On page 464, line 4, strike the period at the end and insert ``: Provided further, That of the amounts made available under this heading and the heading `National Network Grants to the National Railroad Passenger Corporation', not more than $500,000 may be made available to provide a discount of not less than 15 percent on passenger fares to veterans (as defined in section 101 of title 38, United States Code).''. amendment no. 3679 (Purpose: To provide that up to $6,000,000 be used for UAS integration activities) On page 424, line 12, strike the period and insert ``Provided further, That of the amount appropriated under this heading, up to $6,000,000 shall be used for providing matching funds to qualified commercial entities seeking to demonstrate or validate technologies that the Federal Aviation Administration considers essential to the safe integration of unmanned aircraft systems (UAS) in the National Airspace System at Federal Aviation Administration designated UAS test sites: Provided further, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall identify essential integration technologies that could be demonstrated or validated at test sites designated in accordance with the preceding proviso.''. Mr. MORAN. Mr. President, I now ask unanimous consent that notwithstanding rule XXII, the cloture motion on H.R 6147 be withdrawn. I further ask that the only remaining amendments in order be the following: Leahy No. 3464, Lee No. 3522, Baldwin No. 3524, and Cruz No. 3402; further, that at 11 a.m on Wednesday, August 1, all postcloture time be yielded back and the Senate vote in relation to the amendments in the order listed; that the Leahy, Lee, and Baldwin amendments be subject to a 60-affirmative vote threshold; and that following the disposition of the Cruz amendment, the Murkowski amendment No. 3400 be withdrawn, the substitute amendment No. 3399, as amended, be agreed to, and the bill be read a third time and the Senate vote on passage of H.R 6147, as amended. I also ask unanimous consent that there be 2 minutes of debate prior to each vote in this series. The PRESIDING OFFICER. Is there objection? The Senator from Vermont. Mr. LEAHY. Mr. President, I have no objection. The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 3585, as Modified Mr. MORAN. Mr. President, I ask unanimous consent that the Murkowski amendment No. 3585 be modified with the changes that are at the desk. The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 3585) previously agreed to is modified, as follows: At the appropriate place insert the following: ``: Provided further, That of the amounts made available under this heading, $400,000 shall be made available to the commission established by section 3(a) of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (Public Law 114-244; 130 Stat. 981).''.

**Load-Date:** August 2, 2018

**End of Document**



[***Nigeria's insurance sector to expand as new regulations come into effect***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4Y1-DXYV-714X-00000-00&context=1516831)

Oxford Business Group: Articles

December 2018

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**Length:** 2852 words

**Body**

With a saturation rate of just 0.5% and a population of almost 200m, Nigeria's insurance sector is attractive chiefly for its potential. The number of uninsured prospective customers is among the world's largest within a single market. However, realising that potential has been difficult, with the sector fragmented and in need of consolidation. "Consolidation is often said to be on the horizon, but this is unlikely in an underpenetrated industry where most companies are not running deficits. Therefore, a large wave of consolidations in Nigeria is unlikely to occur in the short or medium term, because Nigerians have a strong preference for businesses ownership," Eguarekhide Longe, managing director and CEO of AIICO Pensions, told OBG.

Although the state's regulator has been working to update and implement a new development plan, insurance companies are increasingly looking to non-traditional products to further boost exposure and overall access to policy coverage in Nigeria. These methods include micro-insurance for the retail market, index insurance for ***agriculture*** and new schemes for public health care. According to Ebelechukwu Nwachukwu, the CEO of NSIA Insurance, increases in insurance coverage have been stifled by the tendency of insurers and businesses to aim for quick profits, rather than make solid plans to deepen penetration.

**Untapped**

Nigeria has used policy interventions in the past to try and increase the rate of insured customers, but execution of these policies has proven challenging, as long awaited increases to minimum capital requirements have yet to be completed. Although automotive coverage is mandatory, in May 2018 the Nigerian Insurers Association stated that just 5m of the 16m vehicles on the road are insured and fake insurance certificates are common. This underscores the market's untapped potential.

The struggle to attract new policyholders is a frequent problem in countries where economic development is ongoing, and is often a result of price-conscious consumers perceiving policies as unaffordable. However, Nigerians have demonstrated an appreciation for risk management, and informal market solutions like collective savings schemes are a common option for those who cannot afford to participate in the formal financial sector. Alternatives like this suggest that many Nigerians understand risk management and could be open to using insurance coverage in the future. Insurers might find success using substitutes for conventional underwriting practices. One possible substitute is micro-insurance, where premiums and coverage are greatly reduced and affordable for a larger number of people.

**Sector Organisation**

The Insurance Act of 2003 encompasses the primary laws covering insurance activity in the country, and the National Insurance Commission (NAICOM) is the regulatory agency for those laws. In 2009 NAICOM launched its ongoing Market Development and Restructuring Initiative (MDRI), which endeavoured to ensure compliance with mandatory insurance requirements. The initiative was not entirely successful, and in 2017 the agency announced it would soon relaunch the ***programme*** with updates reflecting increases in delivery channels and non-traditional insurance options.

Local content policies for oil and gas risks have also not been fully implemented. These policies require that insurance of large or complex risk may only be sought through foreign insurers if local firms are unwilling to undertake the risk or lack capacity to provide the service. This has been a challenge, as many companies lack either the capital or sophistication to underwrite complex energy sector activities.

As of late 2017, the most recent numbers showed that NAICOM had licensed a total of 14 life insurers, 28 non-life insurers and 13 composite companies. Specialists include two reinsurers, 460 brokers, 25 loss adjusters and two *takaful* (Islamic insurance) companies. Takaful companies offer a sharia-compliant alternative to conventional insurance. An estimated 75% of policies are purchased through brokerages. Bancassurance ***programmes*** were suspended in 2016 due to concerns raised by the Central Bank of Nigeria. That suspension was lifted in March 2017 after new regulations were established to ensure strict separation between banking and insurance divisions in company structures. These regulations include a provision forbidding banks from offering banking products with insurance features, and one disallowing the ***payments*** of insurance premiums as part of any banking product. Banks are permitted to refer to insurers through an established bancassurance agreement, with marketing or underwriting done solely by the insurer. NAICOM licensing fees for a bancassurance partnership currently range from N500,000 ($1620) to N2.5m ($8080).

**Foreign Investment**

Shortly after the new rules were implemented, UK-based Prudential announced the acquisition of the insurance arm of Zenith Bank. The new conglomerate company, Prudential Zenith Life Insurance, announced bancassurance relationships with Zenith in both Nigeria and Ghana, wherein company sales representatives would be placed in Zenith Bank branches to sell policies. The sector is accustomed to foreign investment, and in recent ***years*** has seen companies like France's AXA Group and South Africa's Old Mutual purchase of Mansard Insurance and Oceanic Life, respectively.

As per NAICOM's most recently published figures, gross premium income was N326bn ($1.1bn) in 2016. On a nominal basis this figure increased from 2015, however, it declines after adjustments are made for inflation. If partial-***year*** results are an indication, full-***year*** figures for 2017 may not indicate a return to growth in gross premium, as the third-quarter growth rate was lower than that of the same period in 2016 and 2015. The Nigerian Bureau of Statistics reports that the financial sector's overall contribution to GDP, including banking and other financial services, reached 2.69% on the quarter, below the 2.90% recorded in the third quarter of 2016 as well as the 3.32% measured in the second quarter of 2017. Nevertheless, slow recent performance has not changed either the long-term outlook or the structural features that previously attracted investors to the sector. A report from Fitch Ratings forecast that gross premiums would increase in 2018, due to the potential for economic growth, the young population, expanding middle class, investor interest and the low penetration rate.

**Non-life**

General insurers recorded N201.5bn ($651.5m) in gross premiums in 2016, resulting in an aggregate underwriting profit of N55.7bn ($180.1m) after expenses. Investment income of N30.3bn ($97.9m) was recorded, as was a final after-tax profit of N31.5bn ($98.6m). There are five companies with market shares of at least 5%, led by Leadway Assurance, with 10.69% of the whole. Continental Reinsurance, Custodian and Allied Insurance, AXA Mansard Insurance and NEM Insurance complete the top five, altogether accounting for 39.2% of the market share.

Compliance challenges for underwriters include an underground market that produces fake auto insurance certificates, which can be considered a cheap solution to the purchase of genuine coverage, as well as non-***payment*** of premiums on existing purchased policies. NAICOM's No Premium No Cover policy states that holders who are delinquent on ***payment*** should not expect any claims to be fulfilled. An estimated 60% to 80% of motorists have purchased coverage from unlicensed companies. The certificates they are issued will not provide chance of claim ***payment***, but can possibly be mistaken as proof of coverage if requested by traffic police.

While insurers have long depended on large-scale customers such as the government and mandatory coverages, there is increasing recognition that accessing Nigeria's long-term potential will require more aggressive courting of retail consumers, like providing exemplary customer service when handling claims. This also includes companies improving digital options, allowing claims data to be submitted online and handled faster overall. In an interview with local media, Jide Orimolade, managing director of Law Union and Rock Insurance, said, "The only way insurance companies can advertise themselves in the market is in the ability to settle claims - not just settling the claims, but settling the claims on time."

**Life**

Life insurers wrote a combined N124.6bn ($402.8m) in gross premium in 2016 and reported underwriting profits on the order of N7.8bn ($25.2m). Investment income totalled N20.1bn ($64.9m) and after-tax profits reached N4.82bn ($15.6m).

This segment of the insurance market is more concentrated, and the top five companies by market share control roughly 72% of the market. Continental RE and Nigeria RE are Nigeria's two domestic reinsurance companies. Lagos is also the headquarters of Africa RE, which is owned by a combination of African states, the African Development Bank and African insurers.

**New Alternatives**

Insurers are struggling to broaden the sector's involvement in the economy, and the search for solutions includes some non-traditional alternatives. For example, updated NAICOM regulations cover the micro-insurance segment of the market, and include a specialised operating licence and basic governance, solvency and policy standards. The regulations define micro-insurance as any coverage of N2m ($6460) or less per beneficiary. Capital requirements range from N40m ($129,000) for a single branch licensee for life and general insurance, to N600m ($1.9m) for those who wish to operate nationally. As of late 2017 about 10 companies were expected to be considered for licensing.

According to the Nigeria Incentive-Based Risk Sharing System for ***Agricultural*** Lending (NIRSAL), a lending facility established by the central bank, non-traditional alternatives to addressing ***agricultural*** risks are being developed that could boost farmer coverage from 500,000 people to 3.8m people. NIRSAL and NAICOM are collaborating with the Nigerian Meteorological Agency and various international development organisations and commercial insurers on index-insurance plans, in which policyholders are entitled to payouts if yields are impacted by risks. These risks include disrupted weather patterns, natural disasters or disease. One such ***programme***, initiated in 2017, attracted 25,000 farmers in its first six months. So far, NAICOM has approved a total of five index-insurance pilot projects and this is expected to increase.

**Reform Plans**

In a renewed effort to achieve its goals of boosting minimum capital requirements and implementing risk-based supervision, NAICOM announced in 2017 that it intended to relaunch the MDRI. However, as of mid-2018 a formal announcement of the new version was still outstanding.

A boost to capital requirements could be imperative in forcing consolidation in a market that is perceived as having too many small insurers and too few larger ones that are capable of retaining risks and profits domestically. NAICOM statistics indicate that there is a total of 10 life insurers and 15 general insurers with less than 1% market share. In the more fragmented general category, the 15 insurers have a combined market share of 9.1%. The current capital requirements are N2bn ($6.5m) to underwrite life policies, N3bn ($9.7m) for non-life and N5bn ($16.2m) for composite insurers. In early 2018 the Nigerian Insurers Association said that as of 2017, seven companies remained below the required thresholds.

NAICOM has encouraged smaller insurers to see larger buyers or join forces, and also asked brokers to steer customers away from distressed companies. Mohammed Kari, commissioner for insurance and CEO of NAICOM, told media in January 2018 that a boost to capital requirements was forthcoming, though he did not provide a timeline in which that would happen. "In the process of establishing risk-based supervision, we are encouraging insurance companies to come together and form stronger entities," Kari said. "Where they cannot financially increase their capabilities and abilities, we encourage them to stay within lower classes of insurance within their financial abilities." Market fragmentation and the lack of insurers large enough to take on major risks is not a problem exclusive to Nigeria. At the 44th African Insurance Organisation conference held in Accra, Ghana in May 2018, Ghanaian President Nana Akufo-Addo told the crowd that domestic underwriters in the region lose approximately $8bn annually to offshore insurance markets.

**Solvency**

Kari characterised the consolidation effort as a part of the gradual adaptation of risk-based supervision concepts, and fundamentally, the adoption of the Solvency II regulatory regime established by the EU in 2009. Solvency II increases the number of risks insurers must set aside capital to account for. Previously, the risks considered were limited to those presented by a company's liabilities. The new system adds asset-based risks such as drops in investment accounts, operational risks and credit risks, wherein third parties fail to pay their debts.

Though implementation of the regulatory reforms under consideration for risk underwriting are subject to delays and challenges, there is a track record of regulation driven growth in the insurance industry, specifically in the pensions segment. Due to a history of asset-management failures and frauds by pension fund administrators, Nigeria passed the Pension Reform Act of 2004 in hopes of rejuvenating the sector and creating a pool of institutional capital that could grow along with the country's fixed-income market. Since the law passed, assets under management have soared, climbing from N2trn ($3.2bn) in 2010 to N7.9trn ($25.5bn) as of March 2018.

The 2004 reform moved the sector from defined benefit schemes to defined contribution schemes and introduced the National Pension Commission (PenCom) as a regulator. It mandates coverage for public sector workers and employees in private sector organisations with five or more employees, and requires employers to use pension fund administrators to open retirement savings accounts for each employee. PenCom has licensed 21 administrators, who collectively serve 7.3m Nigerians. However, compliance remains a challenge in the area of pension fund access, as just four of 36 state governments provide workers with the necessary accounts and coverage.

According to PenCom's most recent annual report, published in 2016, the principal administrator Stanbic IBTC Pension Managers holds a 33.7% share of assets under management. The remaining administrators include ARM Pension Managers, NPF Pension Managers, Pension Alliance, Premium Pension, Sigma Pension and Trust Fund Pension, which each manage around 5% of total assets. Pension money must be invested according to the guidelines set by PenCom for asset classes and risk management. This has resulted in 75% of funds being invested in various government bonds.

**Pension Reform**

The Pension Reform Act of 2004 was followed by the Pension Reform Act of 2014, which lowered fees paid by account holders and gave them a choice of investment strategies. The previous regime required that all pension funds follow uniform portfolio composition standards, including a 25% cap on investments in equities. The current system, adopted in July 2018, gives workers a choice of investment alternatives to suit individual attitudes towards risk. The new options allow account holders to ***transfer*** their accounts to different fund administrators without incurring fees, but this type of ***transfer*** cannot be completed more than once per 12-month period.

The success of the pension funds segment of the insurance market has resulted in a large pool of capital that many would like to see deployed for macroeconomic gain. Pension fund administrators are under pressure to invest on a dual bottom-line basis, in which capital gains are balanced with the social utility of some of their investments. Examples of this type of investment include the purchase of infrastructure bonds or investment in infrastructure funds, which aid the country in its overall economic development, (see Capital Markets chapter).

**Outlook**

Though Nigeria's insurance industry has yet to exceed a penetration rate of 1%, and the sector is awaiting the regulator's delayed reboot of its MDRI development plan, several non-regulatory growth drivers could reverse these trends. Oil prices are helping drive the economy out of recession, and with government capital expenditures on the rise, there are likely to be insurable risks in infrastructure and public works, which could aid in growing the bottom line. Alternatives such as micro-insurance and index insurance could also help to expand the pool of potential customers for insurance.

Nevertheless, anticipation of the long-awaited boost to minimum capital requirements, when it is finally implemented, is likely to be the biggest influence on the sector's potential future growth. Insurers are awaiting regulatory clarity and many appear ready to adjust their long-term strategies in response to it.

**Load-Date:** March 12, 2020

**End of Document**



[***Washington: EXECUTIVE SESSION***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RCY-C991-JDG9-Y300-00000-00&context=1516831)

Impact News Service

January 11, 2018 Thursday

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**Length:** 15385 words

**Body**

Washington: The Library of Congress, The Government Washington: of USA has issued the following house proceeding:

 EXECUTIVE ***CALENDAR*** The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report. The legislative clerk read the nomination of Thomas Lee Robinson Parker, of Tennessee, to be United States District Judge for the Western District of Tennessee. Recognition of the Majority Leader The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Tax Reform Mr. McCONNELL. Mr. President, we have been talking all week about the ways our historic tax reform law is immediately helping middle-class families. It has been less than a month since Congress passed and the President signed the Tax Cuts and Jobs Act, but already more than 1 million Americans are on track to receive special bonuses, permanent raises, and other benefits, and their employers are attributing these changes directly to tax reform. In fact, 100,000 employees of American Airlines are each receiving a $1,000 tax reform bonus; U.S Bank is raising its minimum wage to $15 and is also giving $1,000 bonuses to 60,000 employees; 29,000 employees of Nationwide Insurance are also receiving bonuses, and 33,000 are getting an increase in their retirement match. These are just a few of the 100-plus companies that have already announced new benefits for American workers as a direct result of tax reform. These are only the immediate benefits. Mainstream economists agree that in the months and ***years*** to come, the permanent changes we made in the way we tax businesses will make our economy more vibrant and more competitive. That means greater investment and higher wages for American workers. Of course, all this is in addition to the direct effects the tax cuts themselves will soon have on family budgets. The Tax Cuts and Jobs Act will reduce income tax rates and significantly expand key deductions. We took money out of Washington and put it right back in the pockets of middle-class Americans. Starting as early as February, the IRS will withhold less from paychecks, and workers will get to deposit more of their hard-earned money right into their own bank accounts. In 2018 alone, for a typical family of four earning just over 70,000, the Tax Cuts and Jobs Act could mean a tax savings of more than $2,000. Nearly every day, reports come out about a new way this historic tax reform bill is helping Americans. Here is a subject that is particularly relevant around many kitchen tables this winter: utility bills. All around the country, utility companies that will benefit from our new tax cuts are already discussing plans to pass their savings on to customers. [[Page S114]] Major power companies in Illinois, Maryland, and Massachusetts are already proposing plans to give their customers tens of millions of dollars in relief by lowering the rates they charge for energy. And get this: According to CNBC, a South Carolina electric and gas utility is planning to give a cash ***payment*** directly to its customers, averaging $1,000 per household. More are following suit. In Montana, Louisiana, and Indiana, regulators are already working with utilities to determine how households will benefit from the tax savings. In my own State of Kentucky, the Public Service Commission directed a number of the electric, gas, and water companies to track their savings and make plans to cut rates for consumers. As any mother or father who has to balance a checkbook and pay bills every month can attest, this is welcome news for middle-class families. These reductions will be especially helpful to the most vulnerable in our society. According to data from the Department of Health and Human Services, energy costs eat up a significantly higher percentage of household income for poor families than for other families. In other words, for a software engineer in Silicon Valley, a lower heating or air conditioning bill may go unnoticed, but for workers who clean that office overnight, this relief will make a real difference. A drop in utility bills effectively amounts to progressive tax relief. This is just another example of how the Tax Cuts and Jobs Act is rapidly proving to be a serious asset to poor and middle-class families--precisely the people whom my Democratic friends in the House and Senate loudly claimed would get nothing at all from this bill. It has been 3 weeks--3 weeks--lower utility bills, 1 million special tax reform bonuses and pay raises, and this is only the beginning. A Republican majority in the House and a Republican majority in the Senate and President Trump listened to the facts instead of the political spin. I am proud that we passed this historic bill and gave families across America the tax relief they have waited decades to receive. 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. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Cotton). Without objection, it is so ordered. Recognition of the Minority Leader The Democratic leader is recognized. Funding the Government Mr. SCHUMER. Mr. President, we have barely over a week to negotiate a broad package of must-pass items, including an extension of government funding, a deal to lift the spending caps for both defense and urgent domestic priorities, a healthcare package, disaster aid, an agreement to protect the Dreamers, and to provide additional border security. The path forward on some of these issues is very clear. There are significant bipartisan majorities that would vote to extend CHIP, or the Children's Health Insurance ***Program***, and community health centers. There seems to be a growing consensus on how we can pass the 702 FISA Court ***program***. I am also confident that we could assemble a disaster aid package that addresses the needs of all of the States and Territories--Texas, Florida, Louisiana, California, the Western States that have been plagued by fires, Puerto Rico, and the U.S Virgin Islands--as well as modifying what the Forest Service does so they don't spend all of their money simply fighting forest fires and not do the job they are intended to do, which is to prevent future forest fires by careful forestry ***programs***. Even where the path is murkier, the outlines of a deal exist. If we don't lift the spending caps in short order, the sharp ax of sequestration will fall on the military side of the budget and on the domestic side of the budget. That is a scenario everyone wants to avoid. The majority leader continues to insist that we should raise the budget caps unequally, sparing our military but not critical domestic ***programs*** that create jobs, grow our economy, and help the middle class. We Democrats believe we absolutely must provide the resources our men and women overseas need to protect our country. We believe that strongly, but we also know that there are many important issues here at home--combating the opioid crisis, improving veterans' healthcare, shoring up pensions for millions of hard-working Americans who are approaching retirement, and dealing with rural development and rural broadband. These items are all crucial to the middle class. The deadly scourge of opioid addiction has contributed to the first consecutive-***year*** decline in life expectancy in the great United States of America since the early 1960s. That is an astounding and alarming fact that should rouse everyone in this Chamber to action. It is not occurring in most of our Western country allies. Some of our veterans have been waiting in line for healthcare at veterans hospitals for over a ***year***. These men and women served our country bravely. We have a solemn responsibility to serve them when they come home, and we are not living up to that responsibility right now. Over a million Americans paid into pension plans with the expectation that they could retire with basic dignity. For so many of them-- teamsters, miners, food workers--pensions have fallen short, and a lifetime of careful savings may be ripped away from pensioners at the last moment. We could make progress on each of these issues through a budget that lifts the spending caps equally for defense and nondefense. The Republican majority, which conveniently forgot its long history of opposing deficits when passing a $1.5 trillion tax bill, cannot, in good conscience, turn around and complain about deficits here. So let's make the investments we all know are essential in both our military and in our middle class. Even on the most challenging issue we face, the fate of the Dreamers, there appears to be a path forward. Yesterday's immigration meeting at the White House was encouraging for two reasons. First, practically everyone at the table--including some of the most conservative voices on immigration, like the Senator from Iowa--agreed that we must resolve the future of Dreamers by passing DACA protections into law. That is a very positive development. Second, President Trump appeared to endorse a narrow deal to protect the Dreamers, leaving the thornier issues for a later debate on comprehensive immigration reform--a debate that, personally, I would welcome, the sooner the better. But first, we have to do this narrow deal. President Trump also backed off his demand that a DACA deal include an expensive and ineffective border wall across the entire length of the southern border. Of course, the devil is in the details. We Democrats have repeated time and again that we are ready, willing, and eager to support an effective, practical border security measure in a deal that enshrines DACA into law. The President yesterday seemed to agree with that. We agree with that. For these reasons, the meeting was encouraging. Last night, a Federal judge ruled against the Trump administration's handling of the termination of the DACA ***Program***. Let me be very clear. The ruling last night in no way diminishes the urgency of resolving the DACA issue. On this we agree with the White House, which says the ruling doesn't do anything to reduce Congress's obligation to address this problem now. A court case, of course, is no guarantee of lasting security. A higher court can quickly overturn it. Unsurprisingly, the Department of Justice responded to the ruling last night by saying that it ``will continue to vigorously defend [this] position, and looks forward to vindicating its position in further legislation.'' So the fact remains that the only way to guarantee the legal status for Dreamers is to pass DACA protections into law and to do it now. For that reason, a resolution to the DACA issue must be part of a global deal on the budget. We cannot tolerate delay. Delay is a tactic employed by those who do not wish to see a deal. Let me just say, promises that maybe in the future we will do it--particularly on immigration--have vanished by the wayside. [[Page S115]] Unless DACA is on a must-pass deal--a must-pass bill--in terms of a global agreement, people are rightfully skeptical that it will ever happen. Somehow, somewhere, someone will say: I can't do it. Let's not forget that the House has been a graveyard even for immigration proposals that have had bipartisan consensus here in the Senate. So it must be on a must-pass bill. Otherwise, we are not going to get it. Congressional negotiators and the valiant group here in the Senate led by Senators Durbin and Graham are focused on this issue right now. The meeting they had yesterday--I talked to both Senators Durbin and Graham last night and this morning--provides a clearer picture of the parameters of the deal. The iron is hot. We should strike now. Delay will snuff out the hope of getting an agreement that both sides can live with. Let us press forward. Each side is going to have to give. I am confident, though, that both sides can come to an agreement on border security. I am convinced now both sides want to find a consensus on DACA. Some will support a deal enthusiastically, others reluctantly, but, nonetheless, an agreement is within reach. We ought to get it done through the Senate, through the House, and onto the President's desk for signature now. So let's get the job done. I yield the floor. The PRESIDING OFFICER. The Senator from Oregon. Issues Before the Senate Mr. MERKLEY. Mr. President, here we are at the start of a new ***year***. Last ***year***, the Republican majority decided to dedicate the ***year*** to government by and for the powerful and the privileged, but how about this ***year***, 2018? We pay attention to our Constitution, which starts with that vision of government, not for the powerful, not for the rich, not for the privileged, not for the well connected, not for the wealthy but for the people of the United States. It is a vision where power is distributed, and power comes up from each individual citizen to create policies for their general welfare. Last ***year***, we saw this complete dedication to trying to wipe out healthcare for 20 million to 30 million Americans in order to provide tax benefits for the richest. How big were those tax benefits? Well, if you add up the provisions that are dedicated to the powerful corporations and those benefits for the wealthiest 10 percent, and most of that goes to the wealthiest 1 percent, those provisions stack up to over $2 trillion--$2 trillion. It is very hard to get your hands around $2 trillion. Those are not numbers we use in ordinary conversation. Let's take that down to the amount of money per man, woman, and child--per citizen in America. Well, that is about $6,000--$6,000 taken from the community funds for every man, woman, and child in America to deliver to the wealthiest Americans. That was government by the Republican majority in 2017. It was not ``We the People'' but we the powerful and we the privileged. How about we have a new ***year***'s resolution that pays attention to the vision of our Constitution, to that vision of government of, by, and for the people? Ben Franklin once wrote in his ``Poor Richard's Almanac'': Be at war with your vices, At peace with your neighbors, And let every New ***Year*** find you a better man. Every new ***year*** is a chance to recreate and reenvision where we are headed. Certainly, it is a big vice to use this Chamber, in contravention of our Constitution, to pursue policies for the powerful and privileged rather than for the people. So let's set that vice aside and have a bipartisan ***year***, dedicated to making a foundation for families to thrive and jobs and education and healthcare and a healthier planet. Right now, we should have an immediate new ***year***'s checklist of things to get done, and that checklist starts with the budget. We have just 9 days until funding runs out for the Federal Government, and we all know from experience what that means--parks shut down, medical research stops, passports don't get processed, and businesses can't check in on their I-9 applications for employees. That is the type of conduct that happens in banana republics--basically, in countries that don't have a competent system of government. It should not happen in the United States of America. We are deep into the financial ***year***, which started on October 1. October passed. November passed. December passed. We are well into January and still the majority leadership of this body is unable to put together a process that addresses just key, fundamental issues. Why is that? Because they were so distracted by delivering trillions of dollars to the richest of Americans and trying to destroy healthcare for millions of Americans that they didn't tend to the fundamentals that need to be tended to. Let's take care of those things now. The Children's Health Insurance ***Program***. Here we are. It expired on September 30 of last ***year***. Nine million children across America depend on this insurance. This insurance was crafted in a bipartisan manner. It was forged in an agreement between Senator Hatch, a Republican, and Senator Kennedy, a Democrat, who had very different visions of America but who could agree that families who didn't qualify for Medicaid and weren't affluent enough to buy insurance for their children could still have insurance for their children. These are the working poor of America, the struggling workers of America. It was forged in a bipartisan manner, but this ***year*** my Republican colleagues decided to make these children a bargaining chip for their effort to get more for the privileged and the powerful. That has to end. When children do not have insurance, they don't get that dental benefit to take care of those cavities. They don't get that medical exam. They don't get those inoculations, those vaccinations. They don't get treatment when they are injured because their parents can't afford to take them to the doctor. They don't get treatment when they are sick for the same reason. Let's take care of children's healthcare. This is not a partisan issue. It was forged in a bipartisan manner, and it should be so today. What also expired on September 30 of last ***year*** was the legislation authorizing support for our community health clinics. Community health clinics are the front door to healthcare for millions of Americans. It is that friendly place in your rural community, in your urban neighborhood, where you can go through the front door and get assistance. Talking about millions of Americans who go through those front doors, there are more than 1,400 clinics across the country. These are popular in rural areas. They are popular in urban areas. They are popular in red States. They are popular in blue States. There is nothing partisan about it, but the leadership of this body has no interest, has seen no urgency in reauthorizing the ability for those health centers to stay open. In Oregon we saw, as a result of the Affordable Care Act, 30 more health clinics established. We saw a lot more resources go into both mental illness and into drug abuse during a period in which the opioid crisis joined the meth crisis and afflicted both rural and urban areas. Lots of folks come to this floor and say: We have to take on opioids. It is not just on the left-hand side of the aisle, but it is also on the right-hand side of the aisle. People base virtually their entire campaigns on taking on opioids. Yet the Republican leadership says this isn't important. Let me tell you, this is important, and we need to get it done. Then let's turn to the Dream Act. Dreamers are those children raised in our communities, now 16 through their midtwenties. They are productive members of our communities. They have gone through our high schools or are in high school now. They are in college. They are working. They are contributing. They know no other country than ours. Across both sides of the aisle we hear folks say: We want to take care of them and establish a structure for this, a legal structure for the Dreamers. The President yesterday hosted a bipartisan conversation at the White House to say: Let's get this done. He expressed his support. In fact, everyone in the room expressed support for getting this done. Each one of these--the budget, the children's healthcare, the health centers, the Dream Act--are bipartisan efforts. These are things that should have been addressed long ago if my Republican colleagues instead weren't so [[Page S116]] obsessed with decimating healthcare for millions of Americans and ripping off the National Treasury to deliver benefits to the wealthiest Americans. Let's get this done for our Dreamers. More than 100 a day are losing their status, which means they can no longer legally work in our country. It matters. It is urgent. It is productive for our communities. It is bipartisan. Let's get it done. How about disaster relief? We certainly saw a powerful punch against our States from the raging forest fires in the West to the hurricanes in the South and Southeast. Hurricanes have hit Texas and Florida and Puerto Rico and the Virgin Islands--massive destruction. Fires have scourged States from Montana to Idaho, to Washington, to Oregon, to California. Those fires burned well into the winter months of November and December. These afflictions hit Democrats and Republicans, red States and blue States. Why don't we get this done? These are basic, bipartisan, let's- get-it-done agendas. Let's get it done now. Let's make sure, when we are addressing the impact of those storms in the South and those hurricanes--Harvey, Irma, and Maria--we simultaneously recognize the destructive impact forest fires have had that have been scourging the West. They have destroyed a lot of the infrastructure in the forest that needs to be replaced. They have affected a lot of communities that need economic help recovering. Certainly, it made us recognize that we have millions of acres of forests that can become much more fire resilient if they are thinned, if we get rid of the fuel buildup on the floor of the forests. When they become more resilient, they stop the forest fires. Thinning is a win-win. It produces a steady supply of sawlogs for the mill and stops forest fires when they are raging. There was a forest fire headed right for Sisters, OR, and it hit an area that had been thinned. Guess what. It stopped. The trees were farther apart. The fuels were removed from the floor of the forest. Now we have created a real fire hazard with our clear-cut strategy of ***years*** past--the forestry grows very close together, often replanted. Trees are all the same height. It is very easy for the fire to get into the canopy, and once in the canopy, every tree is touching the next tree. It rages on, and there is no break. But a natural forest is very different. We can more effectively replicate the fire-resistant nature of a natural forest by thinning these overgrown, second-growth forests. We can then create that supply of saw logs, keep our mills open, keep our people working, and strengthen our economies in rural America. We can do it by funding this reduction, these thinning ***programs*** in acreage that has already gone through the environmental process. In Oregon, we have 1.6 million acres already approved for thinning, if we can pass the funds to get it done. So let's take this on in 2018. Let's dedicate 2018 to that vision in our Constitution of ``we the people.'' Let's stop passing legislation targeted specifically to help out the richest at the expense of everyone else in America. Let's turn over a new leaf from campaigns and policies and legislation by and for the privileged and the powerful to honor the vision of our Constitution, the vision of our Nation, a Nation of laws which distributes power that produces policies by and for the people of the United States of America, for making families stronger, for building those foundations of jobs and healthcare and education and a healthy planet. Thank you, Mr. President. The PRESIDING OFFICER. The majority whip. Funding Our Military Mr. CORNYN. Mr. President, I admit I wasn't here during the entirety of the comments from our friend, and I saw his to-do list. The only thing missing from that to-do list was to fund our military--or at least I didn't see it on there. In all fairness, maybe he mentioned that in his comments. We now have 9 days to reach an agreement to keep the government funded, to keep the lights on, to keep paying the salaries of our government employees, and, of course, to fund our military, which ought to be our No. 1 priority. If we think about things that government must do, funding our national defense is the only thing that we can do and that government can do. There are a lot of other things that government does that are optional or maybe things we would like to do, but funding our military is the No. 1 priority--or should be. As the Senate majority leader mentioned earlier this week, our Democratic colleagues persist in the notion that we should only increase defense spending if we increase nondefense spending by the same amount. The parity that the minority leader and the other Democrats call for doesn't make any sense, though. It is apples and oranges. They act as though all government spending is exactly alike and enjoys or should enjoy the same priority, and that is just not true. We know that from our own family budgets or from a small business. There are things we must do, things we want to do, and things we will do if there is money left over. But our friends across the aisle, who are obstructing our ability to get to negotiated budget caps and fund our military, act as though all of that is the same, that must do, want to do, and what you will do if you have money left over--that those are all exactly the same, and that is just not the case. It is not the case in our family budgets, in our small business budgets, nor is it the case for the Federal budget. Not everything is a priority. But we do know that the No. 1 priority must be the safety and security of the American people by making sure our military is adequately funded. The Budget Control Act signed into law in 2011 was what I would call a necessary evil. The Budget Control Act provided that we would have a bipartisan, bicameral negotiation and try to come up with a grand bargain. That was what President Obama liked to talk about a lot--the grand bargain. But some people suggested that was kind of like a unicorn, something that people describe but no one has ever seen--a grand bargain. I wish it weren't true. The Budget Control Act said that in the absence of a grand bargain, we would have budget caps or sequestration imposed on discretionary spending above certain levels. It proposed separate budget caps for defense and nondefense, and if the budget caps are exceeded, there is an automatic enforcement mechanism called sequestration which imposes across-the-board cuts, which I mentioned a moment ago. The purpose of this sequestration--or these across-the-board cuts--is to do something in the absence of us doing what we should do; in other words, we should take it upon ourselves to figure out what the appropriate spending levels should be for defense and nondefense, and then we should act to appropriate that money. But this is basically a fail-safe mechanism, which operates as a result of our failure to deal with this in a proactive way, and it has hit our defense spending much, much harder than domestic spending. As we know, neither our defense spending nor tax cuts are the cause of our deficits and debt. It is the 70 percent of spending that happens in the Federal Government on autopilot. It is the entitlements that have been going up well in excess of 5 percent a ***year*** and are causing instability and unpredictability in those important ***programs***, such as Medicare and Social Security, but at the same time racking up huge deficits and debt that future generations are going to have to pay back. Somebody is going to have to pay it back, and it won't be the present generation because we won't be around then. It is simply immoral to continue to see this happen without trying to deal with it. But back on the matter of the Pentagon, as one op-ed writer put it in the Washington Post last month--he said: The Pentagon and the welfare state have been locked in brutal combat for decades, and the Pentagon has gotten clobbered. . . . Welfare ***programs***--Social Security, Medicare, food stamps and other benefits--dwarf defense spending. In the 1950s and 1960s, defense spending was roughly 8 to 10 percent of our economy. In 2016, it was just 3 percent. That is a huge change. James Clapper, the former Director of National Intelligence, said that in his 50 ***years*** in the intelligence community, he had never seen a more diverse array of threats confronting the United States around the world--never in his [[Page S117]] 50 ***years*** of experience. So we are simply asking our military and our national security personnel to do too much with too little. It is no surprise that Secretary of Defense James Mattis said last June that ``for all the heartache caused by the loss of our troops during [our] wars [abroad], no enemy in this field has done more to harm the readiness of our military than sequestration.'' More recently, General Mattis said that so far our continuing resolutions have not done even greater damage to our readiness thanks to certain additional or supplemental funding that we voted on. But at the same time, he soberly cautioned that there could be real impact-- and it won't be positive, it will be negative--if the problem persists and if the Department of Defense doesn't have a real budget sometime this month. His remarks echo that of practically every service chief. Together, their views mean we have to act. I don't know who else we would listen to if we are not going to listen to the Secretary of Defense and our service chiefs when it comes to national security because that is their job, and we ought to take their advice and heed their counsel. Cuts in defense spending have real consequences. Much less money is available for training and necessary maintenance, for example. The length of deployments for our troops grows, and our soldiers are stretched thin. Our military is forced to operate beyond its normal capabilities. The former Air Force Chief of Staff recently described the Air Force as the smallest, oldest equipped, and least ready force across the full spectrum of operations in our service history. Those are chilling remarks--or should be. More than half of all Marine Corps fixed and rotary-wing aircraft were unable to fly by the end of 2016. I have no doubt that we can turn that around very quickly if Congress were to step up to its responsibilities and adequately fund the military, but that is the status quo unless we act. The Navy fleet currently stands at 275 of the 350 ship requirement. Of our 58 Army brigade combat teams, only 3--3 out of 58--are ready for combat. Our enemies shouldn't take any comfort in these numbers because, as I said, the United States always pulls together and Congress always acts when they see a national emergency. But it shouldn't take an emergency for us to do our job and to make sure that our military is adequately funded and is ready to fight. As General Brooks in Seoul, South Korea, said, their motto is ``ready to fight tonight.'' That is the kind of world we live in. Last summer was the perfect example of why, when we draw attention to these numbers, we are not just blowing smoke. Operational accidents in the South Pacific exposed our readiness failures in a dramatic fashion and in a tragic fashion. Ten sailors died when the USS John S. McCain collided with a 600-foot merchant vessel off the coast of Singapore. Seven sailors died when the Fitzgerald collided with another vessel off the coast of Japan. And the USS Lake Champlain collided with a boat near Korea--although thankfully that time no lives were lost. This ought to be a wake-up call to all of us. Many have drawn credible correlations between these accidents that have taken the lives of our military servicemembers and our readiness failures, citing studies like the 2015 independent investigation by the Government Accountability Office. That study determined that the Navy's mandate to keep ships afloat in the Pacific was shortchanging crew training and degrading the condition of our ships--in other words, additional readiness failures. These accidents, by the way, are happening at the same time our national security threats are not going away, as General Clapper's comments would indicate. We have seen North Korea continue to improve its nuclear and long- range ballistic missile capabilities beyond the estimates of our intelligence community--much faster--and detonate what is widely considered to be a hydrogen bomb recently. We have seen large-scale protests in Iran--and I hope they continue-- exposing the instability of a regime that continues to use its proxies to advance its aims throughout the broader Middle East; in other words, the No. 1 state sponsor of international terrorism--Iran. We ought to encourage the people of Iran to continue to rise up in protest and to change the regime there into one that does not prey on its neighbors in the region. We have seen a growing China--something that more and more people are realizing is a threat. I know that when we deal with countries like China, frequently we deal with them in the commercial context where we see a business th

at hires people and we see investments here in the United States. But what we need to recognize is that they don't do business the way the United States does business. Sitting at the top of every company in China, in the board room of every Chinese company, is the Communist Party. They operate on an all-of-government basis. And it is not just the government; it is also what we would consider the private sector. But, in truth, there is no private sector in China; it is all an arm of the government. It is posing a rising threat to American wages and labor as they erode our industrial base by stealing our technology. And because of loopholes in the Committee on Foreign Investment in the United States--the so-called CFIUS process--they are now able to tailor financial arrangements through joint ventures and others in a way to capture our dual-purpose, cutting-edge technology. They then copy it in China and erode our defense industrial base here in the United States, along with the jobs that go with it. So it is a very real and present threat to American wages and workers. It is a threat to our intellectual property edge and the innovation that we are the best in the world at, but they are all too eager to steal it, copy it, and to harm the jobs and the investment in those businesses here in the United States. Of course, when it comes to China, there is the threat to human rights in nondemocratic nations like Venezuela and Zimbabwe, which China often has no qualms supporting. With this diverse array of dangers, we simply can't afford to straitjacket our military by arbitrarily cutting the amount of money we appropriate to fund it. But that is what is going to happen unless we act--and act quickly. The current continuing resolution expires on the 19th of this month. The truth is, even if we are able to come up with negotiated budget caps for defense and nondefense spending, we are probably going to have to have a short-term continuing resolution to give the Appropriations Committees time to put that into bill text. In other words, we can't just snap our fingers once the decision has been made. It is going to take some time to actually put it on paper. The bottom line is, if we want to return to having the strong military that we have always had, if we want to continue to lead in the world, if we want to continue to be a force for peace and stability, we have to maintain our military strength. That was the lesson we had to learn again during the last administration when we saw America retreat from its leadership in the world. There are countries, tyrants, bullies, and dictators all too willing to fill the void left by American retreat, and one way we retreat is when we don't fund the readiness of our military, when we are not ``ready to fight tonight,'' as General Brooks has said, and we need to start with ending this cycle of continuing resolutions and defense sequestration. So I come to the floor today to call on my colleagues from all across this Chamber, but specifically across the aisle, to quit holding our military hostage to other unrelated demands, and I urge this body to come together in agreement on new budget caps as soon as possible. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Sullivan). Without objection, it is so ordered. Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business. The PRESIDING OFFICER. Without objection, it is so ordered. [[Page S118]] CHIP and Community Health Centers Mrs. MURRAY. Mr. President, I come to the floor today to talk about an issue that is critical to patients and families in my home State of Washington and across the country. Today, parents are wondering if they will be able to get the healthcare their kids need, and communities are wondering if they will be able to provide it. That is unacceptable. Congress has to swiftly and fully restore the Children's Health Insurance ***Program***, or CHIP, and funding for other services families need, like community health centers, which have been waiting more than 100 days for a long-term solution. They should do so without making deep cuts to successful prevention ***programs*** in the Centers for Disease Control and Prevention that tackle avoidable conditions like heart disease and diabetes. Democrats have wanted to get this done for months. By focusing on pushing through partisan tax reform at the end of the ***year***, Republicans instead put massive corporations and the wealthiest ahead of making sure our children and their families have the healthcare they need. I hope they are now ready to give these issues their full and immediate attention. In case they aren't, I want to make sure they know exactly what this is about. It is about children like Stella. Stella lives in Washington State. She is 5 ***years*** old. She has two brothers. She has a love of the outdoors, especially swimming and kayaking. She has a typical kindergartner's boundless energy and excitement. But Stella was born with spina bifida, an issue with how her spinal cord was formed. In the past ***year*** of dealing with that condition, Stella's family went through 5 catheters a day, almost 2,000 in total. They went on 10 different occasions to have MRI scans. They went to get her new leg braces. Given the cost of all that, they went through their $5,000 deductible in the first 5 weeks of the ***year***. That is right. It took just 5 weeks. Additionally, this ***year*** Stella is also scheduled to have bladder and kidney surgery. As one can imagine, the expenses are really adding up. Even with both parents working, covering Stella's healthcare needs would be an unimaginable task. Fortunately, Stella does qualify for health insurance through CHIP. CHIP has helped her family afford the treatment she needs, including physical therapy. Stella's story is just one of many examples of families who rely on this ***program***. There are 60,000 children in Washington State who are now insured through CHIP. Nine million families nationwide rely on it to help address the healthcare needs of their children. Yet Congress has taken over 102 days and counting to restore it. There is no excuse for this inaction. Families who rely on the CHIP ***Program*** are not alone in needing our immediate attention. Thanks to CHIP and Medicaid, the uninsured rate among children is now at an all-time low. Jeopardizing this accomplishment by letting CHIP twist in the wind is simply unacceptable. This Republican-controlled Congress has also failed to renew other investments that our families rely on for the care they need--***programs*** such as community health centers, which serve 25 million patients, particularly in our rural and poorer communities; the National Health Service Corps, which brings doctors and other healthcare providers to underserved areas through scholarships and loan repayment; and the Teaching Health Center Graduate Medical Education ***Program***, which brings primary care and dental residencies to communities in need. Leaving these ***programs*** without long-term extensions a minute longer is utterly irresponsible because this lack of certainty for them is already bringing a negative impact on our communities. For example, the Northeast Washington Health ***Programs*** serve some of most the rural areas in my State, including Ferry County, which has fewer than four people per square mile. They are struggling to hire needed medical staff and managers because of this uncertainty that is now there. Ferry County cannot wait. The Community Health Association of Spokane runs 12 health center sites and sees more than 70,000 patients a ***year***. They recently began offering very much needed opioid addiction treatment. If Congress does not reauthorize the community health center funding, those efforts will be jeopardized and expansions will be halted. Spokane cannot wait. Yakima Neighborhood Health Services served over 22,000 patients in 2016. Almost all of those patients were below 200 percent of the Federal poverty line. If Congress does not act soon, three different clinics, including a clinic in one of the poorest cities in Washington, will be at risk. Yakima cannot wait. I have heard additional stories of similar hardships from across my State. North Olympic Healthcare Network has had to put expansions on behavioral healthcare on hold. Another health center in Washington may have to reconsider building a new children's dental residency ***program***. A center serving Whatcom County may have to cancel a project for medical, dental, and behavioral healthcare facilities as well. Across the country there are a lot of examples for community health centers just like the ones I mentioned. Healthcare that people of all ages and backgrounds rely on is being put in jeopardy, all because Republicans prioritized tax cuts for those at the top before the health needs of millions of people at the end of last ***year***. It is far past time to show these families that we are willing to work to get this done. We need to give them the peace of mind that they can get the healthcare they need. They deserve that. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. NELSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mrs. Ernst). Without objection, it is so ordered. (The remarks of Mr. NELSON pertaining to the introduction of S. 2292 are printed in today's Record under ``Statements on Introduced Bills and Joint Resolutions.'') Mr. NELSON. I yield the floor. The PRESIDING OFFICER. The Senator from New Mexico. Mr. HEINRICH. Madam President, I ask unanimous consent to speak as in morning business. The PRESIDING OFFICER. Without objection, it is so ordered. DACA Mr. HEINRICH. Madam President, I rise today to stand up for the hundreds of thousands of young immigrants known as Dreamers, whose lives President Trump has thrown into terrifying uncertainty. Immigrant communities have long helped write the economic, social, and cultural story of my home State of New Mexico and, for that matter, the entire Nation. That is certainly true for Dreamers, undocumented immigrants who arrived in the United States as children and are vital members of communities across New Mexico. Over the ***years***, I have had the privilege of meeting many of New Mexico's estimated 7,000 Dreamers. I have met with students who grew up here and are now striving to become doctors, scientists, teachers, and even serve in our military. These young people are our children's classmates. They are our next-door neighbors. They are our colleagues. They are family members, and many are truly rising stars. In fact, I would argue that these Dreamers are the future of a great America. Every day these young people add to the strength of our economy, to the vitality of our country. More than 97 percent of DACA recipients are in school or in the workforce. The DACA ***Program*** allowed them to work legally, to get driver's licenses, to go to college, to serve in our military and give back to their communities. DACA helped almost 70 percent of recipients secure a job with better pay, and better pay leads to real investments in our communities and our economy. After their DACA applications were approved, nearly two-thirds of recipients reported buying their first car, and almost one in six reported buying a new home. DACA recipients also paid billions of dollars in Federal, State, and local taxes. Why on Earth would [[Page S119]] we kick out these contributors to our economy and our country? The economic impact of removing nearly 700,000 workers from the U.S workforce would be staggering. It would cost our economy nearly half a trillion dollars in GDP loss over the next decade. But passing the Dream Act could add an estimated $281 billion to the U.S economy over the next 10 ***years***. That, to me, sounds like putting America first. I stand with these Dreamers, and I always have. One of my first actions when I was in the House of Representatives was to sign on as an original cosponsor of the Dream Act, which would create a pathway to legal status and citizenship for Dreamers who pursue higher education or serve our Nation in uniform. This commonsense, compassionate, and responsible policy is long overdue for a generation of young Americans. Since President Trump made the heartless decision to end DACA, I have held his administration accountable for their mishandling of renewal applications for DACA recipients. My office has assisted Dreamers in New Mexico through the DACA renewal process and is actively participating in meetings with communities and local advocacy groups throughout the State. I introduced legislation to safeguard Dreamers' private information, such as addresses and telephone numbers, so the Trump administration can't use those to target them or their families for deportation. When my office learned that the Department of Homeland Security had arbitrarily rejected hundreds of renewal applications that arrived late because they were delayed by the Postal Service, I pressed the administration to take immediate action to reverse its decision. I am pleased to say that Dreamers whose applications were rejected due to Postal Service delays were allowed to resubmit their renewals for DACA. In fact, just last week, the first two DACA recipients in New Mexico, who brought this to my attention with the help of Catholic Charities, were told that they could move forward with their DACA renewal applications. President Trump's decision means that until Congress passes the Dream Act, these young members of our communities still face deep uncertainty about whether they will be able to stay in school, keep working and contributing to our economy, and remain in the Nation that they call home. Congress must pass the Dream Act now. Threatening to deport these young people who grew up in America and want to contribute to their Nation will not fix our broken immigration system. Making the American people foot the bill to build an unnecessary and wasteful border wall-- which families in New Mexico's border communities have told me they do not want nor do they need--will not fix our broken immigration system. President Trump and congressional Republicans wasted an entire ***year*** trying to take away American's healthcare and then rushing through tax breaks for the superwealthy in the final weeks of the ***year***. By squandering an entire ***year***, they pushed Dreamers aside and put their lives in jeopardy. I voted to fund the government through the holidays in hopes that Congress could finally reach an agreement to pass the Dream Act. We also urgently need to reauthorize the Children's Health Insurance ***Program***, fix wildfire disaster funding, provide disaster relief for Puerto Rico, which is still recovering from Hurricane Maria. Taking care of these long-neglected and bipartisan priorities is the bare minimum of governance. Republican leaders in Congress need to take this opportunity seriously, especially if they expect our support. I will be fighting every step of the way to pass the Dream Act, and I encourage all of my colleagues to do the same. Since President Trump shamefully pulled the rug out from under Dreamers when he hastily ended the DACA ***Program***, I have spent time meeting with Dreamers in New Mexico, as well as here in Washington. You cannot hear their stories without realizing how morally bankrupt the administration's current policy is. It is impossible for me to convey the desperation and the fear they are feeling every day that passes without our passing the Dream Act. Now is the time to give these young Americans a permanent place in this great Nation. Enough is enough. Their patience has worn thin with the President and congressional Republicans using them as political bargaining chips. It is immoral to play politics with the lives of these young Americans. I will say it again. Congress absolutely must pass the Dream Act, and we have an opportunity to do it now. We should not stop once we pass the Dream Act. Leaders in Congress have waited far too long to finally address our Nation's overall broken immigration system. I still continue to believe that our Nation urgently needs Congress to pass comprehensive immigration reform, which includes a visa ***program*** that meets the needs of our economy. It is a tough but fair path to earn citizenship for the estimated 11 million people in our country who are undocumented and a plan that ensures community safety and security at our borders. When I think about immigration, I always wonder how different my own life would be if America had turned my father away when he immigrated here as a young boy. Our Nation's enduring spirit has been built by the hard work and the dreams of so many striving young immigrants like my father in the 1930s and like so many Dreamers today. No Member of Congress should be able to rest until Dreamers are able to rest easy, knowing they will be able to stay and to contribute to literally the only Nation they have ever called home. Thank you. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Funding the Government Mr. LEAHY. Madam President, just last week we began the second session of the 115th Congress. We are now safely into 2018, and we should be talking about what we can accomplish for the American people in the new ***year***. We simply face a long list of unfinished business from 2017--last ***year***--and, unfortunately, we have a very short window in which to get it done. We are 4 months into fiscal ***year*** 2018, and we still don't have a budget deal. I am vice chairman of the Appropriations Committee. We should have had this done long before now. Our agencies are operating under last ***year***'s funding levels. They have little flexibility to handle the problems they face today. We still haven't reauthorized the Children's Health Insurance ***Program***, what we call CHIP, so that puts the healthcare of 9 million children at risk. These are American children. Nearly 800,000 Dreamers live under uncertainty and fear of deportation, living in the country they have known most of their lives. I don't know how anybody, Republican or Democrat, could call this acceptable. Now, I know the Republicans control the House, they control the Senate, and they control the White House. They are in charge. They have to show responsibility and show leadership on these issues, but instead of addressing these issues, last ***year*** the Republican leadership spent time rolling back sensible regulations designed to protect the American consumer, designed to protect our environment, and designed to protect people from harassment in the workplace. They rolled those all back, and then they passed a massive tax cut for big corporations and the wealthiest of Americans. We Democrats have been calling for bipartisan budget talks since June--7 months ago. We have passed three continuing resolutions since September of last ***year*** to give us more time to strike a deal on the budget and Dreamers and CHIP and disaster funding. These are just to name a few, but they are enormously important to the people who are experiencing the disasters or who have children who need healthcare or who are Dreamers. Yet, on the 102nd day of the fiscal ***year***, there are only 9 days until the next fiscal cliff, and we don't have a budget deal. President Trump said months ago that the country could use a good government shutdown. I don't agree with [[Page S120]] him, but I am beginning to think that is exactly what his party is angling for--a manufactured crisis to distract from the fact that they are not doing their job. The Washington Post seemed to confirm this last December, when it reported the President privately told people that a government shutdown would be good for him politically. In all of my ***years*** in the Senate--I have been here under Republican and Democratic Presidents alike--I have never heard such damaging rhetoric come from the President of the United States. Nobody wants a government shutdown--nobody. It is devastating to people not only throughout the government but to people throughout the whole country. However, that seems to be what they are vying for. For months, I have been calling for a bipartisan budget deal that is based on parity--equal increases for defense and nondefense ***programs***-- that would provide relief from sequestration. I agree with the Republicans and Democrats who say military readiness has suffered under sequestration but so has our Nation's economy, so has our educational system, so has our infrastructure, and so has our care for our veterans. If we want to combat the problems caused by sequestration, we have to raise the caps on both sides of the ledger. Fixing one side of the equation will not address the needs of our Nation and, even worse, will actually shortchange our military. If we don't invest in our economy, if we don't invest in the education of our youth, the military will not have expert, qualified soldiers, the men and women on whom they rely. If we don't invest in our diplomacy, our Nation and the world become less safe. If we don't improve our cyber security defenses and our physical infrastructure, we become soft targets for those who would do us harm, both in this country and outside this country. If we don't care for our veterans, we are not going to have young men and women who are willing to serve. This week, the majority leader came to the floor making the case for increased defense spending. He asked us to listen to our nonpartisan military leaders about what they think is needed to keep this country safe. I couldn't agree more. To that end, I have two letters signed by a combined 560 retired admirals, generals, and other former military members. I ask unanimous consent to have these letters printed in the Record following my remarks. I have no idea what these admirals', generals', and others' political parties are, but they make the case that we have to increase our investment in domestic priorities--including education and childcare, as well as diplomacy--if we are going to keep our country safe and support our military. Secretary of Defense Mattis said even more bluntly: If we do not fully fund the State Department, we should be prepared to buy more ammunition for our military. The wisdom of our military leaders notwithstanding, Republicans appear to be dug in. They claim equal increases for both defense and nondefense ***programs*** would add too much to our deficit and burden our children. It is one over the other. It is hard to have somebody say that with a straight face in the wake of the President signing a tax bill to add $1.5 trillion to our Nation's debt and to benefit primarily large corporations and the wealthiest Americans. You can't make the argument that we can't afford to take care of our domestic needs. It is simply not credible. Budget negotiations are not the only place where Republicans haven't engaged in a productive way. President Trump's decision to end the DACA ***Program*** has put nearly 800,000 Dreamers in this country in an untenable position. The decision was as cruel as it was senseless. It may make a tweet that people look at, but if you are one of those Dreamers and you are on your way to school and are expecting a scholarship to college and you don't know if you are going to be in this country tomorrow, that is not a tweet. The President should have worked with Congress. He should have found a permanent legislative solution while keeping DACA protections in place. I believe he terminated the ***program*** under false pretenses, yielding to xenophobic voices in his administration, and last night a Federal judge issued an order that said just that: Terminating DACA was not required under the law--far from it. But a court order that only temporarily halts the administration from dismantling DACA provides little comfort to Dreamers. They live each and every day uncertain of the future and with fear of deportation. Now, I have heard Members of the Senate trying to decide at what time we are going to finish voting for the week. Their big fear is this: Are we going to make our flight home? Dreamers have to worry if their flight is going to be out of this country and back to a country they don't even know. They worry if they will have to leave the country they know and love. Dreamers are Americans in every way, except on paper. They were brought here as children, through no fault of their own. They are law- abiding members of our community. They attend school. They serve as doctors and teachers. They defend our homeland as brave men and women in uniform. This is a crisis of the President's own making. Now, Congress needs to pick up the pieces. I hope, after the meeting yesterday, we will be allowed to pick up the pieces. We have spent months trying to find a path forward, but you can't find one if the administration keeps moving the goalposts. We need to address the fate of the Dreamers now. You can take a poll in this country. The American people want us to. Also, look at the broad bipartisan support on display yesterday at the White House. Republicans and Democrats want to fix the mess that the President created. A solution should be within our grasp. The White House has made unreasonable demands, such as $18 billion of American tax dollars to build a wall on the southern border, in exchange for Dreamers. The $18 billion wall is last century's solution. It does nothing for this century. If they really believe Mexico is going to pay for it, I have a solution. Open a bank account and, as Mexico sends us money, then use it to build a wall. Don't ask the American taxpayers, who are strapped at home, to pay for something the President says the Mexicans will pay for. Open an account, find out if they are telling the truth, let the money come into the account, and then build it. But, worse, don't use the Dreamers as negotiable commodities. They are not commodities. They are human beings. They are people who deserve to have their dreams. Let's pass a bill--we could do it this week-- protecting Dreamers now. Republicans control the House, the Senate, and the White House. This is their government. We have a week and a half before the next continuing resolution expires. We have a lot to do. Let's get serious. Let's get to work. I am willing to work here every day, every night, right through the weekend. Let's get it done. We are not doing it for us. We are doing it for all the American people. Let's do it for all the American people-- not for special interests, not for one party. Let's do it for all the American people. It could be done, if we want to. There being no objection, the material was ordered to be printed in the Record, as follows: Mission: Readiness, Council for a Strong America, May 30, 2017. Members of Congress: As retired admirals and generals, we know from our experience that no matter how much we spend to build our military and procure the latest and greatest technology, we will never be a secure nation if we do not have qualified and skilled men and women to fill the ranks of our Armed Forces. Therefore, investing in education for our youngest children, which is the foundation of our future national security, is essential. Accordingly, we urge Congress to prioritize investments in early childhood ***programs***, including funding for Head Start, the Child Care and Development Block Grant (CCDBG), and Preschool Development Grants in FY18 Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill. Mission: Readiness is the national security organization of retired top military leaders that recognize the strength of our military depends on our people. The stunning fact is that today, 71 percent of young adults ages 17 to 24 cannot qualify for military service because they are too poorly educated, medically or physically unfit, or have a disqualifying record of crime or drug abuse. if these issues are not addressed, the Nation risks a shortage of qualified recruits--one that will leave the country vulnerable for ***years*** to come. [[Page S121]] Mounting research shows that the early ***years*** of life have an incredible impact on educational attainment, behaviors and health. High-quality early interventions can help vulnerable children succeed in school, stay on the right side of the law and achieve a healthy weight in the long-term. These outcomes open the doors for many career paths, including military service. Long-term studies of early education ***programs*** show impressive differences in children's educational outcomes. A recent analysis of Head Start outcomes, comparing siblings who did versus did not attend the ***program***, found participants showing increased probability of graduating from high school, attending college, and receiving a postsecondary credential. High-quality state preschool ***programs*** have also demonstrated lasting effects on students' elementary-school performance. New Jersey's preschool ***program***, for example, found that children in the ***program*** were three-quarters of a ***year*** ahead in math and two-thirds of a ***year*** ahead in literacy in the fourth and fifth grades. While Congress faces tough spending choices ahead to secure and protect our Nation, we know that the backbone of our military is, and will always be, our women and men in uniform. As a matter of national security, in order to grow the pool of eligible recruits, Congress must prioritize investments in early childhood ***programs***, including funding for Head Start, the Child Care and Development Block Grant (CCDBG), and Preschool Development Grants. Signed by a combined 424 retired admirals, generals, and other former military members. \_\_\_\_ February 27, 2017. Hon. Paul Ryan, Speaker of the House, House of Representatives. Hon. Nancy Pelosi, Minority Leader, House of Representatives. Hon. Mitch McConnell, Majority Leader, U.S Senate. Hon. Chuck Schumer, Minority Leader, U.S Senate. Dear Speaker Ryan, Minority Leader Pelosi, Majority Leader McConnell, and Minority Leader Schumer: As you and your colleagues address the federal budget for Fiscal ***Year*** 2018, we write as retired three and four star flag and general officers from all branches of the armed services to share our strong conviction that elevating and strengthening diplomacy and development alongside defense are critical to keeping America safe. We know from our service in uniform that many of the crises our nation faces do not have military solutions alone--from confronting violent extremist groups like ISIS in the Middle East and North Africa to preventing pandemics like Ebola and stabilizing weak and fragile states that can lead to greater instability. There are 65 million displaced people today, the most since World War II, with consequences including refugee flows that are threatening America's strategic allies in Israel, Jordan, Turkey, and Europe. The State Department, USAID, Millennium Challenge Corporation, Peace Corps and other development agencies are critical to preventing conflict and reducing the need to put our men and women in uniform in harm's way. As Secretary James Mattis said while Commander of U.S Central Command, ``If you don't fully fund the State Department, then I need to buy more ammunition.'' The military will lead the fight against terrorism on the battlefield, but it needs strong civilian partners in the battle against the drivers of extremism--lack of opportunity, insecurity, injustice, and hopelessness. We recognize that America's strategic investments in diplomacy and development--like all of U.S investments--must be effective and accountable. Significant reforms have been undertaken since 9/11, many of which have been embodied in recent legislation in Congress with strong bipartisan support--on human trafficking, the rights of women and girls, trade and energy in Africa, wildlife trafficking, water, food security, and transparency and accountability. We urge you to ensure that resources for the International Affairs Budget keep pace with the growing global threats and opportunities we face. Now is not the time to retreat. cc: Secretary of State Rex Tillerson. cc: Secretary of Defense James Mattis. cc: National Security Advisor H.R McMaster. Signed by a combined 121 retired admirals, generals, and other former military members. Mr. LEAHY. Madam President, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. LEAHY. Madam President, my colleague from Vermont, Senator Bernie Sanders, wrote what I feel was a terrific op-ed about why we should not and do not need to close down the government, why we can do our work and why we should, and that people rely on us, too. Madam President, I ask unanimous consent that the op-ed be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows: [From the Washington Post, Jan. 8, 2018] It's on Republicans To Stop a Shutdown (By Bernie Sanders) I do not know why President Trump and the Republican Party--which controls the White House, the Senate and the House--are so willing to shut down the government. Maybe they think it will be good for them politically. Maybe they believe the chaos created by a government shutdown would be a welcome distraction from the ongoing Russia investigation being conducted by special counsel Robert S. Mueller III. Whatever the motives of the Republican leadership, one thing is clear: A government shutdown would be disastrous for the American people. A shutdown would harm tens of millions of working-class families who would be unable to access vital services. It would disrupt the lives of hundreds of thousands of federal employees who would not receive the paychecks they expected. It would endanger members of the U.S military who are putting their lives on the line defending our nation. Congress has a responsibility to the American people to prevent a shutdown and work in a bipartisan manner to reach a fair budget agreement that addresses the very serious problems facing the working people of our country. Unfortunately, Senate Majority Leader Mitch McConnell (R- Ky.) ratcheted up threats of a government shutdown last week by insisting on ending the long-standing, bipartisan agreement over parity for defense and non-defense spending. This principle of parity is enormously important for working families and is something that cannot be terminated. If we do not act, funding for education, child care, health care, nutrition assistance, affordable housing and other important domestic ***programs*** will be at a 40-***year*** low as a percentage of our economy. As the middle class continues to shrink, cuts to non- defense spending would cause even worse economic pain to working families, the elderly, children, the sick and the most vulnerable. Meanwhile, as Trump and the Republicans demand an unbelievable $100 billion increase in military spending over the next two ***years***, the Defense Department has been inoculated from budget cuts over the past several ***years*** because of the Overseas Contingency Operations loophole--a special account not subject to spending caps established by Congress in 2011. Providing parity in these budget negotiations means, among other things, fully funding--without offsets--the Children's Health Insurance ***Program*** for 9 million kids and community health centers for 27 million Americans. It means increased funding for the Social Security Administration and the Veterans Administration so they can provide guaranteed benefits to seniors and veterans who have earned them. It means keeping our obligations to more than 1.5 million workers and retirees who are about to lose a large part of the pensions they were promised. It means addressing the crisis of student debt, expanding child care, improving our crumbling infrastructure in rural America and protecting our national parks. It means providing help in the national struggle against opioid and heroin addiction. Furthermore, as part of the budget negotiations, we must also provide adequate disaster relief to Texas, Florida, Puerto Rico and the Virgin Islands, as well as assistance to the Western states recovering from terrible wildfires. Finally, Trump added even more fuel to the fire when he decided to use 800,000 ``dreamers'' as a bargaining chip for an $18 billion wall that the overwhelming majority of Americans do not want. These dreamers are young people who have lived in this country for almost their entire lives. They go to school. They work. They serve in the U.S military. The United States is their home; they know no other. For Trump and the Republican leadership to allow their legal status to expire, and to subject them to deportation, would be one of the cruelest acts in modern American history. It must not be allowed to happen. This is not just my viewpoint. It's what the American people want. A recent Quinnipiac University poll showed that 77 percent of the American people, including a large majority of Republicans, support providing legal protections for the dreamers. The Republican Congress must act. A clean Dream Act must be signed into law as part of any budget agreement. The American people are increasingly disgusted with a government that protects the interests of the wealthy and the powerful, while ignoring the needs of the vulnerable. The U.S government must do more than provide huge tax breaks to billionaires, callously deport young people, greatly expand military spending, end net neutrality, deny the reality of climate change and threaten to cut Social Security, Medicare, Medicaid, education and nutrition ***programs***. We must pass a budget agreement that addresses the needs of Americans and not just billionaire campaign contributors. [[Page S122]] Mr. LEAHY. Madam President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Tax Reform Mr. BARRASSO. Madam President, when we were debating the tax relief law at the end of last ***year***, it was a very familiar debate in many ways. Republicans came to the floor with facts and figures on how much extra money people were going to see in their pockets and their paychecks. Democrats came to the floor with the same old tired line that you always hear them talk about--the millionaires and billionaires. Republicans pointed out economic studies that showed that workers right now pay more than 70 percent of the cost of corporate taxes. We talked about a study by the Tax Foundation that predicted that if we passed the tax relief bill, the average family would actually see a gain of about $2,600 a ***year*** in their after-tax income. It was partly because of getting the tax cut and partly because their employers would then pass on much of the tax cut in higher wages. Democrats didn't believe it. They said that only rich people would benefit and that businesses would never share their tax savings with the workers. The Democratic leader said that ``tax cuts like these benefit the wealthy and the powerful to the exclusion of the middle class.'' Here we are. It is the month after we passed the tax relief bill, the tax reduction bill, and the tax simplification bill, and the question is, Who was right? The very day the tax bill passed in Congress, AT&T came out and said it was giving its workers a bonus. It said that 200,000 hard-working employees were going to get an extra $1,000 each directly because of the new tax relief, tax reduction, tax cut bill. The Tax Foundation predicted that they would eventually get an extra $2,600, and these people are already getting $1,000 each on day one. That has opened the floodgates to other companies doing the exact same thing and employees around the country experiencing the exact same thing. Businesses started sharing the tax savings with rank-and-file, middle-class workers, and it started on day one--not just the wealthy and the powerful, as Senator Schumer has predicted. Over 120 companies have said they are raising wages, giving out bonuses, and investing in their workers because of the tax law. It adds up to over $980 million-- $980 million in the pockets of hard-working men and women around the country. How many people are seeing that? By last count, almost 1 million hard-working Americans--over 970,000 hard-working Americans have already gotten the good news. There is more good news coming every day, with more announcements today. It is exactly what Republicans said would happen. It is happening for people who work at banks, who work at insurance companies, who work at airlines. It is happening for people who work at big companies, such as AT&T, Visa, and Comcast, but it is also happening for people who work at smaller companies, such as a winery in California and an aviation company in Texas. These are businesses and people in communities who are important parts of their communities and doing important jobs. The employees work hard, and now they are getting a share of the relief the Republicans had predicted they would get all along. And they are not just getting cash bonuses. There is a bank in Massachusetts called Berkshire Hills Bancorp. They announced last week that the people working there will be getting a $1,000 bonus and will also see the minimum wage raised to $15 an hour. More is being invested in employee development and training ***programs***. When you invest more in employee development and training ***programs***, that means people are going to have additional skills that make them even more productive, better at their jobs, and qualify for even higher wages. This bank in Massachusetts is also contributing an extra $2 million to its charitable efforts, including scholarships. That helps improve the communities where the workers live and where they raise their families. Democrats said it is not going to happen. It has happened. It is happening every day. They said that businesses would keep the money for themselves. That is not what we are seeing all across the country. Ms. Warren, the senior Senator from Massachusetts, went on PBS. The senior Senator from Massachusetts said that the idea that tax relief would lead to higher wages was, in her words, ``the big lie that Republicans have been selling'' for decades. She said that tax relief was ``an insult to working families across America.'' I would point out to Senator Warren that many of the people who work at this bank are in her home State of Massachusetts. People have gotten wage increases. People have gotten additional money spent on training so they can become more valuable and make even more money. People have seen the minimum wage in that business go up. The workers getting these bonuses and raises in their pay are her constituents. Does she think these people are feeling insulted? Does she believe they have been insulted by getting a $1,000 bonus and getting an increase in their salaries and having investments in terms of additional training? Is that an insult to those people? I don't think so. I bet they are feeling pretty glad to be supported and valued by their employer. There is another business in Nevada, South Point Casino. Workers there are receiving $1 million total in bonuses. Previously, this business had actually planned to increase the share of health insurance costs that its employees would have to pay because health insurance costs have gone up. Health insurance prices have skyrocketed ever since ObamaCare was passed. Companies have struggled with how to deal with these rising costs. Many have tried to pass these on to the employees. This company in Nevada has said that because of the Republican tax relief law, they are canceling their plans to raise insurance costs-- canceling their plans to raise the costs. That is more money in employees' pockets. The owner of the business said: ``We want to be sure that our extended family is taken care of.'' That is the way these people think of the people who work for them--as part of their extended family. That is how employers are responding to tax relief all around the country, and that is what we said would happen. We also predicted that one way businesses might deal with lower taxes would be to cut prices for consumers, let people who use their services or buy their products keep more of their hard-earned money. Americans are starting to see that prediction come true in the form of lower utility bills. Gas, electric, and water utilities across the country are getting ready to cut their rates because the taxes are going down under the law. Customers of the power company in Baltimore are going to receive millions of dollars in the form of lower rates. It has been a cold winter on the east coast, and a lower electric bill is going to be good news for a lot of people in that area. Customers are also likely to see the same thing in Missouri, South Carolina, and Louisiana. These are the kinds of effects we are seeing all across the country, in various ways. It is all good news for consumers, all good news for people at home as a result of the tax reduction, tax relief, tax cuts passed by Republicans and signed by President Trump. Americans are getting the benefits of tax relief. They are getting the benefit of regulatory relief and the pro-growth policies of Republicans in Congress and the Trump administration. People are seeing it in their daily lives. The polling company Gallup said that as soon as Donald Trump was elected President, economic confidence in this country soared. That is what the polls found. It has stayed positive almost without interruption ever since. It is the exact opposite of what polls were showing during the previous 8 ***years***, in the previous administration. That was during the so-called economic recovery. Why are people so optimistic now? It is because you can't open a newspaper or turn on a television without seeing more good news about the economy. New employment numbers came out last Friday. CNN had a headline: ``U.S [[Page S123]] economy added 2 million jobs in 2017.'' The Washington Post's headline was ``Trump's first-***year*** jobs numbers were very, very good.'' Bloomberg reported that the Christmas shopping season was ``probably the best one in a decade.'' People are feeling confident. They are seeing higher wages, they are seeing cash bonuses, and soon they will start seeing the tax cut in their paychecks. The American people know that Republicans have kept our promise. We are cutting regulations, cutting taxes, putting more money back in their pockets. That is what hard-working Americans have asked us to do, and that is what we are going to continue to do. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Tillis). The clerk will call the roll. The legislative clerk proceeded to call the roll. Mrs. ERNST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mrs. ERNST. Mr. President, I rise to discuss the positive impact the Tax Cuts and Jobs Act will have on Iowa farmers. Of course, our Iowa ***agricultural*** economy is really important, and those men and women who are serving as farmers, ranchers, and growers in the State of Iowa mean the world to me, coming from a farm my family had in Southwest Iowa. We all understand this has been a very challenging time for farmers in our rural communities. The community I come from in Southwest Iowa has just 10,000 people in our county. Many of them have faced the challenges of the economic downturn. Since their peaks in 2012, corn prices have declined by 60 percent and soybean prices have declined by 47 percent. My neighbors are hurting, folks. Farm income has nearly been cut in half since 2013. A lot of our producers are hurting, especially our young and beginning farmers who have gotten their start just in maybe the last 10 ***years*** or so, but, fortunately for our farmers, our ranchers, and our growers, tax relief is on its way. The Tax Cuts and Jobs Act will provide sweeping tax cuts for farmers and rural communities, allowing our producers to keep more of those hard-earned dollars. About 95 percent of farms are organized as passthrough businesses, such as sole proprietorships, partnerships, and S corps. These businesses are taxed under individual tax rules and will benefit from lower tax rates for every income bracket. On top of that, they will see significant relief through a new 20-percent deduction on passthrough business income. The law also provides relief from the costly individual mandate which forced many farmers to choose between buying an expensive ObamaCare plan through their State exchange or being fined. Now, just a couple of ***years*** ago, I remember a very intense conversation I had with a beginning farmer in Northeast Iowa. When he was purchasing his insurance through the State exchange, the cost had more than doubled. He was shaking he was so upset about it, and he explained to me the additional cost of that individual policy was his truck ***payment***. There was no room in his budget for the additional cost of that insurance policy so he had to make that choice: Do I purchase through the individual exchange or do I make my truck ***payment***? Fortunately, within this bill, we have that relief. He can make that choice, and the choice is his on whether he makes that truck ***payment*** and forgoes the insurance or whether now he can do without that type of insurance and not be fined because he was too poor to afford it. In addition, the bill dramatically expands section 179 expensing and allows 5 ***years*** of 100 bonus depreciation. Both of these changes will foster much needed investment in farms throughout Iowa. The law also preserves a number of important tax provisions for farmers, including the interest deduction, cash accounting, and the use of like-kind exchanges for property. Last, but certainly not least, the Tax Cuts and Jobs Act doubles the Federal estate tax exemption while preserving the stepped-up basis. The death tax can have a devastating impact on family farms. Over 90 percent of farm assets cannot be sold easily without losing value. Especially as we continue to experience a downturn in that ag economy, family farmers are sometimes left with no choice but to sell land or the equipment they use to farm that land when they are forced to pay that tax. The Tax Cuts and Jobs Act is a big step in the right direction for ***agriculture***. I am thankful to the President for his leadership and to my colleagues in the Senate and the House for helping get this long- needed bill done. On behalf of ***agriculture***, thank you. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. BOOZMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. BOOZMAN. Mr. President, I rise to highlight the positive impacts our historic tax reform law will have on the ***agricultural*** community. ***Agriculture*** is Arkansas' largest industry by far, adding $16 billion to our economy every ***year*** and accounting for approximately one in every six jobs. We are the top rice-producing State in the Nation, No. 2 in the Nation in broiler chicken production, and the third largest producer of catfish in the United States. We could also clothe and shelter ourselves from fiber grown in Arkansas, as we are the third in the Nation in cotton production and the fifth largest softwood lumber- producing State. You could keep going down the list, and you would find Arkansas as one of the Nation's top 10 producers of a number of ***agricultural*** commodities. Clearly, ensuring that Washington helps create an economic environment that allows the ***agricultural*** industry to thrive is extremely important to my home State of Arkansas. When President Trump signed the Tax Cuts and Jobs Act into law, his signature provided much needed tax relief to America's farmers. More than 94 percent of farms are organized as passthrough businesses, which means they are impacted by the same tax provisions as individual filers. Lower tax rates across the board and a 20-percent deduction from their taxable income means immediate savings, which can be reinvested to help grow their operations. Ninety seven percent of the farms in Arkansas are family owned, and the vast majority of them will now be exempt from the estate tax--the death tax. This is a big deal. It will help keep those farms and ranches in the family for generations to come. Finally, farmers and ranchers will be able to expense 100 percent of their capital investments, such as equipment, over the next 4 ***years***. In his address to the Farm Bureau earlier this week, the President called this the ``sleeper'' in the bill. He is right. People don't realize and there hasn't been enough talk about how beneficial this provision will be for our family-run ***agricultural*** operations. The substance of the President's Farm Bureau speech tilted heavily toward our efforts to bring stability and predictability to the economy. As we have witnessed over the course of the previous administration, uncertainty is devastating to our economy. There are few industries that are inherently more affected by uncertainty than ***agriculture***. This is why we have taken steps to eliminate some of the punitive, needless regulations that create uncertainty for our farmers and our ranchers. It is also why my colleagues and I on the ***Agriculture*** Committee, under the steadfast leadership of Chairman Roberts, are working hard to reauthorize the farm bill. ***Programs*** are authorized by the farm bill that are absolutely vital to farmers, ranchers, and consumers. These ***programs*** will provide more certainty in rural America to address the challenges ahead. Finally, it is why we took great care to ensure that the ***agricultural*** industry will see the benefits of tax reform. Establishing a tax code that works for our farmers and ranchers, as opposed to against them, is vital to their ability to plan for the future and invigorate our rural communities. I am proud of our efforts to pass this landmark tax reform law, and I am [[Page S124]] confident it will have lasting, positive effects for our economy. With that, I yield back. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Cotton). Without objection, it is so ordered. Nomination of Michael Brown Mr. ISAKSON. Mr. President, I am honored and privileged to come to the floor of the Senate today to talk about Michael Brown, appointed by President Donald Trump to be a district judge on the U.S District Court for the Northern District of Georgia. Mr. Brown is an outstanding citizen of our State. He is married to a wonderful lady and has three wonderful children. He is a graduate of Marist School, a graduate of Georgetown University, and a graduate of the University of Georgia Law School, magna cum laude, in 1994. He has a record of practicing law in the private sector that is unparalleled, having worked for both King & Spalding and also Alston & Bird. King & Spalding produced many of the judges on the bench of the United States of America with distinguished records, not the least of which is the Attorney General under President Jimmy Carter, Griffin Bell, an outstanding Attorney General from our State. They also produced Sam Nunn, an outstanding Member of the Senate. They produced many judges in our State. Many were also produced from the firm where he practices now, which is Alston & Bird. It is a privilege for me to talk about Michael for many reasons. Most importantly, he comes with a background of experience in the private sector. He has been recommended by the U.S Chamber of Commerce as one of the great lawyers in the United States of America in business matters. One of the things our courts need is a tempered balance of business and consumers. There is no question that someone who is not a voice for business as a judge but has experience in business as a judge will make a tremendous difference. I know he will in the Northern District of Georgia. I thank the President for nominating Michael and making this appointment. To the Members of the Senate, I urge you to join me in voting for Michael Brown for the Northern District of Georgia to be our next judge there. He will be a great judge on the bench. It will be a great decision for us, and it will continue the growth and improvement of outstanding jurists confirmed by this Senate in this ***year*** 2018. I yield back. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. BURR. Mr. President, I ask unanimous consent to begin the series of votes. The PRESIDING OFFICER. Without objection, it is so ordered. The question is, Will the Senate advise and consent to the Parker nomination? Mr. BURR. 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. Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCain). Mr. DURBIN. I announce that the Senator from New Jersey (Mr. Booker) is necessarily absent. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced--yeas 98, nays 0, as follows: [Rollcall Vote No. 5 Ex.] YEAS--98 Alexander Baldwin Barrasso Bennet Blumenthal Blunt Boozman Brown Burr Cantwell Capito Cardin Carper Casey Cassidy Cochran Collins Coons Corker Cornyn Cortez Masto Cotton Crapo Cruz Daines Donnelly Duckworth Durbin Enzi Ernst Feinstein Fischer Flake Gardner Gillibrand Graham Grassley Harris Hassan Hatch Heinrich Heitkamp Heller Hirono Hoeven Inhofe Isakson Johnson Jones Kaine Kennedy King Klobuchar Lankford Leahy Lee Manchin Markey McCaskill McConnell Menendez Merkley Moran Murkowski Murphy Murray Nelson Paul Perdue Peters Portman Reed Risch Roberts Rounds Rubio Sanders Sasse Schatz Schumer Scott Shaheen Shelby Smith Stabenow Sullivan Tester Thune Tillis Toomey Udall Van Hollen Warner Warren Whitehouse Wicker Wyden Young NOT VOTING--2 Booker McCain The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

**Load-Date:** January 12, 2018

**End of Document**



[***Taking the long view on solving fodder issues; This year's extreme weather could lead to smarter approaches on farm fodder requirements, writes Martin O'Sullivan***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TD1-C6F1-DYTY-C01B-00000-00&context=1516831)

Irish Independent

October 2, 2018 Tuesday

Edition 1, National Edition

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**Section:** FARMING;NEWS; Pg. 13

**Length:** 944 words

**Body**

THEY say that it is an ill wind that does not blow somebody some good. Well, the past 12 months have certainly had their share of ill winds but maybe, just maybe, those ill winds have blown some good that might extend long into the future.

I am thinking of how the demand for fodder and forage has resulted in massively increased straw prices, lifting cereal margins from virtually zero to a place they haven't been for quite some time.

The purchase of immature cereal crops as whole crop has emerged as a possible outlet for tillage farmer, as has the growing of grass, maize and fodder beet for sale.

Overall, these developments may not be just short-term responses to rare weather conditions, but may set a pattern for the future whereby the more intensive farm operators contract out part of their winter fodder requirements.

This can have the effect of killing a number of birds with the one stone, such as an assured adequate winter fodder supply along with the creation of an enlarged and possibly better grazing platform.

Desperate situations can create a whole new mindset and I think 2018 may be the start of something big in terms of far smarter use of our overall ***agricultural*** resources.

CONTRACT GROWING Last April I viewed with interest the launch of Teagasc's Contract Forage Agreement Template.

It was as if they had a premonition of what lay ahead. Its launch was proven to be timely as we were just nearing the end of a six-month period of non-stop rain, hurricane conditions and snow the like of which we had not seen for decades - conditions that had wiped out all reserves of fodder in the country.

Little did Teagasc or anybody else know that we were on the cusp of the worst drought in most people's memories, and instead of planning to rethe build fodder reserves, the focus quickly changed to addressing a serious fodder shortage.

Acquiring replacement fodder will be the main focus for the next six months but planning for the future must also be part of this process.

We need to do everything we can to prevent a recurrence of the scary level of uncertainty that many farmers are experiencing as we face into the winter.

CONTRACT BENEFITS From the dairy or livestock producer's perspective, entering into a crop supply contract virtually ensures supply and price certainty and is one less worry for the farmer to contend with.

It may also enable him/her to embark on a whole farm reseeding ***programme*** that may alleviate fodder shortages in the future while also having a very positive effect on production.

The benefit for the tillage farmer is that it offers a guaranteed outlet for his crop with price certainty.

This may make costly crops such as maize or fodder beet an attractive alternative to cereals, particularly where initial and interim ***payments*** are written into the contract.

TYPES OF CONTRACTS There are two types of contract that could be considered.

The Teagasc template is essentially a contract crop production agreement based on a minimum supply undertaking where the contract is based on a specified acreage in a specified location and a specific variety.

While the template suggests price per tonne as being a basis for ***payment***, it could also be based on a price-per-acre figure.

The alternative type of contract is simply a supply contract where the grower enters into a written agreement with the purchaser to supply a fixed tonnage at a fixed price referenced to dry-matter analysis by a specified date.

Such an agreement may suit the larger grower, who will have the comfort of knowing he has a guaranteed outlet for his produce at a guaranteed price.

It will also suit the purchaser as it lessens pressure on his grazing platform and assures him that a proportion of his winter fodder needs are secured.

CONTRACT CONDITIONS A contract cropping or supply agreement will set down a number of undertakings and the conditions attached.

I have set out a summary of the main constituents of a typical agreement in Table 1. The agreement, like any collaborative arrangement, must benefit both grower and purchaser and be built on honesty, trust and good open communication.

It is vital that both parties honour their commitment to the agreement in order for it to be successful and sustainable into the future.

That said, any such agreement is a legally binding contract and defaulting will have its consequences.

A copy of the agreement can be found at [*www.teagasc.ie*](http://www.teagasc.ie), but intending farmers should seek guidance from an ***agricultural*** specialist who is experienced in this area.

Martin O'Sullivan is the author of the ACA Farmers Handbook. He is a partner in O'Sullivan Malone and Company, accountants and registered auditors; [*www.som.ie*](http://www.som.ie) CONTRACT GROWING ESSENTIALS A CONTRACT growing or supply agreement should contain: ÷ Grower and purchaser details - names, addresses and contact numbers.

÷ Land location details on where the crop is to be grown to include soil samples - (contract grower contracts only).

÷ Storage area locations details - grower will need to have inspected location.

÷ Undertaking to deliver a specified tonnage before a particular time deadline.

÷ Price per tonne to be paid and dates of instalments; typically ***payment*** will be by three instalments - sowing, mid-season and delivery - for contract growing agreements. Supply agreements will require a non-refundable deposit.

÷ Method of ***payment*** - recommended method is by bank ***transfer*** on the specified dates.

÷ Method of weighing - both parties need to have agreed method of weighing prior to signing the agreement.

Do you have a question for our team of experts? Email [*farming@independent.ie*](mailto:farming@independent.ie) or by post to: Farming Independent, Independent House, 27-32 Talbot St, Dublin 1 ; ; ? ;

**Load-Date:** October 2, 2018

**End of Document**



[***Monthly Budget Review: Summary for Fiscal Year 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TNX-MCC1-JDG9-Y3G0-00000-00&context=1516831)

Impact News Service

November 7, 2018 Wednesday

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**Length:** 2372 words

**Body**

Washington,DC : US Congressional Budget Office has issued the following news release:

Monthly Budget Review: Summary for Fiscal ***Year*** 2018 In fiscal ***year*** 2018, which ended on September 30, the federal budget deficit totaled $779 billion— $113 billion more than the shortfall recorded in 2017. The deficit increased to 3.8 percent of the nation’s gross domestic product (GDP) in 2018, up from 3.5 percent in 2017 and 3.2 percent in 2016. Outlays in 2018 were reduced by a shift in the timing of certain ***payments***; those ***payments*** were instead made in fiscal ***year*** 2017 because October 1, 2017 (the first day of fiscal ***year*** 2018), fell on a weekend. If not for that shift, the deficit in 2018 would have been $823 billion, or 4.1 percent of GDP. Fiscal ***Year*** Totals Billions of Dollars 2013 2014 2015 2016 2017 2018 Receipts 2,775 3,021 3,250 3,268 3,315 3,329 Outlays 3,455 3,506 3,688 3,853 3,981 4,108 Deficit (–) Amount –680 –485 –438 –585 –666 –779 Percentage of GDP –4.1 –2.8 –2.4 –3.2 –3.5 –3.8 Sources: Congressional Budget Office; Office of Management and Budget; Department of the Treasury. GDP = gross domestic product. In 2018, the government’s revenues amounted to $3.3 trillion—$14 billion (or less than 1 percent) more than in 2017. As a percentage of GDP, revenues fell from 17.2 percent in 2017 to 16.4 percent in 2018, dropping below the average (17.4 percent) for the past 50 ***years***.

Net spending by the government was $4.1 trillion in 2018—$127 billion (or 3.2 percent) more than in 2017. Outlays amounted to 20.3 percent of GDP in 2018, compared with 20.7 percent in 2017, and were equal to the 50-***year*** average. If not for the shift in the timing of certain ***payments***, outlays in 2018 would have equaled 20.5 percent of GDP. Total Receipts: Up by Less Than 1 Percent in Fiscal ***Year*** 2018 Total receipts in 2018 were similar to those in 2017 because of offsetting changes in different sources of revenues, which stemmed in part from provisions in last ***year***’s major tax legislation (Public Law 115-97): ■ Receipts from individual income taxes, the largest source of revenues, increased by $96 billion (or 6 percent). As a share of the economy, those receipts rose from 8.2 percent of GDP in 2017 to 8.3 percent of GDP in 2018, remaining above the average (8.0 percent) over the past 50 ***years***. o Nonwithheld ***payments*** of income taxes rose by $87 billion (or 16 percent). Most of that increase occurred in April, when taxpayers made their final ***payments*** of taxes for 2017. November 7, 2018 MONTHLY BUDGET REVIEW: SUMMARY FOR FISCAL ***YEAR*** 2018 NOVEMBER 7, 2018 2 o Income taxes withheld from workers’ paychecks increased by $16 billion (or 1 percent). That change reflects several offsetting factors, two of which boosted withheld individual income taxes: Salaries and wages increased over the ***year***, and the Treasury Department recategorized as income taxes $21 billion that had been recorded in previous ***years*** as payroll taxes. Amounts collected through withholding initially are allocated between the two types of taxes on the basis of the department’s estimates. As detailed information from tax returns becomes available, reallocations are made between those two sources. Those two factors were partly offset beginning in February by a decline in the share of income withheld for taxes. In January, the Internal Revenue Service issued new withholding tables to reflect changes made by P.L 115-97 that took effect at the beginning of the current ***calendar*** ***year***. All employers were required to begin using the new tables by February 15, 2018. o Individual income tax refunds rose by $6 billion (or 2 percent), reducing net receipts. ■ Receipts from payroll (social insurance) taxes, the second-largest revenue source, increased by $9 billion (or 1 percent) but fell as a share of the economy from 6.0 percent in 2017 to 5.8 percent in 2018. The increase in those receipts reflects higher wages and salaries. However, as described above, payroll taxes reported for 2018 were reduced by reallocations made from payroll to individual income taxes. ■ Receipts from corporate income taxes, the third-largest source of revenues, fell by $92 billion (or 31 percent) in 2018, dropping from 1.5 percent to 1.0 percent of GDP. That percentage of GDP is the lowest recorded since 2009, and it is half of the 50-***year*** average of 2.0 percent of GDP. The decline reflects ***payments*** for both the 2017 and the 2018 tax ***years***; about half of that decline has occurred since June. Collections from June until the end of the fiscal ***year*** mostly were in the form of estimated ***payments*** for tax ***year*** 2018, when several provisions of P.L 115-97 took effect, including the new lower corporate tax rate. Another provision, which expanded businesses’ ability to immediately deduct the full value of equipment purchases, was effective retroactively for the last quarter of 2017. ■ Receipts from other sources increased by $1 billion (or less than 1 percent) but declined from 1.4 percent of GDP to 1.3 percent. Declines in revenues from fees and fines and from Federal Reserve remittances were partly offset by larger receipts from excise taxes and customs duties. o Remittances from the Federal Reserve to the Treasury fell by $11 billion (or 13 percent), largely because short-term interest rates were higher, leading the central bank to pay depository institutions more interest on reserves. Those larger ***payments*** by the Federal Reserve led to smaller remittances to the Treasury. MONTHLY BUDGET REVIEW: SUMMARY FOR FISCAL ***YEAR*** 2018 NOVEMBER 7, 2018 3 o Excise taxes increased by $11 billion (or 13 percent). That increase is partly due to ***payments*** received for the tax on health insurance providers. In 2017, that tax was subject to a one-***year*** moratorium that was lifted for 2018 but will be in effect again for one ***year*** in 2019. o Customs duties rose by $7 billion (or 19 percent), in part because of new tariffs imposed by the Administration during the ***year***. o Fees and fines fell by $7 billion (or 14 percent). Total Receipts Billions of Dollars Major Source 2016 2017 2018 Percentage Change, 2017 to 2018 Individual Income Taxes 1,546 1,587 1,684 6.1 Payroll Taxes 1,115 1,162 1,171 0.8 Corporate Income Taxes 300 297 205 –31.1 Other Receipts 307 269 270 0.4 3,268 3,315 3,329 0.4 Percentage of GDP 17.6 17.2 16.4 n.a Sources: Congressional Budget Office; Office of Management and Budget; Department of the Treasury. n.a = not applicable. Total Outlays: Up by About 3 Percent in Fiscal ***Year*** 2018 Overall, net outlays increased by 3.2 percent from 2017 to 2018. That increase would have been about $46 billion greater—resulting in an increase of 4.3 percent—if not for the shift of certain ***payments*** from October 2017 to September 2017 because October 1 fell on a weekend. The discussion below reflects adjustments to remove the effects of that timing shift. Outlays increased for all major spending categories and for most federal agencies. Most of the overall increase resulted from greater spending for Social Security, net interest on the public debt, and defense: ■ Spending for the three largest entitlement ***programs***—Social Security, Medicare, and Medicaid—rose by $43 billion (or 5 percent), $16 billion (or 3 percent), and $14 billion (or 4 percent), respectively. Social Security outlays grew because of increases both in the number of beneficiaries (1.6 percent) and in the average benefit ***payment*** (2.9 percent). Spending for the retirement portion of Social Security grew by 5.3 percent; in contrast, the disability component grew by less than 1 percent. Medicaid outlays have risen by 47 percent over the past five ***years***, largely because new enrollees were added through expansions of coverage authorized by the Affordable Care Act. The annual rate of growth in Medicaid spending, however, has fallen sharply since 2015, when it was 16 percent. Combined outlays for the three ***programs*** equaled 48 percent of federal spending and 9.8 percent of GDP in 2018, slightly below the peak of 10.1 percent of GDP in 2016. ■ Outlays for net interest on the public debt increased by $62 billion (or 20 percent), partly because the rate of inflation was higher. To account for inflation, the Treasury Department adjusts the principal of its inflation-protected securities each month by using the change in the consumer price index for all urban consumers that was recorded two months earlier. That adjustment was $33 billion in fiscal ***year*** 2017 but $60 billion in fiscal ***year*** 2018. The remaining increase reflects higher interest rates and greater debt in 2018. As a share of GDP, net interest climbed to 1.8 percent, its highest level since 2001. MONTHLY BUDGET REVIEW: SUMMARY FOR FISCAL ***YEAR*** 2018 NOVEMBER 7, 2018 4 ■ Spending for military activities of the Department of Defense (DoD) rose by $38 billion (7 percent) in 2018, increasing for the second consecutive ***year*** (in 2017 such spending rose by 1 percent). The increase in 2018 was fueled by an 11 percent rise in funding that DoD received after lawmakers raised the statutory caps on appropriations set by the Budget Control Act of 2011, as amended. All major categories of defense spending increased: operation and maintenance by $11 billion (or 5 percent), research and development by $9 billion (or 13 percent), procurement by $9 billion (or 8 percent), and military personnel by $7 billion (or 5 percent). As was true in 2017, growth in spending by the Air Force was the fastest (9 percent); growth for both the Army and the Navy was about 6 percent. Military spending by DoD was 3.0 percent of GDP in 2018, about the same level as in both 2016 and 2017, but lower than in any other ***year*** since 2001. ■ On net, all other outlays were nearly unchanged (see “Other” in the table) although several categories had significant increases and one saw a significant decrease: o The government received $19 billion less in net ***payments*** from Fannie Mae and Freddie Mac than in 2017. The two entities’ smaller quarterly ***payments*** to the Treasury (in December, March, June, and September), which are recorded as offsets to spending, have the effect of increasing net outlays. In fiscal ***year*** 2017, those ***payments*** totaled $29 billion; in fiscal ***year*** 2018, they totaled $13 billion. The Treasury also made a cash infusion of $4 billion to Fannie Mae and Freddie Mac in March 2018, which increased outlays. That ***payment*** occurred because the entities’ net worth was negative for the quarter as a result of write-downs they took on their tax-deferred assets in response to P.L 115-97. o Spending by the Department of Homeland Security increased by $18 billion (or 35 percent), largely because of activities related to disaster relief. o Outlays by the Department of ***Agriculture*** rose by $9 billion (or 7 percent), primarily because the department made downward revisions in August 2017 of nearly $7 billion to the estimated net subsidy costs of loans and loan guarantees issued in prior ***years***. Total Outlays Billions of Dollars Percentage Change, 2017 to 2018 Major Category 2016 2017 2018 Actual Adjusted a Social Security Benefits 905 934 977 4.6 4.6 Medicare b 592 595 585 –1.6 2.7 Medicaid 368 375 389 3.9 3.9 Subtotal 1,865 1,903 1,951 2.5 3.9 DoD—Military c 565 569 601 5.6 6.6 Net Interest on the Public Debt 284 310 371 19.8 19.8 Other 1,138 1,199 1,185 –1.2 0.0 Total 3,853 3,981 4,108 3.2 4.3 Percentage of GDP 20.8 20.7 20.3 n.a n.a Sources: Congressional Budget Office; Office of Management and Budget; Department of the Treasury. DoD = Department of Defense; GDP = gross domestic product; n.a = not applicable. a. Adjusted amounts exclude the effects of shifting ***payments*** that otherwise would have been made on a weekend. If not for that timing shift, outlays would have been $3,978 billion in fiscal ***year*** 2017 and $4,151 billion in fiscal ***year*** 2018. b. Medicare outlays are net of offsetting receipts. c. Excludes a small amount of spending by DoD on civil ***programs***. MONTHLY BUDGET REVIEW: SUMMARY FOR FISCAL ***YEAR*** 2018 NOVEMBER 7, 2018 5 o Spending by the Department of Veterans Affairs rose by $8 billion (or 5 percent), in part because of typical growth in the number of veterans receiving disability compensation and in the amount of those ***payments***, and in part because of continued growth in the number of veterans receiving health benefits at medical facilities not operated by the department. o Outlays for subsidies for health insurance purchased through the marketplaces established under the Affordable Care Act rose by about $7 billion (or 17 percent). Spending climbed largely because the premiums for those plans rose this ***year***. o In contrast to those increases, outlays by the Department of Education fell by $48 billion (or 43 percent) because the department made a downward revision of $9 billion to the estimated net subsidy costs of loans and loan guarantees issued in prior ***years***—a change very different from last ***year***’s $39 billion upward revision. If the effects of those revisions were excluded, outlays for the department would have been slightly higher than they were in 2017. For other ***programs*** and activities, spending increased or decreased by smaller amounts, reducing outlays by an additional $13 billion, on net. Estimates for October 2018 The government recorded a deficit of $98 billion in October, CBO estimates, about $35 billion more than the shortfall recorded in the same month last ***year***. A shift in the timing of ***payments*** affected the deficit in October 2017; if not for that shift, the deficit last month would have been $9 billion less than it was in October 2017. Each month, CBO issues an analysis of federal spending and revenues for the previous month and the fiscal ***year*** to date. This report is the latest in that series, available at [*https://go.usa.gov/xnpcA*](https://go.usa.gov/xnpcA). In keeping with CBO’s mandate to provide objective, impartial analysis, it makes no recommendations. Nathaniel Frentz, Stephen Rabent, David Rafferty, and Jennifer Shand prepared the report with guidance from Christina Hawley Anthony, Theresa Gullo, Sam Papenfuss, and Joshua Shakin. It was reviewed by Mark Hadley and Robert Sunshine, edited by Kate Kelly, and prepared for publication by Janice M. Johnson. An electronic version is available on CBO’s website (   [*www.cbo.gov/publication/54647*](http://www.cbo.gov/publication/54647)). .

**Load-Date:** November 8, 2018

**End of Document**



[***Private sector to help Nigeria achieve its natural energy potential***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4Y1-DXYV-714V-00000-00&context=1516831)

Oxford Business Group: Articles

December 2018

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**Length:** 3315 words

**Body**

With an abundant supply of natural resources, Nigeria's oil and gas sector plays a key role in global energy. Its oil deposits have been a major source of crude for decades, while its less developed natural gas fields offer resources that have yet to be fully tapped. In addition to being a traditional heavyweight in terms of output, the energy sector is also notable for its early success in building local content in upstream activity. Policy moves over the past two decades have enabled young firms to acquire and develop oil and gas blocks, build pipelines and distribution networks, and, based on the current project pipeline, refineries as well.

There is still room for improvement, however. Nigeria's midstream infrastructure is lacking, and while this holds back overall development, it affects natural gas resources in particular. Consumer fuel subsidies have continued to prove problematic, yet efforts to remove them are often met with public outcry. This has left the country simultaneously resource rich, yet facing chronic shortages of finished products.

**Change in the Air**

However, a potential change could be coming soon. Dangote Industries, a Nigerian-based business conglomerate, is constructing one of the world's largest refineries in the Lekki Free Zone near Lagos. Meanwhile, the Nigerian National Petroleum Corporation (NNPC), the state-owned oil company, is working on several fronts to boost domestic refining capacity, including refurbishing the country's four underperforming refineries and exploring incentive ***programmes*** to induce private investors to build new downstream capacity.

Nigeria is the only member of the Organisation of the Petroleum Exporting Countries (OPEC) that imports petrol. The NNPC calculates capacity at the state's four major oil refineries at 445,000 bpd of crude, which is more than enough to meet domestic demand; however, estimates vary. Neglect and a lack of investment have seen production decline over the ***years***, leading BP to estimate capacity closer to 345,000 bpd. NNPC data shows that throughput has surpassed 100,000 bpd just twice in the past ten ***years***. While a refining revolution would revitalise downstream activities, the sector is also waiting for legal overhaul to do the same upstream. Forward momentum on this regulatory change, known as the Petroleum Industry Bill (PIB), has stalled as President Muhammadu Buhari's refusal to ratify it has left potential investors without regulatory guidelines. Additional legislation also proposed disassembling the NNPC into a number of new agencies and parastatals to improve regulatory oversight.

**Size & Scope**

With an estimated 37.5bn barrels of crude oil deposits at end-2017, representing 2.2% of the global total, Nigeria has the second-largest proven reserves on the continent, behind only Libya with 48.4bn barrels, according to the "BP Statistical Review of World Energy 2018". Production averaged 1.99m barrels per day (bpd) in 2017, up 4.5% from 1.9bn in 2016, but marking the second consecutive ***year*** below 2m bpd, with both figures lower than the previous ten-***year*** low of 2.17m recorded in 2008. Production peaked in 2010 at 2.53m bpd, but decreased for the six consecutive ***years*** to 2016. Angola was Africa's second biggest producer in 2017 with 1.67m bpd, followed by Algeria with 1.54 bpd.

Proven natural gas reserves, meanwhile, stood at 5.2trn cu metres, representing 2.7% of the global total and the largest reserves in Africa. Natural gas output grew by 11% in 2017 to 47.2bn cu metres and close to the most recent 10-***year*** high of 47.6bn cu metres in 2015. Recent production trends have been less pronounced for gas than for oil, with output totals bouncing between 34.4bn cu metres and 47.6bn cubic metres for the past decade, falling below that threshold just once in 2009.

Oil and gas exploration is ongoing, with major new finds expected in the future, so figures are likely to change; however, if current levels of production and reserves remain constant, the country is forecast to run out of oil in 51.6 ***years*** and natural gas in 110.2 ***years***, according to BP data.

**Sector Organisation**

The most influential government body in the energy industry is the NNPC, which functions as an operator in the upstream, midstream and downstream sectors; a joint-venture partner to private sector exploration and production companies; and a regulator. The Nigerian Petroleum Development Company (NPDC), a subsidiary of the NNPC, acts as the national oil company. The NPDC currently has interests in 28 blocks, five of which it owns outright and nine of which it has a 55% stake in through joint ventures with private operators. Most regulatory powers originally assigned to NNPC's Petroleum Inspectorate in the original NNPC Act of 1977 are now exercised by the Department of Petroleum Resources (DPR), which is a part of the Ministry of Petroleum Resources. However, the NNPC still holds considerable authority, including the ability to review and approve the work plans of upstream companies.

On a global level, Nigeria has been a member of OPEC since 1971, and the organisation's current secretary-general, Mohammad Sanusi Barkindo, is a former top executive at the NNPC.

Another important state body is the Nigerian Content Development and Monitoring Board (NCDMB). Formed through the Nigerian Oil and Gas Industry Content Development Act of 2010, the NCDMB sets minimum thresholds for using local workers and firms for procurement. Operators are required to submit plans to the NCDMB for approval, and pay 1% of contract sums to the Nigerian Content Development Fund, which is overseen by the NCDMB.

President Buhari is the minister of petroleum resources, but has designated some of the job's responsibilities to Emmanuel Ibe Kachikwu, the minister of state for energy. Kachikwu also served as an interim group managing director for NNPC until Maikanti Baru was appointed in July 2016.

**Corruption Challenge**

Both Buhari and Kachikwu put anti-corruption platforms at the centre of their policies. Several reform efforts beginning in 2015 saw increases in transparency through monthly statistical releases and by the reorganising of the NNPC into five autonomous business units: upstream, downstream, refineries, gas and power, and ventures. However, a number of such reforms have been altered or abandoned altogether, such as the monthly reports, which stopped in May 2016.

Illegal back-door activities continue to negatively impact the government by depriving it of revenues from oil and gas, and by tying up promising untapped fields in court procedures. The offshore oil prospecting lease (OPL) 245 field, for example, has been tied up in legal battles since then oil minister Dan Etete sold rights to the block to Royal Dutch Shell and Italian oil company Eni in 2011 for $1.1bn. With an estimated 9bn barrels of reserves, it is one of the largest untouched deposits on the continent, holding as much as a quarter of Nigeria's total reserves.

Efforts to tackle corruption, however, have made headway, such as the June 2017 decision to end the monopoly of Integrated Logistics Services Nigeria, the service provider at the ports. The decision is expected to give energy companies more control over shipping, increase competition and guarantee a more level playing field for terminal operators.

**Legal Reforms**

The government has been considering deeper reforms of the NNPC, the DPR and the broader petroleum sector in general since 2008. After ***years*** of deliberations, however, the legislation was partitioned into several bills, each with a narrower scope, in an effort to facilitate its passage after President Buhari was elected in 2015. Legislative changes included in the PIB would see a number of widespread reforms including: first, breaking up the NNPC and establishing a more pronounced division between sector regulators and state-owned operators; second, adding rules regarding petroleum revenue management; and lastly, redefining the terms of engagement and profit-sharing arrangements with commercial energy companies.

The PIB was passed by the National Assembly in 2017; however, in August 2018 President Buhari announced that he would not sign the bill into law, citing that the method for revenue sharing between the regulator and the three levels of government would leave the latter with an unfairly small share. Failing to solidify the legal and regulatory environment is expected to have negative effects on private sector investment decisions, which had been postponed in anticipation of new legal reforms.

**Upstream**

Crude output is expected to increase over the course of 2019 after Total's Egina offshore field begins production in December 2018. The field is notable for its size - production will peak at 200,000 bpd - but also its emphasis on local content. As an offshore field, Egina requires a floating production storage and offloading (FPSO) unit, which was built locally at the Lagos Deep Offshore Logistics Base (LADOL) Free Zone, an island shipyard offering logistics and support services for oil and gas exploration companies. Total initially hired South Korea's Samsung Heavy Industries and LADOL to build the FPSO unit together; however, the relationship between the two firms later resulted in legal disputes.

**Amnesty Issue**

Crude oil production in Nigeria peaked in 2005 and has declined in the ***years*** since due to lingering discussions over potential legal reforms and attacks on the sector's infrastructure from Delta militants, who damage pipelines or tap them to steal oil and resell it.

Opposition to hydrocarbons extraction from local groups is based on dissatisfaction over environmental degradation and the share of revenue spent on the communities impacted by drilling.

A ***programme*** in place since 2009 has helped by offering militants the chance to surrender their weapons in return for amnesty, job training and cash.

However, in 2015 the Buhari administration cut the amnesty ***payments*** and sent in the military.

This led to an increase in attacks over the course of 2016 and the rise of a new militant group called the Niger Delta Avengers. The actions of such groups pushed oil output from a peak of 2.2m bpd at end- 2015 to a 30-***year*** low of 1.4m bpd just nine months later. The government has since decided to reinvest in the amnesty ***programme***, and the 2018 budget included a 30% increase in funding.

**Main Producers**

International oil companies (IOCs) hold the majority of offshore oil producing fields. Notable fields include Shell's 60-sq-km Bonga Field in oil mining licence (OML) 118, Total's Akpo fields in OML 130, and Exxon's Erha and Usan fields in OML 133 and OPL 222, respectively.

International state-owned oil companies are also present in the sector, such as Norway's Statoil and China National Offshore Oil Corporation.

In the majority of cases, onshore production comes from joint ventures between the NNPC and private entities, whereas offshore production is governed by production-sharing contracts (PSCs).

As of 2016 about 44.6% of crude oil was produced by joint ventures and 47.8% through PSCs. Onshore production costs are $8-15 per barrel, and in terms of offshore production, shallow water costs range from $14 to $18, while deepwater costs can be $30-35.

The trend upstream has been for the IOCs to move from onshore joint ventures to offshore PSCs, as Shell, Exxon and others are doing, or to exit Nigeria, as ConocoPhillips did in 2014. It sold its entire inventory - 46,700 bpd in productive blocks in which it had minority stakes - to Nigeria's Oando for $1.5bn. The joint venture system mandates monetary contributions from all partners, with the NNPC's National Petroleum Investment Management Services (NAPIMS) serving as joint venture partner to IOCs.

However, recent ***years*** have seen NAPIMS struggle to meet the funding needs of private companies, with total arrears reaching peak levels of $6.8bn in 2016 before being renegotiated and reduced to $5.1bn. The issue is one that the government was hoping to address with reforms, in part because the joint venture approach is also a complication on the operational level, as NAPIMS reviews and approves work plans for joint venture hectarage, and companies often wait for months or more for these plans to be approved. By June 2018 NAPIMS had made full ***payment*** on all joint-venture arrears - a move which is expected to increase investor appetite.

**Marginal Fields**

The remaining 7.6% of oil production is handled exclusively by a class of domestic start-ups that have ownership of productive or prospective assets. These smaller fields are either bought from IOCs, developed by local entities or ***transferred*** by IOCs to locals through the Marginal Fields ***Programme***. In this system, fields explored by IOCs but deemed uneconomic can be ***transferred*** to smaller, local companies with lower cost structures, which allows them to make profits from these fields. Those that manage to take this acreage from fallow to productive typically sign a farm-out agreement with the original holders and pay royalties to them.

As of August 2018 there were 14 indigenous oil and gas companies operating Nigeria's marginal fields - including Seplat Petroleum Development Company and Seven Energy - that have developed pipelines and gas-processing plants and signed long-term gas-supply agreements with power producers. These investments are generally considered as positive for the economy, though they do come with their challenges.

Seven Energy, for example, faced a drop in production in mid-2017 due to disruptions at the Forcados Pipeline System, which is the second-largest network in the Niger Delta transporting between 200,000 and 240,000 bpd. In addition, the firm was not being paid by the government for the gas feedstock it was providing to state-owned power plants. The company, which had been struggling to meet its debt obligations, is in the process of being acquired by Savannah Petroleum of the UK.

**Anyala & Madu**

While most foreign investors have been awaiting clarity on the legal regime before making final investment decisions, one major project moving forward is an offshore joint venture between NNPC and FIRST Exploration and Petroleum Development Company (First E&P), an indigenous firm. The two fields, Anyala and Madu, are expected to produce 50,000 bpd and 120m standard cu feet per day (scfd) of gas once production reaches its peak. The two signed an agreement with global oil services firm Schlumberger in July 2018, in which the latter will finance $724.1m of the total $1.1bn project cost.

The most recent bidding round for marginal fields was held in 2003. The NNPC has been planning a new round for 2019, although blocks with new owners will likely be limited to those making acquisitions. As of July 2018 Shell was reportedly in talks to sell OML 11 and OML 17 for $2bn to Heirs Holdings, a conglomerate headed by Tony Elumelu, Nigerian businessman and former CEO of United Bank for Africa, one of the country's largest lenders.

The process for block sales is not a rigid one, but approval is required from the Ministry of Petroleum Resources. "We might not see more purely Nigerian deals, but we could see local companies combining with foreign capital," Amy Jadesimi, managing director of LADOL, told OBG. "It's difficult to get deals done in Nigeria with foreign capital because there is so much de-risking necessary."

**Midstream**

While refinery capacity has been the controversial topic in Nigeria, its pipeline network remains an important constraint, but also an area in which private investment is already growing. Pipelines in Nigeria are generally operated by the NNPC through its subsidiaries, the Pipelines and Product Marketing Company and the Nigerian Gas Company. The network features roughly 13,000 km of pipes for oil, natural gas condensates and fuels. Various attacks on pipelines as well as breakages and malfunctions created a total loss of N174.6bn ($564.5m) in the period covering 2005 to 2015.

Pipelines can be built or operated by private interests through management contracts or concessions from NNPC. Examples include pipelines built by Seplat Petroleum and Seven Energy to transport gas to power plants, and private networks of gas pipelines to supply major industrial customers in Lagos' industrial zones. Roughly 500 km of gas pipelines have been built since 2010, including the 196-km ObenGeregu line, the 110-km Escravos-Warri-Oben line, the expansion of the Escravos-Lagos route and an east-west line referred to as OB3. In March 2017 the government awarded a contract to build the 614-km line to bring gas to the northern cities of Ajaokuta, Kaduna and Kano. This route has in the past been considered as the start of a line that would go north through the Sahara Desert and on to Spain, giving Nigeria access to European markets for its natural gas. The line has been proposed as a joint venture between NNPC and Algeria's Sonatrach.

In May 2018 Dangote Group revealed a five-***year*** investment plan, which will see the construction of the East-West Offshore Gas Gathering System (EWOGGS) undersea gas pipeline, a project the company has been developing with First E&P. At a cost of $3bn, two 550-km pipelines, each with a capacity of 1.5bn scfd, will transport gas from the Niger Delta to the Lekki Free Trade Zone near Lagos. Aliko Dangote is a minority investor in First E&P, and the pipeline is proposed to land near his refinery, petrochemicals and fertiliser plants in Lekki. The EWOGGS project will help transport gas from First E&P, but will also have room for gas deposits from other companies.

Gas is currently exported as liquefied natural gas (LNG) through Nigerian LNG, the country's sole LNG plant. A joint venture between the NNPC (49%), Shell (25.6%), Total (15%) and Eni (10.4%), capacity at the six-train facility is 22m tonnes per ***year*** as of 2018. Efforts to increase capacity to 30m tonnes per ***year*** are under way, with front-end engineering and design contracts awarded in July 2018.

**Fuel Imports**

The NNPC is the main importer of fuels to Nigeria. Consumption was 50m litres per day as of March 2018, at a daily cost to the state of N774m ($2.5m). Fuel prices are regulated in Nigeria, with petrol pegged at N145 ($0.47) per litre. However, the landing cost of the fuel varies, based on market prices, and is often higher than the pump price. This often leaves the NNPC unable to fully recover its costs, such as in March 2018 when the landing cost was about N171 ($0.55) per litre. The deregulation of consumer fuels is viewed by the government and IMF as necessary to reduce pressure on public coffers (see analysis). The state has also admitted that it is, in effect, subsidising fuel sales in neighbouring countries - because some of what is brought in is later smuggled across borders - as well as propping up large business who consume a greater share of fuel.

**Outlook**

Without a resolution for the PIB, the country remains, to some extent, an uncertain investment. However, continued progress on sector challenges could mark a pivotal turnaround for domestic industry. With Dangote Industries' refinery under construction and state efforts to boost smaller refineries ongoing, we will likely continue to see major downstream development in the medium term. The state has also boosted efforts to resolve the dispute with Niger Delta militants and address corruption with some success. Still, there is ample room for improvement if the country is to take significant advantage of its natural resources wealth. Indeed, some stakeholders have pointed to the Nigeria's potential in biofuel production "Since Nigeria has immense ***agricultural*** potential, there is significant opportunity for growth in the biofuel market," Bashir Namadina Jega, CEO and president of local energy firm Capegate Group. "Biofuel production and use could reduce dependence on imports and have a positive environmental impact by lowering emissions."

**Load-Date:** March 12, 2020

**End of Document**



[***SNP 'leave farmers in the dark' on Brexit; Russell 'desperate to be herald of doom'***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5T7R-ST61-DYV0-63CK-00000-00&context=1516831)

The Daily Telegraph (London)

September 12, 2018 Wednesday

Edition 1, Scotland

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**Section:** NEWS; Pg. 1,2

**Length:** 935 words

**Byline:** Simon Johnson

**Body**

SNP ministers were last night accused of leaving farmers "in the dark" after making Scotland the only part of the UK not covered by legislation preparing for the end of the EU's Common ***Agricultural*** Policy.

The Tories lashed out at the Nationalist administration after it rejected an offer to extend to Scotland powers contained in the UK Government's ***Agriculture*** Bill, which is being unveiled by Michael Gove today.

While farming is devolved and most of the Bill deals with England, it also includes powers that can be adopted by the devolved administrations to create the frameworks for their new farm subsidy regimes.

The Welsh Government and Northern Ireland's Department for ***Agriculture***, Environmental and Rural Affairs have asked the UK Government to legislate on their behalf to create this ability.

But SNP ministers refused to sign up, meaning they will have to pass a separate Bill at the Scottish Parliament to achieve the same end.

The Scottish Tories pointed out there was no equivalent ***Agriculture*** Bill in Nicola Sturgeon's "threadbare" ***programme*** for government last week and warned "time is running out".

The disclosure undermined a claim by the SNP Constitutional Affairs Minister that the Scottish Government will take a "coherent, consistent and collaborative approach" over Brexit. Yesterday at Holyrood, Mike Russell also warned that Holyrood was already facing having to pass up to 200 pieces of Brexit-related legislation.

His speech came after he rejected NFU Scotland's plea to "get your shoulder to the wheel" and back Theresa May's Chequers plan.

The UK Government has previously attempted to provide certainty for farmers by guaranteeing CAP ***payments*** until the end of 2020 and protecting subsidy funding until the end of this parliament.

Today's ***Agriculture*** Bill will set out the framework for a post-Brexit subsidy regime in England. But it is also expected to reflect the fact that the Welsh and Northern Irish have consented to the UK Government legislating on their behalf in some areas.

Colin Clark, the Tory MP for Gordon in Aberdeenshire, said: "The UK Government is bringing forward a Bill to ensure farming support can be put in place after the end of 2020.

"But farmers in Scotland are being left in the dark because the SNP are refusing to extend the Bill north of the Border."

He said farmers need reassurance about the future support they will receive and argued it was a "matter of urgency".

Fergus Ewing, the SNP's Rural Economy Minister, announced in June that Scotland's system of farmer subsidies will not be overhauled until 2024 following an extended Brexit transition period.

But legislation needs to be passed to create a new subsidy framework. A no deal Brexit would mean leaving the CAP in March next ***year***.

Mr Russell yesterday told MSPs that the Scottish Government had "always made a distinction between the politics of Brexit and the absolute necessity of doing everything we can to ensure no legislative cliff-edge".

Warning that Holyrood would be required to carry out "legislative heavy lifting", he said: "We need to correct hundreds of pieces of legislation, not a mere handful. But we have no choice."

Mr Russell said that between 100 and 200 extra legislative instruments may need to be passed. He added: "That's a heavy burden - it could be heavier still if Westminster is not willing to co-operate sensibly."

But Adam Tomkins, the Tories' constitution spokesman, said Mr Russell was "desperate to be the herald of doom" despite Michel Barnier saying a Brexit deal could be reached in six to eight weeks.

He said: "This is good news but the SNP don't want to hear it. Everything they say about Brexit is negative. The only thing being stockpiled here is ministerial grievance and tired political cliché."

Labour and the Greens attacked the lack of detail in Mr Russell's statement about the contingency planning for a no-deal Brexit.

Mr Ewing said yesterday that the UK ***Agriculture*** Bill must meet the "key tests" of respecting devolution and delivering on promises to Scotland. He said: "This includes setting out a guarantee that Scottish farmers will receive at least the same funding as they do now, resolving historic ***payment*** issues to enable our farmers to get a fair deal in the future, and ensuring that devolved powers are ***transferred*** in full to the Scottish Parliament."

Last month, Ms Sturgeon said her government was making preparations for the impact of Brexit on key sectors such as ***agriculture***.

She urged farmers to respond to a consultation setting out proposals to stabilise and simplify income support for rural communities in the immediate aftermath of leaving the EU. Mr Gove's department comes in for criticism today as the National Audit Office reports that the Department for Environment, Food and Rural Affairs (Defra) is not ready for Brexit, despite him being one of those who led the campaign to leave the EU.

The NAO says that three-quarters of Defra's Brexit workstreams are classed as red or amber because they are behind schedule, and food exports could be delayed at the border or prevented from leaving because of a shortage of vets to examine them to ensure animal welfare standards have been met.

Plans to strengthen fisheries protection operations are also unlikely to be ready by the time Britain leaves the EU, according to the NAO.

Defra wants to provide more sea and airborne assets to protect the £682million fishing industry but has "not yet fully developed its plans to do this", the NAO said.

Alan Cochrane: Page 8

Michael Gove: Page 20

200 The maximum number of pieces of legislation related to Brexit that await attention at Holyrood

**Load-Date:** September 12, 2018

**End of Document**



[***Non-oil revenue and infrastructure upgrades stimulate sustainability and long-term development in Nigeria***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4Y1-DXYV-715T-00000-00&context=1516831)

Oxford Business Group: Articles

December 2018

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**Length:** 4141 words

**Body**

Nigeria is Africa's biggest oil exporter and, with a population of 193m, the region's biggest economy and largest consumer base. While the government is reliant on oil and gas for its revenue, the economy itself is more diversified, with manufacturing, banking and insurance, retail, and ***agriculture*** all major contributors. However, each of these sectors could grow faster and create more opportunities if structural problems were overcome, among them, the country's electricity shortage, corruption and bureaucratic bottlenecks.

Government efforts at positive change are under way, although these are often made more difficult by the boom-and-bust nature of oil prices. Oil accounted for 56.2% of government income at N4.1trn ($13.3bn) in 2017, according to the Central Bank of Nigeria (CBN); lower oil prices thus significantly impact revenues. A wave of optimism was generated when President Muhammadu Buhari won the election in 2015, but the slump in oil prices after mid-2014 created constraints.

**Optimism**

The World Bank's "Doing Business" report ranks Nigeria as below average by regional standards, even after it jumped 24 spots to 145th in 2018. Nigerian executives were nonetheless feeling optimistic about economic prospects in 2018, with 85% of respondents in OBG's Business Barometer: Nigeria CEO Survey, published in September 2018, reporting that they have positive or very positive expectations for local business conditions over the coming 12 months. As the country heads into its next general election, scheduled to be held in February 2019, the Buhari administration can point to significant successes, such as new railroad lines and highways, as well as major progress in the fight against corruption. "Blatant corruption has been ***Agriculture*** is the single largest economic activity, accounting for 25.1% of GDP as of 2017 reduced," Niyi Yusuf, managing director of professional services firm Accenture Nigeria, told OBG. However, an absence of landmark moments could mean that these improvements do not resonate widely with voters. "The wheel of justice is rolling slowly and as a result there has been a lack of clear consequences," Yusuf added.

**Back to Growth**

According to figures from the National Bureau of Statistics, Nigeria's GDP at current prices reached N113.7trn ($367.6bn) in 2017. The real annual growth rate in 2017 was 0.8%, compared to a contraction of 1.6% in 2016, when the economy suffered its first contraction in two and a half decades. Despite the recession, and what has been characterised as a fragile recovery from it, growth in 2017 was still sufficient to make Nigeria the largest economy in sub-Saharan Africa once again, with South Africa second largest at $349bn. Oil contributed 8.68% in 2017, compared with 8.35% in 2016.

***Agriculture*** was the biggest single activity, providing 25.1% of GDP in 2017. Staple crops include cassava, rice, maize and sorghum, but Nigeria is still dependent on imports to meet demand. The country has been trying to boost both output as well as processing and storage facilities to reduce its food import bill, which amounts to $22bn a ***year***, according to Audu Ogbeh, minister of ***agriculture*** and rural development. The second-largest contribution to GDP by any one economic sector was trade, which generated 16.86%. Other important fields are manufacturing at 9.18%; the extraction of crude petroleum and natural gas at 8.68%; telecommunications and information services at 8.66%; and real estate at 6.85%.

One sector that shows a largely untapped potential for growth is sports. Kunle Soname, chairman of betting website Bet9ja, told OBG that, "Developing the sports industry in Nigeria requires substantial investments in infrastructure, football pitches for training and talent development, and proper stadiums." An increase in investment in the sports industry could provide a concomitant boost to a sector that is closely related to it, that of gaming. "The single most important challenge to developing our gaming industry is the lack of data. While we do know how many operators we license for which activities, there has been no market research done on the sector's opportunities and dynamics," Seun A Anibaba, CEO of the Lagos State Lotteries Board, told OBG.

**Ample Opportunities**

Nigeria is in some ways a natural choice for investment in industry and manufacturing because it is the seventh-most populous country in the world, meaning it enjoys an abundance of potential customers as well as affordable labour. It hosts a variety of globally recognised goods producers, chiefly in consumer staples. Nestlé, PZ Cussons and Guinness Nigeria, whose brewery in Lagos was the first facility to produce the famous beer outside Ireland and the UK, are some established actors in the economy. The manufacturing sector has long been inhibited, however, by the general difficulty of doing business in the country, as well as the scarcity of electricity. Per capita consumption of electricity was higher than only eight other countries in 2014, the most recent ***year*** for which global data is available from the World Bank. The power shortage creates a significant obstacle to new investment in manufacturing, and the inability to meet demand for power with a steady supply has cost the country N71trn ($229.5bn) in lost GDP so far this century, according to government estimates.

Power counts as one of many areas in which Nigeria welcomes foreign investment, but few outsiders have chosen to invest in any electricity project using the national transmission grid on purely commercial terms. Foreign capital in the sector has largely been paired with or limited to development finance initiatives, small-scale projects and off-grid alternatives in which power producers serve a small area and are not exposed to the national system.

Foreign investment in Nigeria has fallen significantly in recent ***years***, primarily on the back of lower international oil prices, but also because the country has been considering a major overhaul to its petroleum laws, leaving upstream producers to wait for clarity on the legal regime before making final investment decisions on their exploration blocks. Total foreign direct investment (FDI) declined every ***year*** from 2011 to 2015, when the oil-price rout was well under way, and offshore exploration was halted by energy companies. It fell by 4.9% from N1.12trn ($3.6bn) in 2016 to N1.07trn ($3.5bn) in 2017, according to the CBN.

***Agriculture*** is one of the most promising sectors in terms of attracting FDI. "There is an increased appetite from the EU market for organic crops, which Nigerian agri-businesses could tap into if farms start to aggregate, farmers get the education they need and the proper certification upgrades are enacted," Baraka Ekpo, CEO of Sarepta, a Nigerian company that partners with foreign investors, said to OBG.

**Future Plans**

Nigeria's main economic blueprint is the Economic Recovery and Growth Plan (ERGP), which was launched in 2017 and includes up to 60 policy interventions that seek to remove major obstacles to growth. Another important initiative is the Power Sector Recovery ***Programme*** (PSRP), also introduced in the spring of 2017. These policy interventions and other ***programmes*** are overseen by key state economic actors, including the Ministry of Finance, whose Debt Management Office is currently managing an overhaul of the public debt strategy to emphasise international borrowing in dollars, and the CBN, which oversees monetary policy and regulates banks.

Nigeria's currency, the naira, has dropped in value in recent ***years***, in large part as a result of the decrease in global oil prices. The CBN's defence of the currency led to widespread criticism from both domestic and foreign investors. That pressure has eased thanks to what has become a blended currency system in which multiple exchange rates are maintained for different types of investors, some of which are determined by market forces. While some see this system as overly complex, it will likely stay in place for now (see analysis).

**Challenges**

Though growth has returned in 2018, this recovery has been moderate. The pace of expansion in the second quarter of 2018 was 1.5%, slower than the 1.95% rate in the first quarter of the ***year***. This, however, could be more of a reflection of weakness in the oil sector than strength outside it, as it contracted by 3.95% in the second quarter of 2018, a ***year***-on-***year*** decrease of 7.48%. The ***agriculture*** sector, meanwhile, contracted by 1.81% in the second quarter of 2018.

An IMF report published in July 2018 noted the outlook for 2018 remains challenging, as private sector lending remains low and foreign exchange inflows tend to be short term. After first quarter earnings showed the oil sector leading the way, Nigeria's business community was concerned about the other areas of the economy. The non-oil sector's fragility is problematic in light of the government's push for economic diversification, as strong industrial development is a necessary driver of ***agricultural*** entrepreneurship.

Despite those concerns, the dashboard of key economic indicators showed positive developments as well. Following on from a peak of 18.55% in the fourth quarter of 2016, inflation continued to fall steadily through the first half of 2018, although it began to rise in August. Crude oil production was at 1.7m barrels a day as of September 2018, according to OPEC figures, while foreign reserves were over $43bn in the month of October, according to the CBN.

**Fiscal Policy**

The 2018 budget was approved by President Buhari in May, and was valued at N9.1trn ($29.4bn). The original proposal was submitted by the president to the National Assembly, the country's bicameral legislature, in November of 2017, with proposed spending of N8.6tn ($27.8bn). Lawmakers added N500bn ($1.6bn) to the plan and sent it back for approval in May 2018. They also raised average oil price per barrel that Nigeria could expect to realise from exports from $45 to $51. Of the total, N2.2trn ($7.1bn) is earmarked for debt servicing, and N530.4bn ($1.7bn) for ***transfers*** to state governments. The fiscal deficit was estimated to be N1.95trn ($6.3bn), or 1.7% of total GDP. Nigeria's Fiscal Responsibility Act mandates that the budget deficit should not exceed 3% of GDP. Deficits are usually addressed through bond issues or drawdowns from the Excess Crude Account (ECA), a savings mechanism for oil income above budgeted expectations.

Nigeria's federal government has three primary revenue sources. The first is its share of the Federation Account, which amounts to 48.5% of three streams: oil and gas; Customs and excise taxes; and corporate income tax. Another is its share of value-added tax (VAT) receipts. Lastly, the government has independent revenue streams from sources such as government agencies and parastatals; the sale of state assets through the privatisation ***programme*** of the Bureau of Public Enterprises; and proceeds from the ECA, when applicable. Oil remains the most important source of revenue. There are three main sources of oil revenue, starting with income from the government's own equity stakes in projects, which are held by the Nigerian National Petroleum Corporation (NNPC), the state's oil company. Oil producers also pay taxes and fees, including a petroleum profits tax of 85%. The third type of oil revenue is royalties, which are paid at various rates depending on the type and value of crude produced, but about 20% is the overall average rate. Once collected, the NNPC deducts its capital and operating costs before remitting the remainder to the federation account. Of that total, 13% is paid to the states in the Niger Delta, where oil is produced and some local communities are impacted. Nigeria's reliance on oil income is intensified by its lack of other exports, but also reflects the struggle to collect taxes. Tax revenue amounts to about 6% of GDP, which is among the world's lowest figures outside low- or no-tax jurisdictions. The state's goal is to boost the ratio to 15% by 2020. Nigeria is often compared with South Africa, whose tax receipts reach about 28% of GDP, and Ghana, where the figure is 15%. Nigeria's VAT generates the equivalent of 0.9% of GDP, less than the 3.8% regional average among the 15 members of ECOWAS. This is in large part because the VAT rate is 5%, compared with a regional average of 16.8%. The IMF estimates that boosting the rate by 1% would increase revenues by the equivalent of 0.4% of GDP.

Tax is also a problem at the state level, as what is referred to as internally generated revenue is low in most states. Lagos State has had the most success, and in 2017 collected more than 30 other states combined. It was one of only two whose tax receipts were bigger than the federal ***transfer*** ***payments***, on which most states are reliant, with the other being neighbouring Ogun State. Lagos' average monthly collections reached N34bn ($109.9m) in early 2018, compared with N30bn ($97m) in 2017 and N24bn ($77.6m) in 2016. The state's target for its monthly take is N50bn ($161.7m). Five other states derived at least 30% of total revenue from state taxes: Rivers, Edo, Kwara, Enugu and Kano. One of the federal government's main challenges is to reduce its operating costs, so that more can be spent on infrastructure and other projects with economic multiplier effects. This is made more difficult as a result of widely held expectations that fuel and power be provided at a subsidised price, particularly as domestic refining capacity has dwindled to near zero, due to refineries being in poor repair and producing a small fraction of intended output (see Energy chapter). Nigeria spends between N1trn ($3.2bn) and N1.4trn ($4.5bn) annually importing consumer fuels, which are then sold below cost. The price tag for this subsidy is inflated further due to the likelihood that some of what is imported is subsequently smuggled across the border into neighbouring countries.

Emmanuel Ibe Kachikwu, minister of petroleum resources, has said this could account for up to 40% of imports. In 2017 the authorities had some success in stemming fuel smuggling, in turn lowering petrol consumption from 50m litres per day to 28m. However, records show that consumption ballooned to 60m litres per day in the first quarter of 2018, suggesting that smuggling is once more on the rise. Removing subsidies would provoke controversy because they are popular among poorer segments of the population. With about 150m people, the vast majority of the population, living on $2 per day or less, a hike in prices for consumer staples would be difficult to weather.

**Combatting Corruption**

One area in which President Buhari's anti-corruption campaign can claim progress is in the recovery of illicit gains stashed overseas, although these efforts began before he took office. Much of this has come from accounts containing funds illegally expatriated by General Sani Abacha, who ruled Nigeria from 1993 to 1998. The government has worked with the Swiss government to facilitate the return of $1.07bn held in accounts there, while another $227m came from Liechtenstein.

The Buhari government has also worked to eliminate "ghost workers" from the federal payroll. The term describes workers who do not exist, but for whom identities have been created and entered into the system by people who then collect the salary ***payments***. The government successfully cut spending on salaries by N82bn ($265.1mn) in 2016, thanks to its Integrated Personnel Payroll Information System. However, wages remain the biggest portion of federal expenditure, accounting for 71% of recurrent non-debt expenditure in 2018, and amounting to around N2.46trn ($8bn).

**Sovereign Wealth Funds**

The ECA was established in 2003 to help insulate the country from swings in oil revenue, and as of September 2018 it had a balance of $2.3bn. It is funded with any surplus that comes as a result of extra oil revenue when prices are higher than was anticipated in the budget.

Both the states and the federal government can request disbursements from the ECA, which are then shared by the three levels of government. The federal government in Abuja receives 52.7%, the 36 state governments collectively receive 26.7% and local governments are allocated 20.6%. The concept has been a controversial one, with state governors often claiming that the money should be disbursed for spending on developmental priorities rather than saved for later. As of March 2018, legislation was being prepared to clarify its legality, which has recently been called into question in some quarters.

In May 2011 the government created the Nigeria Sovereign Investment Authority (NSIA), a sovereign wealth fund, and ***transferred*** $1bn to it from the ECA as start-up capital. Since then the NSIA has received another $250m that originated as a dividend ***payment*** from the Nigeria Liquefied Natural Gas Company, the public-private joint venture that exports gas. As of the end of 2017 the fund's three assets under management had reached N420.9bn ($1.4bn).

**Spending**

One of the three funds, the Infrastructure Fund, receives 40% of capital, and is spent seeking returns of at least 6% annually from infrastructure projects that help develop the economy. It has invested in building a second bridge over the Niger River, for example. In 2017 the NSIA, in partnership with GarantCo, established the private company InfraCredit, which helps infrastructure developers access credit by guaranteeing their debt issuances against default.

The second NSIA fund, the Future Generations Fund, also receives 40% of total capital, and is mandated to create a diversified portfolio of assets that will bring in returns of at least 5% for the country's post-oil future. The Stabilisation Fund, which receives the remaining 20% of NSIA capital, invests in fixed-income securities such as US Treasury bills, and targets a 1% annual return. Its priority is to hold liquid assets that can be sold quickly in case budget support is required.

The Infrastructure Fund is managed by in-house investment specialists and the Stabilisation Fund by Goldman Sachs, Credit Suisse and UBS. The Future Generations Fund is deployed through 24 asset managers spread throughout the US, Europe, Asia and Africa.

**Bonds**

Nigeria was a beneficiary of the 2005 debt forgiveness round initiated by the Paris Club, which reduced the country's external debt, which stood at $30bn, by some $18bn. Nigeria was subsequently among the many poorer developing countries that were not exposed to the toxic assets that sparked the global financial crisis of 2007-08.

Exposure to these assets caused many impacted countries and their banks to retreat from global debt markets, and those with no exposure were encouraged by global investors to step into the void and issue their own dollar-denominated debt, in the form of eurobonds. Nigeria, Ghana, Kenya, Senegal, Zambia and other nations have all sold eurobonds, many of which are now set to mature after 10 ***years***. Instead of regular repayment schedules, however, they are often structured with a bullet ***payment*** being made upon maturity, or with several ***payments*** staggered over the latter half of the duration.

Nigeria has sold seven eurobonds worth a total of $8.3bn since the crisis, with the first repayments due to be made in January 2021. According to the Debt Management Office, the total outstanding external government and sub-sovereign debt is $22.1bn, while total naira-denominated debt is $51.1bn, making a total of $73.2bn. According to calculations from global ratings agency Standard & Poor's, the current debt-to-GDP ratio of 18.2% will average 27% over the ***years*** to 2021, meaning that Nigeria will remain relatively in line with the debt-to-GDP ratio of many of its peers. The eurobonds provide working capital and, for this reason, time before repayment becomes a pressing concern.

Going forward, the official policy will be to borrow in dollars rather than in naira where possible. There are several reasons for this. One is that issuing a steady stream of naira-denominated bonds has had the effect of reducing the inclination of banks to lend money to the private sector. This is due to the fact that lenders perceive there to be less risk in holding government bonds (see Banking chapter).

Another reason is that the cost of borrowing is lower in dollars than it is in naira, and maturities are longer. Eurobond interest rates were below 8%, and naira-denominated ones typically offer a rate of around 15%. At the end of 2017 Nigeria was selling 91-day Treasury bills with an interest rate of 13.5% as well as one-***year*** treasuries at 18.5%. "The benefits of that switch are a reduction in overall interest ***payments*** and a lengthening of maturities," Catherine Patillo, assistant director of fiscal affairs at the IMF, told local media.

**Policy Priorities**

The government's policy priorities are broadly outlined in the ERGP, which aims to hike GDP growth to a rate of 7% through interventions in five main areas: macroeconomic stability; food security; energy sector infrastructure; transportation infrastructure; and boosting industrialisation through small and medium-sized enterprises.

Policy approaches have been fairly consistent under successive governments. The previous administration introduced a plan called the Transformation Agenda that was roughly equivalent to the ERGP, while the current power sector plan, the PSRP, is a successor to the Roadmap for Power Sector Reform put in place by the former administration of President Goodluck Jonathan. Under both the current and previous administrations, the government has used tariffs and non-tariff barriers to block imports, with the aim of creating jobs as well as dampening demand for foreign currency, which was so intense that it was pushing the value of the naira below the CBN's target range.

Similarly, the plan for the power sector has been broadly consistent since it was established more than a decade ago during the administration of President Olusegun Obasanjo. Despite this continuity, however, electricity tariffs have not been allowed to rise to levels that would be sufficient to attract desired quantities of investment. For both foreign and domestic investors who are interested in direct investment, the country's privatisation ***programme*** has been a consistent element of the policy mix since the implementation of the Privatisation Act of 1999, which is administered by the Bureau of Public Enterprises (BPE).

Areas in which privatisation has taken place in recent ***years*** have included much of the country's power generation and telecommunications assets, factories and transportation infrastructure. The BPE has also commissioned operating rights and management contracts for assets such as the Transmission Company of Nigeria, which manages the national power grid. From 2000 to 2015 the BPE oversaw the privatisation or concessioning of 143 federal entities, raising N1.3trn ($4.2bn) in the process. It considered 66% of these assets to be performing well in private hands, as was outlined in the country's February 2017 bond prospectus. An area of notable policy evolution in the power sector is the approach to off-grid power.

While previous iterations of the power sector master plan have broadly focused on boosting the capacity of the national grid, the PSRP has added a particular emphasis on small-scale, off-grid solutions for remote areas or specific users. Under President Buhari, the Rural Electrification Agency has focused on identifying ideal sites for mini-grids, as well as on attracting investment in these projects. One of the main policy issues unresolved as of October 2018 is the long-awaited legislation reforming the petroleum industry, including a regulatory overhaul that would see the NNPC relinquish its regulatory powers.

A Petroleum Industry Bill was proposed in the late 2000s, but early in the Buhari administration a single bill to overhaul all aspects of the sector was deemed too difficult to pass. The reforms were broken into several bills to be passed into law, but this has yet to take place (see Energy chapter).

**Outlook**

Major reforms are expected to be enacted following the general election in February 2019. For the state's revenue targets, oil prices will be the paramount factor. Another key area is the ability to keep all of the country's pipelines and associated infrastructure operational. The sector suffers from frequent attacks from militant groups, which have on numerous occasions shut down production entirely.

The upcoming election cycle will to a large degree constitute a referendum on President Buhari and his anti-corruption campaign. Whatever the result, the winner will be expected to once again consider major policy questions, notably including the issues of subsidies, oil sector laws and how to boost tax receipts.

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Impact News Service

August 21, 2018 Tuesday

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**Length:** 12327 words

**Body**

Brussels: Council of the European Union has issued the following document:

9744/18 ADD 1 REV 1 CSM/cm DG E 1A EN Council of the European Union Brussels, 6 June 2018 (OR. en) 9744/18 ADD 1 REV 1 ENV 404 AGRI 268 DEVGEN 86 ONU 47 COVER NOTE No. Cion doc.: SWD(2018) 302 final/2 Subject: COMMISSION STAFF WORKING DOCUMENT Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Pollinators Initiative Delegations will find attached document SWD(2018) 302 final/2. Encl.: SWD(2018) 302 final/2 EN EN EUROPEAN COMMISSION Brussels, 1.6.2018 SWD(2018) 302 final/2 CORRIGENDUM This document corrects the document SWD(2018) 302 final. Concerns correction of date on the EN linguistic version. COMMISSION STAFF WORKING DOCUMENT Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Pollinators Initiative {COM(2018) 395 final} - {SWD(2018) 303 final} Table of contents 1. Introduction ................................................................................................................ 1 1.1 Pollinators ...................................................................................................................... 1 2. Pollinator decline ........................................................................................................ 2 2.1 Pollinator decline at EU level .......................................................................................... 3 2.2 Pollinator decline at national, regional and local level ..................................................... 5 3. Importance of pollinators ............................................................................................ 7 4. Causes of pollinator decline ...................................................................................... 10 5. Current action and challenges ................................................................................... 13 5.1 Actions in EU Member States ........................................................................................ 13 5.2 Action at EU level .......................................................................................................... 16 5.3 Action at global level .................................................................................................... 19 5.4 Main challenges ............................................................................................................ 20 1 1. INTRODUCTION Wild pollinators are declining in occurrence and diversity in the EU and numerous species are threatened with extinction.

This is a serious cause for concern because pollinators are an integral part of healthy ecosystems. Without them, many plant species would decline and eventually disappear, along with the organisms that depend on them. This phenomenon has attracted worldwide attention, leading to persistent calls for action. The decline of pollinators will have far-reaching consequences on terrestrial ecosystems where animal-pollinated plants play a vital role, and will lead to their collapse in the long term. This will inevitably hinder the EU’s path to sustainable development and threaten human wellbeing. The European Commission has therefore launched the first-ever comprehensive EU initiative on pollinators. The initiative will tackle the decline of pollinators through three priorities: I. Improving knowledge on pollinator decline, its causes and consequences II. Tackling the causes of pollinator decline III. Raising awareness, engaging wider society and promoting collaboration Besides addressing the problem in the EU, the initiative will also contribute towards global action on pollinators. This document presents evidence about the decline of pollinators in the EU, its causes and consequences, and links the evidence base to the actions under the initiative. It also outlines existing measures and challenges under various EU policies that relate to the conservation of pollinators. 1.1 Pollinators Pollinators are a functional group of animals that pollinate plants. Pollination — the ***transfer*** of pollen (male gametes) between the male and female parts of flowers — enables fertilisation and reproduction of plants. As many plants do little to no self-pollination, they rely on vectors like wind, water and animals for pollination. The vast majority of flowering plants (87.5 %) worldwide are pollinated by animals1. The pollinator-plant relationship is a mutualistic one. Plants provide pollinators with food resources (pollen, nectar, oils), fragrances and resins (for nest construction). In Europe, pollinators are dominated by insects, in particular bees and hoverflies. Bees are the most prolific pollinators. There are almost 2 000 wild bee species in the EU. The most well-known bee species is the western honeybee (Apis mellifera), a domesticated species essential to the beekeeping sector and the production of honey and other beehive products. Besides honeybees, some bumblebee and solitary bee species are also actively managed. Non-bee pollinators are also vitally important for plant reproduction and the functioning of ecosystems. Different species of flies dominate crop pollination in many colder and high-altitude environments6. The most important pollinating fly species are hoverflies. Besides providing vital pollination services, some hoverfly species are also biocontrol agents as they feed on pests. Other insect pollinators are butterflies, moths (important for night pollination), some beetles, wasps and thrips. Mammals (particularly bats), birds (e.g hummingbirds) and lizards are important pollinators of certain flowers in subtropical and tropical environments. 1 Ollerton, J., Winfree, R. and Tarrant, S. (2011), How Many Flowering Plants are Pollinated by Animals?, Oikos 120: 321-326 2 Such creatures are generally regarded as playing a marginal role in European environments, although they might be locally important2. 2. POLLINATOR DECLINE Our understanding of the status and trends of pollinators, the threats they face and the consequences of their loss has significantly improved in recent times thanks to a growing body of research. Although we do not yet have the full picture, the evidence has shown that the decline of pollinators is a serious cause for concern and primarily a consequence of human activities. While pollinators are a broad group of animals, their decline has been dominantly reported by data on bees, in particular honeybees3,4,5. In 2016 the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) published the first global assessment of pollinators (see Box 1). Box 1: The IPBES report on pollinators, pollination and food production6 The IPBES provides governments, the private sector and society with scientifically credible and independent up-to-date assessments of available knowledge so that they can make informed decisions at local, regional, national and international levels. The report, published in 2016, is the first-ever global report on pollinators. Experts from around the world assessed key issues facing decision makers, including the value of pollination and pollinators, status, trends and threats to pollinators and pollination. It also provides a list of strategic responses to the risks and opportunities associated with pollinators and pollination. By analysing a large body of existing evidence the report represents a major milestone in the consolidation of current knowledge on pollinators. The Convention on Biological Diversity, to which the EU and all its Member States are a party, endorsed the report’s key messages and encouraged the parties to use its recommendations for the conservation and sustainable management of pollinators7. The report confirmed that the pollinator decline is not limited to Europe and North America — it is a global phenomenon. While in the rest of the world data on wild pollinators are scarcer, preventing assessment of their regional status, declines in populations at local level have been recorded. National and regional assessments of wild pollinators reveal a high level of threat to insect pollinators. National Red List assessments on bees often show that more than 40 % of species are threatened with extinction. The report warned about major data gaps and called for long-term monitoring of wild pollinators in order to provide information on their status worldwide. 2 Ollerton, J, (2017), Pollinator Diversity: Distribution, Ecological Function, and Conservation, Annual Review of Ecology, Evolution, and Systematics No 48 (1), 353-376. 3 Brodschneider, R., et al., (2016), Preliminary analysis of loss rates of honey bee colonies during winter 2015/16 from the COLOSS survey, Journal of Apicultural Research 55: 375–378. 4 VanEngelsdorp, D. and Meixner, M.D , (2010), A historical review of managed honey bee populations in Europe and the United States and the factors that may affect them, Journal of Invertebrate Pathology 103: S80–S95. 5 Van der Zee, R., et al., (2012), Managed honey bee colony losses in Canada, China, Europe, Israel and Turkey, for the winters of 2008-9 and 1009-10, Journal of Apicultural Research and Bee World 51: 100–114. 6 Potts, S.G , et al., (2016), The Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services on Pollinators, Pollination and Food Production, Secretariat of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, Bonn, Germany. 552 pp. [*https://www.ipbes.net/document-library-categories/assessment-reports-and-outputs*](https://www.ipbes.net/document-library-categories/assessment-reports-and-outputs) 7   [*https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-15-en.pdf*](https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-15-en.pdf) 3 2.1 Pollinator decline at EU level While the availability of the data and information in Europe is significantly better than in most other regions of the world, the gaps are still significant. Among a number of relevant EU projects, two in particular contributed to the better understanding of the pollinator decline: ALARM and STEP (see Box 2). Box 2: The ALARM and STEP projects The ALARM8 project (2004-2009) provided the groundwork for monitoring pollinators, quantifying their losses and identifying key risks. It also helped to set a broader agenda on pollinators by including work on wild species at a time when public attention was focused on the loss of honeybees (Colony Collapse Disorder). The key outputs of the project were also published in the form of an atlas9. The STEP10 project (2010-2015) took over where ALARM left off. The project characterised the nature and extent of the pollinator decline, examined the relative importance of its potential drivers and their interaction, and the impacts this can have on society and mitigation options. STEP underpinned the development of the European Red List of Bees and provided a major source of evidence for the IPBES report. The European Red List (see Box 3) is currently the key tool providing information on the status and trends of pollinators at the EU level (and in Europe as a whole). These assessments showed that around 9 % of bee and 7 % of butterfly species are threatened with extinction. While this is already worrying, a high proportion of bee and butterfly species with a declining population indicates an even bleaker picture. A species population trend is key to assessing its Red List status. However, good population trend data are often lacking for many species and in many countries. For example, where no accurate trend data existed for butterfly species (in particular in eastern European countries), the assessors usually reported trends as stable. In countries where the trend data are better, more threatened species are reported. Furthermore, for more than half of the bee species there were not enough data to evaluate their status. The actual proportion of threatened species may therefore lie anywhere between 4 % and 60 %, depending on the status of the data-deficient species. Only 21 % of bee species have known population trends, and 37 % of those are declining. The case of bumblebees provide a good example of the importance of good data for informing us about the state of pollinators. They are the best studied group of bees, with less than 10 % of data-deficient species. Their status is considerably worse than for bees in general: almost 24 % of species are facing extinction, while more than 45 % of them have a declining population trend. All of this shows that the lack of data limits our understanding of the status of pollinators. But more importantly it very likely conceals a considerably worse situation than currently perceived. Therefore long-term monitoring of pollinators to ensure robust data is not only indispensable, but also urgent, as the monitoring data are needed to guide mitigation actions. For insect pollinators other than bees and butterflies, the data are inadequate to provide information on the status and trends at EU level. At the moment there is no Pan-EU monitoring scheme for any pollinator group. 8 Assessing LArge-scale environmental Risks for biodiversity with tested Methods (ALARM),   [*http://www.alarmproject.net*](http://www.alarmproject.net) 9 Settele, J., et al., (2010), Atlas of Biodiversity Risk, Pensoft Publishers, Sofia-Moscow, 280 pp. 10 Status and Trends of European Pollinators (STEP),   [*http://www.step-project.net*](http://www.step-project.net)/ 4 Box 3: European Red List The European Red List is a review of the status of European species according to the Regional Red Listing guidelines of the International Union for Conservation of Nature (IUCN). It identifies those species that are threatened with extinction11 at European level (both Pan-European and in the EU) so that appropriate conservation actions can be taken to improve their status. The Red List assessed so far two groups of insect pollinators: bees12 and butterflies13. The European Red List assessments of bees and butterflies are presented in detail below (European level). IUCN Red List status of European bees (left) and bumblebees - the best studied group of bees (right) Compiled by the IUCN in 2014, this first-ever assessment of all European bee species showed that 4 % out of 1 942 species are threatened with extinction. For 56 % of species, however, the status is unknown. If only species with a known status are considered, the proportion of threatened species is 9.2 %. Bumblebees, the best studied group of bees, are in a significantly worse situation, with almost 24 % threatened. Population trends show that the status of bumblebees is likely to get worse in the future, while for bees in general trends are to a large extent unknown (79 %). IUCN Red List — population trends of European bees (left) and bumblebees - the best studied group of bees (right) 11 It includes the following IUCN Red List categories: critically endangered, endangered and vulnerable. 12   [*http://ec.europa.eu/environment/nature/conservation/species/redlist/bees/status.htm*](http://ec.europa.eu/environment/nature/conservation/species/redlist/bees/status.htm) 13   [*http://ec.europa.eu/environment/nature/conservation/species/redlist/butterflies/status.htm*](http://ec.europa.eu/environment/nature/conservation/species/redlist/butterflies/status.htm) 5 For butterflies, the data availability is significantly better, with an unknown status for only 1 %. However, 8.5 % of species are threatened with extinction, while almost a third have declining population trends. The Red List highlights that this is likely an underestimate due to lack of good trend data in many countries. IUCN Red List status of European butterflies (left) and their population trends (right) 2.2 Pollinator decline at national, regional and local level Only grassland butterflies are systematically monitored at national or regional level in the EU. The European Butterfly Monitoring Scheme14 brings together data from national and regional butterfly monitoring schemes in 15 EU Member States15. Figure 1 shows a total decline of 33 % in grassland butterflies in those countries from 1990 to 201516. Many EU countries have published national lists of threatened species based on IUCN Red List criteria. Some of these focus specifically on pollinators like bees and butterflies. For example, more than half of wild bee species are threatened with extinction in the Netherlands17 and almost one third in Ireland18. A significant part of the evidence on these declines comes from research projects and studies. While various countries are covered by the research, the focus is predominantly on north-west Europe. Regions like the Mediterranean have been under-researched even though they are biodiversity hotspots. Studies on pollinator declines often provide insights into changes in species richness (number of species) and more rarely into changes in abundance, which is more data intensive. The ALARM project quantified the loss of pollinators at national and local level. It showed parallel declines in the species richness of bee and hoverfly communities in Britain and the Netherlands: around 30 % fewer species, accounting for half of the post-1980 observation 14   [*http://www.bc-europe.eu/index.php?id=339*](http://www.bc-europe.eu/index.php?id=339) 15 Belgium, Estonia, Finland, France, Germany, Ireland, Lithuania, Luxembourg, Portugal, Romania, Slovenia, Spain, Sweden, the Netherlands, United Kingdom. 16 Van Swaay, C., et al., (2016), The European Butterfly Indicator for Grassland Species 1990-2013,Wageningen, p. 19. 17 Reemer, M., (2018), Basisrapport voor de Rode Lijst Bijen, EIS Kenniscentrum Insecten Leiden, Ministerie van Landbouw, Natuur en Voedselkwaliteit rapportnummer EIS2018-06,   [*http://www.bestuivers.nl/Portals/5/Publicaties/RodeLijst/Basisrapport\_Rode\_Lijst\_bijen\_2018\_Compleet.pdf?ver=2018-03-13-114054-730*](http://www.bestuivers.nl/Portals/5/Publicaties/RodeLijst/Basisrapport_Rode_Lijst_bijen_2018_Compleet.pdf?ver=2018-03-13-114054-730) 18 Fitzpatrick, Ú., et al., (2006), Regional Red List of Irish Bees, National Parks and Wildlife Service (Ireland) and Environment and Heritage Service (N. Ireland). 6 records19. While observation records did not allow for the assessment of population densities, the research under the ALARM project showed that pollinator communities were increasingly dominated by a smaller number of species. A number of studies confirmed this trend, also in other countries: • Great Britain: o decline in butterfly and bee species richness before 1990 and slowing down in the recent decades20; o 75 % decline in species richness of bees and wasps across 17 sites in England over the past 80 years21; • decline in species richness of large moths in the Netherlands between 1985 and 201522, in particular nocturnally active species; • decline in species richness of bumblebees23 and butterflies24 in Belgium during the 20th century, with 30 % of native butterflies having gone extinct in Flanders; • decline in species richness of butterflies25 and bumblebees in Denmark, with 42 % of long-tongued bumblebees no longer being observed compared to the 1930s26; • decline in bumblebee species richness in Sweden: two short-tongued bumblebee species dominating present communities, with relative abundances of 89 % compared to 40 % in the 1940s27; • decline in bumblebee28 and butterfly29 species richness in Spain, with a 90 % decrease in butterfly species richness in the Sierra de Guadarrama region between 1967-1973 and 2004-2005 In addition to declines in species richness, declines in abundance of some pollinator groups have been also recorded. In the UK, 66 % of larger moth species declined in abundance between 1968 and 200730 and 72 % of monitored butterfly species declined in abundance between 2000 and 200931. The total abundance of larger moth species declined by 28 % for the given period. 19 Biesmeijer, J., et al., (2006), Parallel Declines in Pollinators and Insect-pollinated Plants in Britain and the Netherlands, Science 313.5785: 351-354. 20 Carvalheiro, L.G , et al., (2013), Species Richness Declines and Biotic Homogenisation have Slowed Down for NW-European Pollinators and Plants, Ecology Letters, 16(7): 870-878. 21 Senapathi, D., et al., (2015), The Impact of Over 80 ***years*** of Land Cover Changes on Bee and Wasp Pollinator Communities in England, Proc. R. Soc. B. 282(1806). The Royal Society. 22 Langevelde, F., et al,. 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L.,Damgaard, C and Simonsen, C., (2011), Quantitative Historical Change in Bumblebee (Bombus spp.) Assemblages of Red Clover Fields, PloS one. 27 Bommarco, R., et al., (2011), Drastic Historic Shifts in Bumble-bee Community Composition in Sweden, Proceedings of the Royal Society of London B: Biological Sciences: rspb20110647. 28 Ploquin, E. F.,Herrera, J. F. and Obeso, J. R, (2013), Bumblebee Community Homogenization After Uphill Shifts in Montane Areas of Northern Spain Oecologia 173(4): 1649-1660. 29 Wilson, R. J., et al., (2007), An Elevational Shift in Butterfly Species Richness and Composition Accompanying Recent Climate Change, Global Change Biology 13(9): 1873-1887. 30 Fox, R., et al.,(2013), The State of Britain’ Larger Moths, Butterfly Conservation and Rothamsted Research, Wareham, Dorset, UK. 31 Fox, R., et al.,(2015), The State of the UK’s Butterflies 2015, Butterfly Conservation and the Centre for Ecology & Hydrology, Wareham, Dorset. 7 Recently a dramatic decline of flying insects has been reported in Germany32. The insect biomass declined by more than 75 % over 27 ***years*** (1989-2016) in 63 nature protection areas. While the study also covered non-pollinating insects, its results provide important insights into the status of pollinators. Due to lack of systematic monitoring processes, such studies based on long-term observation of pollinator abundance (biomass) are exceptional. Figure 1: Grassland Butterfly Indicator for 15 EU Member States (Source: Butterfly Conservation Europe16) 3. IMPORTANCE OF POLLINATORS Actions to mitigate pollinator decline are underpinned by the recognition that in addition to their intrinsic value, pollinators are important contributors to human wellbeing. They also play a central role in the maintenance of ecosystem functioning33. Without pollinators, animal-pollinated plants would decline and eventually disappear and with it all organisms directly or indirectly depending on them. This would inevitably lead to the collapse of terrestrial ecosystems in the long term9. The majority of European flowering plants (78 %34) are pollinated by animals. By supporting wild plants, pollinators underpin wider biodiversity and ecosystem functioning. It is estimated that 5–8 % of current global crop production is directly attributed to animal pollination6. Around 84 %34 of European crop species benefit to various extents from insect pollination. Among them the following have a medium to high need35: apple, orange, pear, peach, melon, strawberry, raspberry, plum, apricot, cherry, kiwifruit, mango, currant, turnip, pumpkin, 32 Hallmann, C. A., et al., (2017), More Than 75 percent decline over 27 ***Years*** in Total Flying Insect Biomass in Protected Areas, PloS one, 12(10). 33 Millennium Ecosystem Assessment (***Program***), (2005), Ecosystems and human well-being, Washington, D.C: Island Press. 34 Potts, S., et al., (2015), Status and Trends of European Pollinators. Key Findings of the STEP Project, Pensoft Publishers, Sofia, 72 pp. 35 Corbet, S. A., Williams, I. H. and Osborne, J. L, (1991), Bees and the pollination of crops and wild flowers in the European community, Bee World, 72(2), 47-59. 8 various beans, squash, cucumber, sunflower, almond, chestnut, oilseed rape, white mustard, buckwheat, alfalfa and clover. Many herbs like basil, sage, rosemary, thyme, coriander, cumin, dill, chamomile and lavender also fall into this category. Other crops like tomato, pepper, aubergine, cotton, soybean, lemon and orange benefit as well from animal pollination. Significant knowledge gaps, however, exist and further research is needed to determine the level of dependency of different crops and the most effective pollinators for them. Although many insect species are known to provide pollination services, it has long been considered that honeybees (Apis mellifera) provide the majority of crop pollination. This view has, however, been challenged36, including through research under the STEP project37,38,39 which showed that managed pollinators like honeybees supplement rather than substitute wild pollinators. While it is now increasingly recognised that wild pollinators play a central role in crop pollination, the real focus should be clearly on the diversity of pollinator communities. Species richness and abundance of pollinators enhance effectiveness of pollination across time and space and in this way can improve the quantity and quality of crop yields6. The importance of pollinators for food security is widely acknowledged. However, beyond food provisioning, animal pollination of crops and wild plants underpins multiple benefits to people. Pollinators contribute directly to medicines, biofuels, materials, culture, art, traditions, technology and education6. These benefits provide significant economic values that are seldom captured in markets. Figure 2 illustrates different types of values provided by pollinators and pollination services. Figure 2: Total economic value of pollinators and pollination services (Source: IPBES6) Consumptive direct-use values like crop production are relatively straightforward to express in monetary terms due to the existence of markets. The value of the direct contribution of insect pollinators to EU ***agricultural*** output has been estimated at around EUR 15 billion per year40. In France the value was estimated at between EUR 2.3 and EUR 5.3 billion41 while in 36 Mallinger, R. E. and Gratton, C., (2015), Species Richness of Wild Bees, but not the use of Managed Honeybees, Increases Fruit Set of a Pollinator-Dependent Crop, J Appl Ecol, 52: 323-330. 37 Breeze T.D , et al., (2011), Pollination Services in the UK: How Important are Honeybees?, ***Agriculture***, Ecosystems & Environment, 142(3-4): 137-143. 38 Garibaldi, L. A., et al., (2013), Wild Pollinators Enhance Fruit Set of Crops Regardless of Honey Bee Abundance, Science, 340(6127), 1608-1611. 39 Garibaldi, L. A., et al., (2011), Stability of Pollination Services Decreases with Isolation from Natural Areas Despite Honey Bee Visits, Ecology Letters, 14: 1062-1072. 40 Gallai, N., et al,. (2009), Economic Valuation of the Vulnerability of World ***Agriculture*** Confronted with Pollinator Decline, Ecological Economics 68(3): 810-821. 9 Poland bee pollination alone was estimated at EUR 0.7 billion (200742). Around 20 % of total farmgate crop value in the UK was calculated to come from insect-pollinated crops37. Monetary values of insect pollination have been estimated also for specific crops: EUR 112 million (£ 92.1 million) to the apple industry in the UK in 201243 (75 % of the value is attributed to wild pollinators), while the contribution of pollinators to apple and blueberry orchards in the Netherlands, may amount to the half of the profits44. Even in crops that depend on animal pollination to a lesser extent, pollinators can have a decisive impact on the economics of production. In Ireland the economic value of insect pollination to oilseed rape was estimated at EUR 3.9 million45. Pollinators are required to reach high yields and seed quality in oilseed rape, and 20 % of its market value may depend directly on insect pollination46. Pollinators impact not only the quantity, but also the quality of yield. For example insect-pollinated strawberries have higher quality and a longer shelf life than those that are self- or wind-pollinated, which translates into higher market value. In the EU, half of the market value of strawberries — over EUR 1 billion — is attributed to pollinators47. Honeybees provide a range of products for human use: honey, bee wax, royal jelly, pollen and propolis. Beekeeping provides important rural livelihoods in the EU. There are more than 600 000 beekeepers and 17 million beehives, which produce around 250 000 tonnes of honey per year48. Other benefits of pollinators are more challenging to express in monetary terms, but their value is well recognised. Pollinators enable diversity of crops, underpinning a diverse and healthy human diet. Animal-pollinated crops are vital sources of nutrients — in particular micro-nutrients like vitamins and minerals49 — and provide an important contribution to nutritional security6. Besides pollination services, pollinators can enhance, especially at landscape scale, other ecosystem services like pest control, soil and water quality, landscape aesthetics and contribute towards biodiversity conservation50. 41 Beyou, W., et al., (2016), Le Service de Pollinisation, L’évaluation française des écosystèmes et des services écosystémiques (EFESE), Service de l’économie, de l’évaluation et de l’intégration du développement durable Sous-direction de l’économie des ressources naturelles et des risques (ERNR).   [*https://www.ecologique-solidaire.gouv.fr/levaluation-francaise-des-ecosystemes-et-des-services-ecosystemiques#e1*](https://www.ecologique-solidaire.gouv.fr/levaluation-francaise-des-ecosystemes-et-des-services-ecosystemiques#e1) 42 Zych, M. and Jakubiec, A., (2006), How Much is a Bee Worth? Economic Aspects of Pollination of Selected Crops in Poland, Acta Agrobotanica 59(1): 289. 43Garrett, M. P. D., et al., (2016), Apple Pollination: Demand Depends on Variety and Supply Depends on Pollinator Identity,, PloS one 11(5) 44 De Groot, G. A., et al., (2015), De bijdrage van (wilde) bestuivers aan de opbrengst van appels en blauwe besse,. Alterra, Wageningen UR, Alterra rapport 2636. 45 Stanley, D.A , Gunning, D. and Stout, J. C., (2013), Pollinators and Pollination of Oilseed Rape Rrops (Brassica napus L.) in Ireland: Ecological and Economic Incentives for Pollinator Conservation, Journal of Insect Conservation 17(6): 1181-1189. 46 Bommarco, R., Marini, L. and Vaissière, B.E ,.(2012), Insect Pollination Enhances Seed Yield, Quality, and Market Value in Oilseed Rape, 169: 1025. 47 Klatt, B. K., et al., (2014), Bee Pollination Improves Crop Quality, Shelf Life and Commercial Value, Proceedings of the Royal Society B: Biological Sciences. 281: 2013-2440. 48 European Commission,   [*https://ec.europa.eu/****agriculture****/honey\_en*](https://ec.europa.eu/agriculture/honey_en) 49 Eilers E. J., et al., (2011), Contribution of Pollinator-Mediated Crops to Nutrients in the Human Food Supply, PLOS ONE 6(6). 50 Wratten, S, D., et al., (2012), Pollinator Habitat Enhancement: Benefits to Other Ecosystem Services, ***Agriculture***, Ecosystems & Environment 159: 112-122. 10 Pollinators are also a source of inspiration in art, music, literature, religion and technology, in social relations and for education and recreation6, and represent symbols of identity as aesthetically significant landscapes and animals. The decline of pollinators puts at risk the benefits arising from the ecosystem services they provide. The degree of dependency on insect pollination for crop production varies across the EU, but the Mediterranean countries — Italy, Spain and Greece — are particularly dependent and therefore vulnerable to pollinator losses6. While EU crop production has not yet experienced large-scale repercussions from pollinator decline, global examples provide invaluable insights into what could happen. In some parts of China, apples have been human-pollinated after the decline of native pollinators. Alternative strategies failed and many farmers replaced apples with other crops51,52. In California, almond orchards — representing around 80 % of world almond production — depend on honeybees for pollination. High levels of overwintering colony losses and increased demand for pollination raised concerns about the dependency on one pollinator species. While wild pollinators could provide a solution, they would require natural habitats in what is otherwise a very intensive ***agricultural*** landscape53. The contribution of pollinators to nutritional security and a healthy diet is potentially significantly higher than reflected in estimates of their contribution to the quantity of yield or its market value. The decline of pollinators could lead to malnutrition and associated health problems, especially in poorer areas of the world54,55. The decline of pollinators also impacts wild plants. Recorded declines of animal-pollinated wild plants have mirrored the decline of pollinators, and this relation has been highlighted especially by local extinctions of functionally linked plant and pollinator species19,56. 4. CAUSES OF POLLINATOR DECLINE The current scientific knowledge suggests that there is no one single driver of pollinator decline. The IPBES report6 lists the following threats to pollinators: land-use change, intensive ***agricultural*** management and pesticide use, environmental pollution, invasive alien species, diseases and climate change. The report provides a comprehensive review of the existing evidence on these direct drivers. The European Red List also presents a valuable source of information as it identifies threats per species. This section provides a brief description of each direct driver. 51 Partap, U. and Ya, T., (2012), The Human Pollinators of Fruit Crops in Maoxian County, Sichuan, China, Mountain Research and Development 32(2):176-186. 52 Partap, U.M.A , Partap, T.E.J and Yonghua, H.E , (2001), Pollination Failure in Apple Crop and Farmers’ Management Strategies in Hengduan mountains, China, Acta Hortic, 561, 225-230. 53 Klein, A., et al., (2012), Wild Pollination Services to California Almond Rely on Semi‐Natural Habitat, Journal of Applied Ecology, 49: 723-732. 54 Smith, M. R., et al., (2015), Effects of Decreases of Animal Pollinators on Human Nutrition and Global Health: a Modelling Analysis, The Lancet 386.10007: 1964-1972. 55 Chaplin-Kramer, R., et al., (2014), Global Malnutrition Overlaps with Pollinator-Dependent Micronutrient Production, Proceedings of the Royal Society B. 281:20141799. 56 Vanbergen, A.J , et al., (2014), Status and Value of Pollinators and Pollination Services, Department for Environment, Food and Rural Affairs, 53pp. 11 Pollinators are negatively impacted by land-use changes, which increase landscape fragmentation and reduce the availability of pollinator habitats and their connectivity. These impact land cover important for pollinators (vegetation) and are driven by different types of land uses — ***agriculture***, forestry, urbanisation and infrastructure. Habitats provide food and nesting resources for pollinators, and their loss or deterioration in quality reduces pollinator richness and their abundance. Particularly vulnerable are specialist species which depend on specific types of plants. The effects are manifested at different spatial scales. The link between declines of pollinators and historical landscape alterations is well established, in particular for ***agricultural*** landscapes in north-west Europe21, 57. A number of studies58,59 reported negative impacts resulting from urban sprawl and infrastructure development on pollinators. The latter is also listed on the European Red List as a significant threat to bees. However, the impact depends on the context: urban areas could also act as a refuge to pollinators in a wider landscape deprived of floral resources60. Intensive ***agricultural*** management practices such as high use of agrochemicals (pesticides61 and fertilisers) and intensively performed tillage, grazing or mowing are well-established pressures leading to the decline of diversity and abundance of pollinators. They reduce food and nesting resources by creating homogenous landscapes, and affect pollinators directly through the use of pesticides. High use of fertilisers and herbicides, overgrazing and too intensive mowing reduce wild plant diversity in arable land and grassland. This leads to the disappearance of diverse surrounding flora and in this way the loss of season-long flowering resources, which threatens the viability of pollinator populations, especially in monoculture landscapes with little surrounding (semi-)natural areas. Tillage negatively affects ground-nesting bees as it disturbs soil surface. Farmland abandonment may also negatively impact pollinators. Extensively-managed ***agricultural*** areas often support high-quality pollinator habitats like herb-rich grasslands. The abandonment of ***agricultural*** activities — like grassland mowing and grazing — leads to their disappearance. Pesticides can affect pollinators directly (this is the case of insecticides or fungicides) or indirectly (herbicides). Herbicides reduce the availability of floral resources on which pollinators depend (see the previous paragraphs) in the intended areas of use, while insecticides have the highest potential to harm pollinators. The impacts are determined by the toxicity of the active substance and the level of exposure. Exposure depends on the use and properties of the active substance, the environment and the biology of pollinators. The effects can be lethal or sub-lethal. ‘Sub-lethal’ effects reduce the vitality of pollinators, for example by impairing foraging behaviour or immunity, and make them more susceptible to other pressures. Pollinators can be exposed to a mixture of pesticides rather than just one, which may lead to combined effects (known as ‘cocktail effects’). Such interactions are complex and not fully researched. While the wide effects of pesticides on pollinators are well-established through studies in controlled conditions, field studies are rare and inconclusive. In particular, further research is needed on sub-lethal effects in realistic conditions over the long term. In recent times, research has focused on the impacts of neonicotinoid insecticides. 57 Goulson D., Lye, G. C., and Darvill, B., (2008), Decline and Conservation of Bumble Bees, Annual Review of Entomology;53: 191-208. 58 Ahrne, K., Bengtsson, J., and Elmqvist, T., (2009), Bumble Bees (Bombus spp) Along a Gradient of Increasing Urbanization, PLoS ONE, 4. 59 Bates, A.J , (2011), Changing Bee and Hoverfly Pollinator Assemblages Along an Urban-Rural Gradient, PLoS ONE, 6. 60 Hall, D. M., et al., (2017), The City as a Refuge for Insect Pollinators, Conservation Biology, 31: 24-29. 61 The term ‘pesticides’ in this document refers to plant protection products as defined in Regulation (EC) No 1107/2009. 12 While the impact of environmental pollutants other than pesticides has not been comprehensively researched, their impact on pollinators has been reported for heavy metals 62,63, air pollution64, toxic chemicals (e.g selenium65) and light pollution22,66,67. Light pollution affects nocturnal pollinator species like moths, particularly in the urban areas. The effects of invasive alien species on pollinators depend on the context, i.e on the species in question and the environment in which it operates. An example of an invasive alien predator that predates directly on pollinators is the yellow-legged hornet (Vespa velutina), which was recently introduced to Europe and has now been added to the list of invasive alien species of union concern under the EU Invasive Alien Species Regulation. The yellow-legged hornet is harmful to honeybees68, while its impacts on wild pollinators are not yet well understood. Invasive alien plants can change native plant-pollinator relations in the ecosystem. They can outcompete native plants for flower visitation, which might lead to lower reproduction success by the latter. The implications of the spread of alien plant species for pollinators as well as for the ecosystem are complex and uncertain, and require further research. Finally, the introduction of invasive alien pollinators can harm native pollinators through competition for food and nesting resources or spread of diseases and pathogens. Diseases (parasites and pathogens) are considered to impact primarily managed pollinators like honeybees. While the spread of diseases from managed to wild pollinators has been demonstrated and shown to present a threat to some wild species, the impacts are not yet well-known. Parasites and pathogens are not new to wild pollinators as they are naturally exposed to native parasites and pathogens, but strong exposure to non-native species in combination with other pressures like poor nutrition, pesticides and other pollutants can make them more susceptible to this threat. Climatic conditions are the main factor determining the European-wide distribution of pollinators. Climate change already impacts pollinators both through gradual shifts and extreme weather events69,70,71,72. In response to climate change, many pollinators have already shifted their distribution and ranges73 and will likely continue to do so. Their adaptation success will depend on the dispersal ability of the species and on the availability of suitable habitats along the migration route. Conversely, some studies point to pollinators enhancing 62 Nieminen, M., et al., (2001), The Effect of Metals on the Mortality of Parnassius apollo Larvae (Lepidoptera: Papilionidae), Journal of Insect Conservation 5(1): 1-7. 63 Moroń, D., et al., (2012), Abundance and Diversity of Wild Bees Along Gradients of Heavy Metal Pollution, Journal of Applied Ecology 49(1): 118-125. 64 Fuentes, J.D , et al., (2016), Air pollutants degrade floral scents and increase insect foraging times, Atmospheric Environment 141: 361-374. 65 Hladun, K. R., et al., (2012), Selenium Toxicity to Honey Bee (Apis mellifera L.) Pollinators: Effects on Behaviors and Survival, PloS One 7(4). 66 van Langevelde F., et al., (2018), Declines in Moth Populations Stress the Need for Conserving Dark Nights, Glob Change Biol. 24: 925-932. 67 Geffen, K.G , et al., (2014), Artificial Light at Night Causes Diapause Inhibition and Sex-Specific Life History Changes in a Moth, Ecology and Evolution 4(11): 2082-2089. 68 Monceau, K., et al., (2014), Vespa Velutina: a New Invasive Predator of Honeybees in Europe, Journal of Pest Science 87(1): 1-16. 69 Ploquin, E.F , Herrera, J.M and Obeso, J.R, (2013), Bumblebee Community Homogenization After Uphill Shifts in Montane Areas of Northern Spain, Oecologia 173(4): 1649-1660. 70 Wilson, R.J , et al., (2007), An Elevational Shift in Butterfly Species Richness and Composition Accompanying Recent Climate Change, Global Change Biology 13(9): 1873-1887. 71 Pöyry, J., et al., (2009), Species Traits Explain Recent Range Shifts of Finnish Butterflies, Global Change Biology 15(3): 732-743. 72 Settele J., Bishop J. and Potts S.G , (2016), Climate Change Impacts on Pollination, Nature Plants, 2 (7) 16092. 73 Parmesan, C, et al., (1999), Poleward Shifts in Geographical Ranges of Butterfly Species Associated with Regional Warming, Nature 399(6736): 579. 13 plant yield recovery after extreme weather events72. Therefore choices related to land-use changes and land management will play an important role in the abundance and composition of pollinator communities, with effects on ecosystem functioning and resilience. Direct drivers of the pollinator decline usually do not act in isolation, but in combination. Their interaction can produce synergistic effects exerting additional pressure on pollinator populations. Figure 3 illustrates potential avenues for single and combined impacts of these drivers. Figure 3: Single and combined impacts of different pressures on pollinators and pollination (source: IPBES6) 5. CURRENT ACTION AND CHALLENGES 5.1 Actions in EU Member States There are a number of national and regional pollinator strategies in EU Member States. A recent report for the Commission74 shows that there are at least six national or regional 74 Underwood, E., Darwin, G. and Gerritsen, E., (2017), Pollinator Initiatives in EU Member States: Success Factors and Gaps, Report for European Commission under contract for provision of technical support related to Target 2 of the EU Biodiversity Strategy to 2020 — maintaining and restoring ecosystems and their services ENV.B.2/SER/2016/0018. Institute for European Environmental Policy, Brussels. 14 strategies or action plans addressing wild pollinator conservation in EU Member States. A number of others are planned or in preparation. Belgium has the Federal Bee Plan 2017-201975, which aims to halt the loss of both wild and domesticated pollinators. However, it focuses on honeybees. There are no regional strategies focused on wild pollinators. Red lists of bees in Belgium are being prepared. Flanders has a butterfly monitoring network. The Federal Pesticide Reduction ***Programme*** (2013-2017) set up coordinated monitoring of the effects of pesticides on bees76. Awareness of wild pollinators in Belgium has increased in recent ***years***, in particular since 2015 thanks to both public and non-governmental organisation (NGO) initiatives and campaigns. France started implementing a national action plan for pollinators77 in 2017. The Plan de developpement durable de l’apiculture (2013 -2018) also promotes pollinator habitats and addresses the impact of pesticides on honeybees. The Ecophyto II programme78 aims to reduce pesticide use by 25 % by 2020 (and by 50 % by 2025), which is expected to ease the pressure on pollinators. Several initiatives79 support research and monitoring of pollinators. France has also undertaken several awareness raising and collaboration initiatives such as the meadows award80 or the LIFE project URBANBEES81. Other initiatives address the road network, sand quarries, electricity grids and urban areas. Germany does not have a dedicated pollinator strategy at national level but pollinator initiatives take place under the national biodiversity strategy. NGOs recently developed a proposal for a national action plan for bees82. The Helmholtz Centre for Environmental Research (UFZ) has been monitoring butterflies since 2012. Several initiatives83 have been launched to improve knowledge. The ‘Deutschland summt!’ initiative84 (bee projects in German cities), the ‘Wildbienenschutz’ project85 (on protecting wild bees), and others seek to raise awareness and improve collaboration on pollinators. The new government has announced the development of a national action plan to counter the disappearance of insects, which is now being prepared. In Ireland and Northern Ireland pollinators are addressed by the All-Ireland Pollinator Plan86 (AIPP). It was launched by a multi-stakeholder steering group and published by the National Biodiversity Data Centre (NBDC). It identifies 81 actions to make farmland, public and private land pollinator friendly, raise awareness of pollinators, support beekeepers, expand knowledge on pollinators and collect evidence to measure success. The AIPP has been used as a model for developing national pollinator plans in Norway and the Netherlands87. The NBDC also set up the All-Ireland Bumblebee Monitoring Scheme88 in 2011. 75 Le Plan fédéral Abeilles 2017-2019 at   [*https://www.health.belgium.be/fr/le-plan-federal-abeilles-2017-2019*](https://www.health.belgium.be/fr/le-plan-federal-abeilles-2017-2019) 76 Le ***programme*** fédéral de réduction des pesticides pour la période 2013-2017 at   [*https://www.health.belgium.be/en/sustainable-use*](https://www.health.belgium.be/en/sustainable-use) 77   [*http://www.insectes.org/opie/pdf/3993\_pagesdynadocs570e1d6156925.pdf*](http://www.insectes.org/opie/pdf/3993_pagesdynadocs570e1d6156925.pdf) 78   [*http://****agriculture****.gouv.fr/sites/minagri/files/151022\_ecophyto.pdf*](http://agriculture.gouv.fr/sites/minagri/files/151022_ecophyto.pdf) 79 Examples are the Spipoll ***programme*** at   [*http://www.spipoll.org*](http://www.spipoll.org)/ and FlorArbeilles at   [*http://www.florabeilles.org*](http://www.florabeilles.org)/ 80   [*http://www.concours-agricole.com/concours/les-prairies-fleuries*](http://www.concours-agricole.com/concours/les-prairies-fleuries) 81   [*http://www.urbanbees.eu*](http://www.urbanbees.eu) 82   [*https://www.bund.net/umweltgifte/pestizide/bienen-und-pestizide/bienenaktionsplan*](https://www.bund.net/umweltgifte/pestizide/bienen-und-pestizide/bienenaktionsplan) 83 Examples are the BienABest at   [*http://www.bienabest.de/index.php?id=59035*](http://www.bienabest.de/index.php?id=59035), and the Institute for Bee Protection at   [*https://www.julius-kuehn.de/bienenschutz*](https://www.julius-kuehn.de/bienenschutz)/ 84   [*http://www.deutschland-summt.de*](http://www.deutschland-summt.de) 85   [*https://www.wildbienenschutz.de*](https://www.wildbienenschutz.de)/ 86   [*http://www.biodiversityireland.ie/wordpress/wp-content/uploads/All-Ireland%20Pollinator%20Plan%202015-2020.pdf*](http://www.biodiversityireland.ie/wordpress/wp-content/uploads/All-Ireland%20Pollinator%20Plan%202015-2020.pdf) 87   [*http://www.biodiversityireland.ie/wordpress/wp-content/uploads/All-Ireland-Pollinator-Plan\_progress-report-****year****-1\_Dec-2016.pdf*](http://www.biodiversityireland.ie/wordpress/wp-content/uploads/All-Ireland-Pollinator-Plan_progress-report-year-1_Dec-2016.pdf) 88   [*http://www.biodiversityireland.ie/record-biodiversity/surveys/bumblebee-monitoring-scheme/*](http://www.biodiversityireland.ie/record-biodiversity/surveys/bumblebee-monitoring-scheme/) 15 The Netherlands adopted a national pollination strategy89 in January 2018, which focuses on wild bee species. The ‘Action ***Programme*** Bee Health’90 also addresses the impact of pesticides on food supply and biodiversity. Butterflies and night moths have been monitored since 1990. The project ‘Nederland Zoemt’ launched in 2017 identified hundreds of local and regional pollinator initiatives throughout the country, such as information dissemination platforms91, and several public awareness campaigns. These mostly bottom-up and multi-stakeholder approaches have brought in public and private partners such as beer brewers, road builders, mayors of municipalities, supermarket chains and drinking water companies. While it has no specific pollinator strategy, different initiatives have taken place in Slovenia, and public interest in and awareness about pollinators is high. Pollinators are primarily protected by the conservation of their habitats. Natura 2000 sites currently cover 37 % of Slovenia, and other nationally protected areas cover 13 %. In 2014, the Slovenian Beekeeper’s Association launched an initiative to declare 20 May as a World Bee Day. With the support of the Slovenian government, the proposal was adopted by the UN in 201792. Spain is currently preparing a nationally coordinated initiative for wild pollinators. Several research93 and awareness raising94 initiatives are being carried out by research institutes. The national biodiversity database95 contains species records of threatened pollinator species on the Spanish Red List, and the Spanish National Council for Research (CSIC) is currently updating the atlas of bee fauna in Spain. Butterfly abundance has been monitored in Catalonia since 199496. In the UK, there are three regional pollinator strategies (England, Wales, and Scotland). The UK government funded a review of research on the status and value of pollinators in the UK, which informed these regional strategies. A pollinator-monitoring ***programme*** recently started (see Box 4). Butterflies have been monitored in the UK since 1976. The UK has also developed a national indicator of pollinator population change (see Box 4). Similar to the Wild Beeline initiative in the Netherlands, the B-Lines initiative97 in the UK aims to create a network of wildflower-rich areas providing routes across the country for pollinators. Box 4: UK pollinator monitoring scheme approach and pollinator indicator The UK scheme combines three approaches for gathering information98: 1) Systematic sampling of pollinator diversity and abundance in 75 1 km2 grid squares, varying in % of farm and semi-natural land cover, using a 1-person, 1-day protocol comprising pan trapping, flower-insect timed counts, floral abundance counts and rapid habitat classification, targeting 4 visits per site per ***year***; 89   [*https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2018/01/22/nationale-bijenstrategie-bed--breakfast-for-bees/DEF+webversie+Nat+Bijenstrategie\_jan+2018.PDF*](https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2018/01/22/nationale-bijenstrategie-bed--breakfast-for-bees/DEF+webversie+Nat+Bijenstrategie_jan+2018.PDF) 90   [*https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/brieven/2013/11/11/actieprogramma-bijengezondheid/actieprogramma-bijengezondheid-1.pdf*](https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/brieven/2013/11/11/actieprogramma-bijengezondheid/actieprogramma-bijengezondheid-1.pdf) 91   [*www.bestuivers.nl*](http://www.bestuivers.nl) 92   [*https://www.worldbeeday.org/en*](https://www.worldbeeday.org/en)/ 93 Examples are Poll-Ole-GI SUDOE at   [*http://pollolegi.eu/es/;*](http://pollolegi.eu/es/;) BEEFUN project at   [*https://bartomeuslab.com/beefun/;*](https://bartomeuslab.com/beefun/;) and Agripa at   [*http://p-rta2013-00042-c10-00.agripa.org/entidades-participativas*](http://p-rta2013-00042-c10-00.agripa.org/entidades-participativas) 94 Examples are the Real Jardin Botanico at   [*http://www.rjb.csic.es/jardinbotanico/jardin/index.php?Cab=6&SubCab=587&len=es&Pag=697;*](http://www.rjb.csic.es/jardinbotanico/jardin/index.php?Cab=6&SubCab=587&len=es&Pag=697;) and the GEPEC at   [*https://gepec.cat/informat\_fauna\_flora.php*](https://gepec.cat/informat_fauna_flora.php) 95   [*http://www.mapama.gob.es/es/biodiversidad/servicios/banco-datos-naturaleza/Eidos\_acceso.aspx*](http://www.mapama.gob.es/es/biodiversidad/servicios/banco-datos-naturaleza/Eidos_acceso.aspx) 96 Catalan Butterfly Monitoring Scheme,   [*http://www.catalanbms.org*](http://www.catalanbms.org)/ 97   [*https://www.buglife.org.uk/b-lines-hub*](https://www.buglife.org.uk/b-lines-hub) 98 Vanbergen, A. J., (2017), 'A Potential EU Framework for Pollinator Monitoring?', Presentation at KIP-INCA workshop 23 October 2017, DG Environment, Brussels. 16 2) Flower-insect timed counts carried out by volunteers in any urban or countryside location who observe insect flower visitation for a standard amount of time with online submission using the iRecord platform; 3) Support to the ongoing non-systematic collection of pollinator occurrence by volunteer expert taxonomists belonging to biological recording societies, with refinement and development of statistical models by scientists/statisticians to extract trend estimates and develop indices from these long-term datasets. UK national indicator status of pollinating insects99 The indicator illustrates changes in pollinator distribution (bees and hoverflies) in the UK. The indicator is based on 389 species (147 species of bee and 242 species of hoverfly) of pollinator, and measures changes in the number of 1 km grid squares across the UK in which they were recorded in any given ***year*** — this is referred to as the ‘occupancy index’. 5.2 Action at EU level Like all biodiversity, pollinators know no borders. Species move freely across Europe and are affected by different pressures. The EU has already established a range of measures that are beneficial to all pollinators, notably under environment and health policies (in particular the Birds and Habitats Directives and EU legislation on pesticides) as well as under the common ***agricultural*** policy, the cohesion policy and the research and innovation policy. In addition, the EU supports domesticated pollinators by way of national apiculture programmes100 and bee health efforts101. This section outlines key EU policies for pollinators. The EU biodiversity strategy to 2020102 aims to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020. Pollinators play a vital part in this and benefit from various actions under the strategy, in particular (i) the full implementation of the Birds Directive103 and Habitats Directive104; (ii) maintenance and restoration of ecosystems including through green infrastructure105; (iii) integration of biodiversity into ***agricultural*** policies; and (iv) combatting invasive alien species106. These actions help maintain and restore habitats for pollinators and mitigate direct threats like invasive alien species. However, the mid-term review of the strategy107 in 2015 showed that insufficient or no significant progress has been made on these actions except for the invasive alien species. MAES (Mapping and Assessment of Ecosystems and their Services)108 provides an integrated analytical framework and set of indicators for mapping and assessing the condition of ecosystems in the EU. It will enable an integrated assessment of the decline of pollinators, its impact on society and the economy, together with adequate policy responses. In this regard, KIP INCA109 has produced a first experimental pollination account110. These accounts are 99   [*http://jncc.defra.gov.uk/page-6851*](http://jncc.defra.gov.uk/page-6851) 100   [*https://ec.europa.eu/****agriculture****/honey/****programmes****\_en*](https://ec.europa.eu/agriculture/honey/programmes_en) 101   [*https://ec.europa.eu/food/animals/live\_animals/bees/health\_en*](https://ec.europa.eu/food/animals/live_animals/bees/health_en) 102   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0244*](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0244) 103   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147*](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147) 104   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043*](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043) 105   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0249*](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0249) 106   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1417443504720&uri=CELEX:32014R1143*](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1417443504720&uri=CELEX:32014R1143) 107   [*https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0478*](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0478) 108   [*http://ec.europa.eu/environment/nature/knowledge/ecosystem\_assessment/index\_en.htm*](http://ec.europa.eu/environment/nature/knowledge/ecosystem_assessment/index_en.htm) 109 KIP-INCA is an EU project aiming to design and implement an integrated accounting system for ecosystems and their services. The accounts use datasets which are regularly produced at EU level, such as land cover data and ***agricultural*** statistics,   [*http://ec.europa.eu/environment/nature/capital\_accounting/index\_en.htm*](http://ec.europa.eu/environment/nature/capital_accounting/index_en.htm) 110 Vallecillo S., et al., (2018), 'Ecosystem Services Accounting: Part I — Outdoor Recreation and Rrop Rollination', EUR 29024 EN; Publications Office of the European Union, Luxembourg. 17 based on pollinator distribution maps, the location of ecosystems that support pollinators, and the distribution of a selection of crops that are dependent on pollinators. The accounts use datasets which are regularly produced at EU level, such as land cover data and ***agricultural*** statistics. The common ***agricultural*** policy (CAP) 2014-2020111 provides opportunities to support pollinators in ***agricultural*** areas and wider rural countryside, including in Natura 2000 areas. The cross-compliance112 that links the granting of CAP support to the application of basic environmental requirements, such as the Habitats Directive and Birds Directive for biodiversity and good ***agricultural*** and environmental conditions113 (GAEC 7 on retention of landscape features), may have positive effects on pollinators. Under the first pillar114, the greening practices accounting for 30 % of national direct ***payment*** envelopes reward farmers for respecting three mandatory practices that cover (i) crop diversification; (ii) maintenance of permanent grasslands including the protection of environmentally valuable permanent grasslands situated in Natura 2000 areas; and (iii) Ecological Focus Areas (EFAs)115. For pollinators, the most relevant are EFAs — in particular landscape features — and the permanent grasslands measure, in particular those designated as environmentally sensitive permanent grasslands. Recent evaluations of the greening measures showed that the impact of these measures on pollinators is still unknown. While the EFAs were implemented on 10 % of the arable land falling under the obligation, uptake of the most beneficial measures for pollinators has been limited116. However, some positive examples do exist in several countries. Landscape features, multi-annual N-fixing forage crops and land lying fallow could be beneficial if their uptake is increased and appropriate management is followed. In 2017, the use of pesticides in on productive type of EFAs has been prohibited117. Furthermore, land lying fallow for melliferous plants (pollen- and nectar-rich plants) in EFAs has been introduced, offering more possibilities to strengthen the positive effects on pollinators118. Under the second pillar119, rural development ***programmes*** can support measures that deliver positive effects on habitats for pollinators or reduce the impacts of pesticides. These measures include (i) non-productive investment support (e.g for creating new hedges); (ii) agri-environment climate measures for creating a favourable environment for pollinators or promoting the sustainable use of pesticides (integrated pest management); (iii) support to Natura 2000 and to organic farming; (iv) knowledge ***transfer***, education and training; (v) farm advisory services for farmers; (vi) cooperation measures; and (vii) the European Innovation Partnership120. The most relevant measures are agri-environment climate measures, Natura 2000 ***payments*** and organic farming. A number of rural development ***programmes*** have included measures specific to pollinators, mostly in the form of flower strips. Horizontal measures like advisory 111   [*https://ec.europa.eu/****agriculture****/cap-overview\_en*](https://ec.europa.eu/agriculture/cap-overview_en) 112   [*https://ec.europa.eu/****agriculture****/envir/cross-compliance\_en*](https://ec.europa.eu/agriculture/envir/cross-compliance_en) 113   [*https://marswiki.jrc.ec.europa.eu/wikicap/index.php/Good\_****Agricultural****\_and\_Environmental\_Conditions\_%28GAEC%29*](https://marswiki.jrc.ec.europa.eu/wikicap/index.php/Good_Agricultural_and_Environmental_Conditions_%28GAEC%29) 114 Supported by the European ***Agricultural*** Guarantee Fund (EAGF). 115   [*https://ec.europa.eu/****agriculture****/direct-support/greening\_en*](https://ec.europa.eu/agriculture/direct-support/greening_en) 116   [*https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017DC0152*](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017DC0152) 117   [*https://eur-lex.europa.eu/eli/reg\_del/2017/1155/oj*](https://eur-lex.europa.eu/eli/reg_del/2017/1155/oj) 118 Regulation (EU) 2017/2393, OJ L 350/34 of 29.12.2017 119 Supported by the European ***Agricultural*** Fund for Rural Development (EAFRD). 120   [*https://ec.europa.eu/eip/****agriculture****/en/european-innovation-partnership-****agricultural***](https://ec.europa.eu/eip/agriculture/en/european-innovation-partnership-agricultural) 18 services, knowledge ***transfer***, cooperation and LEADER121 measures are also important to strengthen the above measures. The EU legislative framework on pesticides, which deals with their approval and use, consists of two key components. Directive 2009/128/EC122 provides for a range of actions to achieve a sustainable use of pesticides in the EU by reducing the risks and impacts of pesticide use on the environment, including pollinators. Member States were required to adopt national action plans by 2012 and review them at least every 5 ***years***. In October 2017, a Commission report indicated insufficient progress in the implementation of the Directive123. It concluded among others that Member States should improve their plans significantly and establish more precise and measurable targets. Under the provisions of Regulation (EC) 1107/2009, an active substance used in a plant protection product can only be allowed on the market if, following a comprehensive risk assessment, it is established that it has no unacceptable effects on honeybees and other non-target organisms. Following a request from the Commission, the European Food Safety Authority (EFSA) prepared and published a guidance document124 in 2013 to strengthen the current risk assessment scheme for honeybees and added schemes for wild bees. In the same ***year***, the Commission restricted the use of three neonicotinoid pesticides125 and fipronil126 after evaluations by EFSA127 revealed that they pose a high risk to honeybees. In February 2018, the EFSA published the updated assessment128, confirming that most uses of the three neonicotinoid pesticides represent a risk to wild bees and honeybees. The Commission's proposal to further restrict the use of three neonicotinoid pesticides was endorsed by Member States on 27 April 2018129. The EU Cohesion Policy 2014-2020 supports investments in growth and jobs and European territorial cooperation. Environmental sustainability is an integral part of its socio-economic objectives. The funds underpinning the policy (ERDF, CF and ESF)130 provide opportunities to support pollinator habitats in urban areas as well as in the wider countryside. These can come in particular in the form of (i) investments in protecting and restoring nature and biodiversity; (ii) climate change mitigation and adaptation; and (iii) sustainable urban development. These can also support the conservation of pollinators at landscape scale by deploying green infrastructure. The cohesion policy can support territorial cooperation and joint actions on pollinators through Interreg131 (for example SAPOLL132) and local actions through community-led local development133. The EU framework ***programme*** for research and innovation (Horizon 2020) aims to boost top level research in the EU that addresses major social, environmental and economic 121   [*https://ec.europa.eu/****agriculture****/rural-development-2014-2020\_en*](https://ec.europa.eu/agriculture/rural-development-2014-2020_en) 122   [*https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009L0128*](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009L0128) 123   [*https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides\_sup\_report-overview\_en.pdf*](https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_sup_report-overview_en.pdf) 124   [*https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2013.3295*](https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2013.3295) 125   [*http://eur-lex.europa.eu/eli/reg\_impl/2013/485/oj*](http://eur-lex.europa.eu/eli/reg_impl/2013/485/oj) 126   [*https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0781*](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0781) 127 EFSA Journal 2013;11(1):3067 [68 pp.], EFSA Journal 2013;11(1):3068. [55 pp.], EFSA Journal 2013;11(1):3066 [58 pp.] and EFSA Journal 2013;11(5):3158 [51 pp.]. 128 EFSA Journal 2018;16(2):5179 [59 pp.], EFSA Journal 2018;16(2):5178 [113 pp.] and EFSA Journal 2018;16(2):5177 [86 pp.]. 129   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1519297055872&uri=CELEX:32018R0113*](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1519297055872&uri=CELEX:32018R0113) 130 Support through the European Regional Development Fund (ERDF), the Cohesion Fund (CF) and the European Social Fund (ESF). 131   [*http://ec.europa.eu/regional\_policy/en/policy/cooperation/european-territorial/*](http://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/) 132   [*http://sapoll.eu*](http://sapoll.eu)/ 133   [*http://ec.europa.eu/regional\_policy/sources/docgener/informat/2014/community\_en.pdf*](http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/community_en.pdf) 19 issues and challenges. Through these investments, the ***programme*** can support research on pollinators. Actions under Societal Challenge 2 (food security, sustainable ***agriculture*** and forestry) and Societal Challenge 5 (climate action and the environment) are of particular relevance. A number of projects under Horizon 2020 are set to improve knowledge on pollinators, for example: • ‘Bee health and sustainable pollination’134; • ‘Functional biodiversity — effective interplay of crop pollinators and pest predators’135; • ‘Making European beekeeping healthy and sustainable’136; • ‘Biodiversity in action — B — Capitalising on native biodiversity in farmland landscape’137; and • ‘Integrated health approaches and alternatives to pesticide use’138. The previous ***programmes*** supported the ALARM and STEP projects (see Box 2). Furthermore, the European Innovation Partnership ‘***Agricultural*** Productivity and Sustainability’ can also promote innovation and knowledge ***transfer*** on aspects related to biodiversity, including high nature value. LIFE139, the EU ***programme*** for the environment and climate action, can offer funding opportunities to develop and demonstrate best practices and solutions for the conservation of pollinators, including an integrated approach. It can also help improve the knowledge base on pollinators (e.g by developing the European Red List) and raise awareness. Recent examples of projects include Urbanbees140 and PP-ICON141. In addition, a number of other EU policies such as climate action142, the National Emission Ceilings Directive143 and relevant trade and import rules144 make important contributions to mitigating threats to pollinators (climate change, environmental pollution and diseases respectively). 5.3 Action at global level In 2000, the Conference of Parties (COP) to the Convention on Biological Diversity (CBD) established an international initiative for the conservation and sustainable use of pollinators145 (the International Pollinator Initiative). The Food and ***Agriculture*** Organization (FAO) facilitates and coordinates the initiative together with other relevant organisations within the ***programme*** of work on ***agricultural*** biodiversity. The initiative aims to promote coordinated worldwide action to: • monitor pollinator decline, its causes and impacts on pollination services; • address the lack of taxonomic data; 134   [*http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-16-2017.html*](http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-16-2017.html) 135   [*http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-28-2017.html*](http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-28-2017.html) 136   [*http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-07-2018.html*](http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-07-2018.html) 137   [*http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-01-2018-2019-2020.html*](http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-01-2018-2019-2020.html) 138   [*http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-04-2019-2020.html*](http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/sfs-04-2019-2020.html) 139   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\_.2013.347.01.0185.01.ENG*](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2013.347.01.0185.01.ENG) 140   [*http://www.urbanbees.eu*](http://www.urbanbees.eu)/ 141   [*http://www.pp-icon.eu/en/project*](http://www.pp-icon.eu/en/project) 142   [*https://ec.europa.eu/clima/index\_en*](https://ec.europa.eu/clima/index_en) 143 Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants. 144   [*https://ec.europa.eu/food/animals/live\_animals/bees/trade\_en*](https://ec.europa.eu/food/animals/live_animals/bees/trade_en) 145 COP decision V/5 — ***Agricultural*** biological diversity: review of phase I of the ***programme*** of work and adoption of a multiyear work ***programme***,   [*https://www.cbd.int/decision/cop/?id=7147*](https://www.cbd.int/decision/cop/?id=7147) 20 • assess the economic value of animal pollination and economic impacts of its decline; and • promote the conservation, restoration and sustainable use of pollinator diversity in ***agriculture*** and related ecosystems. The FAO has produced regular reports to summarise key contributions and outputs (in 2008146, 2012147, and 2014148). These reports show that the initiative has helped develop and implement national and regional pollinator initiatives149, produced several guidance manuals, and accelerated work on risk assessment methods for pesticides. At the 13th COP meeting150 in December 2016, parties requested a review of the implementation of the initiative. The information and experience gathered in the first phase (2000-2015) of the initiative, as well as the findings of the IPBES report, have shaped the elements of a second plan of action for 2018-2030151. This will be discussed in the technical body of the CBD in July 2018. At the same COP in 2016, the Dutch government launched the Coalition of the Willing on Pollinators152 — a group of countries that already have or plan to develop a pollinator strategy153. The coalition has 21 signatories, of which 13 are EU Member States154. The members committed to share experiences and lessons learned, develop research on pollinator conservation, provide mutual support and collaborate. 5.4 Main challenges Knowledge While newly acquired knowledge in recent times — in particular thanks to the European Red List and STEP and ALARM projects — has significantly improved our understanding of the problem, considerable gaps still remain. As discussed in section 2, it is likely that the gaps conceal a problem that is far bigger than imagined. Moreover, the bulk of current knowledge comes from north-west Europe, while biodiversity hotspot regions like the Mediterranean are under-researched. The key prerequisite for effective EU action on pollinators is to fill these knowledge gaps. Systematic monitoring of pollinators and greater research into the causes and consequences play a key role in this. These will provide data and information on the full extent of the decline and apprise us of the most effective mitigation measures and their success. They will also apprise us of the current impacts that the decline has on the society as well as future risks. Good quality data would enable the development of robust indicators that would help to track EU progress towards the UN Sustainable Development Goals155. The 146   [*https://www.cbd.int/doc/meetings/cop/cop-09/information/cop-09-inf-24-en.pdf*](https://www.cbd.int/doc/meetings/cop/cop-09/information/cop-09-inf-24-en.pdf) 147   [*https://www.cbd.int/doc/meetings/cop/cop-11/information/cop-11-inf-29-en.pdf*](https://www.cbd.int/doc/meetings/cop/cop-11/information/cop-11-inf-29-en.pdf) 148   [*https://www.cbd.int/doc/meetings/cop/cop-12/information/cop-12-inf-37-en.pdf*](https://www.cbd.int/doc/meetings/cop/cop-12/information/cop-12-inf-37-en.pdf) 149 These include: African Pollinator Initiative; Oceania Pollinator Initiative; European Pollinator Initiative; North American Pollinator Protection Campaign; Brazilian Pollinators Initiative; Iniciativa Colombiana de Polinizadores; Pollinator Partnership Action Plan (USA); Canadian Pollination Initiative; The National Pollinator Strategy for bees and other pollinators in England; All-Ireland Pollinator Plan; Plan national d’actions «France Terre de pollinisateurs» pour la préservation des abeilles et des insectes pollinisateurs sauvages; Dutch Pollinator Strategy, and the Swiss National Action Plan for Bee Health. 150   [*https://www.cbd.int/conferences/2016*](https://www.cbd.int/conferences/2016) 151   [*https://www.cbd.int/sbstta/sbstta-22-sbi-2/sbstta-22-ipi-draft.pdf*](https://www.cbd.int/sbstta/sbstta-22-sbi-2/sbstta-22-ipi-draft.pdf) 152   [*https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-15-en.pdf*](https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-15-en.pdf) 153   [*https://promotepollinators.org*](https://promotepollinators.org)/ 154 Austria, Belgium, Denmark, Finland, France, Germany, Luxembourg, Slovenia, Slovakia, Spain, the Netherlands, UK, Ireland. 155 Monitoring of some pollinator species is already set to contribute to the process: the grassland butterfly index has been included in the 2018 review of the monitoring framework for the sustainable development goals, 21 research capacity will need to be strengthened to ensure adequate expertise to underpin these knowledge processes. The European Red List of Bees has shown that, next to pollinator decline, we are also witnessing a decline in bee experts. Mitigation measures While actions for maintaining and restoring pollinator habitats were not systematically researched, existing evidence suggests that their success is mixed; in general, they require better targeting and increased uptake. Better knowledge ***transfer*** between researchers and managers on the ground (for example farm advisory services) and increased investments to provide pollinators with habitats in rural and urban areas will be necessary. These will also help to alleviate the impact of climate change on pollinators by providing migration routes for species that cannot adapt. Instruments for reducing the risks to and impacts of pesticides on pollinators need to be further strengthened122,124. While some direct threats to pollinators from invasive alien species are known and can be tackled through direct action or awareness raising, further research is needed to better understand the complex patterns of their impact. Collaboration and awareness raising Exchange of knowledge and experience and joint actions between various stakeholders is key to developing cost-effective measures and maximising synergies. Such an integrated approach requires sufficient collaboration between scientists, policymakers, stakeholders and the general public. This is important in particular for landscape scale actions. While there are already a number of relevant platforms, the capacity needs to be further strengthened. The conservation of pollinators requires broad societal engagement. While the problem has already drawn considerable public attention, it will be necessary to further raise awareness and engage wider society as individuals and the private sector can lend decisive impetus to conservation actions.   [*http://ec.europa.eu/eurostat/documents/276524/7736915/EU+SDG+indicator+set+2018+-+public+web+version+with+cover+note/c86cd681-a537-4f0c-9680-197f04888f12*](http://ec.europa.eu/eurostat/documents/276524/7736915/EU+SDG+indicator+set+2018+-+public+web+version+with+cover+note/c86cd681-a537-4f0c-9680-197f04888f12)

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[***Federal Register: Raisins Produced From Grapes Grown in California; Order Amending Marketing Order No. 989 Pages 53965 - 53974 [FR DOC # 2018-23089]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TKC-K1M1-JDG9-Y2HV-00000-00&context=1516831)

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October 26, 2018 Friday

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**Length:** 10262 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

DEPARTMENT OF ***AGRICULTURE*** ***Agricultural*** Marketing Service 7 CFR Part 989 [Doc. No. AO-FV-16-0016; AMS-SC-16-0011; SC16-989-1] Raisins Produced From Grapes Grown in California; Order Amending Marketing Order No. 989 AGENCY: ***Agricultural*** Marketing Service, USDA. ACTION: Final rule. ----------------------------------------------------------------------- SUMMARY: This final rule amends Marketing Order No. 989 (Order), which regulates the handling of raisins produced from grapes grown in California. Five amendments were proposed by the Raisin Administrative Committee (RAC) and three were proposed by the ***Agricultural*** Marketing Service (AMS). Seven of the eight proposed amendments were favored by California raisin growers in a mail referendum, held December 4 through 15, 2017. This final rule also makes administrative revisions to subpart headings to bring the language into conformance with the Office of Federal Register requirements. DATES: This rule is effective November 26, 2018. ADDRESSES: Marketing Order and Agreement Division, Specialty Crops ***Program***, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250-0237. FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Specialty Crops ***Program***, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557-4783, Fax: (435) 259- 1502, or Michelle Sharrow, Marketing Order and Agreement Division, Specialty Crops ***Program***, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or Email:

[*Melissa.Schmaedick@ams.usda.gov*](mailto:Melissa.Schmaedick@ams.usda.gov) or [*Michelle.Sharrow@ams.usda.gov*](mailto:Michelle.Sharrow@ams.usda.gov) Small businesses may request information on this proceeding by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops ***Program***, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or Email: [*Richard.Lower@ams.usda.gov*](mailto:Richard.Lower@ams.usda.gov) SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on April 14, 2016, and published in the April 22, 2016, issue of the Federal Register (81 FR 23650) and a Recommended Decision issued on May 3, 2017, and published in the May 31, 2017, issue of the Federal Register (82 FR 24882); and a Secretary's Decision and Referendum Order issued September 19, 2017, and published in the September 29, 2017, issue of the Federal Register (82 FR 45517). This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Orders 12866, 13563, and 13175. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See the Office of Management and Budget's (OMB) Memorandum titled ``Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled `Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017). Notice of this rulemaking action was provided to tribal governments through the Department of ***Agriculture***'s (USDA) Office of Tribal Relations. Preliminary Statement This action, pursuant to 5 U.S.C 556 and 557, finalizes amendments to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Order No. 989, as amended (7 CFR part 989), regulating the handling of raisins produced from grapes grown in California. Part 989 (referred to as the Order) is effective under the ***Agricultural*** Marketing Agreement Act of 1937, as amended (7 U.S.C 601-674), hereinafter referred to as the ``Act.'' This rule is formulated on the record of a public hearing held on May 3 and 4, 2016, in Clovis, California. The hearing was held pursuant to the provisions of the Act, and the applicable rules of practice and procedure governing the formulation and amendment of marketing agreements and orders (7 CFR part 900). Notice of this hearing was published in the Federal Register on April 22, 2016 (81 FR 23650). The notice of hearing contained five proposals submitted by the RAC and three proposals by AMS. Upon the basis of evidence introduced at the hearing and the record thereof, the Administrator of AMS on May 3, 2017, filed with the Hearing Clerk, USDA, a Recommended Decision and Opportunity to File Written Exceptions thereto by June 30, 2017. One exception was filed. The exception filed opposed the proposed amendment to establish term limits. A Secretary's Decision and Referendum Order was issued on September 29, 2017, directing that a referendum be conducted during the period of December 4 through 17, 2017, among eligible California raisin growers to determine whether they favored the proposed amendments to the Order. To become effective, the amendments had to be approved by at least two- thirds of those growers voting, or by voters representing at least two- thirds of the volume of raisins represented by voters voting in the referendum. The approved amendments were favored by over ninety percent of the growers voting in the referendum, representing over ninety percent of the total volume of raisins produced by those voting. The failed amendment was opposed by ninety-three percent of those voting and ninety-five percent of the represented volume. The amendments favored by voters and included in this final order will: Authorize production research; establish new nomination procedures for independent grower member and alternate member seats; add authority to regulate quality; add authority to establish different regulations for different market destinations; add a continuance referenda requirement; and remove volume regulation and reserve pool authority from the Order. USDA also made changes as were necessary to conform the Order provisions to the effectuated [[Page 53966]] amendments. Conforming changes and corrections proposed by USDA include: Revising all references of ``offgrade'' to ``off-grade''; revising all references of ``nonnormal'' to ``non-normal''; and, revising all references of ``committee'' to ``Committee.'' These corrections will result in consistent spelling of these terms throughout the Order. Also in this final rule, USDA will revise the amendment of Sec. 989.58(d) from ``interplant'' and ``interhandler'' to ``inter-plant'' and ``inter-handler'' as it appears in amended Sec. 989.59(e). In addition, the words ``Processed Products Standardization and Inspection Branch'' in Sec. Sec. 989.58(d) and 989.59(d) will be changed to ``Specialty Crops Inspection Division.'' Similarly, ``Processed Products Branch, Fruit and Vegetable Division'' in Sec. 989.102 will be changed to ``Specialty Crops Inspection Division.'' These corrections will reflect the official name change of the AMS's inspection service office for fruit, vegetables and specialty crops. Lastly, an additional correction will change the amendatory language in Sec. Sec. 989.55, 989.56, 989.65, 989.66, 989.67, 989.71, 989.72, 989.82, 989.154, 989.156, 989.166, 989.167, 989.221, 989.257 and 989.401, from ``remove'' to ``remove and reserve.'' This change will prevent the unintentional renumbering of remaining sections of the Order. The amended marketing agreement was subsequently mailed to all raisin handlers in the production area for their approval. The marketing agreement was approved by handlers representing more than 50 percent of the volume of raisins handled by all handlers during the August 1, 2016, through July 31, 2017, representative period. Consequently, a companion handler agreement will also be established. Small Business Consideration Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit. According to the hearing transcript, there are approximately 3,000 raisin producers in California. According to National ***Agricultural*** Statistics Service data presented at the hearing, the total value of production of raisins in the 2014/15 crop ***year*** is $598,052,000. Taking the total value of production for raisins and dividing it by the total number of raisin producers provides an average return per producer of $199,950.67 A small producer as defined by the Small Business Administration (SBA) (13 CFR 121.201) is one that grosses less than $750,000 annually. Therefore, a majority of raisin producers are considered small entities under SBA's standards. According to the industry, there were 23 raisin handlers for the 2015/16 crop ***year***. While individual handling operation information is proprietary, both testimonies offered by handler witnesses and an assessment of total value of dried production leads USDA to conclude that 13 handlers would be considered small entities under SBA's standards. According to the record, two of the 23 handlers handled roughly 60 percent of total production during the 2015/16 crop ***year***. A calculation using the 2014 total value of production of $598,052,000 puts the value handled by the cooperatives at $358,831,200 ($598,052,000 x 60 percent) and the value handled by all other handlers at $239,220,800. With 21 non-cooperative handlers remaining, $239,220,800 divided by that number results in an average handler receipt of $11,391,467. Assuming a normal bell-curve distribution, coupled with the number of handlers self- identifying at the hearing as small business entities, USDA accepts the Committee's assertion that 13 handlers fall under the SBA definition of small ***agricultural*** service firm. A small ***agricultural*** service firm as defined by the SBA is one that grosses less than $7,500,000 annually. Thus, slightly more than half of the industry's handlers are considered small entities under SBA's standards. The production area regulated under the Order covers the state of California. Acreage devoted to raisin production in the regulated area has declined in recent ***years***. According to data presented at the hearing, bearing acreage for raisins reached a high of 280,000 acres during the 2000/01 crop ***year***. Since then, bearing acreage for raisins has decreased 32 percent to 190,000 acres in 2014/15. As a result, the total production of raisins reached a high during the 2000/01 crop ***year*** of 484,500 tons (dried basis). Since the 2000/01 crop ***year***, total production for raisins has decreased 32 percent to 328,600 tons in 2014/15. During the hearing held May 3 and 4, 2016, interested persons were invited to present evidence on the probable regulatory and information collection impact of the proposed amendments to the Order on small businesses. The evidence presented at the hearing shows that none of the proposed amendments would have any burdensome effects or a significant economic impact on a substantial number of small ***agricultural*** producers or firms. Material Issues Material Issue Number 1--Authorize Production Research This action amends Sec. 989.53 to authorize production research. Currently, the California Raisin Marketing Board (CRMB) is the funding source for production research for the California raisin industry. Three ***years*** ago, ***payments*** of assessments to the CRMB were suspended due to the results of litigation. Without funding, the CRMB has been unable to conduct any new production research projects. The amendment to Sec. 989.53 will authorize the RAC to conduct production research without having to rely on the CRMB for funding. Witnesses stated that future research could potentially impact producers in many ways, such as reducing pesticide usage or the development of new varieties that are less labor intensive. Production research will provide the raisin industry the ability to meet the needs of the ever changing domestic and international markets. According to a witness's testimony, the benefits of the proposed amendment will outweigh any costs and will not have a significant impact on a substantial number of small entities. Material Issue Number 2--Authorize Separate Nominations for Independent Producer Member and Independent Producer Alternate Member Seats This action amends Sec. Sec. 989.29 and 989.129 to authorize separate nominations for independent producer members and independent producer alternate member seats. Currently, the RAC has difficulty filling Committee seats designated for independent producer members and independent producer alternate members. Independent producer alternate member seats have gone unfilled for several consecutive ***years***. According to witnesses' testimony, this amendment will increase the participation of independent producers willing to participate on the RAC. Allowing for separate nominations for members and alternates will encourage participation by those who wish to serve in one capacity and not the other. Full participation would give the independent producers full [[Page 53967]] representation on the Board they represented and a voice in RAC decisions. It is determined that the benefits of increased RAC participation by independent producers will outweigh any costs associated with the implementation of this amendment. Material Issue Number 3--Add Authority To Regulate Quality This action will amend Sec. Sec. 989.58, 989.59 and 989.61 to add authority to regulate quality under the Order. A corresponding change will also revise the heading prior to Sec. 989.58 to include quality. Currently, Sec. Sec. 989.58 and 989.59 state that the RAC has the authority to recommend grade and condition standards under the Order. The attribute ``quality'' is not specifically mentioned. The amendment will add language to include ``quality'' as an attribute that can be regulated under the Order. According to a witness at the hearing, the amendment will give the RAC flexibility to ensure consumer safety by setting quality standards for residue levels for herbicides, pesticides or fungicides. The quality standards will be equally applied to all handlers of raisins within the U.S ; some handlers are already testing for certain types of fungicides so the increased costs will be minimal. It is determined that the additional costs incurred to regulate quality will be greatly outweighed by the increased flexibility for the industry, increased consumer safety, and other benefits gained from implementing this amendment. The costs of implementing it will not have a significant impact on a substantial number of small entities. Material Issue Number 4--Add Authority To Establish Different Regulations for Different Markets This action will amend Sec. 989.59 to add authority to establish different regulations for different markets. The Order does not currently allow for different quality or grade standards to be applied to different foreign markets. The language in the Order only has two classifications for grade and condition standards, Grade A or Grade B. The current grade and condition standards are consistent across all markets. This amendment will give the RAC the authority to develop requirements for raisins intended for export to different foreign markets. Industry will have the flexibility to tailor product attributes to meet the foreign consumer profile and the customer demands for each individual market. It is determined that any additional costs incurred for this amendment will be outweighed by the increased flexibility for the industry to respond to a changing global marketplace. The costs of implementing this amendment will not have a significant impact on a substantial number of small entities. Material Issue Number 5--Continuance Referenda This action will amend Sec. 989.91 to require continuance referenda. The amendment will require the USDA to conduct a continuance referendum between ***year*** five and ***year*** six after implementation for the first referendum, and every six ***years*** thereafter. A witness testified that a continuance referendum is the best tool for assuring that the Order remains responsive to the needs of the industry. While a continuance referendum will not directly improve producer returns, it will indirectly ensure that the industry believes that the Order is operating in the producer's best interest. For these reasons, it is determined that the benefits of conducting a continuance referendum will outweigh the potential costs of implementing this amendment. The costs of implementing this amendment will be minimal and will not have a significant impact on a substantial number of small entities. Material Issue Number 6--Remove Volume Regulations and Reserve Pool Authority This action will amend the Order to remove volume regulation and reserve pool authority. This will include: deleting and reserving Sec. Sec. 989.55 and 989.56, Sec. Sec. 989.65 through 989.67, Sec. Sec. 989.71, 989.72, 989.82, 989.154, 989.156, 989.166, 989.167, 989.221, 989.257, and 989.401; revising Sec. Sec. 989.11, 989.53, 989.54, 989.58, 989.59, 989.60, 989.73, 989.79, 989.80, 989.84, 989.158, 989.173, and 989.210; and re-designating Sec. 989.70 as Sec. 989.96 Corresponding changes will also remove the following headings: ``Volume Regulation'' prior to Sec. 989.65; ``Volume Regulation'' prior to Sec. 989.166; and, ``Subpart-Schedule of ***Payments***'' prior to Sec. 989.401 The amendment will remove all authority for the RAC to recommend volume restrictions and a reserve pool. On June 22, 2015, the United States Supreme Court, in Horne v. USDA, ruled that the application of the Order's reserve pool authority to the Horne's was a taking under the Fifth Amendment to the U.S Constitution. In a July 16, 2015, letter to the RAC, USDA stated, ``In light of the Horne decision, the U.S Department of ***Agriculture*** has decided not to authorize the reserve ***program*** of the Federal marketing order for California raisins for the foreseeable future, effective immediately.'' One witness at the hearing explained that bearing acres have declined the past ten ***years***, which supports the theory that the California raisin industry is adjusting to a decreasing or flat demand for the product. The witness stated that, in the future, supply will likely remain in better balance with demand and, therefore, the reserve pool and volume regulation are no longer as relevant as they were in higher production times. To further the point, the witness stated that the Order's reserve pool authority has not been utilized since 2010. The amendment will be a relaxation of regulatory requirements. For this reason, it is determined that no significant impact on small business entities is anticipated from this change. The costs attributed to these amendments are minimal; therefore, there will not be a significant impact on a substantial number of small entities. USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule. These amendments are intended to improve the operation and administration of the Order and to assist in the marketing of California raisins. RAC meetings regarding these amendments, as well as the hearing date and location, were widely publicized throughout the California raisin industry, and all interested persons were invited to attend the meetings and the hearing to participate in RAC deliberations on all issues. All RAC meetings and the hearing were public forums, and all entities, both large and small, were able to express views on these issues. Finally, interested persons were invited to submit information on the regulatory and information collection impacts of this action on small businesses. Paperwork Reduction Act Current information collection requirements for Part 989 are approved by OMB, under OMB Number 0581-0189--``Generic OMB Fruit Crops.'' No changes are anticipated in these requirements as a result of this proceeding. Should any such changes become necessary, they will be submitted to OMB for approval. As with all Federal marketing order ***programs***, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies. AMS is committed to complying with the Government Paperwork Elimination [[Page 53968]] Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. Civil Justice Reform The amendments to the Order stated herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. The amendments do not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling. Order Amending the Order Regulating the Handling of Raisins Produced From Grapes Grown in California 1 --------------------------------------------------------------------------- \1\ This order shall not become effective unless and until the requirements of Sec. 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met. --------------------------------------------------------------------------- Findings and Determinations The findings and determinations hereinafter set forth are supplementary to the findings and determinations that were previously made in connection with the issuance of the Marketing Order; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (a) Findings and Determinations Upon the Basis of the Hearing Record Pursuant to the provisions of the ***Agricultural*** Marketing Agreement Act of 1937, as amended (7 U.S.C 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR part 900), a public hearing was held upon further amendment of Marketing Order No. 989, regulating the handling of raisins produced from grapes grown in California. Upon the basis of the record, it is found that: (1) The Order, as amended, and as hereby further amended, and all of the terms and conditions thereof, would tend to effectuate the declared policy of the Act; (2) The Order, as amended, and as hereby further amended, regulates the handling of raisins produced from grapes grown in the production area in the same manner as, and are applicable only to, persons in the respective classes of commercial and industrial activity specified in the Order upon which a hearing has been held; (3) The Order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act; (4) The Order, as amended, and as hereby further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of raisins produced from grapes grown in California; and (5) All handling of raisins produced from grapes grown in the production area as defined in the Order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. (b) Determinations. It is hereby determined that: (1) Handlers (excluding cooperative associations of growers who are not engaged in processing, distributing, or shipping raisins covered by the Order as hereby amended) who, during the period August 1, 2016, through July 31, 2017, handled 50 percent or more of the volume of such raisins covered by said Order, as hereby amended, have signed an amended marketing agreement; (2) The issuance of this amendatory Order, further amending the aforesaid Order, was favored or approved by at least two-thirds of the growers who participated in a referendum on the question of approval and who, during the period of August 1, 2016, through July 31, 2017 (which has been deemed to be a representative period), have been engaged within the production area in the production of such raisins, such growers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum; and (3) The issuance of this amendatory Order advances the interests of producers of raisins in the production area pursuant to the declared policy of the Act. Order Relative to Handling It is therefore ordered, that on and after the effective date hereof, all handling of raisins produced from grapes grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said Order as hereby amended as follows: The provisions of the amendments to the Order contained in the Secretary's Decision issued September 19, 2017, and published in the September 29, 2017, issue of the Federal Register (82 FR 45517), with the exception of the proposal to establish term limits, will be and are the terms and provisions of this Order amending the Order and are set forth in full herein. List of Subjects in 7 CFR Part 989 Raisins, Marketing agreements, Reporting and recordkeeping requirements. For the reasons set out in the preamble, 7 CFR part 989 is amended as follows: PART 989--RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA 0 1. The authority citation for part 989 continues to read as follows: Authority: 7 U.S.C 601-674. Subpart Redesignated as Subpart A 0 2. Designate the subpart labeled ``Order Regulating Handling'' as subpart A. 0 3. Section 989.11 is revised to read as follows: Sec. 989.11 Producer. Producer means any person engaged in a proprietary capacity in the production of grapes which are sun-dried or dehydrated by artificial means until they become raisins. 0 4. In Sec. 989.29: 0 a. Revise paragraph (b)(2)(ii); 0 b. Redesignate paragraph (b)(2)(iii) as paragraph (b)(2)(iv); 0 c. Add new paragraph (b)(2)(iii); and [[Page 53969]] 0 d. Revise newly redesignated paragraph (b)(2)(iv). The revisions and addition read as follows: Sec. 989.29 Initial members and nomination of successor members. \* \* \* \* \* (b) \* \* \* (2) \* \* \* (ii) Each such producer whose name is offered in nomination for producer member positions to represent on the Committee independent producers or producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop ***year*** shall be given the opportunity to provide the Committee a short statement outlining qualifications and desire to serve if selected. Similarly, each such producer whose name is offered in nomination for producer alternate member positions to represent on the Committee independent producers or producers who are affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop ***year*** shall be given the opportunity to provide the Committee a short statement outlining qualifications and desire to serve if selected. These brief statements, together with a ballot and voting instructions, shall be mailed to all independent producers and producers who are affiliated with cooperative marketing associations handling less than 10 percent of the total raisin acquisitions during the preceding crop ***year*** of record with the Committee in each district. The producer member candidate receiving the highest number of votes shall be designated as the first member nominee, the second highest shall be designated as the second member nominee until nominees for all producer member positions have been filled. Similarly, the producer alternate member candidate receiving the highest number of votes shall be designated as the first alternate member nominee, the second highest shall be designated as the second alternate member nominee until nominees for all member positions have been filled. (iii) In the event that there are more producer member nominees than positions to be filled and not enough producer alternate member nominees to fill all positions, producer member nominees not nominated for a member seat may be nominated to fill vacant alternate member seats. Member seat nominees shall indicate, prior to the nomination vote, whether they are willing to accept nomination for an alternate seat in the event they are not nominated for a member seat and there are vacant alternate member seats. Member seat nominees that do not indicate willingness to be considered for vacant alternate member seats shall not be considered. (iv) Each independent producer or producer affiliated with cooperative marketing association(s) handling less than 10 percent of the total raisin acquisitions during the preceding crop ***year*** shall cast only one vote with respect to each position for which nominations are to be made. Write-in candidates shall be accepted. The person receiving the most votes with respect to each position to be filled, in accordance with paragraph (b)(2)(ii) and (iii) of this section, shall be the person to be certified to the Secretary as the nominee. The Committee may, subject to the approval of the Secretary, establish rules and regulations to effectuate this section. \* \* \* \* \* 0 5. In Sec. 989.53, revise the introductory text of paragraph (a), and remove the undesignated paragraph that follows paragraph (a)(5) to read as follows: Sec. 989.53 Research and development. (a) General. The Committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, market research and development, marketing promotion including paid advertising, designed to assist, improve, or promote the production, marketing, distribution, and consumption of raisins in domestic and foreign markets. These projects may include, but need not be limited to those designed to: \* \* \* \* \* 0 6. In Sec. 989.54: 0 a. Remove paragraphs (a) through (d) and (g); 0 b. Remove paragraph (e)(4); 0 c. Redesignate paragraphs (e)(5) through (e)(10) as (e)(4) through (e)(9), respectively; 0 d. Redesignate paragraphs (e), (f), and (h) as paragraphs (a), (b), and (c), respectively; and 0 e. Revise newly redesignated paragraphs (a) introductory text, (a)(1), (a)(4), (a)(5) and (c). The revisions read as follows: Sec. 989.54 Marketing policy. (a) Marketing policy. Each crop ***year***, the Committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy, including quality regulations for the pending crop. In developing the marketing policy, the Committee may give consideration to the production, harvesting, processing, and storage conditions of that crop, as well as the following factors: (1) The estimated tonnage held by producers and handlers at the beginning of the crop ***year***; \* \* \* \* \* (4) An estimated desirable carryout at the end of the crop ***year***; (5) The estimated market demand for raisins, considering the estimated world raisin supply and demand situation; \* \* \* \* \* (c) Publicity. The Committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar publicity shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the Committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The Committee shall notify handlers, dehydrators and the cooperative bargaining association(s), and give reasonable publicity to producers of its computation. Sec. Sec. 989.55 and 989.56 [Removed and reserved] 0 7. Sections 989.55 and 989.56 are removed and reserved. 0 8. Revise the undesignated heading prior to Sec. 989.58 to read as follows: ``Grade, Quality, and Condition Standards''. 0 9. In Sec. 989.58, revise paragraphs (a), (b), (d)(1), (e)(1), and (e)(4) to read as follows: Sec. 989.58 Natural condition raisins. (a) Regulation. No handler shall acquire or receive natural condition raisins which fail to meet such minimum grade, quality, and condition standards as the Committee may establish, with the approval of the Secretary, in applicable rules and regulations: Provided, That a handler may receive raisins for inspection, may receive off-grade raisins for reconditioning and may receive or acquire off-grade raisins for use in eligible non-normal outlets: And provided further, That a handler may acquire natural condition raisins which [[Page 53970]] exceed the tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the Committee and approved by the Secretary. Nothing contained in this paragraph shall apply to the acquisition or receipt of natural condition raisins of a particular varietal type for which minimum grade, quality, and condition standards are not applicable or then in effect pursuant to this part. (b) Changes in minimum grade, quality, and condition standards for natural condition raisins. The Committee may recommend to the Secretary changes in the minimum grade, quality, and condition standards for natural condition raisins of any varietal type and may recommend to the Secretary that minimum grade, quality, and condition standards for any varietal type be added to or deleted. The Committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the Committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the Act. \* \* \* \* \* (d) \* \* \* (1) Each handler shall cause an inspection and certification to be made of all natural condition raisins acquired or received by him, except with respect to: (i) An inter-plant or inter-handler ***transfer*** of off-grade raisins as described in paragraph (e)(2) of this section, unless such inspection and certification are required by rules and procedures made effective pursuant to this amended subpart; (ii) An inter-plant or inter-handler ***transfer*** of standard raisins as described in Sec. 989.59(e); (iii) Raisins received from a dehydrator which have been previously inspected pursuant to paragraph (d)(2) of this section; (iv) Any raisins for which minimum grade, quality, and condition standards are not then in effect; (v) Raisins received from a cooperative bargaining association which have been inspected and are in compliance with requirements established pursuant to paragraph (d)(3) of this section; and (vi) Any raisins, if permitted in accordance with such rules and procedures as the Committee may establish with the approval of the Secretary, acquired or received for disposition in eligible non-normal outlets. Except as otherwise provided in this section, prior to blending raisins, acquiring raisins, storing raisins, reconditioning raisins, or acquiring raisins which have been reconditioned, each handler shall obtain an inspection certification showing whether or not the raisins meet the applicable grade, quality, and condition standards: Provided, That the initial inspection for infestation shall not be required if the raisins are fumigated in accordance with such rules and procedures as the Committee shall establish with the approval of the Secretary. The handler shall submit or cause to be submitted to the Committee a copy of such certification, together with such other documents or records as the Committee may require. Such certification shall be issued by inspectors of the Processed Products Standardization and Inspection Branch of the U.S Department of ***Agriculture***, unless the Committee determines, and the Secretary concurs in such determination, that inspection by another agency would improve the administration of this amended subpart. The Committee may require that raisins held on memorandum receipt be re-inspected and certified as a condition for their acquisition by a handler. \* \* \* \* \* (e) \* \* \* (1) Any natural condition raisins tendered to a handler which fail to meet the applicable minimum grade, quality, and condition standards may: (i) Be received or acquired by the handler for disposition, without further inspection, in eligible non-normal outlets; (ii) Be returned unstemmed to the person tendering the raisins; or (iii) Be received by the handler for reconditioning. Off-grade raisins received by a handler under any one of the three described categories may be changed to any other of the categories under such rules and procedures as the Committee, with the approval of the Secretary, shall establish. No handler shall ship or otherwise dispose of off-grade raisins which he does not return to the tenderer, ***transfer*** to another handler as provided in paragraph (e)(2) of this section, or recondition so that they at least meet the minimum standards prescribed in or pursuant to this amended subpart, except into eligible non-normal outlets. \* \* \* \* \* (4) If the handler is to acquire the raisins after they are reconditioned, his obligation with respect to such raisins shall be based on the weight of the raisins (if stemmed, adjusted to natural condition weight) after they have been reconditioned. \* \* \* \* \* 0 10. In Sec. 989.59, revise paragraphs (a), (b), (d), (e), and (g) to read as follows: Sec. 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers. (a) Regulation. Unless otherwise provided in this part, no handler shall: (1) Ship or otherwise make final disposition of natural condition raisins unless they at least meet the effective and applicable minimum grade, quality, and condition standards for natural condition raisins; or (2) Ship or otherwise make final disposition of packed raisins unless they at least meet such minimum grade quality, and condition standards established by the Committee, with the approval of the Secretary, in applicable rules and regulations or as later changed or prescribed pursuant to the provisions of paragraph (b) of this section: Provided, That nothing contained in this paragraph shall prohibit the shipment or final disposition of any raisins of a particular varietal type for which minimum standards are not applicable or then in effect pursuant to this part. And provided further, That a handler may grind raisins, which do not meet the minimum grade, quality, and condition standards for packed raisins because of mechanical damage or sugaring, into a raisin paste. The Committee may establish, with approval of the Secretary, different grade, quality, and condition regulations for different markets. (b) Changes to minimum grade, quality, or condition standards. The Committee may recommend changes in the minimum grade, quality, or condition standards for packed raisins of any varietal type and may recommend to the Secretary that minimum grade, quality, or condition standards for any varietal type be added or deleted. The Committee shall submit with its recommendation all data and information upon which it acted in making its recommendation, and such other information as the Secretary may request. The Secretary shall approve any such change if he finds, upon the basis of data submitted to him by the Committee or from other pertinent information available to him, that to do so would tend to effectuate the declared policy of the Act. \* \* \* \* \* (d) Inspection and certification. Unless otherwise provided in this [[Page 53971]] section, each handler shall, at his own expense, before shipping or otherwise making final disposition of raisins, cause an inspection to be made of such raisins to determine whether they meet the then applicable minimum grade, quality, and condition standards for natural condition raisins or the then applicable minimum standards for packed raisins. Such handler shall obtain a certificate that such raisins meet the aforementioned applicable minimum standards and shall submit or cause to be submitted to the Committee a copy of such certificate together with such other documents or records as the Committee may require. The certificate shall be issued by the Processed Products Standardization and Inspection Branch of the United States Department of ***Agriculture***, unless the Committee determines, and the Secretary concurs in such determination, that inspection by another agency will improve the administration of this amended subpart. Any certificate issued pursuant to this paragraph shall be valid only for such period of time as the Committee may specify, with the approval of the Secretary, in appropriate rules and regulations. (e) Inter-plant and inter-handler ***transfers***. Any handler may ***transfer*** from his plant to his own or another handler's plant within the State of California any raisins without having had such raisins inspected as provided in paragraph (d) of this section. The ***transferring*** handler shall transmit promptly to the Committee a report of such ***transfer***, except that ***transfers*** between plants owned or operated by the same handler need not be reported. Before shipping or otherwise making final disposition of such raisins, the receiving handler shall comply with the requirements of this section. \* \* \* \* \* (g) Exemption of experimental and specialty packs. The Committee may establish, with the approval of the Secretary, rules and procedures providing for the exemption of raisins in experimental and specialty packs from one or more of the requirements of the minimum grade, quality, or condition standards of this section, together with the inspection and certification requirements if applicable. 0 11. Amend Sec. 989.60 by revising paragraph (a) to read as follows: Sec. 989.60 Exemption. (a) Notwithstanding any other provisions of this amended subpart, the Committee may establish, with the approval of the Secretary, such rules and procedures as may be necessary to permit the acquisition and disposition of any off-grade raisins, free from any or all regulations, for uses in non-normal outlets. \* \* \* \* \* 0 12. Section 989.61 is revised to read as follows: Sec. 989.61 Above parity situations. The provisions of this part relating to minimum grade, quality, and condition standards and inspection requirements, within the meaning of section 2(3) of the Act, and any other provisions pertaining to the administration and enforcement of the Order, shall continue in effect irrespective of whether the estimated season average price to producers for raisins is in excess of the parity level specified in section 2(1) of the Act. 0 13. Remove the undesignated heading ``Volume Regulation'' prior to Sec. 989.65 Sec. Sec. 989.65, 989.66, and 989.67 [Removed and reserved] 0 14. Sections 989.65, 989.66, and 989.67 are removed and reserved. Sec. 989.70 [Redesignated as Sec. 989.96] 0 15. Redesignate Sec. 989.70 as Sec. 989.96 Sec. Sec. 989.71 and 989.72 [Removed and reserved] 0 16. Sections 989.71 and 989.72 are removed and reserved. 0 17. Amend Sec. 989.73 by revising paragraph (b) to read as follows: Sec. 989.73 Reports. \* \* \* \* \* (b) Acquisition reports. Each handler shall submit to the Committee in accordance with such rules and procedures as are prescribed by the Committee, with the approval of the Secretary, certified reports, for such periods as the Committee may require, with respect to his acquisitions of each varietal type of raisins during the particular period covered by such report, which report shall include, but not be limited to: (1) The total quantity of standard raisins acquired; (2) The total quantity of off-grade raisins acquired pursuant to Sec. 989.58(e)(1)(i); and (3) Cumulative totals of such acquisitions from the beginning of the then current crop ***year*** to and including the end of the period for which the report is made. Upon written application made to the Committee, a handler may be relieved of submitting such reports after completing his packing operations for the season. Upon request of the Committee, each handler shall furnish to the Committee, in such manner and at such times as it may require, the name and address of each person from whom he acquired raisins and the quantity of each varietal type of raisins acquired from each such person. \* \* \* \* \* 0 18. Section 989.79 is revised to read as follows: Sec. 989.79 Expenses. The Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop ***year***, for the maintenance and functioning of the Committee and for such purposes as he may, pursuant to this subpart, determine to be appropriate. The funds to cover such expenses shall be obtained levying assessments as provided in Sec. 989.80 The Committee shall file with the Secretary for each crop ***year*** a proposed budget of these expenses and a proposal as to the assessment rate to be fixed pursuant to Sec. 989.80, together with a report thereon. Such filing shall be not later than October 5 of the crop ***year***, but this date may be extended by the Committee not more than 5 days if warranted by a late crop. 0 19. In Sec. 989.80, revise paragraphs (a) through (c) to read as follows: Sec. 989.80 Assessments. (a) Each handler shall pay to the Committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during each crop ***year*** less any amounts credited pursuant to Sec. 989.53 Such handler's pro rata share of such expenses shall be equal to the ratio between the total raisin tonnage acquired by such handler during the applicable crop ***year*** and the total raisin tonnage acquired by all handlers during the same crop ***year***. (b) Each handler who reconditions off-grade raisins but does not acquire the standard raisins recovered therefrom shall, with respect to his assessable portion of all such standard raisins, pay to the Committee, upon demand, his pro rata share of the expenses which the Secretary finds will be incurred by the Committee each crop ***year***. Such handler's pro rata share of such expenses shall be equal to the ratio between the handler's assessable portion (which shall be a quantity equal to such handler's standard raisins which are acquired by some other handler or handlers) during the applicable crop ***year*** and the total raisin tonnage acquired by all handlers. (c) The Secretary shall fix the rate of assessment to be paid by all handlers on [[Page 53972]] the basis of a specified rate per ton. At any time during or after a crop ***year***, the Secretary may increase the rate of assessment to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the Committee. Each handler shall pay such additional assessment to the Committee upon demand. In order to provide funds to carry out the functions of the Committee, the Committee may accept advance ***payments*** from any handler to be credited toward such assessments as may be levied pursuant to this section against such handler during the crop ***year***. The ***payment*** of assessments for the maintenance and functioning of the Committee, and for such purposes as the Secretary may pursuant to this subpart determine to be appropriate, may be required under this part throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative. \* \* \* \* \* Sec. 989.82 [Removed and reserved] 0 20. Section 989.82 is removed and reserved. 0 21. Section 989.84 is revised to read as follows: Sec. 989.84 Disposition limitation. No handler shall dispose of standard raisins, off-grade raisins, or other failing raisins, except in accordance with the provisions of this subpart or pursuant to regulations issued by the committee. 0 22. In Sec. 989.91: 0 a. Redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively; and 0 b. Add new paragraph (c). The addition reads as follows: Sec. 989.91 Suspension or termination. \* \* \* \* \* (c) No less than five crop ***years*** and no later than six crop ***years*** after the effective date of this amendment, the Secretary shall conduct a referendum to ascertain whether continuance of this part is favored by producers. Subsequent referenda to ascertain continuance shall be conducted every six crop ***years*** thereafter. The Secretary may terminate the provisions of this part at the end of any crop ***year*** in which the Secretary has found that continuance of this part is not favored by a two-thirds majority of voting producers, or a two-thirds majority of volume represented thereby, who, during a representative period determined by the Secretary, have been engaged in the production for market of grapes used in the production of raisins in the State of California. Such termination shall be announced on or before the end of the crop ***year***. \* \* \* \* \* Subpart Redesignated as Subpart B and Amended 0 23. Redesignate ``Subpart-Administrative Rules and Regulations'' as subpart B and revise the heading to read as follows: Subpart B--Administrative Requirements 0 24. Section 989.129 is revised to read as follows: Sec. 989.129 Voting at nomination meetings. Any person (defined in Sec. 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of grapes which are sun- dried or dehydrated by artificial means to produce raisins and who qualifies under the provisions of Sec. 989.29(b)(2) shall be eligible to cast one ballot for a nominee for each producer member position and one ballot for a nominee for each producer alternate member position on the committee which is to be filled for his district. Such person must be the one who or which: Owns and farms land resulting in his or its ownership of such grapes produced thereon; rents and farms land, resulting in his or its ownership of all or a portion of such grapes produced thereon; or owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of such grapes or the raisins. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, or under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district. 0 25. Remove the undesignated heading ``Marketing Policy'' prior to Sec. 989.154 Sec. Sec. 989.154 and 989.156 [Removed and reserved] 0 26. Sections 989.154 and 989.156 are removed and reserved. 0 27. Section 989.158(c)(4)(i) is revised to read as follows: Sec. 989.158 Natural condition raisins. \* \* \* \* \* (c) \* \* \* (4) \* \* \* (i) The handler shall notify the inspection service at least one business day in advance of the time such handler plans to begin reconditioning each lot of raisins, unless a shorter period is acceptable to the inspection service. Such notification shall be provided verbally or by other means of communication, including email. Natural condition raisins which have been reconditioned shall continue to be considered natural condition raisins for purposes of reinspection (inspection pursuant to Sec. 989.58(d)) after such reconditioning has been completed, if no water or moisture has been added; otherwise, such raisins shall be considered as packed raisins. The weight of the raisins reconditioned successfully shall be determined by reweighing, except where a lot, before reconditioning, failed due to excess moisture only. The weight of such raisins resulting from reconditioning a lot failing account excess moisture may be determined by deducting 1.2 percent of the weight for each percent of moisture in excess of the allowable tolerance. When necessary due to the presence of sand, as determined by the inspection service, the requirement for deducting sand tare and the manner of its determination, as prescribed in paragraph (a)(1) of this section, shall apply in computing the net weight of any such successfully reconditioned natural condition raisins. The weight of the reconditioned raisins acquired as packed raisins shall be adjusted to natural condition weight by the use of factors applicable to the various degrees of processing accomplished. The applicable factor shall be that selected by the inspector of the reconditioned raisins from among factors established by the Committee with the approval of the Secretary. \* \* \* \* \* 0 28. Remove the undesignated heading ``Volume Regulation'' prior to Sec. 989.166 [[Page 53973]] Sec. Sec. 989.166 and 989.167 [Removed and reserved] 0 29. Sections 989.166 and 989.167 are removed and reserved. 0 30. In Sec. 989.173: 0 a. Remove paragraphs (b)(2)(ii), (f), and (g)(1)(ii); 0 b. Redesignate paragraphs (b)(2)(iii) and (g) as paragraphs (b)(2)(ii) and (f), respectively; 0 c. Redesignate newly designated paragraph (f)(1)(iii) as paragraph (f)(1)(ii); and 0 d. Revise paragraphs (a), (b)(2)(i), newly redesignated paragraph (b)(2)(ii), (c)(1) introductory text, (d)(1) introductory text, (d)(1)(v), and newly redesignated paragraphs (f)(1)(i), (f)(2)(i), and (f)(3) introductory text. The revisions read as follows: Sec. 989.173 Reports. (a) Inventory reports. Each handler shall submit to the Committee as of the close of business on July 31 of each crop ***year***, and not later than the following August 6, an inventory report which shall show, with respect to each varietal type of raisins held by such handler, the quantity of off-grade raisins segregated as to those for reconditioning and those for disposition as such. Provided, That, for the Other Seedless varietal type, handlers shall report the information required in this paragraph separately for the different types of Other Seedless raisins. Upon request by the Committee, each handler shall file at other times, and as of other dates, any of the said information which may reasonably be necessary and which the Committee shall specify in its request. (b) \* \* \* (2) \* \* \* (i) The total net weight of the standard raisins acquired during the reporting period; and (ii) The cumulative totals of such acquisitions from the beginning of the then current crop ***year***. \* \* \* \* \* (c) \* \* \* (1) Each month each handler who is not a processor shall furnish to the Committee, on an appropriate form provided by the Committee and so that it is received by the Committee not later than the seventh day of the month, a report showing the aggregate quantity of each varietal type of packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by such handler during the preceding month (exclusive of ***transfers*** within the State of California between plants of any such handler and from such handler to other handlers): Provided, That, for the Other Seedless varietal type, handlers shall report such information for the different types of Other Seedless raisins. Such required information shall be segregated as to: \* \* \* \* \* (d) \* \* \* (1) Any handler who ***transfers*** raisins to another handler within the State of California shall submit to the Committee not later than five ***calendar*** days following such ***transfer*** a report showing: \* \* \* \* \* (v) If packed, the ***transferring*** handler shall certify that such handler is ***transferring*** only acquired raisins that meet all applicable marketing order requirements, including reporting, incoming inspection, and assessments. \* \* \* \* \* (f) \* \* \* (1) \* \* \* (i) The quantity of raisins, segregated as to locations where they are stored and whether they are natural condition or packed; \* \* \* \* \* (2) \* \* \* (i) The total net weight of the standard raisins acquired during the reporting period; and \* \* \* \* \* (3) Disposition report of organically-produced raisins. No later than the seventh day of each month, handlers who are not processors shall submit to the Committee, on an appropriate form provided by the Committee, a report showing the aggregate quantity of packed raisins and standard natural condition raisins which were shipped or otherwise disposed of by such handler during the preceding month (exclusive of ***transfer*** within the State of California between the plants of any such handler and from such handler to other handlers). Such information shall include: \* \* \* \* \* Subpart Redesignated as Subpart C and Amended 0 31. Redesignate ``Subpart-Supplementary Regulations'' as subpart C and revise the heading to read as follows: Subpart C--Supplementary Requirements 0 32. In Sec. 989.210: 0 a. Remove paragraphs (b), (c) and (e); 0 b. Redesignate paragraph (d) as (b), paragraph (f) as (c), and paragraph (g) as (d); and 0 c. Revise newly redesignated paragraph (b). The revisions read as follows: Sec. 989.210 Handling of varietal types of raisins acquired pursuant to a weight dockage system. \* \* \* \* \* (b) Assessments. Assessments on any lot of raisins of the varietal types specified in paragraph (a) of this section acquired by a handler pursuant to a weight dockage system shall be applicable to the creditable weight of such lot. \* \* \* \* \* Sec. Sec. 989.221 and 989.257 [Removed and reserved] 0 33. Sections 989.221 and 989.257 are removed and reserved. Subpart Redesignated as Subpart D 0 34. Designate the subpart labeled ``Subpart-Assessment Rates'' as subpart D. Subpart Removed 0 35. Subpart--Schedule of ***Payments*** is removed. Subpart Redesignated as Subpart E 0 36. Designate the subpart labeled ``Conversion Factors'' as subpart E. Subpart Redesignated as Subpart F 0 37. Designate the subpart labeled ``Quality Control'' as subpart F. Subpart Redesignated as Subpart G 0 38. Designate the subpart labeled ``Antitrust Immunity and Liability'' as subpart G. 0 39. In part 989 revise all references to ``offgrade'' to read ``off- grade'' and revise all references to ``Offgrade'' to read ``Off- grade''. 0 40. In part 989 revise all references to ``nonnormal'' read ``non- normal.'' 0 41. In part 989 revise all references to ``committee'' to read ``Committee.'' Sec. Sec. 989.58, 989.59, and 989.102 [Amended] 0 42. In the list below, for each section indicated in the left column, remove the title indicated in the middle column from wherever it appears in the section, and add the title indicated in the right column: [[Page 53974]] ------------------------------------------------------------------------ Section Remove Add ------------------------------------------------------------------------ 989.58(d)(1)............... Processed Products Specialty Crops Standardization and Inspection Inspection Branch. Division. 989.59(d).................. Processed Products Specialty Crops Standardization and Inspection Inspection Branch. Division. 989.102 ................... Processed Products Specialty Crops Branch, Fruit and Inspection Vegetable Division. Division. ------------------------------------------------------------------------ Dated: October 17, 2018. Bruce Summers, Administrator, ***Agricultural*** Marketing Service. [FR Doc. 2018-23089 Filed 10-25-18; 8:45 am] BILLING CODE 3410-02-P

**Load-Date:** October 30, 2018

**End of Document**



[***FEDERAL REGISTER: Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019 Pages 58486 - 58527 [FR DOC # 2017-26426]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5R5J-9HW1-JDG9-Y1M8-00000-00&context=1516831)

Impact News Service

December 12, 2017 Tuesday

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**Length:** 51266 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

Environmental Protection Agency ----------------------------------------------------------------------- 40 CFR Part 80 Renewable Fuel Standard ***Program***: Standards for 2018 and Biomass-Based Diesel Volume for 2019; Rule Federal Register / Vol. 82 , No. 237 / Tuesday, December 12, 2017 / Rules and Regulations [[Page 58486]] ----------------------------------------------------------------------- ENVIRONMENTAL PROTECTION AGENCY 40 CFR Part 80 [EPA-HQ-OAR-2017-0091; FRL-9971-73-OAR] RIN 2060-AT04 Renewable Fuel Standard ***Program***: Standards for 2018 and Biomass- Based Diesel Volume for 2019 AGENCY: Environmental Protection Agency (EPA). ACTION: Final rule. ----------------------------------------------------------------------- SUMMARY: Under section 211 of the Clean Air Act, the Environmental Protection Agency (EPA) is required to set renewable fuel percentage standards every ***year***. This action establishes the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel produced or imported in the ***year*** 2018. Relying on statutory waiver authority that is available when projected cellulosic biofuel production volumes are less than the applicable volume specified in the statute, the EPA is establishing volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel that are below the statutory volume targets.

In this action, we are also establishing the applicable volume of biomass-based diesel for 2019. DATES: This final rule is effective on February 12, 2018. ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2017-0091. All documents in the docket are listed on the [*http://www.regulations.gov*](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g , CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through   [*http://www.regulations.gov*](http://www.regulations.gov) FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734-214-4131; email address: [*macallister.julia@epa.gov*](mailto:macallister.julia@epa.gov) SUPPLEMENTARY INFORMATION: Entities potentially affected by this final rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol, biodiesel, renewable diesel, and biogas. Potentially regulated categories include: -------------------------------------------------------------------------------------------------------------------------------------------------------- NAICS 1 codes SIC 2 codes Category Examples of potentially regulated entities -------------------------------------------------------------------------------------------------------------------------------------------------------- Industry.............................. 324110 2911 Petroleum Refineries. Industry.............................. 325193 2869 Ethyl alcohol manufacturing. Industry.............................. 325199 2869 Other basic organic chemical manufacturing. Industry.............................. 424690 5169 Chemical and allied products merchant wholesalers. Industry.............................. 424710 5171 Petroleum bulk stations and terminals. Industry.............................. 424720 5172 Petroleum and petroleum products merchant wholesalers. Industry.............................. 221210 4925 Manufactured gas production and distribution. Industry.............................. 454319 5989 Other fuel dealers. -------------------------------------------------------------------------------------------------------------------------------------------------------- \1\ North American Industry Classification System (NAICS). \2\ Standard Industrial Classification (SIC) system code. This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity would be regulated by this action, you should carefully examine the applicability criteria in 40 CFR part 80. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the FOR FURTHER INFORMATION CONTACT section. Outline of This Preamble I. Executive Summary A. Purpose of This Action B. Summary of Major Provisions in This Action 1. Approach to Setting Volume Requirements 2. Cellulosic Biofuel 3. Advanced Biofuel 4. Total Renewable Fuel 6. 2019 Biomass-Based Diesel 7. Annual Percentage Standards II. Authority and Need for Waiver of Statutory Applicable Volumes A. Statutory Authorities for Reducing Volume Targets 1. Cellulosic Waiver Authority 2. General Waiver Authority B. Treatment of Carryover RINs 1. Updated Projection of Carryover RIN Volume 2. EPA's Decision Regarding the Treatment of Carryover RINs III. Cellulosic Biofuel Volume for 2018 A. Statutory Requirements B. Cellulosic Biofuel Industry Assessment 1. Potential Domestic Producers 2. Potential Foreign Sources of Cellulosic Biofuel 3. Summary of Volume Projections for Individual Companies C. Projection from the Energy Information Administration D. Cellulosic Biofuel Volume for 2018 1. Liquid Cellulosic Biofuel 2. CNG/LNG Derived From Biogas 3. Total Cellulosic Biofuel in 2018 IV. Advanced Biofuel and Total Renewable Fuel Volumes for 2018 A. Volumetric Limitation on Use of the Cellulosic Waiver Authority B. Reasonably Attainable Volumes of Advanced Biofuel 1. Imported Sugarcane Ethanol 2. Biodiesel and Renewable Diesel 3. Other Advanced Biofuel 4. Total Advanced Biofuel C. Exercise of Cellulosic Waiver Authority for Advanced Biofuel D. Exercise of Cellulosic Waiver Authority for Total Renewable Fuel E. Impacts of 2018 Standards on Costs 1. Illustrative Cost Savings Associated With Reducing Statutory Cellulosic Volumes 2. Illustrative Cost Analysis of Advanced Biofuels Using 2017 as the Baseline V. Consideration of Additional Reductions Using Other Waiver Authorities A. Inadequate Domestic Supply B. Severe Economic Harm C. Severe Environmental Harm D. Biomass-Based Diesel Waiver Authority VI. Final Biomass-Based Diesel Volume for 2019 A. Statutory Requirements B. Determination of the 2019 Applicable Volume of Biomass-Based Diesel C. Consideration of Statutory Factors set forth in CAA Section 211(o)(2)(B)(ii)(I)-(VI) for 2019 VII. Percentage Standards for 2018 A. Calculation of Percentage Standards B. Small Refineries and Small Refiners C. Final Standards VIII. Administrative Actions A. Assessment of the Domestic Aggregate Compliance Approach [[Page 58487]] B. Assessment of the Canadian Aggregate Compliance Approach C. RIN Market Operation IX. Public Participation X. Statutory and Executive Order Reviews A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs C. Paperwork Reduction Act (PRA) D. Regulatory Flexibility Act (RFA) E. Unfunded Mandates Reform Act (UMRA) F. Executive Order 13132: Federalism G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use J. National Technology ***Transfer*** and Advancement Act (NTTAA) K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations L. Congressional Review Act (CRA) XI. Statutory Authority I. Executive Summary The Renewable Fuel Standard (RFS) ***program*** began in 2006 pursuant to the requirements in Clean Air Act (CAA) section 211(o) that were added through the Energy Policy Act of 2005 (EPAct). The statutory requirements for the RFS ***program*** were subsequently modified through the Energy Independence and Security Act of 2007 (EISA), leading to the publication of major revisions to the regulatory requirements on March 26, 2010.\1\ EISA's stated goals include moving the United States (U.S) toward ``greater energy independence and security [and] to increase the production of clean renewable fuels.'' Today, nearly all gasoline used for transportation purposes contains 10 percent ethanol (E10), and on average diesel fuel contains more than 4 percent biodiesel and/or renewable diesel.\2\ --------------------------------------------------------------------------- \1\ 75 FR 14670, March 26, 2010. \2\ Average biodiesel and/or renewable diesel blend percentages based on EIA's October 2017 Short Term Energy Outlook (STEO). --------------------------------------------------------------------------- The statute includes annual volume targets, and requires EPA to translate those volume targets (or alternative volume requirements established by EPA in accordance with statutory waiver authorities) into compliance obligations that obligated parties must meet every ***year***. In this action, we are establishing the annual percentage standards for cellulosic biofuel, biomass-based diesel (BBD), advanced biofuel, and total renewable fuel that would apply to all gasoline and diesel produced or imported in 2018. We are also establishing the applicable volume of BBD for 2019. Real-world challenges, in particular the slower-than-expected development of the cellulosic biofuel industry, has slowed progress towards meeting Congressional goals for renewable fuels. Given the nested nature of the standards, the shortfall in cellulosic biofuels has made the volume targets established by Congress for 2018 for advanced biofuels and total renewable fuels beyond reach. On July 21, 2017, EPA published a proposed rulemaking, containing proposed volume requirements for the RFS ***Program***'s four categories of renewable fuels that would apply in 2018 (and 2019 for BBD).\3\ On August 1, EPA hosted a public hearing on the proposed rule, and EPA received over 235,000 written comments on the proposed rule as well. On October 4, 2017 (82 FR 46174), EPA published an ``Availability of Supplemental Information; Request for Further Comment,'' (hereinafter, ``October 4 document'') seeking further comment on the possible use of other waiver authorities in the final rule. Transcripts of the public hearing, along with all the comments received on the proposed rule and the October 4 document are available in the docket. After careful review of the information before us we are finalizing volume requirements for 2018 for cellulosic biofuel, advanced biofuel and total renewable fuel that are lower than the statutory targets, but nevertheless will ensure these renewable fuels will continue to play a critical role as a complement to our petroleum-based fuels. The final rule modifies the volume requirements slightly relative to the proposed rule, and in this notice we explain where and why such modifications were made. --------------------------------------------------------------------------- \3\ 82 FR 34206, July 21, 2017. --------------------------------------------------------------------------- In this action, we are finalizing volume requirements for cellulosic biofuel at the level we project to be available for 2018. We are using the ``cellulosic waiver authority'' provided by the statute to finalize volume requirements for advanced biofuel and total renewable fuel that are lower than the statutory targets by the same magnitude as the reduction in the cellulosic biofuel reduction (i.e , the volumes we are finalizing for cellulosic biofuel, advanced biofuel, and total renewable fuel are all 6.71 billion gallons lower than the statutory volumes). We are not reducing volumes through use of the general waiver authority or the biomass-based diesel waiver authority.\4\ We note that while we are reducing the required volume of total renewable fuel, advanced biofuel and cellulosic biofuel below statutory levels, the required volumes in this rule would achieve the implied statutory volumes for conventional biofuel \5\ and non- cellulosic advanced biofuel \6\ for 2018. --------------------------------------------------------------------------- \4\ See 42 U.S.C 7545(o)(7)(A)(i-ii). See also the discussion of the general waiver authority in Section II.A.2 below. \5\ Throughout this final rule conventional biofuel refers to biofuel that qualifies as renewable fuel, but does not qualify as an advanced biofuel. RINs generated for conventional biofuels have a D code of 6. \6\ Throughout this final rule non-cellulosic advanced biofuel refers to biofuel that qualifies as advanced biofuel, but does not qualify as cellulosic biofuel. RINs generated for non-cellulosic advanced biofuels have a D code of 4 or 5. --------------------------------------------------------------------------- The final volume requirements for 2018 are shown in Table I-1 below. Relative to the levels finalized for 2017, the 2018 volume requirements for advanced biofuel and total renewable fuel are higher by 10 million gallons. EPA is reducing the advanced biofuel and total renewable fuel statutory volumes by the same amount as we are reducing the cellulosic biofuel volume. These reductions effectively preserve the implied statutory volumes for conventional renewable fuel and non- cellulosic advanced biofuels. We are establishing the volume requirement for BBD for 2019 at the proposed volume of 2.1 billion gallons. Table I-1--Final Volume Requirements a ------------------------------------------------------------------------ 2018 2019 ------------------------------------------------------------------------ Cellulosic biofuel (million gallons).... 288 n/a Biomass-based diesel (billion gallons).. b 2.1 2.1 Advanced biofuel (billion gallons)...... 4.29 n/a [[Page 58488]] Renewable fuel (billion gallons)........ 19.29 n/a ------------------------------------------------------------------------ a All values are ethanol-equivalent on an energy content basis, except for BBD which is biodiesel-equivalent. \b\ The 2018 BBD volume requirement was established in the 2017 final rule (81 FR 89746, December 12, 2016). A. Purpose of This Action The national volume targets of renewable fuel that are intended to be achieved under the RFS ***program*** each ***year*** (absent an adjustment or waiver by EPA) are specified in CAA section 211(o)(2). The statutory volume targets for 2018 are shown in Table I.A-1, along with the 2017 targets for comparison. The cellulosic biofuel and BBD categories are nested within the advanced biofuel category, which is itself nested within the total renewable fuel category. This means, for example, that each gallon of cellulosic biofuel or BBD that is used to satisfy the individual volume requirements for those fuel types can also be used to satisfy the requirements for advanced biofuel and total renewable fuel. Table I.A-1--Applicable Volume Targets Specified in the Clean Air Act [Billion gallons] a ------------------------------------------------------------------------ 2017 2018 ------------------------------------------------------------------------ Cellulosic biofuel...................... 5.5 7.0 Biomass-based diesel.................... >=1.0 >=1.0 Advanced biofuel........................ 9.0 11.0 Renewable fuel.......................... 24.0 26.0 ------------------------------------------------------------------------ \a\ All values are ethanol-equivalent on an energy content basis, except values for BBD which are given in actual gallons. Under the RFS ***program***, EPA is required to determine and publish annual percentage standards for each compliance ***year***. The percentage standards are calculated to ensure use in transportation fuel of the national ``applicable volumes'' of the four types of biofuel (cellulosic biofuel, BBD, advanced biofuel, and total renewable fuel) that are set forth in the statute or established by EPA in accordance with the Act's requirements. The percentage standards are used by obligated parties (generally, producers and importers of gasoline and diesel fuel) to calculate their individual compliance obligations. Each of the four percentage standards is applied to the volume of non- renewable gasoline and diesel that each obligated party produces or imports during the specified ***calendar*** ***year*** to determine their individual volume obligations with respect to the four renewable fuel types. The individual volume obligations determine the number of Renewable Identification Numbers (RINs) of each renewable fuel type that each obligated party must acquire and retire to demonstrate compliance. EPA is establishing the annual applicable volume requirements for cellulosic biofuel, advanced biofuel, and total renewable fuel for 2018, and for BBD for 2019.\7\ Table I.A-2 lists the statutory provisions and associated criteria relevant to determining the national applicable volumes used to set the percentage standards in this final rule. --------------------------------------------------------------------------- \7\ The 2018 BBD volume requirement was established in the 2017 final rule. Table I.A-2--Statutory Provisions for Determination of Applicable Volumes ------------------------------------------------------------------------ Criteria provided in Clean Air Act statute for Applicable volumes reference determination of applicable volume ------------------------------------------------------------------------ Cellulosic biofuel............ 211(o)(7)(D)(i).. Required volume must be lesser of volume specified in CAA 211(o)(2)(B)(i)(III) or EPA's projected volume. 211(o)(7)(A)..... EPA in consultation with other federal agencies may waive the statutory volume in whole or in part if implementation would severely harm the economy or environment of a State, region, or the United States, or if there is an inadequate domestic supply. Biomass-based diesel.......... 211(o)(2)(B)(ii) Required volume for and (v). ***years*** after 2012 must be at least 1.0 billion gallons, and must be based on a review of implementation of the ***program***, coordination with other federal agencies, and an analysis of specified factors. 211(o)(7)(A)..... EPA in consultation with other federal agencies may waive the statutory volume in whole or in part if implementation would severely harm the economy or environment of a State, region, or the United States, or if there is an inadequate domestic supply. 211(o)(7)(E)..... EPA in consultation with other federal agencies shall issue a temporary waiver of applicable volumes of BBD where there is a significant feedstock disruption or other market circumstance that would make the price of BBD fuel increase significantly. When exercising this authority, EPA is also authorized to reduce the applicable volumes of advanced and total renewable fuel by the same or a lesser volume. [[Page 58489]] Advanced biofuel.............. 211(o)(7)(D)(i).. If applicable volume of cellulosic biofuel is reduced below the statutory volume to the projected volume, EPA may reduce the advanced biofuel and total renewable fuel volumes in CAA 211(o)(2)(B)(i)(I) and (II) by the same or lesser volume. No criteria specified. 211(o)(7)(A)..... EPA in consultation with other federal agencies may waive the statutory volume in whole or in part if implementation would severely harm the economy or environment of a State, region, or the United States, or if there is an inadequate domestic supply. 211(o)(7)(E)..... If applicable volume of biomass-based diesel is reduced, EPA may reduce the advanced biofuel and total renewable fuel volumes in CAA 211(o)(2)(B)(i)(I) and (II) by the same or lesser volume. Total renewable fuel.......... 211(o)(7)(D)(i).. If applicable volume of cellulosic biofuel is reduced below the statutory volume to the projected volume, EPA may reduce the advanced biofuel and total renewable fuel volumes in CAA 211(o)(2)(B)(i)(I) and (II) by the same or lesser volume. No criteria specified. 211(o)(7)(A)..... EPA in consultation with other federal agencies may waive the statutory volume in whole or in part if implementation would severely harm the economy or environment of a State, region, or the United States, or if there is an inadequate domestic supply. 211(o)(7)(E)..... If applicable volume of biomass-based diesel is reduced, EPA may reduce the advanced biofuel and total renewable fuel volumes in CAA 211(o)(2)(B)(i)(I) and (II) by the same or lesser volume. ------------------------------------------------------------------------ As shown in Table I.A-2, the statutory authorities allowing EPA to modify or set the applicable volumes differ for the four categories of renewable fuel. Under the statute, EPA must annually determine the projected volume of cellulosic biofuel production for the following ***year***. If the projected volume of cellulosic biofuel production is less than the applicable volume specified in CAA section 211(o)(2)(B)(i)(III) of the statute, EPA must lower the applicable volume used to set the annual cellulosic biofuel percentage standard to the projected production volume. In Section III of this final rule, we present our analysis of cellulosic biofuel production and the applicable volume for 2018. This analysis is based primarily on the estimate of cellulosic biofuel production for 2018 conducted by the Energy Information Administration (EIA),\8\ information reported to EPA through our Electronic Moderated Transaction System (EMTS), comments received on our proposed rule, and an evaluation of producers' production plans and progress to date following discussions with cellulosic biofuel producers. --------------------------------------------------------------------------- \8\ ``Letter from EIA to EPA on 2018 projected volumes,'' available in docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- With regard to BBD, CAA section 211(o)(2)(B) specifies the applicable volumes of BBD to be used in the RFS ***program*** only through ***year*** 2012. For subsequent ***years*** the statute sets a minimum volume of 1 billion gallons, and directs EPA, in coordination with the U.S Departments of ***Agriculture*** (USDA) and Energy (DOE), to determine the required volume after review of implementation of the renewable fuels ***program*** and consideration of a number of factors. The BBD volume requirement must be established 14 months before the ***year*** in which it will apply. In the 2017 final rule we established the BBD volume for 2018. In Section VI of this preamble we discuss our assessment of statutory and other relevant factors and our final volume requirement for BBD for 2019, which has been developed in coordination with USDA and DOE. We are establishing an applicable volume of 2.1 billion gallons of BBD for use in deriving the BBD percentage standard in 2019. This volume is equal to the applicable volume of BBD established in a prior rulemaking for 2018, and would provide continued support to an industry that is a significant contributor to the pool of advanced biofuel, while at the same time setting the volume requirement in a manner anticipated to provide a continued incentive for the development of other types of advanced biofuel. Regarding advanced biofuel and total renewable fuel, Congress provided several mechanisms through which the statutory targets could be reduced if necessary. If we reduce the applicable volume of cellulosic biofuel below the volume specified in CAA section 211(o)(2)(B)(i)(III), we also have the authority to reduce the applicable volumes of advanced biofuel and total renewable fuel by the same or a lesser amount. We refer to this as the ``cellulosic waiver authority.'' We may also reduce the applicable volumes of any of the four renewable fuel types using the ``general waiver authority'' provided in CAA section 211(o)(7)(A) if EPA, in consultation with USDA and DOE, finds that implementation of the statutory volumes would severely harm the economy or environment of a State, region, or the U.S , or if there is inadequate domestic supply. We are also authorized under CAA section 211(o)(7)(E) to reduce the applicable volume of BBD established for 2018, and to make equal or lesser reductions in the 2018 applicable volumes of advanced biofuel and total renewable fuel, if we determine that there is a significant renewable feedstock disruption or other market circumstance that would make the price of BBD increase significantly. Sections II and IV of this final rule describe our use of the cellulosic waiver authority alone to derive the volumes of advanced biofuel and total renewable fuel that are below the statutory target volumes, and our assessment that the resulting volumes can be met. We believe that reductions in the statutory targets for cellulosic biofuel, advanced biofuel and total renewable fuel for 2018 are necessary. However, in light of our review of available information, we are making those reductions under the cellulosic waiver authority alone and are not reducing them further under other waiver authorities. Thus, the reductions in both the advanced and total [[Page 58490]] renewable fuel standards are directly attributable to the significant shortfall in cellulosic biofuel production, as compared to the statutory targets. A discussion of our consideration of the general waiver authority and biomass-based diesel waiver authority to further reduce the required biofuel volumes in 2018 can be found in Section V. B. Summary of Major Provisions in This Action This section briefly summarizes the major provisions of this final rule. We are establishing applicable volume requirements and associated percentage standards for cellulosic biofuel, advanced biofuel, and total renewable fuel for 2018; for BBD we are establishing the percentage standard for 2018 and the applicable volume requirement for 2019. 1. Approach to Setting Volume Requirements The approach we have taken in this final rule of using the cellulosic waiver authority to reduce advanced biofuel and total renewable fuel by the same amount as the reduction in the required volume of cellulosic biofuel is the same approach as in our proposed rule, but is a departure from our approach to using the cellulosic biofuel waiver authority in previous ***years***. In previous ***years*** we have used the cellulosic waiver authority to reduce the advanced biofuel and total renewable fuel volume requirements by a lesser amount than the reduction in the cellulosic biofuel volume requirement to allow reasonably attainable volumes of advanced biofuels to partially backfill for missing cellulosic biofuel volumes. However, the approach we have taken for 2018 does not result in a reduction in the volume requirement for non-cellulosic advanced biofuel. While the implied statutory volume for non-cellulosic advanced biofuel increased by 500 million gallons from 2017 to 2018, through our 2017 action we effectively required early use of approximately 0.5 billion gallons of non-cellulosic advanced volume that Congress envisioned would be first used in 2018.\9\ Therefore, despite using the cellulosic waiver authority to reduce the volume of advanced biofuel by the same amount as cellulosic biofuel, the advanced biofuel volume requirement for 2018 is 10 million gallons higher than the advanced biofuel volume requirement in 2017. In this rule we are reducing all three volume requirements by the same amount after considering the greenhouse gas (GHG), energy security benefits, and anticipated costs of advanced biofuels that would occur at levels beyond those being finalized today. --------------------------------------------------------------------------- \9\ The statutory advanced biofuel and cellulosic biofuel requirements for 2018 are 11.0 and 7.0 billion gallons respectively. This implies a non-cellulosic advanced biofuel statutory volume of 4.0 billion gallons. The statutory advanced biofuel and cellulosic biofuel requirements for 2017 are 9.0 and 5.5 billion gallons respectively. This implies a non-cellulosic advanced biofuel statutory volume of 3.5 billion gallons. In 2017 EPA established required volumes of advanced biofuel and cellulosic biofuel of 4.28 billion and 311 million gallons respectively, implying a non- cellulosic advanced biofuel volume of 3.97 billion gallons. --------------------------------------------------------------------------- Section II provides a general description of our approach to setting volume requirements in today's rule, including a review of the statutory waiver authorities and our consideration of carryover RINs. Section III provides our assessment of the 2018 cellulosic biofuel volume, based on a projection of production that reflects a neutral aim at accuracy. Sections IV and V describe our assessments of advanced biofuel and total renewable fuel, and consideration of the general and biomass-based diesel waiver authorities. Finally, Section VI provides our determination regarding the 2019 BBD volume requirement, and reflects an analysis of a set of factors stipulated in CAA section 211(o)(2)(B)(ii). 2. Cellulosic Biofuel In the past several ***years*** the cellulosic biofuel industry has continued to make progress towards increased commercial scale production. Cellulosic biofuel production reached record levels in 2016 and has continued to grow throughout 2017, driven largely by compressed natural gas (CNG) and liquefied natural gas (LNG) derived from biogas. Liquid cellulosic biofuels, while produced in much smaller quantities than CNG/LNG derived from biogas, have been produced at steady but relatively small volumes throughout 2017. In this rule we are establishing a cellulosic biofuel volume requirement of 288 million ethanol-equivalent gallons for 2018 based on our production projection. Our projection reflects consideration of a production estimate from EIA, RIN generation data available to EPA through EMTS, comments we received on the proposed rule, the information we have received regarding individual facilities' capacities, production start dates and biofuel production plans, a review of cellulosic biofuel production relative to EPA's projections in previous annual rules, and EPA's own engineering judgment. To project cellulosic biofuel production for 2018 we used the same basic methodology described in the proposed rule. However, we have used updated data to derive percentile values used in our production projection for liquid cellulosic biofuels and to derive the ***year***-over-***year*** change in the rate of production of CNG/LNG derived from biogas that is used in the projection for CNG/LNG. (See Section III for further detail on the methodology used to project cellulosic biofuel production.) In estimating the volume of liquid cellulosic biofuel that will be made available in the U.S in 2018, we considered all potential production sources by company and facility. This included facilities still in the commissioning or start-up phases, as well as facilities already producing some volume of cellulosic biofuel.\10\ From this universe of potential liquid cellulosic biofuel sources, we identified the subset that is expected to produce commercial volumes of qualifying liquid cellulosic biofuel for use as transportation fuel, heating oil, or jet fuel by the end of 2018. To arrive at projected volumes, we collected relevant information on each facility. We then developed projected production ranges based on factors such as progress towards construction and production goals, facility registration status, production volumes achieved, and other significant factors that could potentially impact fuel production or the ability of the produced fuel to qualify for cellulosic biofuel RINs. We also used this information to group these companies based on production history and to select a value within the aggregated projected production ranges that we believe best represents the most likely production volume from each group of companies in 2018. --------------------------------------------------------------------------- \10\ Facilities primarily focused on research and development (R&D) were not t

he focus of our assessment, as production from these facilities represents very small volumes of cellulosic biofuel, and these facilities typically have not generated RINs for the fuel they have produced. --------------------------------------------------------------------------- For 2018, we are using an industry wide, rather than a facility-by- facility approach to project the production of CNG/LNG derived from biogas. We believe this approach is appropriate due to the mature state of this technology, the large number of facilities that are registered to produce cellulosic biofuel RINs for these fuels, and the fact that their volumes are likely to be affected more by market wide factors than individual company situations. Further discussion on our projection of cellulosic biofuel production in 2018, including the factors considered and the way these factors were used to determine our final cellulosic biofuel projection, can be found in Section III. [[Page 58491]] 3. Advanced Biofuel We are finalizing required advanced biofuel requirements using the same approach used in the July proposed rulemaking. As was the case at the time of proposal, the conditions that compelled us to reduce the 2017 volume requirement for advanced biofuel below the statutory target remain relevant in 2018. As for 2017, we investigated the ability of volumes of non-cellulosic advanced biofuels to backfill unavailable volumes of cellulosic biofuel in 2018. We took into account the various constraints on the ability of the market to make advanced biofuels available, the ability of the standards we set to bring about market changes in the time available, the potential impacts associated with diverting biofuels and/or biofuel feedstocks from current use to the production of advanced biofuel used in the U.S , the fact that the biodiesel tax credit is currently not available for 2018, the proposed countervailing duties on imports of biodiesel from Argentina and Indonesia, as well as the cost of advanced biofuels. Based on these considerations we have decided to reduce the applicable volume of advanced biofuel by the same amount as we are reducing the applicable volume of cellulosic biofuels. This results in an advanced biofuel volume for 2018 that is 10 million gallons higher than the advanced biofuel volume for 2017. Although we determined that a small amount of reasonably attainable volumes of advanced biofuel could be used to backfill a portion of the missing cellulosic biofuel, for reasons described in Section IV, we are not exercising the discretion provided under the cellulosic waiver authority in a manner that would lead to that result. As mentioned above, we are exercising our cellulosic waiver authority to reduce the statutory applicable volume of advanced biofuel to a volume requirement of 4.29 billion gallons for 2018. This applicable volume for 2018 is 10 million gallons higher than the applicable volume for advanced biofuel for 2017. 4. Total Renewable Fuel Following our determination of the appropriate volume reduction for advanced biofuel for 2018 using the cellulosic waiver authority, we calculated what the total renewable fuel volume would be if we provide the same level of reduction using the cellulosic waiver authority. The resulting volume is 19.29 billion gallons. 5. Other Waiver Authorities We have evaluated whether additional reductions in cellulosic biofuel, biomass-based diesel, advanced biofuel, or total renewable fuel are warranted for 2018 using either the general waiver authority or the BBD waiver authority and have determined that additional reductions are not warranted at this time. 6. 2019 Biomass-Based Diesel In EISA, Congress specified increasing applicable volumes of BBD through 2012. Beyond 2012 Congress stipulated that EPA, in coordination with DOE and USDA, was to establish the BBD volume taking into consideration implementation of the ***program*** to date and various specified factors, providing that the required volume for BBD could not be less than 1.0 billion gallons. For 2013, EPA established an applicable volume of 1.28 billion gallons. For 2014 and 2015 we established the BBD volume requirement to reflect the actual volume for each of these ***years*** of 1.63 and 1.73 billion gallons.\11\ For 2016 and 2017, we set the BBD volume requirements at 1.9 and 2.0 billion gallons respectively. Finally, for 2018 the BBD volume requirement was set at 2.1 billion gallons. We proposed to maintain this level for 2019. --------------------------------------------------------------------------- \11\ The 2015 BBD standard was based on actual data for the first 9 months of 2015 and on projections for the latter part of the ***year*** for which data on actual use was not available at the time. --------------------------------------------------------------------------- Given current and recent market conditions, the advanced biofuel volume requirement is driving the production and use of biodiesel and renewable diesel volumes over and above volumes required through the separate BBD standard, and we expect this to continue. For 2019, EPA continues to believe that it would still be appropriate to provide a floor above the statutory minimum of 1 billion gallons to provide a guaranteed level of support for the continued production and use of BBD. However, we also believe that the volume of BBD supplied in previous ***years*** demonstrates that the advanced biofuel standard is capable of incentivizing additional supply of these fuels above the volume required by the BBD standard. Thus, based on a review of the implementation of the ***program*** to date and all the factors required under the statute, and in coordination with USDA and DOE, we are finalizing an applicable volume of BBD for 2019 at the proposed volume of 2.1 billion gallons. 7. Annual Percentage Standards The renewable fuel standards are expressed as a volume percentage and are used by each producer and importer of fossil-based gasoline or diesel to determine their renewable fuel volume obligations. Four separate percentage standards are required under the RFS ***program***, corresponding to the four separate renewable fuel categories shown in Table I.A-1. The specific formulas we use in calculating the renewable fuel percentage standards are contained in the regulations at 40 CFR 80.1405 The percentage standards represent the ratio of the national applicable volume of renewable fuel volume to the national projected non-renewable gasoline and diesel volume less any gasoline and diesel attributable to small refineries granted an exemption prior to the date that the standards are set. The volume of transportation gasoline and diesel used to calculate the percentage standards was based on a letter provided to the EPA by EIA, as required by statute.\12\ The percentage standards for 2018 are shown in Table I.B.7-1. Detailed calculations can be found in Section VII, including the projected gasoline and diesel volumes used. --------------------------------------------------------------------------- \12\ ``Letter from EIA to EPA on 2018 projected volumes,'' available in docket EPA-HQ-OAR-2017-0091. Table I.B.7-1--Final 2018 Percentage Standards ------------------------------------------------------------------------ ------------------------------------------------------------------------ Cellulosic biofuel...................................... 0.159% Biomass-based diesel.................................... 1.74% Advanced biofuel........................................ 2.37% Renewable fuel.......................................... 10.67% ------------------------------------------------------------------------ 8. Assessment of Aggregate Compliance By November 30 of each ***year*** we are required to assess the status of the aggregate compliance approach to land use restrictions under the definition of renewable biomass for both the U.S and Canada. In today's action we are providing the final announcements for these administrative actions. As described in Section VIII.A, based on data provided by the USDA and using the methodology in place since 2014, we have estimated that U.S ***agricultural*** land totaled approximately 376 million acres in 2017 and thus did not exceed the 2007 baseline acreage. This assessment means that the aggregate compliance provision can continue to be used in the U.S for ***calendar*** ***year*** 2018. On September 29, 2011, EPA approved the use of a similar aggregate compliance approach for planted crops and crop residue grown in Canada. As [[Page 58492]] described in Section VIII.B, based on data provided by Canada, we have estimated that Canadian ***agricultural*** land totaled approximately 117.8 million acres in 2017 and thus did not exceed the 2007 baseline acreage. This assessment means that the aggregate compliance provision can continue to be used in Canada for ***calendar*** ***year*** 2018. II. Authority and Need for Waiver of Statutory Applicable Volumes The CAA provides EPA with the authority to enact volume requirements below the applicable volume targets specified in the statute under specific circumstances. This section discusses those authorities. A. Statutory Authorities for Reducing Volume Targets In CAA section 211(o)(2), Congress specified increasing annual volume targets for total renewable fuel, advanced biofuel, and cellulosic biofuel for each ***year*** through 2022, and for BBD through 2012, and authorized EPA to set volume requirements for subsequent ***years*** in coordination with USDA and DOE, and after consideration of specified factors. However, Congress also recognized that under certain circumstances it would be appropriate for EPA to set volume requirements at a lower level than reflected in the statutory volume targets, and thus provided waiver provisions in CAA section 211(o)(7). 1. Cellulosic Waiver Authority Section 211(o)(7)(D)(i) of the CAA provides that if EPA determines that the projected volume of cellulosic biofuel production for a given ***year*** is less than the applicable volume specified in the statute, that EPA must reduce the applicable volume of cellulosic biofuel required to the projected production volume for that ***calendar*** ***year***. In making this projection, EPA may not ``adopt a methodology in which the risk of overestimation is set deliberately to outweigh the risk of underestimation'' and must make a projection that ``aims at accuracy.'' API v. EPA, 706 F.3d 474, 479 (D.C Cir. 2013). Pursuant to this provision, EPA has set the cellulosic biofuel requirement lower than the statutory volumes for each ***year*** since 2010. As described in Section III.D, the projected volume of cellulosic biofuel production for 2018 is less than the 7.0 billion gallon volume target in the statute. Therefore, for 2018, we are setting the cellulosic biofuel volume requirement at a level lower than the statutory applicable volume, in accordance with this provision. CAA section 211(o)(7)(D)(i) also provides EPA with the authority to reduce the applicable volume of total renewable fuel and advanced biofuel in ***years*** when it reduces the applicable volume of cellulosic biofuel under that provision. The reduction must be less than or equal to the reduction in cellulosic biofuel. For 2018, we are also reducing the applicable volumes of advanced biofuel and total renewable fuel under this authority. The cellulosic waiver authority is discussed in detail in the preamble to the 2017 final rule and that discussion is incorporated by reference.\13\ See also, API v. EPA, 706 F.3d 474 (D.C Cir. 2013) (requiring that EPA's cellulosic biofuel projections reflect a neutral aim at accuracy), Monroe Energy v. EPA, 750 F.3d 909 (D.C Cir. 2014) (affirming EPA's broad discretion under the cellulosic waiver authority to reduce volumes of advanced biofuel and total renewable fuel), and Americans for Clean Energy v. EPA (``ACE''), 864 F.3d 691 (D.C Cir. 2017) (discussed below). --------------------------------------------------------------------------- \13\ See 81 FR 89752-89753 (December 12, 2016). --------------------------------------------------------------------------- In ACE, the court evaluated EPA's use of the cellulosic waiver authority in the 2014-2016 annual rulemaking to reduce the advanced biofuel and total renewable fuel volumes for 2014, 2015, and 2016. There, EPA used the cellulosic waiver authority to reduce the standard for advanced biofuel to a volume that was reasonably attainable, and then provided a comparable reduction under this authority for total renewable fuel.\14\ The Court of Appeals for the District of Columbia, relying on the analysis in Monroe Energy, reaffirmed that EPA enjoys ``broad discretion'' under the cellulosic waiver authority ``to consider a variety of factors--including demand-side constraints in the advanced biofuels market.'' \15\ The Court noted that the only textual limitation on the use of the cellulosic waiver authority is that it cannot exceed the amount of the reduction in cellulosic biofuel.\16\ The Court contrasted the general waiver authority under CAA section 211(o)(7)(A) and the biomass based diesel waiver authority under CAA section 211(o)(7)(E), which ``detail the considerations and procedural steps that EPA must take before waiving fuel requirements,'' with the cellulosic waiver authority, which identifies no factors regarding reductions in advanced and total renewable fuel other than the limitation that any such reductions may not exceed the reduction in cellulosic biofuel volumes.\17\ The Court also concluded that the scope of EPA's discretionary authority to reduce advanced and total volumes is the same under the cellulosic waiver provision whether EPA is declining to exercise its authority to waive volumes, or choosing to do so.\18\ --------------------------------------------------------------------------- \14\ See 80 FR 77433-34 (December 14, 2015). \15\ ACE at 730. \16\ Id. at 733. \17\ Id. \18\ Id. --------------------------------------------------------------------------- In this action we are reducing the statutory volume targets for advanced biofuels and total renewable fuel by equal amounts, as was our approach in using the cellulosic waiver authority in setting the 2014- 2017 standards. EPA's reasoning for an equal reduction is explained in the 2017 final rule.\19\ We have made a determination, as described in Section IV, that the applicable volume for advanced biofuels specified in the statute for 2018 cannot be achieved and we are exercising our cellulosic waiver authority to lower the applicable volume of advanced biofuel, and to provide an equal reduction in the applicable volume of total renewable fuel. In addition, we have determined that there is likely to be adequate supply to satisfy the total renewable fuel volume derived through applying an equal volume reduction as for advanced biofuel as discussed in Section V. Therefore, we have determined that no further reductions of the total renewable fuel volume requirement are necessary to address supply concerns.\20\ The resulting volumes of advanced and total renewable fuel resulting from this exercise of the cellulosic waiver authority provide for an implied volume allowance for conventional biofuel of fifteen billion gallons, equal to that envisioned by Congress for 2018. --------------------------------------------------------------------------- \19\ See 81 FR 89752-89753 (December 12, 2016). See also, 78 FR 49809-49810 (August 15, 2013); 80 FR 77434 (December 14, 2015). \20\ As described in the Response to Comments document accompanying this action, we have also determined that additional waivers are not appropriate to address either severe economic or severe environmental harm. --------------------------------------------------------------------------- 2. General Waiver Authority Section 211(o)(7)(A) of the CAA provides that EPA, in consultation with the Secretary of ***Agriculture*** and the Secretary of Energy, may waive the applicable volumes specified in the Act in whole or in part based on a petition by one or more States, by any person subject to the requirements of the Act, or by the EPA Administrator on his own motion. Such a waiver must be based on a determination by the Administrator, after public notice and opportunity for comment that: (1) Implementation of the requirement would severely harm the [[Page 58493]] economy or the environment of a State, a region, or the United States; or (2) there is an inadequate domestic supply. In the October 4 document, EPA sought comment on the possible use of the general waiver authority to reduce volumes of advanced biofuel and total renewable fuel for the 2018 standards below the levels proposed in the 2018 NPRM.\21\ The October 4 document provided information on historic domestic production, imports, and exports of advanced biofuel, as well as additional information, and sought comment on how that information could inform a potential determination of inadequate domestic supply or severe economic harm. --------------------------------------------------------------------------- \21\ See 82 FR 46174 (October 4, 2017). --------------------------------------------------------------------------- Based on an evaluation of supply and potential economic impact of the volumes of advanced and total renewable fuel that result after use of the cellulosic waiver authority, comments from stakeholders, and as further discussed in Section V, EPA is not using the general waiver authority on the basis of severe economic or environmental harm or inadequate domestic supply to further reduce those volumes for 2018. EPA's response to comments addressing possible use of the general waiver authority are provided in a memorandum to the docket \22\ and in the Response to Comments (RTC) document accompanying this action. --------------------------------------------------------------------------- \22\ ``Assessment of waivers for severe economic harm or BBD prices for 2018,'' memorandum from David Korotney to docket EPA-HQ- OAR-2017-0091. --------------------------------------------------------------------------- 3. Biomass-Based Diesel Waiver Authority Section 211(o)(7)(E)(ii) of the CAA provides that if EPA determines that there is a significant renewable feedstock disruption or other market circumstance that would make the price of BBD increase significantly, EPA shall, in consultation with the Secretary of Energy, and the Secretary of ***Agriculture***, issue an order to reduce, for up to a 60-day period, the annual volume requirement for BBD by an appropriate quantity that does not exceed 15 percent. The statute also stipulates that EPA is authorized to reduce applicable volumes of advanced biofuel and total renewable fuel by the same or a lesser volume than the reduction in BBD. In the October 4 document, EPA sought comment on potential interpretations of this authority, as well as the potential use of the BBD waiver authority to reduce the 2018 volume requirement for BBD by as much as 315 million gallons, and to concurrently reduce the advanced biofuel and total renewable fuel volume requirements by as much as 473 million gallons. The notice provided information on the price of biodiesel in light of the expiration of the federal tax credit, and the potential imposition of new duties on imports of biodiesel from Argentina and Indonesia. As described in the RTC document, EPA has determined that it would not be appropriate at this time to use the BBD waiver authority. Based on information provided in comments, as well its own analysis discussed in Section V, EPA believes that there is an insufficient basis to support a finding that the biomass based diesel prices currently in the marketplace, or reasonably anticipated in the immediate future, represent a ``significant'' increase in prices that would justify use of this waiver authority. B. Treatment of Carryover RINs Consistent with our approach in the 2013, 2014-16, and 2017 final rules, we have also considered the availability and role of carryover RINs in evaluating whether we should exercise our discretion to use the cellulosic waiver authority in setting the cellulosic, advanced, and total volume requirements for 2018. Neither the statute nor EPA regulations specify how or whether EPA should consider the availability of carryover RINs in exercising the cellulosic waiver authority.\23\ As noted in the context of the rules establishing the 2014-16 and 2017 RFS standards, we believe that a bank of carryover RINs is extremely important in providing obligated parties compliance flexibility in the face of substantial uncertainties in the transportation fuel marketplace, and in providing a liquid and well-functioning RIN market upon which success of the entire ***program*** depends.\24\ Carryover RINs provide flexibility in the face of a variety of circumstances that could limit the availability of RINs, including weather-related damage to renewable fuel feedstocks and other circumstances potentially affecting the production and distribution of renewable fuel.\25\ On the other hand, carryover RINs can be used for compliance purposes, and in the context of the 2013 RFS rulemaking we noted that an abundance of carryover RINs available in that ***year***, together with possible increases in renewable fuel production and import, justified maintaining the advanced and total renewable fuel volume requirements for that ***year*** at the levels specified in the statute.\26\ EPA's approach to the consideration of carryover RINs in exercising our cellulosic waiver authority was affirmed in Monroe Energy and ACE.\27\ --------------------------------------------------------------------------- \23\ CAA section 211(o)(5) requires that EPA establish a credit ***program*** as part of its RFS regulations, and that the credits be valid to show compliance for 12 months as of the date of generation. EPA implemented this requirement though the use of RINs, which can be used to demonstrate compliance for the ***year*** in which they are generated or the subsequent compliance ***year***. Obligated parties can obtain more RINs than they need in a given compliance ***year***, allowing them to ``carry over'' these excess RINs for use in the subsequent compliance ***year***, although use of these carryover RINs is limited to 20% of the obligated party's RVO. For the bank of carryover RINs to be preserved from one ***year*** to the next, individual carryover RINs are used for compliance before they expire and are essentially replaced with newer vintage RINs that are then held for use in the next ***year***. For example, if the volume of the collective carryover RIN bank is to remain unchanged from 2017 to 2018, then all of the vintage 2017 carryover RINs must be used for compliance in 2018, or they will expire. However, the same volume of 2018 RINs can then be ``banked'' for use in the next ***year***. \24\ See 80 FR 77482-87 (December 14, 2015) and 81 FR 89754-55 (December 12, 2016). \25\ See id., and 72 FR 23900 (May 1, 2007). \26\ See 79 FR 49794 (August 15, 2013). \27\ Monroe Energy v. EPA, 750 F.3d 909 (D.C Cir. 2014), ACE at 713. --------------------------------------------------------------------------- In the 2018 NPRM, EPA estimated that the size of the carryover RIN bank was then approximately 2.06 billion carryover RINs (including all D codes).\28\ We proposed that in light of this relatively limited volume and the important functions provided by the RIN bank, that we would not set the volume requirements for 2018 in a manner that would intentionally lead to a drawdown in the bank of carryover RINs. In their comments on the 2018 NPRM, parties generally expressed two opposing points of view. Commenters representing obligated parties supported EPA's proposed decision to not assume a drawdown in the bank of carryover RINs in determining the appropriate volume requirements. These commenters reiterated the importance of maintaining the carryover RIN bank in order to provide obligated parties with necessary compliance flexibilities, better market trading liquidity, and a cushion against future ***program*** uncertainty. Commenters representing renewable fuel producers, however, contended that carryover RINs represent actual supply and should be accounted [[Page 58494]] for when establishing the annual volume standards. These commenters stated that not accounting for carryover RINs goes against Congressional intent of the RFS ***program***, deters investment in next- generation biofuels, and ignores other programmatic buffers and flexibilities such as carry-forward deficits and small refinery hardship exemptions.\29\ --------------------------------------------------------------------------- \28\ This was an increase of 520 million RINs from the previous estimate of 1.54 billion carryover RINs in the 2017 final rule. This increase in the carryover RIN bank compared to that projected in the 2017 final rule was not due to an underestimate by EPA in the amount of gasoline, diesel fuel, or ethanol that was consumed in 2016, but rather was driven almost entirely by a combination of over- compliance by biodiesel producers facing an expiring biodiesel tax credit at the end of 2016 and approximately 390 million RINs that small refineries granted a hardship exemption for 2016 were not required to retire. \29\ A full description of comments received, and our detailed responses to them, is available in the Response to Comments document in the docket. --------------------------------------------------------------------------- 1. Updated Projection of Carryover RIN Volume Based on currently available information, our estimate of the carryover RIN bank has increased to 2.22 billion RINs, an increase of 160 million RINs from the previous estimate of 2.06 billion carryover RINs in the 2018 NPRM.\30\ Part of the update considers small refinery hardship exemptions for 2016 that were granted since the 2018 NPRM was issued. These additional small refinery hardship exemptions led to the return to the RIN marketplace of approximately 125 million 2016 RINs that would otherwise have been required for compliance by the small refineries granted an exemption for 2016. --------------------------------------------------------------------------- \30\ The calculations performed to estimate the number of carryover RINs currently available can be found in the memorandum, ``Carryover RIN Bank Calculations for 2018 Final Rule,'' available in the docket. --------------------------------------------------------------------------- The carryover RIN volume is 11.5 percent of the total renewable fuel volume requirement that EPA is finalizing for 2018, which is less than the 20 percent maximum limit permitted by the regulations to be carried over for use in complying with the 2018 standards.\31\ However, there remains considerable uncertainty surrounding this number for a number of reasons, including the possible impact of an action to address the remand in ACE, the possibility of additional small refinery exemptions, and the impact of 2017 RFS compliance on the bank of carryover RINs. In addition, we note that there have been enforcement actions in past ***years*** that have resulted in the retirement of carryover RINs to make up for the generation and use of invalid RINs and/or the failure to retire RINs for exported renewable fuel. Future enforcement actions could have similar results, and require that obligated parties and/or renewable fuel exporters settle past enforcement-related obligations in addition to the annual standards, thereby potentially creating demand for RINs greater than can be accommodated through actual renewable fuel blending in 2018. Collectively, the result of satisfying RFS obligations in 2017 and settling enforcement-related accounts could be an effective reduction in the size of the collective bank of carryover RINs. In light of these uncertainties, it is possible that the net result would be a bank of carryover RINs larger or smaller than 11.5 percent of the final 2018 total renewable fuel volume requirement. --------------------------------------------------------------------------- \31\ See 40 CFR 80.1427(a)(5). --------------------------------------------------------------------------- 2. EPA's Decision Regarding the Treatment of Carryover RINs EPA has decided to maintain the proposed approach, and not set the volume requirements in the final rule with the intention or expectation of drawing down the current bank of carryover RINs. In addition, we do not believe that the availability of carryover RINs, together with the potential supply of renewable fuel in volumes higher than we are requiring though this final rule, should lead us to increase the volume requirements. In finalizing this approach, we carefully considered the comments received, including on the role of carryover RINs under our waiver authorities and the policy implications of our decision. While we have not assumed an intentional drawdown in the overall bank of carryover RINs owned by obligated parties collectively in establishing the volume requirements for 2018, we understand that some obligated parties may choose to sell or use all or part of their individual banks of carryover RINs. To the extent that they do, other obligated parties would be in a position to bank carryover RINs by using available renewable fuel or purchasing RINs representing such fuel, with the expected net result that the standards adopted in this action will have no effect on the size of the overall bank of carryover RINs that is owned collectively by obligated parties.\32\ --------------------------------------------------------------------------- \32\ We expect that any renewable fuel produced in the U.S that is not used to satisfy the 2018 renewable fuel standards will be exported, thereby not leading to an increase in the bank of 2018 RINs or carryover RINs. --------------------------------------------------------------------------- We believe that a balanced consideration of the possible role of carryover RINs in achieving the statutory volume objectives for advanced and total renewable fuels, versus maintaining an adequate bank of carryover RINs for important programmatic functions, is appropriate when EPA exercises its discretion under the cellulosic waiver authority, and that the statute does not specify the extent to which EPA should require a drawdown in the bank of carryover RINs when it exercises this authority. An adequate RIN bank serves to make the RIN market liquid. Just as the economy as a whole functions best when individuals and businesses prudently plan for unforeseen events by maintaining inventories and reserve money accounts, we believe that the RFS ***program*** functions best when sufficient carryover RINs are held in reserve for potential use by the RIN holders themselves, or for possible sale to others that may not have established their own carryover RIN reserves. Were there to be no RINs in reserve, then even minor disruptions causing shortfalls in renewable fuel production or distribution, or higher than expected transportation fuel demand (requiring greater volumes of renewable fuel to comply with the percentage standards that apply to all volumes of transportation fuel, including the unexpected volumes) could lead to the need for a new waiver of the standards, undermining the market certainty so critical to the RFS ***program***. However, a significant drawdown of the carryover RIN bank leading to a scarcity of RINs may stop the market from functioning in an efficient manner (i.e , one in which there are a sufficient number of reasonably available RINs for obligated parties seeking to purchase them), even where the market overall could satisfy the standards. For all of these reasons, the collective carryover RIN bank provides a needed programmatic buffer that both facilitates individual compliance and provides for smooth overall functioning of the ***program***.\33\ We have evaluated the volume of carryover RINs likely available for 2018, and we believe it is prudent not to intentionally draw down this volume of carryover RINs in establishing the 2018 standards. In addition, we have considered whether the current bank of carryover RINs, together with the additional supply of renewable fuel available in 2018 above the levels we are requiring be used, would justify reduced use of the cellulosic waiver authority. For the reasons described above and in Sections IV.C and D, we do not believe this to be the case. --------------------------------------------------------------------------- \33\ Here we use the term ``buffer'' as shorthand reference to all of the benefits that are provided by a sufficient bank of carryover RINs. --------------------------------------------------------------------------- Therefore, for the reasons noted above, and consistent with the approach we took in the 2014-2016 and 2017 final rules, we are making a determination that, under current circumstances, an intentional drawdown of the carryover RIN bank should not be assumed in establishing the 2018 volume requirements. In addition, we do not believe that the [[Page 58495]] presence of the current bank of carryover RINs, together with additional potential supplies of renewable fuel in 2018, justifies reduced use of the cellulosic waiver authority in setting the 2018 advanced biofuel and total renewable fuel volumes. However, we note that we may or may not take a similar approach in future ***years***; we will assess the situation on a case-by-case basis going forward, and take into account the size of the carryover RIN bank in the future and any lessons learned from implementing past rules. III. Cellulosic Biofuel Volume for 2018 In the past several ***years*** the cellulosic biofuel industry has continued to make progress towards increased commercial-scale production. Cellulosic biofuel production reached record levels in 2016, driven largely by CNG and LNG derived from biogas. Production volumes have continued to increase in 2017.\34\ While multiple large cellulosic ethanol facilities struggled to achieve production rates consistent with their nameplate capacity, several facilities consistently produced cellulosic ethanol from corn kernel fiber at a smaller scale during 2016 and 2017. This section describes our assessment of the volume of cellulosic biofuel that we project will be produced or imported into the U.S in 2018, and some of the uncertainties associated with those volumes. --------------------------------------------------------------------------- \34\ The majority of the cellulosic RINs generated for CNG/LNG are sourced from biogas from landfills; however, the biogas may come from a variety of sources including municipal wastewater treatment facility digesters, ***agricultural*** digesters, separated MSW digesters, and the cellulosic components of biomass processed in other waste digesters. --------------------------------------------------------------------------- In the July NPRM, EPA proposed cellulosic volumes based on a methodology that differed in a couple of important ways from the approach we used in 2017. We proposed changes to the percentile values used to project liquid cellulosic biofuel production and a new industry-wide methodology for projecting the production of CNG/LNG derived from biogas. For this action, we are finalizing volumes for 2018 based on an approach that is similar, but not identical, to what we proposed. We discuss the changes we made from proposal to final below. In our RTC document, we respond to the multiple comments EPA received on the changes to the cellulosic projection methodology we proposed in July. In order to project the volume of cellulosic biofuel production in 2018 we considered EIA's projection of cellulosic biofuel production,\35\ comments received on the 2018 NPRM, data reported to EPA through EMTS, and information we collected through meetings with representatives of facilities that have produced or have the potential to produce qualifying volumes of cellulosic biofuel for consumption as transportation fuel, heating oil, or jet fuel in the U.S in 2018. There are two main parts to this projection. To project the range of potential production volumes of liquid cellulosic biofuel we used the same methodology as the methodology used in the 2017 final rule. However, we have adjusted the percentile values used to select a point estimate within a projected production range for each group of companies based on recent information, and with the objective of improving the accuracy of the projections. To project the production of cellulosic biofuel RINs for CNG/LNG derived from biogas we use the methodology discussed in the proposed rule with updated data. This methodology reflects the mature status of this industry, the large number of facilities registered to generate cellulosic biofuel RINs from these fuels, and EPA's continued attempts to refine its methodology to yield estimates that are as accurate as possible. This methodology is an improvement on the methodology that EPA used to project cellulosic biofuel production for CNG/LNG derived from biogas in the 2017 final rule. EPA has updated the list of potential cellulosic biofuel producers, projected facility start-up dates, facility capacities, production volumes, and other relevant information with the most recent information available. The methodologies used to project the production of liquid cellulosic biofuels and cellulosic CNG/LNG derived from biogas are described in more detail in Sections III.D-1 and III.D-2 below. --------------------------------------------------------------------------- \35\ ``Letter from EIA to EPA on 2018 projected volumes,'' available in docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- After a brief description of the statutory requirements in Section III.A, we discuss the companies the EPA reviewed in the process of projecting qualifying cellulosic biofuel production in the U.S in 2018 in Section III.B Section III.C discusses the projection of cellulosic biofuel production provided to EPA by EIA, and Section III.D discusses the methodologies used by EPA to project cellulosic biofuel production in 2018 and the resulting projection of 288 million ethanol-equivalent gallons. A. Statutory Requirements The volumes of renewable fuel to be produced and used as transportation fuel under the RFS ***program*** each ***year*** (absent an adjustment or waiver by EPA) are specified in CAA section 211(o)(2)(B)(i)(III). The volume of cellulosic biofuel specified in the statute for 2018 is 7.0 billion gallons. The statute provides that if EPA determines, based on a letter provided to the EPA by EIA, that the projected volume of cellulosic biofuel production in a given ***year*** is less than the statutory volume, then EPA shall reduce the applicable volume of cellulosic biofuel to the projected volume available during that ***calendar*** ***year***.\36\ --------------------------------------------------------------------------- \36\ The U.S Court of Appeals for the District of Columbia Circuit evaluated this requirement in API v. EPA 706 F.3d 474, 479- 480 (D.C Cir. 2013), in the context of a challenge to the 2012 cellulosic biofuel standard. The Court stated that in projecting potentially available volumes of cellulosic biofuel EPA must apply an ``outcome-neutral methodology'' aimed at providing a prediction of ``what will actually happen.'' --------------------------------------------------------------------------- In addition, if EPA reduces the required volume of cellulosic biofuel below the level specified in the statute, the Act also indicates that we may reduce the applicable volumes of advanced biofuels and total renewable fuel by the same or a lesser volume, and we are required to make cellulosic waiver credits available.\37\ Our consideration of the 2018 volume requirements for advanced biofuel and total renewable fuel is presented in Section IV. --------------------------------------------------------------------------- \37\ See 40 CFR 80.1456 --------------------------------------------------------------------------- B. Cellulosic Biofuel Industry Assessment In order to project cellulosic biofuel production for 2018, we have tracked the progress of several dozen potential cellulosic biofuel production facilities. As we have done in previous ***years***, we have focused on facilities with the potential to produce commercial-scale volumes of cellulosic biofuel rather than small research and development (R&D) or pilot-scale facilities. Larger commercial-scale facilities are much more likely to generate RINs for the fuel they produce and the volumes they produce will have a far greater impact on the cellulosic biofuel standard for 2018. The volume of cellulosic biofuel produced from R&D and pilot-scale facilities is quite small in relation to that expected from the commercial-scale facilities. R&D and demonstration-scale facilities have also generally not generated RINs for the fuel they have produced in the past. Their focus is on developing and demonstrating the technology, not producing commercial volumes. RIN generation from R&D and pilot-scale facilities in previous ***years*** has not contributed significantly to the overall number of cellulosic RINs generated.\38\ We have therefore not [[Page 58496]] considered production from R&D and pilot-scale facilities in our projection of cellulosic biofuel production for 2018. --------------------------------------------------------------------------- \38\ While a few small R&D and pilot scale facilities have registered as cellulosic RIN generators, total production from each of these facilities from 2011 through September 2017 has been less than 150,000 RINs. This is approximately 1% of all liquid cellulosic biofuel production through September 2017. --------------------------------------------------------------------------- From this list of commercial-scale facilities we used information from EMTS, publicly available information (including press releases and news reports), comments on the 2018 NPRM, information from EIA, and information provided by representatives of potential cellulosic biofuel producers, to make a determination of which facilities are most likely to produce liquid cellulosic biofuel and generate cellulosic biofuel RINs in 2018. Each of these companies was investigated further in order to determine the current status of its facilities and its likely cellulosic biofuel production and RIN generation volumes for 2018. Both in our discussions with representatives of individual companies and as part of our internal evaluation process we gathered and analyzed information including, but not limited to, the funding status of these facilities, current status of the production technologies, anticipated construction and production ramp-up periods, facility registration status, and annual fuel production and RIN generation targets. As an initial matter, it is useful to review the success of EPA's recent cellulosic biofuel projections. EPA used a consistent methodology to project cellulosic biofuel production in the final three months of 2015 and in 2016 and 2017.\39\ The record of actual production indicates that EPA's projection was lower than the actual number of cellulosic RINs made available in 2015,\40\ and higher than the actual number of RINs made available in 2016.\41\ While we currently only have data available through September 2017, it appears likely that the number of cellulosic RINs made available in 2017 will fall short of EPA's projection in our 2017 final rule.\42\ The fact that the projections made using this methodology have been somewhat inaccurate, under-estimating the actual number of RINs made available in 2015 and over-estimating in 2016 and (most likely) 2017, reflects the inherent difficulty with projecting cellulosic biofuel production. It also emphasizes the importance of continuing to make refinements to our projection methodology in an effort to produce accurate projections. --------------------------------------------------------------------------- \39\ This methodology is most recently described in the 2017 final rule. See 81 FR 89746, 89755 (December 12, 2016). \40\ EPA only projected cellulosic biofuel production for the final three months of 2015, since data on the availability of cellulosic biofuel RINs (D3+D7) for the first nine months of the ***year*** were available at the time the analyses were completed for the final rule. \41\ EPA projected that 123 million and 230 million cellulosic RINs would be generated in 2015 and 2016, respectively. The number of available cellulosic RINs in these ***years*** (RINs generated minus RINs retired for non-compliance reasons) was 140 and 190 million RINs. See ``Assessment of the Accuracy of Cellulosic Biofuel Production Projections in 2015 and 2016 (June 2017 Update),'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017- 0091 for more detail. \42\ Additional information on our current projection of cellulosic biofuel production for 2017 can be found in ``Calculating the Percentile Values Used to Project Liquid Cellulosic Biofuel Production,'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- EPA's projections of liquid cellulosic biofuel were higher than the actual volume of liquid cellulosic biofuel produced in both 2015 and 2016, and appear likely to be higher than actual liquid cellulosic biofuel production in 2017. We believe this recent data warrants a change to the percentile values used to project liquid cellulosic biofuel from the percentile values used in prior ***years*** in an effort to take into account the most recent data available and make the projections for 2018 more accurate. We are therefore adjusting the percentile values used to project liquid cellulosic biofuel production based on actual liquid cellulosic biofuel production in 2016 and through September 2017. Use of this updated data also results in different percentile values than we proposed to use for 2018. We believe that the use of the methodology (described in the 2018 NPRM and in Section III.D.1 below), with the adjusted approach to developing the percentile values used to project production volumes for liquid cellulosic biofuels, results in a projection that reflects a neutral aim at accuracy since it accounts for expected growth in the near future by using historical data that is free of any subjective bias. In previous ***years***, we used the same general methodology for CNG/LNG derived from biogas as for liquid cellulosic biofuel, but used different percentile values to project CNG/LNG derived from biogas and liquid cellulosic biofuels, reflecting the more established nature of the CNG/LNG industry relative to liquid cellulosic biofuel production. For 2018, EPA proposed using an industry-wide approach, rather than an approach that projects volumes for individual companies or facilities, to project the production of CNG/LNG derived from biogas. This updated approach reflects the fact that this industry is far more mature than the liquid cellulosic biofuel industry, and that there are a large number of facilities registered to generate cellulosic biofuel RINs from biogas, rendering a facility-by-facility analysis difficult and unnecessary for purposes of accuracy.\43\ As described in Section III.D.2 below, EPA is instead calculating a ***year***-over-***year*** rate of growth in the renewable CNG/LNG industry by comparing RIN generation for CNG/LNG derived from biogas from October 2015-September 2016 to the RIN generation for these same fuels from October 2016-September 2017 (the most recent month for which data are available. We then apply this ***year***-over-***year*** growth rate to the total number of cellulosic RINs available for compliance from CNG/LNG in 2016 (the most recent ***year*** for which complete data are available), to estimate the production of CNG/ LNG derived from biogas in 2018.\44\ --------------------------------------------------------------------------- \43\ EPA received a large number of affidavits from companies that produce (or intend to produce) CNG/LNG derived from biogas as comments on our proposed rule. These affidavits are publicly available as part of the comments submitted by the Coalition for Renewable Natural Gas. EPA reviewed and considered the information contained in these affidavits in establishing the required volume of cellulosic biofuel for 2018. These affidavits confirmed that it was reasonable to believe that the relatively high ***year***-over-***year*** rate of growth used to project volumes of CNG/LNG derived from biogas for 2018 could be achieved based on a number of project expansions and new projects expected to begin producing CNG/LNG derived from biogas in 2018. \44\ Historically RIN generation for CNG/LNG derived from biogas has increased each ***year***. It is possible, however, that RIN generation for these fuels in the most recent 12 months for which data are available could be lower than the preceding 12 months. We believe our methodology accounts for this possibility. In such a case, the calculated rate of growth would be negative. --------------------------------------------------------------------------- The remainder of this section discusses the companies and facilities EPA expects to be in a position to produce commercial-scale volumes of cellulosic biofuel by the end of 2018 and describes in more detail the methodology EPA is using to project cellulosic biofuel production in 2018 (including a review of cellulosic biofuel production and the accuracy of the projection methodology in previous ***years***). 1. Potential Domestic Producers There are a number of companies and facilities \45\ located in the U.S that have either already begun producing cellulosic biofuel for use as transportation fuel, heating oil, or jet fuel at a commercial scale, or are anticipated to be in a position to do so [[Page 58497]] at some time during 2018. The financial incentive provided by cellulosic biofuel RINs,\46\ combined with the facts that to date nearly all cellulosic biofuel produced in the U.S has been used domestically \47\ and all the domestic facilities we have contacted in deriving our projections intend to produce fuel on a commercial scale for domestic consumption and plan to use approved pathways, gives us a high degree of confidence that cellulosic biofuel RINs will be generated for any fuel produced by domestic commercial scale facilities. In order to generate RINs, each of these facilities must be registered with EPA under the RFS ***program*** and comply with all the regulatory requirements. This includes using an approved RIN-generating pathway and verifying that their feedstocks meet the definition of renewable biomass. Most of the domestic companies and facilities considered in our assessment of potential cellulosic biofuel producers in 2018 have already successfully completed facility registration, and many have successfully generated RINs.\48\ A brief description of each of the domestic companies (or group of companies for cellulosic CNG/LNG producers) that EPA believes may produce commercial-scale volumes of RIN generating cellulosic biofuel by the end of 2018 can be found in a memorandum to the docket for this final rule.\49\ General information on each of these companies or group of companies considered in our projection of the potentially available volume of cellulosic biofuel in 2018 is summarized in Table III.B.3-1 below. --------------------------------------------------------------------------- \45\ The volume projection from CNG/LNG producers does not represent production from a single company or facility, but rather a group of facilities utilizing the same production technology. \46\ According to data from Argus Media, the price for 2017 cellulosic biofuel RINs averaged $2.73 in 2017 (through September 2017). Alternatively, obligated parties can obtain a RIN value equivalent to a cellulosic biofuel RIN by purchasing an advanced (or biomass-based diesel) RIN and a cellulosic waiver credit. The price for 2017 advanced biofuel RINs averaged $1.00 in 2017 (through September 2017) while the price for a 2017 cellulosic waiver credit is $2.00 \47\ The only known exception was a small volume of fuel produced at a demonstration scale facility exported to be used for promotional purposes. \48\ Many of the facilities listed in Table III.B.3-1 are registered to produce cellulosic (D3 or D7) RINs with the exception of several of the producers of CNG/LNG derived from biogas, many of the facilities projected to produce cellulosic ethanol using Edeniq's technology, Enerkem's Edmonton facility, and Ensyn's Port- Cartier, Quebec facility. \49\ ``Cellulosic Biofuel Producer Company Descriptions (November 2017),'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- 2. Potential Foreign Sources of Cellulosic Biofuel In addition to the potential sources of cellulosic biofuel located in the U.S , there are several foreign cellulosic biofuel companies that may produce cellulosic biofuel in 2018. These include facilities owned and operated by Beta Renewables, Enerkem, Ensyn, GranBio, and Raizen. All of these facilities use fuel production pathways that have been approved by EPA for cellulosic RIN generation provided eligible sources of renewable feedstock are used and other regulatory requirements are satisfied. These companies would therefore be eligible to register their facilities under the RFS ***program*** and generate RINs for any qualifying fuel imported into the U.S While these facilities may be able to generate RINs for any volumes of cellulosic biofuel they import into the U.S , demand for the cellulosic biofuels they produce is expected to be high in their own local markets. EPA is charged with projecting the volume of cellulosic biofuel that will be produced or imported into the U.S \50\ For the purposes of this final rule we have considered all of the registered foreign facilities under the RFS ***program*** to be potential sources of cellulosic biofuel in 2018. We believe that due to the strong demand for cellulosic biofuel in local markets, the significant technical challenges associated with the operation of cellulosic biofuel facilities, and the time necessary for potential foreign cellulosic biofuel producers to register under the RFS ***program*** and arrange for the importation of cellulosic biofuel to the U.S , cellulosic biofuel imports from foreign facilities not currently registered to generate cellulosic biofuel RINs are generally highly unlikely in 2018. For purposes of our 2018 cellulosic biofuel projection we have, with two exceptions (described below), excluded potential volumes from foreign cellulosic biofuel production facilities that are not currently registered under the RFS ***program***. --------------------------------------------------------------------------- \50\ EPA has consistently interpreted the ``projected volume of cellulosic biofuel production'' required in CAA section 211(o)(7)(D) to include volumes of cellulosic biofuel likely to be made available in the United States, including from both domestic production and imports (see 80 FR 77420 (December 14, 2015) and 81 FR 89746 (December 12, 2016)). We do not believe it would be reasonable to include in the projection all cellulosic biofuel produced throughout the world, regardless of likelihood of import to the United States, since volumes that are not imported would not be available to obligated parties for compliance and including them in the projection would render the resulting volume requirement and percentage standards unachievable. --------------------------------------------------------------------------- Cellulosic biofuel produced at four foreign facilities (Ensyn's Renfrew facility, GranBio's Brazilian facility, and the CNG/LNG facilities Complexe Enviro Progressive Ltee and Saint-Thomas Biomethane Plant) generated cellulosic biofuel RINs for fuel exported to the U.S in 2017; projected volumes from each of these facilities are included in our projection of available volumes for 2018. EPA has also included projected volume from two foreign facilities (Enerkem's Canadian facility and Ensyn's Port-Cartier, Quebec facility) that are not currently registered to generate cellulosic biofuel RINs under the RFS ***program***. We believe that it is appropriate to include volume from these facilities in light of their proximity to the U.S , the proven technology used by these facilities, the volumes of cellulosic biofuel exported to the U.S by the company in previous ***years*** (in the case of Ensyn), and the company's stated intentions to market fuel produced at these facilities to qualifying markets in the U.S One additional foreign facility (Raizen's Costa Pinto) has registered as a cellulosic biofuel producer, but has not yet generated any cellulosic RINs. EPA attempted to contact representatives from this facility to inquire about their intentions to export cellulosic biofuel to the U.S in 2018, but received no response. We have therefore not projected any cellulosic biofuel exports from this facility to the U.S in 2018. All of the facilities included in EPA's cellulosic biofuel projection for 2018 are listed in Table III.B.3-1 below. 3. Summary of Volume Projections for Individual Companies General information on each of the cellulosic biofuel producers (or group of producers in the case of producers of CNG/LNG derived from biogas and liquid cellulosic biofuel facilities using Edeniq's technology) that factored into our projection of cellulosic biofuel production for 2018 is shown in Table III.B.3-1. This table includes both facilities that have already generated cellulosic RINs, as well as those that have not yet generated cellulosic RINs, but are projected to do so by the end of 2018. As discussed above, we have focused on commercial-scale cellulosic biofuel production facilities. Each of these facilities (or group of facilities) is discussed further in a memorandum to the docket.\51\ In addition to the facilities (or groups of facilities) discussed in Table III.B.3-1 below, EPA is aware of an additional technology that may be used to produce qualifying cellulosic biofuel in 2018. Multiple companies, in addition to Edeniq and Quad County Corn Processors, are working to [[Page 58498]] commercialize technology to convert corn kernel fiber to cellulosic ethanol at existing corn ethanol facilities. At this point, however, none of these other companies have successfully registered a facility to generate cellulosic RINs using their technology.\52\ In light of the significant challenges associated with accurately and reliably determining the conversion of cellulosic feedstocks to biofuel in processes that simultaneously convert both cellulosic and non- cellulosic feedstocks, EPA has included volumes of cellulosic biofuel associated with the simultaneous conversion of corn kernel fiber and corn starch only in cases where the facilities intend to use a technology with a methodology for quantifying the volume of ethanol produced form the cellulosic fraction of corn fiber that has been approved by EPA (Quad County Corn Processors and facilities using Edeniq's technology). --------------------------------------------------------------------------- \51\ ``Cellulosic Biofuel Producer Company Descriptions (November 2017),'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017-0091. \52\ A significant issue that must be resolved to register a facility to produce cellulosic biofuel from corn kernel fiber at an existing ethanol production facility is the quantification of the volume of ethanol produced from cellulosic feedstocks rather than non-cellulosic feedstocks such as starch. Until these companies develop a methodology for quantifying cellulosic biofuel production that is approved by EPA we do not believe it is appropriate to include an estimate of cellulosic biofuel production from these facilities in our projection of cellulosic biofuel production in 2018. Table III.B.3-1--Projected Producers of Cellulosic Biofuel by 2018 -------------------------------------------------------------------------------------------------------------------------------------------------------- Facility capacity Company name Location Feedstock Fuel (million gallons Construction start First production per ***year***) \53\ date \54\ -------------------------------------------------------------------------------------------------------------------------------------------------------- CNG/LNG Producers \55\.......... Various........... Biogas............ CNG/LNG........... Various........... N/A............... August 2014. Edeniq.......................... Various........... Corn Kernel Fiber. Ethanol........... Various........... Various........... October 2016. Enerkem......................... Edmonton, AL, Separated MSW..... Ethanol........... 10 \56\........... 2012.............. September Canada. 2017.\57\ Ensyn........................... Renfrew, ON, Wood Waste........ Heating Oil....... 3................. N/A............... 2014. Canada. Ensyn........................... Port-Cartier, QC, Wood Waste........ Heating Oil....... 10.5 ............. June 2016......... January 2018. Canada. GranBio......................... S[atilde]o Miguel Sugarcane bagasse. Ethanol........... 21................ Mid 2012.......... September 2014. dos Campos, Brazil. Poet-DSM........................ Emmetsburg, IA.... Corn Stover....... Ethanol........... 20................ March 2012........ 4Q 2015. QCCP............................ Galva, IA......... Corn Kernel Fiber. Ethanol........... 4................. Late 2013......... October 2014. -------------------------------------------------------------------------------------------------------------------------------------------------------- C. Projection From the Energy Information Administration --------------------------------------------------------------------------- \53\ The Facility Capacity is generally equal to the nameplate capacity provided to EPA by company representatives or found in publicly available information. If the facility has completed registration and the total permitted capacity is lower than the nameplate capacity then this lower volume is used as the facility capacity. For companies generating RINs for CNG/LNG derived from biogas the Facility Capacity is equal to the lower of the annualized rate of production of CNG/LNG from the facility at the time of facility registration or the sum of the volume of contracts in place for the sale of CNG/LNG for use as transportation fuel (reported as the actual peak capacity for these producers). \54\ Where a quarter is listed for the first production date EPA has assumed production begins in the middle month of the quarter (i.e , August for the 3rd quarter) for the purposes of projecting volumes. \55\ For more information on these facilities see ``November 2017 Assessment of Cellulosic Biofuel Production from Biogas (2018),'' memorandum from Dallas Burkholder to EPA Air Docket EPA- HQ-OAR-2017-0091. \56\ The nameplate capacity of Enerkem's facility is 10 million gallons per ***year***. However, we anticipate that a portion of their feedstock will be non-biogenic MSW. RINs cannot be generated for the portion of the fuel produced from non-biogenic feedstocks. We have taken this into account in our production projection for this facility. \57\ This date reflects the first production of ethanol from this facility. The facility began production of methanol in 2015. --------------------------------------------------------------------------- Section 211(o)(3)(A) of the CAA requires EIA to ``. . . provide to the Administrator of the Environmental Protection Agency an estimate, with respect to the following ***calendar*** ***year***, of the volumes of transportation fuel, biomass-based diesel, and cellulosic biofuel projected to be sold or introduced into commerce in the U.S '' EIA provided these estimates to EPA on October 11, 2017.\58\ With regard to cellulosic biofuel, the EIA estimated that the available volume in 2018 would be 13 million gallons. --------------------------------------------------------------------------- \58\ ''Letter from EIA to EPA on 2018 projected volumes,'' available in docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- In their letter, EIA did not identify the facilities on which their estimate of cellulosic biofuel production was based. EIA did, however, indicate in their letter that they included neither estimates of cellulosic biofuel produced by foreign entities and imported into the U.S , nor estimates of cellulosic heating oil or CNG/LNG produced from biogas, which together represent approximately 96 percent of our projected cellulosic biofuel volume for 2017. When limiting the scope of our projection to the companies assessed by EIA, we note that while our volume projections are not identical, they are very similar. EPA projects approximately 10 million gallons of liquid cellulosic biofuel will be produced domestically in 2017 (when excluding heating oil, as EIA did in their estimate of cellulosic biofuel production). EIA did not provide detail on the basis of their projections, so we cannot say precisely why EPA and EIA's projections differ. We further note that if we used EIA's projections for domestic liquid cellulosic biofuel production without modification in place of our own assessment of these facilities the impact on the cellulosic biofuel standard overall for 2018 would be approximately 1%.\59\ --------------------------------------------------------------------------- \59\ If EPA increased our projection of liquid cellulosic biofuel produced in the United States in 2018 (excluding heating oil) to 13 million gallons to be consistent with EIA's projection our total projected volume of cellulosic biofuel would increase by 3 million gallons. This is approximately 1% of the total volume of cellulosic biofuel projected to be produced in 2018 (3/288 = 0.01). --------------------------------------------------------------------------- D. Cellulosic Biofuel Volume for 2018 1. Liquid Cellulosic Biofuel For our 2018 liquid cellulosic biofuel projection, we use the same general approach as we have in projecting these volumes in previous ***years***. We begin by first categorizing potential liquid cellulosic biofuel producers in 2018 according to whether or not they have achieved consistent commercial scale production of cellulosic biofuel to date. Next we define a range of likely production volumes for 2018 for each group of companies. Finally, we use a percentile value to project from the established range a single projected production volume for each group of [[Page 58499]] companies in 2018. As explained below, however, we are using a different approach to selection of the appropriate percentile values for purposes of this rule than we have used in prior ***years***. In this final rule we have used the most recent data available to determine which facilities are likely to produce liquid cellulosic biofuel in 2018, categorize the companies according to whether or not they have consistently produced commercial scale volumes of liquid cellulosic biofuels, adjust the projected production range for each group of companies, and adjust the percentile values used for each group of companies. This methodology is briefly described here, and is described in detail in memos to the docket.\60\ --------------------------------------------------------------------------- \60\ ``November 2017 Liquid Cellulosic Biofuel Projections for 2018 CBI'' and ``Calculating the Percentile Values Used to Project Liquid Cellulosic Biofuel Production,'' memorandums from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- Consistent with our approach in previous ***years***, we separated the list of potential producers of cellulosic biofuel (listed in Table III.B.3-1) into two groups according to whether or not the facilities have achieved consistent commercial-scale production and cellulosic biofuel RIN generation. We next defined a range of likely production volumes for each group of potential cellulosic biofuel producers. The low end of the range for each group of producers reflects actual RIN generation data over the last 12 months for which data are available at the time our technical assessment was completed (October 2016-September 2017). For potential producers that have not yet generated any cellulosic RINs, the low end of the range is zero. For the high end of the range of production volumes for companies expected to produce liquid cellulosic biofuel we considered a variety of factors, including the expected start-up date and ramp-up period,\61\ facility capacity. The projected range for the groups of companies considered in our 2018 cellulosic biofuel projection are shown in Tables III.D.1-1 and III.D.1-2 below.\62\ --------------------------------------------------------------------------- \61\ As in our 2015-2017 projections, EPA calculated a high end of the range for each facility (or group of facilities) based on the expected start-up date and a six-month straight line ramp-up period. The high end of the range for each facility (or group of facilities) is equal to the value calculated by EPA using this methodology, or the number of RINs the producer expects to generate in 2018, whichever is lower. \62\ More information on the data and methods EPA used to calculate each of the ranges in these tables in contained in ``November 2017 Liquid Cellulosic Biofuel Projections for 2018 CBI'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017- 0091. Unlike in previous ***years***, we have not shown the projected ranges for each individual company. This is because the high end of the range for some of these companies are based on the company's production projections, which they consider confidential business information (CBI). Additionally, the low end of the range for facilities that have achieved consistent commercial scale production is based on actual RIN generation data in the most recent 12 months, with is also claimed as CBI. EPA has included additional information on the calculations used to define the production ranges, including the production ranges for each individual company or facility, in a memo to the docket. Table III.D.1-1--2018 Production Ranges for Liquid Cellulosic Biofuel Producers Without Consistent Commercial Scale Production [Million gallons] ------------------------------------------------------------------------ Low end of the High end of the Companies included range range \a\ ------------------------------------------------------------------------ Facilities using Edeniq's technology 0 47 (new facilities), Enerkem, Ensyn (Port Cartier facility).............. ------------------------------------------------------------------------ \a\ Rounded to the nearest million gallons. Table III.D.1-2--2018 Production Ranges for Liquid Cellulosic Biofuel Producers With Consistent Commercial Scale Production [Million gallons] ------------------------------------------------------------------------ Low end of the High end of the Companies included range \a\ range \a\ ------------------------------------------------------------------------ Facilities using Edeniq's technology 7 24 (active facilities), Ensyn (Renfrew facility), Poet-DSM, GranBio, Quad County Corn Processors............... ------------------------------------------------------------------------ \a \ Rounded to the nearest million gallons. After defining likely production ranges for each group of companies we next considered the percentile values to use in projecting a production volume for each group of companies. In the proposed rule, we used the 1st and 43rd percentile to project production from facilities that had not yet achieved consistent commercial scale production of liquid cellulosic biofuels and those that had, respectively, based on data indicating what percentile of production from within the 2016 projected range facilities included in our 2016 cellulosic biofuel projection actually achieved. However, for this final rule we are adjusting the percentile values used to project liquid cellulosic biofuel production from within the range of projected production values, by using data on actual liquid cellulosic biofuel production from both 2016 and 2017 (through September). We believe an adjustment to the percentile values used to generate a projected production volume from the range of potential production volumes for each group of facilities is warranted. EPA's estimates for liquid cellulosic biofuel exceeded actual production of liquid cellulosic biofuel in both 2015 and 2016.\63\ Further, as discussed in the NPRM we are considering additional RIN generation data from 2017 that was not available for the NPRM in this final rule. While we currently only have cellulosic biofuel production data through September 2017, additional data available from months after the release of our proposed rule suggests that further changes to the percentile values used in the NPRM are likely to result in more accurate projections of cellulosic biofuel production in 2018. We believe that the adjusted percentile values used [[Page 58500]] in this final rule will improve the accuracy of the production projection and will further EPA's objective to project volumes with a ``neutral aim at accuracy.'' --------------------------------------------------------------------------- \63\ EPA notes that once standards are set based on these projections, cellulosic biofuel RINs can be generated for either type of cellulosic biofuel. Cellulosic biofuel RINs generated for liquid biofuels and CNG/LNG derived from biogas can be used to satisfy an obligated party's cellulosic biofuel obligation. There are no separate standards for liquid and gaseous cellulosic biofuels. --------------------------------------------------------------------------- The projected ranges for liquid cellulosic biofuel production in 2016, along with the percentile values used to project a production volume within the calculated ranges the actual number of cellulosic RINs generated in 2016 that are available for compliance, and the percentile values that would have resulted in a projection equal to the actual production volume are shown in Table III.D.1-3 below. Table III.D.1-3--Projected and Actual Liquid Cellulosic Biofuel Production in 2016 [Million gallons] -------------------------------------------------------------------------------------------------------------------------------------------------------- Actual Low end of the High end of Percentile Projected production Actual range the range (2016 FRM) production \64\ percentile -------------------------------------------------------------------------------------------------------------------------------------------------------- New Facilities.......................................... 0 76 25th 19 1.06 1st Consistent Producers \65\............................... 2 5 50th 4 3.28 43rd -------------------------------------------------------------------------------------------------------------------------------------------------------- Since the actual production in 2016 was lower than the projected production for both new facilities and consistent producers, we determined that for the purposes of our proposed rule it would be appropriate to adjust the percentiles to attempt to make them more accurate. To this end, EPA calculated the percentile values that would have resulted in accurate production projections in 2016 based on the actual number of cellulosic biofuel RINs generated for liquid cellulosic biofuels and available for compliance in 2016. These calculated percentile values are the 1st percentile for new facilities (replacing in the NPRM the 25th percentile used for 2016 and 2017) and the 43rd percentile for consistent producers (replacing in the NPRM the 50th percentile used for 2016 and 2017). These percentile values, however, do not reflect the updated production data EPA has from liquid cellulosic biofuel producers in 2017. --------------------------------------------------------------------------- \64\ Actual production is calculated by subtracting RINs retired for any reason other than compliance with the RFS standards from the total number of cellulosic RINs generated. \65\ In the 2014-2016 Annual Rule EPA categorized Ensyn and Quad County Corn Processors as consistent cellulosic biofuel producers for 2016. All other companies were categorized as new facilities. This is in contrast to 2018, for which EPA has categorized additional facilities as consistent cellulosic biofuel producers. --------------------------------------------------------------------------- EPA currently only has data on cellulosic biofuel production in 2017 through the end of September. While we believe that any final assessment of the accuracy of a projection method cannot be made until complete data for the ***year*** are available, we nevertheless believe it is appropriate to consider data from 2017 and adjust the percentile values used in the final rule as appropriate. To calculate the percentile values that would have resulted in a projection equal to the actual production volume for 2017 we first need to project the volume of cellulosic biofuel that will be produced in the 4th quarter of 2017 for each group of facilities.\66\ EPA projected cellulosic biofuel production in the 4th quarter of 2017 by first comparing cellulosic biofuel production in the 4th quarter of 2016 to the cellulosic biofuel production in the first 3 quarters of 2016. In 2016, cellulosic biofuel production in the 4th quarter (1.25 million gallons) was 40 percent of cellulosic biofuel production in the first 3 quarters (3.09 million gallons). We then used this factor, together with actual production data from the first 3 quarters of 2017 to project cellulosic biofuel production in the 4th quarter of 2017.\67\ The projected ranges for liquid cellulosic biofuel production in 2017, along with the percentile values used to project a production volume within the calculated ranges, the actual number of cellulosic RINs generated in 2017 that are available for compliance, and the percentile values that would have resulted in a projection equal to the actual production volume are shown in Table III.D.1-4 below. Note that the percentile value that would have resulted in the projected volume of cellulosic biofuel in 2017 is negative, as the projected volume is lower than the low end of the range from the 2017 final rule. --------------------------------------------------------------------------- \66\ Unlike in the case of CNG/LNG derived from biogas, discussed in Section III.D.2 below, EPA can only use ***calendar*** ***years***, rather than consecutive 12 month periods to evaluate the accuracy of the percentile values used in our projections in previous ***years***. This is because the percentile values are used in conjunction with the calculated ranges to produce production estimates. The ranges were defined for the purpose of projecting cellulosic biofuel production in the context of our annual rules and therefore are specific to ***calendar*** ***years***. Since production in any ***calendar*** ***year*** is not expected to be consistent (i.e , with equal production volumes each month) it is not possible to use the projected ranges from two ***calendar*** ***years*** to generate a range for a 12 month period that spans two ***calendar*** ***years***. \67\ More detail on these calculations can be found in ``November 2017 Liquid Cellulosic Biofuel Projections for 2018 CBI'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017- 0091. Table III.D.1-4--Projected and Actual Liquid Cellulosic Biofuel Production in 2017 [Million gallons through September] -------------------------------------------------------------------------------------------------------------------------------------------------------- Projected Low end of the High end of Percentile Projected production Actual range the range (2017 FRM) production (2018 FRM) percentile (2017 FRM) \68\ -------------------------------------------------------------------------------------------------------------------------------------------------------- New Facilities.......................................... 0 33 25th 8 6.07 18th Consistent Producers \69\............................... 3.5 7 50th 5 2.85 -18th -------------------------------------------------------------------------------------------------------------------------------------------------------- The liquid cellulosic biofuel production data from 2017 indicates [[Page 58501]] that adjustments to the percentile values used to project cellulosic biofuel production within the calculated range are appropriate. For this final rule EPA has projected cellulosic biofuel production from facilities that have not yet achieved consistent commercial scale production at the 10th percentile of the calculated range and projected cellulosic biofuel production from facilities that have achieved commercial scale production at the 12th percentile.\70\ These percentiles are calculated by averaging the percentiles that would have produced cellulosic biofuel projections equal to the volumes produced by each group of companies in 2016 and 2017, as shown in Table III.D.1- 5 below. We have not considered data from ***years*** prior to 2016, as prior to 2016 a different methodology was used to project available volumes of cellulosic biofuel. In determining the percentile values to use for 2018 we have decided to weight the observed actual percentile values from 2016 and 2017 equally. While the percentile value from 2017 represents the most recent data available, it is also dependent on a projection of the volume of cellulosic biofuel that will be produced in the 4th quarter of 2017. Conversely, the percentile values from 2016 are calculated using actual data for the full ***year***, however this data is older and may not reflect the current state of cellulosic biofuel production technologies and commercial scale facilities as data from 2017. We believe that an average of these percentile values appropriately incorporate the data available to EPA at the time of this rulemaking to project liquid cellulosic biofuel production with a neutral aim at accuracy. We will continue to monitor the accuracy of our projection methodology and will use updated data to adjust the percentile values and/or other elements of our methodology as appropriate.\71\ --------------------------------------------------------------------------- \68\ This number includes an updated projection of cellulosic biofuel production for each group of facilities in the 4th quarter of 2017 as described in the preceding paragraph. Note that the low end of the potential production range for companies that have achieved consistent commercial scale production (7 million gallons) is based on the most recent 12 months for which data is available (October 2016--September 2017) while the projected production number in this table is our current projection for ***calendar*** ***year*** 2017 based on RIN generation data through September 2017. \69\ In the 2014-2016 Annual Rule, EPA categorized Ensyn and Quad County Corn Processors as consistent cellulosic biofuel producers for 2016. All other companies were categorized as new facilities. This is in contrast to 2018, for which EPA has categorized additional facilities as consistent cellulosic biofuel producers. \70\ The percentile value for 2018 for facilities that have not yet achieved consistent commercial scale production (10th percentile) is higher than the percentile used in the proposed rule (1st percentile) but lower than the percentile used in the 2017 rule (25th percentile). The percentile value for 2018 for facilities that have achieved consistent commercial scale production (12th percentile) is lower than both the percentile used in both the proposed rule (43rd percentile) and the percentile used in the 2017 rule (50th percentile). \71\ Additional information on the calculation of the percentile values for 2016 and 2017 can be found in ``Calculating the Percentile Values Used to Project Liquid Cellulosic Biofuel Production,'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017-0091. Table III.D.1-5--Percentile Values That Would Have Produced Accurate Projection in 2016 and 2017 ---------------------------------------------------------------------------------------------------------------- Average (Used to project 2016 2017 volume in 2018) ---------------------------------------------------------------------------------------------------------------- New Facilities.................................................. 1st 18th 10th Consistent Producers............................................ 43rd -18th 12th ---------------------------------------------------------------------------------------------------------------- Finally, we used these percentile values, together with the ranges determined for each group of companies discussed above, to project a volume for each group of companies in 2018. These calculations are summarized in Table III.D.1-6 below. Table III.D.1-6--Projected Volume of Liquid Cellulosic Biofuel in 2018 [Million gallons] ---------------------------------------------------------------------------------------------------------------- Low end of the High end of Projected range \a\ the range \a\ Percentile volume \a\ ---------------------------------------------------------------------------------------------------------------- Liquid Cellulosic Biofuel Producers; Producers 0 47 10th 5 without Consistent Commercial Scale Production. Liquid Cellulosic Biofuel Producers; Producers 7 24 12th 9 with Consistent Commercial Scale Production.... --------------------------------------------------------------- Total....................................... N/A N/A N/A 14 ---------------------------------------------------------------------------------------------------------------- \a\ Volumes rounded to the nearest million gallons. EPA also considered whether it would be appropriate to modify other individual components of the past methodology for projecting liquid cellulosic biofuel based on a narrow consideration of each factor, but we do not believe that such changes are warranted. Making the adjustment to the percentile values used in the methodology while keeping other components of the methodology constant should, we believe, provide an appropriate refinement of the methodology that reflects recent experience. We acknowledge, however, that using the calculated percentile values from previous ***years*** to project liquid cellulosic biofuel production in future ***years*** does not eliminate the possibility that actual production will differ from our projections. This is especially true for the liquid cellulosic biofuel industry, which is currently in the early stages of commercialization. Nevertheless, based on the record before us, we believe the ranges of projected production volumes for each company (or group of companies for those using the Edeniq technology) are reasonable, and that projecting overall production in 2018 in the manner described above results in a neutral estimate (neither biased to produce a projection that is too high or too low) of likely liquid cellulosic biofuel production in 2018 (14 million gallons). 2. CNG/LNG Derived From Biogas For 2018, EPA is using a new methodology to project production of CNG/LNG derived from biogas used as transportation fuel. We believe a new [[Page 58502]] methodology is warranted for purposes of this rule for two primary reasons: the over-projection of CNG/LNG derived from biogas in 2016 (and the likely over-projection of CNG/LNG derived from biogas in 2017), and the relative maturity of the CNG/LNG industry relative to the liquid cellulosic biofuel industry. EPA's projection of the production of CNG/LNG derived from biogas in 2016 was 207 million ethanol-equivalent gallons. Actual production of cellulosic biofuel RINs for CNG/LNG derived from biogas that were available for compliance in 2016 was 185 million gallons, indicating that the approach we took to projecting CNG/LNG derived from biogas in 2016 resulted in an overestimate by 22 million ethanol-equivalent gallons (12 percent). Similarly, EPA's projection of the production of CNG/LNG derived from biogas in 2017 was 298 million ethanol-equivalent gallons. Actual production of cellulosic biofuel RINs for CNG/LNG derived from biogas that has been produced in 2017 (through the end of September, the most recent month for which data are available) is 151 million gallons. While data for all of 2017 are not available at this time, and despite the observed historical pattern of higher RIN generation for CNG/LNG derived from biogas in the latter months of the ***year*** relative to the earlier months of the ***year***, the available data strongly suggests that actual RIN generation from CNG/LNG derived from biogas in 2017 is likely to fall short of our projections in the 2017 final rule. RIN generation of CNG/LNG derived from biogas from January 2017--September 2017 is 22 percent higher than RIN generation in the same months in 2016. In order to meet the projected volume for 2017 (298 million gallons), however, RIN generation in the remainder of 2017 would need to be 58 percent higher in 2017 than the total RIN generation from these fuels in 2016. EPA received many comments on our proposed approach to projecting production of CNG/LNG derived from biogas in 2018. Some commenters critiqued EPA's calculation of a ***year***-over-***year*** rate of growth based on production during the first five months of 2017 (relative to production in the first five months of 2016) and suggested that EPA use updated production data in the final rule, or that EPA calculate the annual rate of growth based on comparisons of time periods no less than 12 months. Many commenters characterized EPA's proposed approach as inappropriately ``backwards looking,'' and claimed that while this approach may adequately project production from facilities that are currently producing CNG/LNG derived from biogas it did not adequately consider the new facilities the industry expects will begin production in 2018. Many of these commenters provided facility specific information on facilities capable of producing CNG/LNG derived from biogas in 2018 for both facilities that are currently producing CNG/LNG and those that expect to begin producing in 2018.\72\ Many of these commenters requested that EPA use the facility by facility approach used by EPA in our 2017 final rule to project the production of CNG/LNG derived from biogas in 2018. --------------------------------------------------------------------------- \72\ The Coalition for Renewable Natural Gas collected and submitted a large number of affidavits from project owners and operators of facilities that are currently producing CNG/LNG derived from biogas, as well as those that anticipate beginning production in 2018. Many of these affidavits are publicly available in the docket, while others have claimed these submissions as confidential business information. --------------------------------------------------------------------------- In this final rule EPA has used updated data in projecting the production of CNG/LNG derived from biogas, consistent with our stated intentions in the proposed rule and as requested by several commenters. At the time the analyses were performed for this final rule, EPA had data available through the end of September 2017. EPA has adjusted our calculated ***year***-over-***year*** rate of growth based on this new data. EPA also agrees with commenters who stated that it is more appropriate to calculate a ***year***-over-***year*** rate of growth using a full ***year***'s (12 months) worth of data, as this captures any seasonality and would (in future ***years***) minimize the opportunity for producers of CNG/LNG derived from biogas to attempt to influence the projected growth rate for the next ***year*** by intentionally shifting production to particular months of the ***year***. For this final rule, EPA has calculated the ***year***-over-***year*** growth rate in CNG/LNG derived from biogas by comparing RIN generation from October 2016-September 2017 (the most recent 12 months for which data are available) to RIN generation in the 12 months that immediately precede this time period (October 2015-September 2016). These RIN generation volumes are shown in Table III.C.2-1 below. Table III.D.2-1--Generation of Cellulosic Biofuel RINs for CNG/LNG Derived From Biogas [Million gallons] ------------------------------------------------------------------------ RIN generation RIN generation (October 2015- (October 2016- ***Year***-over-***year*** September 2016) September 2017) increase ------------------------------------------------------------------------ 177.28 ......................... 215.52 ........... 21.6% ------------------------------------------------------------------------ EPA then applied this 21.6 percent ***year***-over-***year*** growth rate to the total number of 2016 cellulosic RINs generated for CNG/LNG that were available for compliance (185.14 million) to project the production of cellulosic RINs from these fuels in 2017, and then repeated the calculation to arrive at a projection for 2018. This methodology results in a projection of 273.6 million gallons of CNG/LNG derived from biogas in 2018.\73\ We believe that projecting the production of CNG/LNG derived from biogas in this manner appropriately takes into consideration the actual recent rate of growth of this industry, and that this growth rate accounts for both the potential for future growth and the challenges associated with increasing RIN generation from these fuels in future ***years***. While this methodology may not be appropriate to use once the projected volume of CNG/LNG derived from biogas approaches the total volume of CNG/LNG that is used as transportation fuel, this is not currently a constraint as our projection for 2018 is well below the total volume of CNG/LNG that is currently used as transportation fuel.\74\ The comments [[Page 58503]] submitted to EPA on our proposed rule contained information related to a number of production facilities expected to begin producing CNG/LNG derived from biogas in 2018 (and the final few months of 2017). Although commenters generally believed that this information supported a different approach for projecting production of CNG/LNG derived from biogas in 2018, we believe that these comments generally support our projection of CNG/LNG for 2018, insofar as they demonstrate that there is reason to expect that the significant rate of growth observed in the production of CNG/LNG derived from biogas in recent ***years*** will continue throughout 2018. --------------------------------------------------------------------------- \73\ To calculate this value, EPA multiplied the total number of 2016 RINs generated for CNG/LNG derived from biogas and available for compliance by 1.216 (representing a 21.6% ***year***-over-***year*** increase), and then multiplied the product by 1.216 a second time (to project the annual production volume in 2018, rather than 2017). The number 2016 of RINs generated for CNG/LNG derived from biogas and available for compliance (185.14) is based on EMTS data. \74\ EPA projects that 580 million ethanol-equivalent gallons of CNG/LNG will be used as transportation fuel in 2018 based on EIA's October 2017 Short Term Energy Outlook (STEO). To calculate this estimate, EPA used the Natural Gas Vehicle Use from the STEO Custom Table Builder (0.12 billion cubic feet/day in 2018). This projection includes all CNG/LNG used as transportation fuel from both renewable and non-renewable sources. EIA does not project the amount of CNG/ LNG from biogas used as transportation fuel. To convert billion cubic feet/day to ethanol-equivalent gallons EPA used conversion factors of 1020 BTU per cubic foot of natural gas and 77,000 BTU of natural gas per ethanol-equivalent gallon. --------------------------------------------------------------------------- EPA disagrees with commenters who claimed that a facility-by- facility approach to projecting cellulosic RIN generation for CNG/LNG derived from biogas would necessarily result in a more accurate projection than an industry-wide projection methodology. We continue to believe that in case of nascent industries with a small number of participants, such as the liquid cellulosic biofuel industry, industry wide projection methodologies may be inappropriate as they do not capture the specific circumstances that may impact each participant. In industries where the number of participants is small, failing to adequately assess each individual participant can have a significant impact on the overall accuracy of industry projections. However, as the number of market participants grows the impact of any single participant on the overall performance of the industry decreases. In these cases, industry-wide projection methods are more accurate than a more individualized approach, especially as macro market and economic factors become more influential on total production than the success or challenges at any single facility. Further, the accuracy of a facility by facility approach to projecting production is heavily dependent on the accuracy of the information available to EPA on the projected RIN generation volumes of each of the potential production facilities for 2018. Conversely, the market wide approach used by EPA in this final rule relies on actual RIN generation data, rather than individual company projections for 2018, to calculate a demonstrated rate of growth. As the number of potential production facilities increases, EPA's ability to verify the accuracy of the information we receive, and make a determination about the likelihood that the producers will produce CNG/LNG derived from biogas at the projected levels decreases. This is especially challenging in situations where there are a large number of potential producers that have previously overestimated the actual production from their facilities. In our 2017 final rule, EPA projected that 26 new facilities would begin producing CNG/LNG derived from biogas in 2017, largely based on information we received from the renewable CNG/LNG industry through the Coalition for Renewable Natural Gas. While we currently only have data available for the first 9 months of 2017, to date only two new facilities have generated cellulosic RINs for CNG/LNG derived from biogas in 2017. While additional new facilities may generate cellulosic RINs for CNG/LNG derived from biogas in the final 3 months of 2017, many projected that they would be producing cellulosic RINs by this point in the ***year***, and it is highly unlikely that all 26 of these facilities will successfully generate cellulosic RINs by the end of 2017. The failure of these new facilities to generate cellulosic RINs in 2017, together with the over-projection by many of the facilities that have generated cellulosic RINs in 2017 resulted in the facility specific approach recommended by many commenters appearing to have significantly over-estimated the production of CNG/LNG in 2017. EPA has therefore used an alternative methodology based on actual production data in previous ***years***, rather than production projections by individual facilities, to project production of CNG/LNG derived from biogas in this final rule. We believe the production of CNG/LNG derived from biogas has matured to a point where an industry wide projection methodology is more appropriate than a facility by facility approach, and is likely to result in a more accurate projection. We will monitor the success of this new approach, and will make appropriate modifications in the future if warranted. We also disagree with commenters who claim that our proposed projection methodology does not appropriately account for new facilities expected to begin producing CNG/LNG derived from biogas in 2018. The methodology used by EPA in this final rule compared the total projection of CNG/LNG derived from biogas from October 2016-September 2017 to production in the 12 months that immediately precede this time period (October 2015-September 2016). The production increases observed in October 2016-September 2017, as compared to the preceding 12 months, were the result of both increased production from facilities that had previously produced CNG/LNG derived from biogas as well as production from facilities that had not previously produced this fuel. For example, from October 2015-September 2016 a total of 34 facilities generated cellulosic RINs for CNG/LNG derived from biogas. From October 2016-September 2017 the number of facilities that produced cellulosic RINs for CNG/LNG derived from biogas increased to 41. We believe, therefore, that while our projection methodology uses a growth rate based on historical data it adequately anticipates higher production volumes in future ***years***, including both increased production from existing facilities as well as production from new facilities. In this way it is a forward, rather than backward looking methodology that satisfies our charge to project future cellulosic biofuel production in a reasonable manner, and with neutrality. 3. Total Cellulosic Biofuel in 2018 After projecting production of cellulosic biofuel from liquid cellulosic biofuel production facilities and producers of CNG/LNG derived from biogas, EPA combined these projections to project total cellulosic biofuel production for 2018. These projections are shown in Table III.D.3-1. Using the methodologies described in this section, we project that 288 million ethanol-equivalent gallons of cellulosic biofuel will be produced in 2018. We believe that projecting overall production in 2018 in the manner described above results in a neutral estimate (neither biased to produce a projection that is too high nor too low) of likely cellulosic biofuel production in 2018. Table III.D.3-1--Projected Volume of Cellulosic Biofuel in 2018 [Million gallons] ------------------------------------------------------------------------ Projected volume \a\ ------------------------------------------------------------------------ Liquid Cellulosic Biofuel Producers; Producers without 5 Consistent Commercial Scale Production................. Liquid Cellulosic Biofuel Producers; Producers with 9 Consistent Commercial Scale Production................. [[Page 58504]] CNG/LNG Derived from Biogas............................. 274 --------------- Total............................................... 288 ------------------------------------------------------------------------ \a\ Volumes rounded to the nearest million gallons. Further discussion of the individual companies we believe will produce cellulosic biofuel and make it commercially available in 2018 can be found in a memorandum to the docket.\75\ --------------------------------------------------------------------------- \75\ ``Cellulosic Biofuel Producer Company Descriptions (November 2017),'' memorandum from Dallas Burkholder to EPA Air Docket EPA-HQ-OAR-2017-0091. In the case of cellulosic biofuel produced from CNG/LNG and facilities using Edeniq's technology we have discussed the production potential from these facilities as a group rather than individually. --------------------------------------------------------------------------- IV. Advanced Biofuel and Total Renewable Fuel Volumes for 2018 The national volume targets for advanced biofuel and total renewable fuel to be used under the RFS ***program*** each ***year*** through 2022 are specified in CAA section 211(o)(2)(B)(i)(I) and (II). Congress set annual renewable fuel volume targets that envisioned growth at a pace that far exceeded historical growth and, for ***years*** after 2011, prioritized that growth as occurring principally in advanced biofuels (contrary to previous growth patterns where most growth was in conventional renewable fuel, principally corn-ethanol). Congressional intent is evident in the fact that the portion of the total renewable fuel volume target in the statutory volume tables that is not required to be advanced biofuel is 15 billion gallons for all ***years*** after 2014, while the advanced volumes, driven by growth in cellulosic volumes, continue to grow through 2022 to a total of 21 billion gallons. In this Section we discuss our use of the discretion afforded by the cellulosic waiver authority at CAA section 211(o)(7)(D)(i) to reduce volumes of advanced biofuel and total renewable fuel. We first discuss our assessment of advanced biofuel and the considerations, including comments received in response to the proposal and October 4 document, which have led us to conclude that the advanced biofuel volume target in the statute should be reduced by the full amount permitted under the cellulosic waiver authority. We then address total renewable fuel in the context of our interpretation, articulated in previous annual rulemakings, that advanced biofuel and total renewable fuel should be reduced by the same amount under the cellulosic waiver authority. In Section V we discuss our consideration of additional reductions for both advanced biofuel and total renewable fuel beyond those permitted under the cellulosic waiver authority, using other waiver authorities provided by the statute. To begin, we have evaluated the capabilities of the market and are making a finding that the 11.0 billion gallons specified in the statute for advanced biofuel cannot be reached in 2018. This is primarily due to the expected continued shortfall in cellulosic biofuel; production of this fuel type has consistently fallen short of the statutory targets by 95 percent or more, and as described in Section III, we project that it will fall far short of the statutory target of 7.0 billion gallons again in 2018. In addition, although for the 2016 and 2017 standards we determined that the projected reasonably attainable supply of non-cellulosic advanced biofuel and other considerations justified establishing standards that included a partial backfill of the shortfall in cellulosic biofuel with advanced biofuel, for reasons described in this section we are reducing the advanced biofuel applicable volume by the full amount of the shortfall in cellulosic biofuel for 2018. In previous ***years*** when exercising the cellulosic waiver authority to determine the required volume of advanced biofuel, we have taken into account the availability of advanced biofuels, their energy security and GHG impacts, and the apparent intent of Congress as reflected in the statutory volumes tables to substantially increase the use of advanced biofuels over time, as well as factors such as increased costs associated with the use of advanced biofuels and the environmental and food competition concerns raised by some commenters. In considering these factors, in those ***years***, we have concluded that it was appropriate to set the advanced biofuel standard in a manner that would allow the partial backfilling of missing cellulosic volumes with non-cellulosic advanced biofuels. For purposes of this final rule we have again taken these factors into consideration, but rely more heavily on consideration of cost as a result of a stronger policy focus on the economic impacts of the RFS ***program*** to conclude that such backfilling with non-cellulosic advanced biofuel volumes should not be required in 2018. In other words, we are reducing the statutory volume target for advanced biofuel by the same amount as the reduction in cellulosic biofuel. This results in the non-cellulosic component of the advanced biofuel volume requirement being equal to the implied statutory volume of 4.00 billion gallons. We believe this new approach to balancing relevant considerations and exercising our discretion under the cellulosic waiver authority is permissible under the statute, and consistent with the principles articulated in FCC v. Fox TV Stations (556 US. 502, 514-15 (2009)), regarding circumstances when an agency may appropriately depart from prior policy. In making this final determination for 2018, we have considered comments on the appropriate balancing of factors under the cellulosic waiver authority that were provided by stakeholders in response to the proposal and the October 4 document, as discussed in the accompanying RTC document. We note that the predominant non-cellulosic advanced biofuels available in the near term are advanced biodiesel and renewable diesel.\76\ We expect a decreasing rate of growth in the availability of feedstocks used to produce these fuel types. In addition, we expect diminishing GHG benefits and higher per gallon costs as the required volumes of advanced biodiesel and renewable diesel increase. These outcomes are a result of the fact that the lowest cost and most easily available feedstocks are typically used first, and each additional increment of advanced biodiesel and renewable diesel requires the use of feedstocks that are incrementally more costly and/or more difficult to obtain. Moreover, to the extent that higher advanced biofuel requirements cannot be satisfied through growth in the production of advanced biofuel feedstocks, they would instead be satisfied through a re-direction of such feedstocks from competing uses. Parties that were formerly using these feedstocks are likely to replace the advanced biofuel feedstocks with the lowest cost alternatives, likely derived from palm or petroleum sources, leading to lower overall GHG emission benefits. There would also likely be market disruptions and increased burden associated with shifting feedstocks among the wide range of companies that are relying on them today and which have optimized their processes to use them. Higher [[Page 58505]] advanced biofuel standards could also be satisfied by diversion of foreign advanced biofuel from foreign markets, and there would likely be diminished benefits associated with such diversions. Taking these considerations into account, we believe, as discussed in more detail below, that we should not exercise our discretion under the cellulosic waiver authority to set the advanced biofuel volume requirement at a level that would lead to such diversions. --------------------------------------------------------------------------- \76\ While sugarcane ethanol can also contribute to the supply of advanced biofuel, in recent ***years***, supply of sugarcane ethanol has been considerably lower than supply of advanced biodiesel or renewable diesel. --------------------------------------------------------------------------- Furthermore, two other factors have added uncertainty regarding advanced biofuel volumes that are reasonably attainable and appropriate. The first is the fact that the tax credit for biodiesel has not been renewed, and if renewed could be in the form of a producer's tax credit rather than a blender's tax credit.\77\ The second is the preliminary determination by the Department of Commerce that countervailing duties should be imposed on biodiesel imports from Argentina and Indonesia.\78\ --------------------------------------------------------------------------- \77\ See American Renewable Fuel and Job Creation Act of 2017, S.944, 115th Cong. (2017). \78\ ``Commerce Finds Countervailable Subsidization of Imports of Biodiesel from Argentina and Indonesia,'' available in EPA docket number EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- We believe that the factors and considerations noted above are all appropriately considered in our exercise of the broad discretion provided under the cellulosic waiver authority, and that a comprehensive consideration of these factors supports our use of the authority. Some of the considerations discussed in this final rule are related to the availability of non-cellulosic advanced biofuels (e.g , historic data on domestic supply, expiration of the biodiesel blenders' tax credit, potential imports of biodiesel in light of the Commerce Departments preliminary determination on countervailing duties on biodiesel imports from Argentina and Indonesia, potential imports of sugarcane ethanol, and anticipated decreasing growth in production of feedstocks for advanced biodiesel and renewable diesel), while others focus on the potential benefits and costs of requiring use of available volumes (e.g , relative cost of advanced biofuels to the petroleum fuels they displace, GHG reduction benefits and energy security benefits). Having determined that we should not exercise the discretion afforded EPA under the cellulosic waiver authority so as to require the use of advanced biofuel volumes that would lead to diversion of advanced feedstocks from other uses or diversion of advanced biofuels from foreign sources, our analytical approach to identifying the appropriate volume requirement is to first identify volumes that we believe would be reasonably attainable in 2018 without such feedstock or fuel diversions, and then discuss whether or not other considerations, such as cost and GHG impacts, indicate that it would be appropriate to set the advanced biofuel volume requirement so as to require use of such volumes to partially backfill for missing cellulosic volumes. The net impact of our exercise of the cellulosic waiver authority is that after waiving the cellulosic biofuel volume down to the projected available level, and applying the same volume reduction to the statutory volume target for advanced biofuel, the resulting volume requirement for advanced biofuel for 2018 is 10 million gallons more than the applicable volume used to derive the 2017 percentage standard. Furthermore, after applying the same reduction to the statutory volume target for total renewable fuel, the volume requirement for total renewable fuel is also 10 million gallons more than the applicable volume used to derive the 2017 percentage standard. The remainder of this section provides our justification for this approach to the determination of the volume requirements for advanced biofuel and total renewable fuel. Section V discusses our consideration of further reductions in either advanced biofuel or total renewable fuel using either the general waiver authority or the BBD waiver authority, and our justification for not applying such further reductions. A. Volumetric Limitation on Use of the Cellulosic Waiver Authority As described in Section II.A, when making reductions in advanced biofuel and total renewable fuel under the cellulosic waiver authority, the statute limits those reductions to no more than the reduction in cellulosic biofuel. As described in Section III.D, we are establishing a 2018 applicable volume for cellulosic biofuel of 288 million gallons, representing a reduction of 6,712 million gallons from the statutory target of 7,000 million gallons. As a result, 6,711 million gallons is the maximum volume reduction for advanced biofuel and total renewable fuel that is permissible using the cellulosic waiver authority. Use of the cellulosic waiver authority to this maximum extent would result in volumes of 4.29 and 19.29 billion gallons for advanced biofuel and total renewable fuel, respectively.\79\ --------------------------------------------------------------------------- \79\ When expressing volumes in billion gallons, we use standard rounding methods to two decimal places, as done in previous annual standard-setting rulemakings. Volumes are sometimes shown in million gallons for clarity, but it is volumes in billion gallons that are used to calculate the applicable percentage standards. Table IV.A-1--Lowest Permissible Volumes Using Only the Cellulosic Waiver Authority [million gallons] ------------------------------------------------------------------------ Advanced Total biofuel renewable fuel ------------------------------------------------------------------------ Statutory target........................ 11,000 26,000 Maximum reduction permitted under the 6,712 6,712 cellulosic waiver authority............ Lowest 2018 volume requirement permitted 4,288 19,288 using only the cellulosic waiver authority.............................. ------------------------------------------------------------------------ We are authorized under the cellulosic waiver authority to reduce the advanced biofuel and total renewable fuel volumes ``by the same or a lesser'' amount as the reduction in the cellulosic biofuel volume. As discussed in Section II.A, EPA has broad discretion in using the cellulosic waiver authority in instances where its use is authorized under the statute, since Congress did not specify factors that EPA must consider in determining whether to use the authority or what the appropriate volume reductions (within the range permitted by statute) should be. This broad discretion was affirmed in both Monroe and ACE.\80\ Thus, EPA could potentially set the 2018 advanced biofuel standard at a level that is designed to partially backfill for the shortfall in cellulosic biofuel. As discussed below, doing so would result in perhaps an additional 110 million gallons of advanced biofuel. However, [[Page 58506]] based on our consideration of the factors described in more detail below, we are using the full extent of the cellulosic waiver authority in deriving volume requirements for 2018.\81\ --------------------------------------------------------------------------- \80\ See ACE at 730-35. --------------------------------------------------------------------------- B. Reasonably Attainable Volumes of Advanced Biofuel It is appropriate to consider the availability of advanced biofuel, both to inform our exercise of the cellulosic waiver authority and to ascertain whether there might be an ``inadequate domestic supply'' justifying use of the general waiver authority. As the Court noted in ACE, EPA may consider demand-side considerations in addition to supply- side considerations when it assesses ``reasonably attainable'' volumes for purposes of its cellulosic waiver assessment. However, EPA may not consider demand-side factors in assessing whether there is an ``inadequate domestic supply'' that would justify use of the general waiver authority.\82\ Our assessment of reasonably attainable volumes of advanced biofuel is described below. --------------------------------------------------------------------------- \81\ We specify the volume requirements as billion gallons with two decimal places to be consistent with the volume targets as given in the statute. The only exception is for cellulosic biofuel which we specify in million gallons due to the substantial reduction from the statutory target. However, calculations are typically shown in million gallons for all four standards for clarity. \82\ See ACE at 734 and 696. --------------------------------------------------------------------------- In ACE, the Court noted that in assessing what volumes are ``reasonably attainable,'' EPA had considered the availability of feedstocks, domestic production capacity, imports, and market capacity to produce, distribute, and consume renewable fuel.\83\ We are taking a similar approach for 2018, with the added consideration of the possibility that higher volume requirements would lead to ``feedstock switching'' or diversion of advanced biofuels from use in other countries, which we took into account in setting the 2017 volume requirements and, we believe, are appropriate considerations under the broad discretion provided by the cellulosic waiver authority. --------------------------------------------------------------------------- \83\ ACE at 735-36. --------------------------------------------------------------------------- As noted above, a higher advanced biofuel volume requirement has a greater potential to increase the incentive for switching advanced biofuel feedstocks from existing uses to biofuel production. Such market reactions could cause disruptions and/or price increases in the non-biofuel markets that currently use these feedstocks. Increasing the required volumes of advanced biofuels without giving the market adequate time to adjust by increasing supplies could also result in diversion of advanced biofuels from foreign countries to the U.S without increasing total global volumes. We believe it is likely that the parties that formerly used advanced biofuel feedstocks would seek to replace the advanced biofuel feedstocks with the cheapest alternatives, likely products derived from palm oil or petroleum, rather than forgoing the use of oil-based products. Increasing volumes of advanced biofuels used in the U.S in this way (by shifting the end use of advanced feedstocks to biofuel production and satisfying the current markets for these advanced feedstocks with non-qualifying or petroleum based feedstocks, or by simply shifting advanced biodiesel or renewable diesel from foreign to domestic use--referred to for simplicity as ``feedstock/fuel diversions'') would therefore likely not produce the GHG benefits that would otherwise be expected. We have decided not to set the advanced biofuel volume requirement at a level that would require such feedstock/fuel diversions. Our individual assessments of reasonably attainable volumes of advanced biofuels reflect this approach. That is, while we refer to them as ``reasonably attainable'' volumes for convenience, they represent those volumes that are not likely to lead to feedstock/fuel diversions. Greater volumes could likely be made available if such diversions were not of concern. 1. Imported Sugarcane Ethanol The predominant available source of advanced biofuel other than cellulosic biofuel and BBD is imported sugarcane ethanol. In setting both the 2016 and 2017 standards, we determined that 200 million gallons of imported sugarcane ethanol would be reasonably attainable. In deriving this estimate of sugarcane ethanol, we attempted to balance indications of lower potential imports from recent data with indications that higher volumes were possible based on older data. We also pointed to the high variability in ethanol import volumes in the past (including of Brazilian sugarcane ethanol, the predominant form of imported ethanol, and the only significant source of imported advanced ethanol), increasing gasoline consumption in Brazil, and variability in Brazilian production of sugar as reasons that it would be inappropriate to assume that sugarcane ethanol imports would reach the much higher levels suggested by some stakeholders. The data on 2016 ethanol imports suggests that we overestimated the volume of sugarcane ethanol imports for that ***year***. Despite the fact that the applicable standards for 2016 were set prior to the beginning of 2016, and despite suggestions from UNICA \84\ that 2016 imports could reach as high as 2 billion gallons, total ethanol imports only reached 34 million gallons. --------------------------------------------------------------------------- \84\ UNICA is the Brazilian Sugarcane Industry Association. --------------------------------------------------------------------------- [[Page 58507]] [GRAPHIC] [TIFF OMITTED] TR12DE17.000 Available data for imports in 2017 similarly suggests that imports are again likely to fall well below the 200 million gallons that we assumed when setting the 2017 standards; for January through August of 2017, total imports of sugarcane ethanol were 75 million gallons; by the end of 2017, total imports of sugarcane ethanol might be about 100 million gallons.\85\ The combined experience for 2016 and 2017 suggests that 200 million gallons is too high for the purposes of projecting reasonably attainable volumes of advanced biofuel for 2018. At the same time, higher import volumes than those which occurred in 2016 are clearly possible, as reflected by imports seen in prior ***years***. Taking all of these considerations into account, we are using 100 million gallons of imported sugarcane ethanol for the purposes of projecting reasonably attainable volumes of advanced biofuel for 2018. This level reflects a balancing of the information available to EPA at this time; both the lower import volumes that have occurred more recently with the higher volumes that are possible based on earlier ***years***. --------------------------------------------------------------------------- \85\ ``Imports of ethanol 2011-2017,'' available in docket EPA- HQ-OAR-2017-0091. --------------------------------------------------------------------------- We note that the future projection of imports of sugarcane ethanol is inherently imprecise, and that actual imports in 2018 could be lower or higher than 100 million gallons. Factors that could result in import volumes below 100 million gallons include weather and harvests in Brazil, world ethanol demand and prices, and constraints associated with the E10 blendwall in the U.S Also, global sugar consumption has continued to increase steadily, while production has decreased. If the trend continues, Brazilian production of sugar could increase, with a concurrent reduction in production of ethanol.\86\ On the other hand, the world average price of sugar has been projected to remain relatively flat between 2016 and 2018, suggesting little change in sugar production and implying that ethanol production in Brazil might likewise remain unchanged.\87\ After considering these factors, and in light of the high degree of variability in historical imports of sugarcane ethanol, we believe that 100 million gallons is a reasonable projection for 2018. --------------------------------------------------------------------------- \86\ ``Sugar--World Markets and Trade,'' USDA, November 2016. \87\ ``Commodity Markets Outlook,'' World Bank Group, January 2017. --------------------------------------------------------------------------- 2. Biodiesel and Renewable Diesel With regard to biodiesel and renewable diesel, there are many different factors that could potentially influence the total reasonably attainable volume of these fuels (including both advanced and non- advanced forms) used as transportation fuel or heating oil in the U.S \88\ These factors could include the availability of qualifying biodiesel and renewable diesel feedstocks, and the production capacity of biodiesel and renewable diesel facilities (both in the U.S and internationally). The degree to which these and other factors may affect the total supply of both advanced and conventional forms of biodiesel and renewable diesel in 2018, is discussed in a memo to the docket.\89\ --------------------------------------------------------------------------- \88\ For a further discussion of the factors that influence the availability of biodiesel and renewable diesel see Section V.B.2 of the preamble and a further discussion of these factors from the 2017 final rule (81 FR 89781-89789, December 12, 2016). \89\ ``Market impacts of biofuels,'' memorandum from David Korotney to docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- However, the primary considerations in our determination of the reasonably attainable volumes of advanced biodiesel and renewable diesel for 2018 are data on the use of advanced biodiesel and renewable diesel in previous ***years***, the uncertain impact of the continued absence of the biodiesel tax credit and proposed tariffs on biodiesel from certain countries on biodiesel production and importation, the projected growth in production of advanced biodiesel and renewable [[Page 58508]] diesel feedstocks in 2018.\90\ A review of the volumes of advanced biodiesel and renewable diesel used in previous ***years*** is especially useful in projecting the potential for growth in the production and use of such fuels, since for these fuels there are a number of complex and inter-related factors beyond simply the total production capacity for biodiesel and renewable diesel and ability to distribute these fuels (including the availability of advanced feedstocks, the expiration of the biodiesel tax credit, and other market-based factors) that are likely to affect the total supply. We also believe the likely growth in production of feedstocks used to produce these fuels is an important factor to consider. This is because the energy security and GHG reduction value associated with the growth in the use of advanced biofuels is greater when that growth is associated with an increase in advanced feedstock production, rather than a switching of existing advanced feedstocks from other uses or the diversion of advanced biodiesel and renewable diesel from foreign markets if the parties that previously used the advanced biofuel or feedstocks replace these oils with low cost palm or petroleum derived products, as we believe would likely be the case in 2018. Such feedstock switching or fuel diversion could result in unintended negative consequences, such as market disruption in other markets where such oils are used, which could offset some of the anticipated benefits of the production and use of advanced biofuels. --------------------------------------------------------------------------- \90\ Throughout this section we refer to advanced biodiesel and renewable diesel as well as advanced biodiesel and renewable diesel feedstocks. In this context, advanced biodiesel and renewable diesel refer to any biodiesel or renewable diesel for which RINs can be generated that satisfy an obligated party's advanced biofuel obligation (i.e , D4 or D5 RINs). An advanced biodiesel or renewable feedstock refers to any of the biodiesel, renewable diesel, jet fuel, and heating oil feedstocks listed in Table 1 to Sec. 80.1426 or in petition approvals issued pursuant to Sec. 80.1416, that can be used to produce fuel that qualifies for D4 or D5 RINs. These feedstocks include, for example, soy bean oil; oil from annual cover crops; oil from algae grown photosynthetically; biogenic waste oils/ fats/greases; non-food grade corn oil; camelina sativa oil; and canola/rapeseed oil (See pathways F, G, and H of Table 1 to Sec. 80.1426). --------------------------------------------------------------------------- The volume of advanced biodiesel and renewable diesel projected to be available based on a consideration of these factors is less than the maximum volume of biodiesel and renewable diesel we believe could be produced (based solely on an assessment of the available production capacity) or consumed (based on an assessment of the ability of the market to distribute and use biodiesel and renewable diesel). Production capacity and the ability for the market to distribute and use biodiesel and renewable diesel are therefore not constraining factors in our assessment of the reasonably attainable volume of advanced biodiesel and renewable diesel in 2018. Before considering the projected growth in the production of qualifying feedstocks that could be used to produce advanced biodiesel and renewable diesel, it is helpful to review the volumes of biodiesel and renewable diesel that have been used in the U.S in recent ***years***. While historic data and trends alone are insufficient to project the volumes of biodiesel and renewable diesel that could be provided in future ***years***, historic data can serve as a useful frame of reference in considering future volumes. Past experience suggests that a high percentage of the biodiesel and renewable diesel used in the U.S (from both domestic production and imports) qualifies as advanced biofuel.\91\ In previous ***years***, biodiesel and renewable diesel produced in the U.S has been almost exclusively advanced biofuel.\92\ Imports of advanced biodiesel have increased in recent ***years***, however, as seen in Table IV.B.2-1. Volumes of imported advanced biodiesel and renewable diesel have varied significantly from ***year*** to ***year***, as they are impacted both by domestic and foreign policies, as well as economic factors. --------------------------------------------------------------------------- \91\ From 2011 through 2016 over 95% of all biodiesel and renewable diesel supplied to the U.S (including domestically- produced and imported biodiesel and renewable diesel) qualified as advanced biodiesel and renewable diesel (9,372 million gallons of the 9,850 million gallons) according to EMTS data. \92\ From 2011 through 2016 over 99.9% of all the domestically produced biodiesel and renewable diesel supplied to the U.S qualified as advanced biodiesel and renewable diesel (8,258 million gallons of the 8,265 million gallons) according to EMTS data. Table IV.B.2-1--Advanced (D4 and D5) Biodiesel and Renewable Diesel from 2011 to 2016 [Million gallons] \a\ -------------------------------------------------------------------------------------------------------------------------------------------------------- 2011 2012 2013 2014 \b\ 2015 \b\ 2016 -------------------------------------------------------------------------------------------------------------------------------------------------------- Domestic Biodiesel (Annual Change)...................... 967 (N/A) 1,014 (+47) 1,376 (+362) 1,303 (-73) 1,253 (-50) 1,633 (+380) Domestic Renewable Diesel (Annual Change)............... 58 (N/A) 11 (-47) 92 (+81) 155 (+63) 175 (+20) 221 (+46) Imported Biodiesel (Annual Change)...................... 44 (N/A) 40 (-4) 156 (+116) 130 (-26) 261 (+131) 561 (+300) Imported Renewable Diesel (Annual Change)............... 0 (N/A) 28 (+28) 145 (+117) 129 (-16) 121 (-8) 170 (+49) Exported Biodiesel and Renewable Diesel (Annual Change). 48 (N/A) 102 (+54) 125 (+23) 134 (+9) 133 (-1) 129 (-4) ----------------------------------------------------------------------------------------------- Total (Annual Change)............................... 1021 (N/A) 991 (-30) 1,644 (+653) 1,583 (-61) 1,677 (+94) 2,456 (+779) -------------------------------------------------------------------------------------------------------------------------------------------------------- \a\ All data for 2011-2016 from EMTS. EPA reviewed all advanced biodiesel and renewable diesel RINs retired for reasons other than demonstrating compliance with the RFS standards and subtracted these RINs from the RIN generation totals for each category in the table above to calculate the supply in each ***year***. \b\ RFS required volumes for these ***years*** were not established until December 2015. Table IV.B.2-2--Conventional (D6) Biodiesel and Renewable Diesel from 2011 to 2016 [Million gallons] \a\ -------------------------------------------------------------------------------------------------------------------------------------------------------- 2011 2012 2013 2014 \b\ 2015 \b\ 2016 -------------------------------------------------------------------------------------------------------------------------------------------------------- Domestic Biodiesel (Annual Change)...................... 0 (N/A) 0 (+0) 6 (+6) 1 (-5) 0 (+0) 0 (+0) Domestic Renewable Diesel (Annual Change)............... 0 (N/A) 0 (+0) 0 (+0) 0 (+0) 0 (+0) 0 (+0) Imported Biodiesel (Annual Change)...................... 0 (N/A) 0 (+0) 31 (+31) 52 (+21) 74 (+22) 113 (+39) [[Page 58509]] Imported Renewable Diesel (Annual Change)............... 0 (N/A) 0 (+0) 53 (+53) 0 (-53) 106 (+106) 43 (-63) Exported Biodiesel and Renewable Diesel (Annual Change). 0 (N/A) 0 (+0) 0 (+0) 0 (+0) 0 (+0) 1 (+1) ----------------------------------------------------------------------------------------------- Total (Annual Change)............................... 0 (N/A) 0 (+0) 90 (+90) 53 (-37) 180 (+127) 155 (-25) -------------------------------------------------------------------------------------------------------------------------------------------------------- \a\ All data for 2011-2016 from EMTS. EPA reviewed all conventional biodiesel and renewable diesel RINs retired for reasons other than demonstrating compliance with the RFS standards and subtracted these RINs from the RIN generation totals for each category in the table above to calculate the supply in each ***year***. \b\ RFS required volumes for these ***years*** were not established until December 2015. Since 2011 the ***year***-over-***year*** changes in the volume of advanced biodiesel and renewable diesel in the U.S have varied greatly, from a low of negative 61 million gallons from 2011 to 2012 to a high of 779 million gallons from 2015 to 2016. These changes were likely influenced by a number of factors such as the cost of biodiesel feedstocks and petroleum diesel, the status of the biodiesel blenders tax credit, growth in marketing of biodiesel at high volume truck stops and centrally fueled fleet locations, demand for biodiesel and renewable diesel in other countries, biofuel policies in both the U.S and foreign countries, and the volumes of renewable fuels (particularly advanced biofuels) required by the RFS. This historical information does not indicate that the maximum previously observed increase of 779 million gallons of advanced biodiesel and renewable diesel would be reasonable to expect from 2017 to 2018, nor does it indicate that the low growth rates observed in other ***years*** represent the limit of potential growth in 2018. Rather, these data illustrate both the magnitude of the increases in advanced biodiesel and renewable diesel in previous ***years*** and the significant variability in these increases. The historic data indicates that the biodiesel tax policy in the U.S can have a significant impact on the supply of biodiesel and renewable diesel in any given ***year***. While the biodiesel blenders tax credit has applied in each ***year*** from 2010-2016, it has only been in effect during the ***calendar*** ***year*** in 2011, 2013 and 2016, while other ***years*** it has been applied retroactively. The biodiesel blenders tax credit expired at the end of 2009 and was re-instated in December 2010 to apply retroactively in 2010 and extend through the end of 2011. Similarly, after expiring at the end of 2011, 2013, and 2014 the tax credit was re-instated in January 2013 (for 2012 and 2013), December 2014 (for 2014), and December 2015 (for 2015 and 2016). Each of the ***years*** in which the biodiesel blenders tax credit was in effect during the ***calendar*** ***year*** (2013 and 2016) resulted in significant increases in the supply of advanced biodiesel and renewable diesel over the previous ***year*** (653 million gallons and 779 million gallons respectively). However, following this large increase in 2013, the increase in the supply of advanced biodiesel and renewable diesel in 2014 and 2015 was minimal, only 33 million gallons from 2013 to 2015. This pattern is likely the result of both accelerated production and/or importation of biodiesel and renewable diesel in the final few months of 2013 to take advantage of the expiring tax credit as well as relatively lower volumes of biodiesel and renewable diesel production and import in 2014 and 2015 than would have occurred if the tax credit had been in place.\93\ --------------------------------------------------------------------------- \93\ We also acknowledge that the fact that EPA did not finalize the required volumes of renewable fuel under the RFS ***program*** for 2014 and 2015 until December 2015 likely had an impact on the volume of advanced biodiesel and renewable diesel supplied in these ***years***. --------------------------------------------------------------------------- We believe it is reasonable to anticipate a similar production pattern in 2016 through 2018 as observed in 2013 through 2015; that increases in the volumes of advanced biodiesel and renewable diesel will be modest in 2017 and 2018, following the significant increase in 2016. In 2013 the tax credit was in place through the entire ***year***. This was followed by two ***years*** (2014 and 2015) in which the tax credit was not in place, but was eventually reinstated retroactively. Similarly, the tax credit in place through 2016, but at the time of this rulemaking not applicable to 2017 or 2018.\94\ Available RIN generation data further supports this pattern. Very high volumes of advanced biodiesel and renewable diesel were supplied in the last quarter of 2016, likely driven by a desire to capture the expiring tax credit, while significantly smaller volumes of these fuels were supplied in the first quarter of 2017.\95\ Data on advanced biodiesel and renewable diesel RIN generation in 2017 was available through September at the time the analyses were performed for this rulemaking. Our review of this data suggests that the generation of RINs for advanced biodiesel and renewable diesel in 2017 (through September) is slightly higher than RIN generation for these fuels during the same time period in 2016 (see Figure IV.B.2-1 below). Total 2016 RIN generation for advanced biodiesel and renewable diesel through September 2016 was 2.76 billion RINs, while total 2017 RIN generation for these fuels through September 2017 was 2.82 billion RINs. Total supply of advanced biodiesel and renewable diesel in 2016 was 2.46 billion gallons, suggesting that a total supply of approximately 2.5 billion gallons in 2017 (slightly higher than the volume supplied in 2016) is likely.\96\ This is consistent with our projection of advanced biodiesel and renewable diesel in the 2017 rule (2.4 billion gallons) and expectations based on RIN generation patterns in previous ***years*** of modest increases in the supply of advanced biodiesel and renewable diesel in the ***years*** following the [[Page 58510]] expiration of the biodiesel tax credit. This data also supports our expectation that the reasonably attainable volume of advanced biodiesel and renewable diesel in 2018 will reflect modest increases from the reasonably attainable volumes of these fuels in 2016 and 2017. It is not clear from this data whether or not higher RFS volume requirements alone would be sufficient to drive significant increases in the supply of advanced biodiesel and renewable diesel in the absence of a tax credit. --------------------------------------------------------------------------- \94\ At this time, it is uncertain whether the tax credit would be retroactively applied to 2017 or applied in any manner (prospectively or retroactively) in 2018. \95\ According to data on EPA's public Web site, RINs were generated for 823 million gallons of biomass-based diesel in the last quarter of 2016 while RINs were generated for 444 million gallons of biomass-based diesel in the first quarter of 2017. The vast majority of advanced biodiesel and renewable diesel qualifies as biomass-based diesel. \96\ The supply of advanced biodiesel and renewable diesel in 2016 accounts for all RIN generation, as well as all RIN retirements for reasons other than compliance with the annual standards. At this time, we do not have sufficient data to compare RIN retirements for reasons other than compliance with the annual standards in 2017 to those in 2016, as this data often lags RIN generation by several months. However, at this time we have no reason to believe RINs retired for reasons other than compliance with the annual standards in 2017 would be significantly different that retirements for the same reasons in 2017. [GRAPHIC] [TIFF OMITTED] TR12DE17.001 After reviewing the historical supply of advanced biodiesel and renewable diesel and consideration of the possible impact of the expiration of the biodiesel tax credit (discussed above), EPA next considered the expected increase in the availability of advanced biodiesel and renewable diesel feedstocks in 2018. We acknowledge that an increase in the required use of advanced biodiesel and renewable diesel could be realized through a diversion of advanced feedstocks from other uses, or a diversion of advanced biodiesel and renewable diesel from existing markets in other countries. We perceive the net benefits associated with such increased advanced biofuel and renewable fuel volumes to be significantly less than the net benefits associated with the production of additional advanced biodiesel and renewable diesel with the use of newly-available advanced feedstocks due to the likelihood that parties that previously used advanced biofuel feedstocks will replace them with low cost palm or petroleum derived products. This is both because of the potential disruption and associated cost impacts to other industries resulting from feedstock switching, and a reduced GHG reduction benefit related to use of feedstocks for biofuel production that would have been used for other purposes and which must then be backfilled with other feedstocks with potentially greater GHG emissions. Similarly, increasing the supply of biodiesel and renewable diesel to the U.S by diverting fuel that would otherwise have been used in other countries results in lesser GHG benefits than if the supply of these fuels was increased through additional biofuel production, especially if this diversion results in increased consumption of petroleum fuels in the countries that would have otherwise consumed the biodiesel or renewable diesel. By focusing our assessment of the potential growth in the reasonably attainable volume of biodiesel and renewable diesel on the expected growth in the production of advanced feedstocks (rather than the total supply of these feedstocks in 2018, which would include feedstocks currently being used for non-biofuel purposes), we are attempting to minimize the incentives for the RFS ***program*** to increase the supply of advanced biodiesel and renewable diesel through feedstock switching or diverting biodiesel and renewable diesel from foreign market to the U.S Advanced biodiesel and renewable diesel feedstocks include both waste oils, fats and greases and oils from planted crops. While we believe a small increase in supply of waste oils, fats, and greases may be possible in 2018, we believe this increase is limited as most of these oils, fats, and greases are already being recovered and used in biodiesel and renewable diesel production or for other purposes. Many of the planted crops that supply vegetable oil for advanced biodiesel and renewable diesel production are primarily grown for purposes other than providing feedstocks for biodiesel and renewable diesel, such as for livestock feed with the oil that is used as feedstock for renewable fuel production a co-product or by-product.\97\ This is true for soy beans and corn, which are the two largest sources of feedstock from planted crops used for biodiesel production in the U.S \98\ We do not believe that the increased demand for soybean oil or corn oil will result in an [[Page 58511]] increase in soybean or corn prices large enough to induce significant changes in ***agricultural*** activity, at least for the relatively modest changes in advanced biodiesel and renewable diesel feedstock demand that we envision as a result of the RVOs we are finalizing in this rule. The vegetable oils produced are not the primary source of revenue for these crops, meaning that the planted acres of these crops are likely to be based on broader economic factors, rather than on demand for vegetable oil to produce biofuels or for other markets. --------------------------------------------------------------------------- \97\ For example, corn oil is a co-product of corn grown primarily for feed or ethanol production, while soy and canola oil are primarily grown as livestock feed. \98\ According to EIA data 6,096 million pounds of soy bean oil and 1,306 million pounds of corn oil were used to produce biodiesel in the U.S in 2016. Other significant sources of feedstock were yellow grease (1,389 million pounds), canola oil (1,130 million pounds), white grease (578 million pounds), tallow (332 million pounds), and poultry fat (220 million pounds). Numbers from EIA's February 2017 Monthly Biodiesel Production Report. Available at [*https://www.eia.gov/biofuels/biodiesel/production/archive/2016/2016\_12/biodiesel.pdf*](https://www.eia.gov/biofuels/biodiesel/production/archive/2016/2016_12/biodiesel.pdf) --------------------------------------------------------------------------- Increasing the demand for advanced biodiesel and renewable diesel beyond the volumes that could be made from the projected increase in the feedstocks used to produce these fuels would likely require diverting volumes of advanced biodiesel and renewable diesel (or the feedstocks used to produce these fuels) from existing markets to be used to produce biofuels supplied to the U.S Increasing the short-term supply of advanced biodiesel and renewable diesel to the U.S in this manner (simply shifting the end use of advanced feedstocks to biodiesel and renewable diesel production and meeting non-biofuel demand for these feedstocks with conventional renewable and/or petroleum based feedstocks or diverting advanced biodiesel and renewable diesel from foreign markets to the U.S ) may not advance the full GHG or energy security goals of the RFS ***program***. In a worst case scenario, higher standards could cause supply disruptions to a number of markets as biodiesel and renewable diesel producers seek additional supplies of advanced feedstocks and the parties that previously used these feedstocks, both within and outside of the fuels marketplace, seek out alternative feedstocks. Similarly, advanced biodiesel and renewable diesel could be diverted to the U.S from foreign countries and displaced with petroleum fuels. These actions could result in significant cost increases, for both biodiesel and renewable diesel as well as other products produced from renewable oils, with reduced GHG benefits. We believe the most reliable source for projecting the expected increase in vegetable oils in the U.S is USDA's World ***Agricultural*** Supply and Demand Estimates (WASDE). According to the September 2017 WASDE report, domestic vegetable oil production is expected to increase by 0.33 million metric tons in 2018, from 11.42 million metric tons in the 2016/2017 ***agricultural*** marketing ***year*** to 11.75 million metric tons in the 2017/2018 ***agricultural*** marketing ***year***.\99\ This quantity of vegetable oils (0.33 million metric tons) could be used to produce approximately 94 million gallons of advanced biodiesel or renewable diesel.\100\ --------------------------------------------------------------------------- \99\ For this assessment we have assumed the vegetable oils produced in the 2017/2018 ***agricultural*** marketing ***year*** are the feedstocks most likely to be used to produce biodiesel and renewable diesel in 2018. \100\ To calculate this volume we have used a conversion of 7.7 pounds of feedstock per gallon of biodiesel. This is based on the expected conversion of soy oil (   [*http://extension.missouri.edu/p/G1990*](http://extension.missouri.edu/p/G1990)), which is the largest source of feedstock used to produce advanced biodiesel and renewable diesel. We believe that it is also a reasonable conversion factor to use for all virgin vegetable oils. --------------------------------------------------------------------------- In addition to virgin vegetable oils, we also expect increasing volumes of distillers corn oil \101\ to be available for use in 2018. The WASDE report does not project distillers corn oil production, so EPA must use an alternative source to project the growth in the production of this feedstock. EPA is using the results of the World ***Agricultural*** Economic and Environmental Services (WAEES) model to project the growth in the production of distillers corn oil.\102\ In assessing the likely increase in the availability of distillers corn oil from 2017 to 2018, the authors of the WAEES model considered the impacts of an increasing adoption rate of distillers corn oil extraction technologies at domestic ethanol production facilities, as well as increased corn oil extraction rates enabled by advances in this technology. The WAEES model projects that production of distillers corn oil in 2018 will increase by 316 million pounds, from 2,299 million pounds in ***agricultural*** marketing ***year*** 2016/2017 to 2,615 million pounds in ***agricultural*** marketing ***year*** 2017/2018. According to the WAEES model, this projected increase in the production of distillers corn oil, if devoted entirely to biofuel production, could be used to produce approximately 39 million gallons of biodiesel or renewable diesel in 2018. We believe that this is a reasonable projection. While the vast majority of the increase in advanced biodiesel and renewable diesel feedstocks produced in the U.S from 2016 to 2017 is expected to come from virgin vegetable oils and distillers corn oil, increases in the supply of other sources of advanced biodiesel and renewable diesel feedstocks, such as biogenic waste oils, fats, and greases, may also occur. These increases, however, are expected to be modest, as many of these feedstocks that can be recovered economically are already being used for the production of biodiesel or renewable diesel, or in other markets. In total, we expect that increases in feedstocks produced in the U.S are sufficient to produce approximately 150 million more gallons of advanced biodiesel and renewable diesel in 2018 relative to 2017.\103\ --------------------------------------------------------------------------- \101\ Distillers corn oil is non-food grade corn oil produced by ethanol production facilities \102\ For the purposes of this final rule, EPA relied on WAEES modeling results submitted as comments by the National Biodiesel Board on the 2018 final rule (Kruse, J., ``Implications of an Alternative Advanced and Biomass Based Diesel Volume Obligation for Global ***Agriculture*** and Biofuels'', August 21, 2017, World ***Agricultural*** Economic and Environmental Services (WAEES), EPA-HQ- OAR-2017-0091-3880). \103\ This projection includes a projected increase in the availability fats and oils other than virgin vegetable oils and distillers corn oil sufficient to produce approximately 15 million gallons of biodiesel. The WAEES model projects an increase in the quantity of ``other fats and oils'' (including inedible tallow, lard & white grease, yellow grease, brown grease, poultry fat, and other) sufficient to produce 31 million gallons of biodiesel. It is not clear from the WAEES model, however, if the projected increased use of other fats and oils as feedstock for biodiesel production is the result of increased production/collection of these feedstocks or diverting them from other uses. We therefore think our slightly more conservative projected increase in these feedstocks sufficient to produce 15 million gallons of biodiesel (without diverting feedstocks from existing uses) is appropriate. We note, however, using the slightly higher projection from the WAEES model (feedstock increase sufficient to produce 31 million gallons of biodiesel) has a very minimal impact on our assessment of the reasonably attainable volume of advanced biodiesel and renewable diesel in 2018, and would have no impact on the required volume of advanced biofuel for 2018. --------------------------------------------------------------------------- We have also considered the expected increase in the imports of advanced biodiesel and renewable diesel produced in other countries. In previous ***years***, significant volumes of foreign produced advanced biodiesel and renewable diesel have been supplied to markets in the U.S (see Table IV.B.2-1 above). These significant imports were likely the result of a strong U.S demand for advanced biodiesel and renewable diesel, supported by the RFS standards, the LCFS in California, the biodiesel blenders tax credit, and the opportunity for imported biodiesel and renewable diesel to realize these incentives. At this time the impact of the expiration of the biodiesel blenders tax credit on the volumes of foreign-produced biodiesel and renewable diesel imported into the U.S , is highly uncertain. Additionally, in August 2017 the Department of Commerce announced a preliminary determination that it would be appropriate to place countervailing duties of 41 percent to 68 percent on biodiesel imported from Argentina and Indonesia. According to data from EIA, biodiesel imports from Argentina were 10,679 thousand barrels in 2016 (approximately 449 million gallons) and 5,601 billion barrels (approximately 235 [[Page 58512]] million gallons) through July 2017 (the most recent month for which data were available at the time of this assessment). Biodiesel imports from Indonesia were 2,554 thousand barrels in 2016 (approximately 107 million gallons), with no biodiesel imported in 2017 through July 2017. At this time, it is uncertain whether or not the preliminary determination by the Department of Commerce will be finalized, and it is uncertain what impact the finalization of these duties would have on overall imports of advanced biodiesel and renewable diesel to the U.S In recent ***years*** imports of advanced biodiesel and renewable diesel have increased ***year***-over-***year***, and absent these actions it may be reasonable to anticipate continued increases in the imported volume of these fuels. In light of this uncertainty, however, we do not believe it would be reasonable at this point to either increase or decrease our projection of the reasonably attainable volume of biodiesel and renewable diesel for 2018 as compared to the levels we projected for 2017.\104\ --------------------------------------------------------------------------- \104\ We further note that there have been recent efforts to reinstate the biodiesel tax credit as a producers' tax credit, rather than a blenders tax credit. If the biodiesel tax credit were reinstated as a producers' tax credit it would not apply to foreign biodiesel producers, further limiting the likely supply of imported advanced biodiesel and renewable diesel. --------------------------------------------------------------------------- After a careful consideration of the factors discussed above, EPA has determined, for the purposes of this final rule, that approximately 2.55 billion gallons of advanced biodiesel and renewable diesel is reasonably attainable for use in our determination of the appropriate applicable volume of advanced biofuel to require for 2018. This volume is 150 million gallons higher than the volume of advanced biodiesel and renewable diesel determined to be reasonably attainable and appropriate for the purposes of deriving the advanced biofuel standard in 2017. The 150 million gallon increase in advanced biodiesel and renewable diesel that we project will be reasonably attainable for 2018 represents a smaller annual increase in advanced biodiesel and renewable diesel than we assumed in deriving the 2017 advanced biofuel standard (approximately 300 million gallons over 2016 levels). We believe that this reflects that the circumstances presented with respect to 2018 are different from those we anticipated for 2017. The primary differences are a smaller projected increase in advanced feedstock production in the U.S , the continued absence of the biodiesel tax credit, and the preliminary determination placing duties on biodiesel imported from Argentina and Indonesia. 3. Other Advanced Biofuel In addition to cellulosic biofuel, imported sugarcane ethanol, and advanced biodiesel and renewable diesel, there are other advanced biofuels that can be counted in the determination of reasonably attainable volumes of advanced biofuel for 2018. These other advanced biofuels include biogas, naphtha, heating oil, butanol, jet fuel, and domestically-produced advanced ethanol.\105\ However, the supply of these fuels has been relatively low in the last several ***years***. --------------------------------------------------------------------------- \105\ Advanced biofuel with a D code of 5. Table IV.B.3-1--Historical Supply of Other Advanced Biofuels [Million ethanol-equivalent gallons] -------------------------------------------------------------------------------------------------------------------------------------------------------- Renewable Domestic CNG Heating oil Naphtha diesel a ethanol Total -------------------------------------------------------------------------------------------------------------------------------------------------------- 2013.................................................... 26 0 3 64 23 116 2014.................................................... 20 0 18 15 26 79 2015.................................................... 0 1 24 8 25 58 2016.................................................... 0 2 26 8 27 63 -------------------------------------------------------------------------------------------------------------------------------------------------------- a Some renewable diesel generates D5 rather than D4 RINs as a result of being produced through co-processing with petroleum or being produced from the non-cellulosic portions of separated food waste or annual cover crops. The downward trend over time in biogas as advanced biofuel with a D code of 5 is due to the re-categorization in 2014 of landfill biogas from advanced (D code 5) to cellulosic (D code 3).\106\ Apart from biogas, total supply of advanced biofuel other than imported sugarcane ethanol has been relatively constant during 2014-2016. Based on this historical record, we find that 60 million gallons would be reasonably attainable in 2018.\107\ This represents the approximate average of the two most recent ***years*** (2015 and 2016) for which complete data are available. --------------------------------------------------------------------------- \106\ 79 FR 42128, July 18, 2014. \107\ For the purposes of determining the availability of total renewable fuel, we are using a volume of 40 million gallons of non- ethanol other advanced biofuel and 20 million gallons of advanced domestic ethanol (see discussion in Section V.B.2). --------------------------------------------------------------------------- We recognize that the potential exists for additional volumes of advanced biofuel from sources such as jet fuel, liquefied petroleum gas (LPG), and liquefied natural gas (as distinct from compressed natural gas), as well as non-cellulosic biogas such as from digesters. However, since they have been produced in only de minimis and sporadic amounts in the past, we do not have a basis for projecting substantial volumes from these sources in 2018.\108\ --------------------------------------------------------------------------- \108\ For instance, no RIN-generating volumes of these other advanced biofuels were produced in 2016, and less than 1 mill gal total in prior ***years***. --------------------------------------------------------------------------- 4. Total Advanced Biofuel The total volume of advanced biofuel that we believe is reasonably attainable in 2018 is the combination of cellulosic biofuel and the sources described above: imported sugarcane ethanol, biodiesel and renewable diesel which qualifies as BBD, and other advanced biofuels such as advanced biogas that does not qualify as cellulosic biofuel, heating oil, naphtha, domestic advanced ethanol, and advanced renewable diesel that does not qualify as BBD. Our assessment of the reasonably attainable volumes of these sources, discussed in the preceding sections, is summarized below. We note that the reasonably attainable volumes of each of these advanced biofuels cannot themselves be viewed as volume requirements. The volumes for each advanced biofuel type represent one significant factor that is considered in the analysis used to determine the reasonably attainable volumes of advanced biofuel. As discussed in more detail in a memorandum to the docket, there are many ways that the market could respond to the percentage standards we establish, including use of higher or lower volumes of these fuel types than [[Page 58513]] discussed in this section.\109\ In addition, as discussed below, we do not believe it would be appropriate to require use of all volumes we have determined to be reasonably attainable. --------------------------------------------------------------------------- \109\ ``Market impacts of biofuels,'' memorandum from David Korotney to docket EPA-HQ-OAR-2017-0091. Table IV.B.4-1--Reasonably Attainable Volumes of Advanced Biofuel in 2018 [Million ethanol-equivalent gallons except as noted] ------------------------------------------------------------------------ ------------------------------------------------------------------------ Cellulosic biofuel...................................... 288 Advanced biodiesel and renewable diesel (ethanol- 3,953/2,550 equivalent volume/physical volume)..................... Imported sugarcane ethanol.............................. 100 Other advanced.......................................... 60 --------------- Total advanced biofuel................................ 4,401 ------------------------------------------------------------------------ C. Exercise of Cellulosic Waiver Authority for Advanced Biofuel Based on the information presented above, we believe that 4.40 billion gallons of advanced biofuel would be reasonably attainable in 2018. This volume is 110 million gallons higher than the 4.29 billion gallons that would result from reducing the applicable volume of advanced biofuel by the same amount as the reduction to the statutory applicable volume of cellulosic biofuel (see Section III for a discussion of the cellulosic biofuel volume requirement for 2018). In exercising the cellulosic waiver authority in past ***years***, we determined it was appropriate to require a partial backfilling of missing cellulosic volumes with volumes of non-cellulosic advanced biofuel we determined to be reasonably attainable and appropriate, notwithstanding the increase in costs associated with this decision.\110\ However, this ***year*** we are balancing the various considerations in a different manner in setting the 2018 standards, placing a greater emphasis on cost considerations.\111\ --------------------------------------------------------------------------- \110\ See, e.g , Response to Comments Document for the 2014-16 Rule, pages 628-631, available at   [*https://www.epa.gov/sites/production/files/2015-12/documents/420r15024.pdf*](https://www.epa.gov/sites/production/files/2015-12/documents/420r15024.pdf) \111\ EPA notes that while the factors considered under the cellulosic waiver authority to reduce volumes could apply to volumes beyond the reduction in cellulosic biofuel, EPA is limited in the exercise of its cellulosic waiver authority to reductions up to the amount of the reduction in cellulosic biofuel. Any further reductions would require a determination under the general waiver authority that the volumes would result in severe economic or environmental harm, or that there is an inadequate domestic supply, as discussed in Section V below. --------------------------------------------------------------------------- In Section IV.E we present illustrative cost projections for sugarcane ethanol and soybean biodiesel in 2018, the two advanced biofuels that would be most likely to provide the marginal increase in volumes of advanced biofuel in 2018 in comparison to 2017. Sugarcane ethanol results in a cost increase compared to gasoline that ranges from $0.61-$1.56 per ethanol-equivalent gallon.\112\ Soybean biodiesel results in a cost increase compared to diesel fuel that ranges from $0.95-$1.30 per ethanol-equivalent gallon.\113\ The cost of these renewable fuels is high as compared to the petroleum fuels they displace. In light of these comparative costs, we believe it is reasonable to forgo the marginal benefit that might be achieved by establishing the advanced biofuel standard to require an additional 110 million gallons. See Section IV.E for a further discussion of the projected cost of this final rule. --------------------------------------------------------------------------- \112\ Sugarcane ethanol results in a projected cost increase of $0.92-$2.34 per gasoline-equivalent gallon. The projected cost of gasoline in 2018 is $1.64 per gallon based on EIA Short-Term Energy Outlook, October 2017, Custom Table Builder, ``Refiner Wholesale Gasoline Price.'' \113\ Soybean biodiesel results in a projected cost increase of $1.62-$2.22 per diesel-equivalent gallon. The projected cost of diesel in 2018 is $1.74 per gallon based on EIA Short-Term Energy Outlook, October 2017, Custom Table Builder, ``Diesel Fuel Refiner Wholesale Price.'' --------------------------------------------------------------------------- Based on consideration of the volumes that may be reasonably attainable in 2018, along with a balancing of the costs and benefits associated with the option of setting the advanced biofuel standard at a level that would require use of all volumes that we have estimated could be reasonably attainable, we are exercising our cellulosic waiver authority to reduce advanced biofuel volumes to 4.29 billion gallons for 2018.\114\ This advanced biofuel volume requirement for 2018 is similar to the requirement for 2017 when we allowed a portion of the shortfall in cellulosic biofuel to be backfilled with other advanced biofuel. --------------------------------------------------------------------------- \114\ EPA also considered the availability of advanced carryover RINs in determining whether reduced use of the cellulosic waiver authority would be warranted. For the reasons described in Section II.B, we do not believe this to be the case. --------------------------------------------------------------------------- It should be noted that by exercising the full cellulosic waiver authority for advanced biofuel, the implied statutory volume target for non-cellulosic advanced biofuel of 4.0 billion gallons in 2018 is maintained. Although the implied volume for non-cellulosic advanced biofuel in the statute increases from 3.5 billion gallons in 2017 to 4.0 billion gallons in 2018, the applicable volume requirements for 2017 as finalized by EPA included an allowance for 4.0 billion gallons of non-cellulosic advanced biofuel, one ***year*** before envisioned by the statute. Through our 2017 action, we effectively required early use of the 0.5 billion gallon increment of non-cellulosic advanced volume that Congress envisioned would be first used in 2018. The net result of our action for 2018, after deciding that no further reductions beyond those obtained by exercise of the cellulosic waiver authority are appropriate (see Section V), is that the advanced biofuel volume requirement for 2018 is 10 million gallons higher than the advanced biofuel volume requirement for 2017, but the portion of this volume requirement that may be satisfied with non-cellulosic biofuels remains constant. D. Exercise of Cellulosic Waiver Authority for Total Renewable Fuel As discussed in Section II.A.1, we believe that the cellulosic waiver provision is best interpreted to provide equal reductions in advanced biofuel and total renewable fuel. We have consistently articulated this interpretation.\115\ We believe this interpretation is consistent with the statutory language and best effectuates the objectives of the statute. If EPA were to reduce the total renewable fuel volume requirement by a lesser amount than the advanced biofuel volume requirement, we would effectively increase the opportunity for conventional biofuels to participate in the RFS ***program*** beyond the implied statutory cap of 15 billion gallons.\116\ --------------------------------------------------------------------------- \115\ For instance, see discussion in the final rules setting the 2013, 2014-2016, and 2017 standards: 78 FR 49809-49810, August 15, 2013; 80 FR 77434, December 14, 2015; 81 FR 89752-89753, December 12, 2016. We incorporate by reference the rationale for this interpretation that was articulated in these prior rules. \116\ Since the advanced biofuel volume requirement is nested within the total renewable fuel volume requirement, the statutory implied volume for conventional renewable fuel in the statutory tables can be discerned by subtracting the applicable volume of advanced biofuel from that of total renewable fuel. Performing this calculation with respect to the tables in CAA section 211(o)(2)(B) indicates a Congressional expectation that in the time period 2015- 2022, advanced biofuel volumes would grow from 5.5 to 21 billion gallons, while the implied volume for conventional renewable fuel would remain constant at 15 billion gallons. --------------------------------------------------------------------------- Applying an equal reduction of 6.71 billion gallons to both the statutory target for advanced biofuel and the statutory target for total renewable fuel results in a total renewable fuel volume of 19.29 billion gallons as shown in Table IV.A-1.\117\ If we were to determine that there is a basis to exercise the general waiver authority or [[Page 58514]] the biomass-based diesel waiver authority, we could provide further reductions to the total renewable fuel volume. However, as described in more detail below in Section V, we believe that there is not sufficient justification for such further reductions in 2018. --------------------------------------------------------------------------- \117\ EPA also considered the availability of carryover RINs in determining whether reduced use of the cellulosic waiver authority would be warranted. For the reasons described in Section II.B, we do not believe this to be the case. --------------------------------------------------------------------------- E. Impacts of 2018 Standards on Costs In this section, EPA presents its assessment of the illustrative costs of the final 2018 RFS rule. It is important to note that these illustrative costs do not attempt to capture the full impacts of this final rule. These estimates are provided solely for the purpose of showing how the cost to produce a gallon of a ``representative'' renewable fuel compares to the cost of petroleum fuel. There are a significant number of caveats that must be considered when interpreting these cost estimates. There are a number of different feedstocks that could be used to produce biofuels, and there is a significant amount of heterogeneity in the costs associated with these different feedstocks and fuels. Some renewable fuels may be cost competitive with the petroleum fuel they replace; however, we do not have cost data on every type of feedstock and every type of fuel. Therefore, we do not attempt to capture this range of potential costs in our illustrative estimates. The annual standard-setting process encourages consideration of the RFS ***program*** on a piecemeal (i.e , ***year***-to-***year***) basis, which may not reflect the full, long-term costs and benefits of the ***program***. For the purposes of this final rule, other than the estimates of costs of producing a ``representative'' renewable fuel compared to cost of petroleum fuel, EPA did not quantitatively assess other direct and indirect costs or benefits of changes in renewable fuel volumes. These direct and indirect costs and benefits include infrastructure costs, investment, GHG emissions and air quality impacts, or energy security benefits, which all are to some degree affected by the annual standards. While some of these impacts were analyzed in the 2010 final rulemaking that established the current RFS ***program***,\118\ we have not analyzed these impacts for the 2018 volume requirements. We framed the analyses we have performed for this final rule as ``illustrative'' so as not to give the impression of comprehensive estimates. --------------------------------------------------------------------------- \118\ RFS2 Regulatory Impact Analysis (RIA). U.S EPA 2010, Renewable Fuel Standard ***Program*** (RFS2) Regulatory Impact Analysis. EPA-420-R-10-006. February 2010. Docket EPA-HQ-OAR-2009-0472-11332. --------------------------------------------------------------------------- 1. Illustrative Cost Savings Associated With Reducing Statutory Cellulosic Volumes To provide an illustrative estimate of the cost of the 2018 cellulosic biofuel requirements, EPA has compared the 2018 cellulosic biofuel volume requirements to the statutory volume that would be required absent the exercise of our cellulosic waiver authority under CAA section 211(o)(7)(D)(i).\119\ As described in other sections of this final rule, we believe that the additional 6.71 billion gallons of cellulosic biofuel envisioned by the statute will not be produced in 2018. Therefore, estimating costs of this volume reduction is inherently challenging. However, we have taken the relatively straightforward methodology of multiplying the per-gallon costs associated with the volumes that would be required under this final rule by the amount of cellulosic renewable fuel that is being waived. This comparison results in a cost savings estimated to be $5.3-$15.9 billion. --------------------------------------------------------------------------- \119\ EPA is also using its discretion to reduce the advanced biofuel and total renewable fuel requirements using the cellulosic waiver authority. This discretionary action is based partially on the costs of advanced biofuels and provides additional cost savings. --------------------------------------------------------------------------- To estimate the overall cost savings from waiving the cellulosic biofuel volumes, EPA has taken the following steps. First, EPA determined the magnitude of the volume reduction of cellulosic biofuel we are establishing in this rule, relative to the statutory volume. In this rule we are reducing the required volume of cellulosic biofuel by 6.71 billion gallons, with corresponding reductions in the advanced biofuel and total renewable fuel standards. Second, we estimated the per-gallon costs of producing cellulosic ethanol derived from corn kernel fiber that would be expected in complying with the standards. Third, the per-gallon costs of cellulosic biofuel from corn fiber were multiplied by 6.71 billion gallons. While there may be growth in other cellulosic biofuel sources, for this exercise we believe it is appropriate to use corn kernel fiber as the representative cellulosic biofuel. The majority of liquid cellulosic biofuel in 2018 is expected to be produced using this technology, and application of this technology in the future could result in significant incremental volumes of cellulosic biofuel. In addition, as explained in Section III.D.2, we believe that production of the major alternative cellulosic biofuel--CNG/LNG derived from biogas--is limited to approximately 580 million gallons due to a limitation in the number of vehicles capable of using this form of fuel.\120\ --------------------------------------------------------------------------- \120\ To calculate this estimate, EPA used the Natural Gas Vehicle Use from the STEO Custom Table Builder (0.12 billion cubic feet/day in 2018). This projection includes all CNG/LNG used as transportation fuel from both renewable and non-renewable sources. EIA does not project the amount of CNG/LNG from biogas used as transportation fuel. To convert billion cubic feet/day to ethanol- equivalent gallons, EPA used conversion factors of 1020 BTU per cubic foot of natural gas and 77,000 BTU of natural gas per ethanol- equivalent gallon. --------------------------------------------------------------------------- EPA uses a ``bottom-up'' engineering cost analysis to quantify the costs of producing a gallon of cellulosic ethanol derived from corn kernel fiber. There are multiple processes that could yield cellulosic ethanol from corn kernel fiber. EPA assumes a cellulosic ethanol production process that generates biofuel using distiller's grains, a co-product of generating corn starch ethanol that is commonly dried and sold into the feed market as distillers dried grains with solubles (DDGS), as the renewable biomass feedstock. We assume an enzymatic hydrolysis process with cellulosic enzymes to break down the cellulosic components of the distiller's grains. This process for generating cellulosic ethanol is similar to approaches currently used by industry to generate cellulosic ethanol at a commercial scale, and we believe these costs estimates are likely representative of the range of different technology options being developed to produce ethanol from corn kernel fiber. We then compare the per-gallon wholesale costs of the cellulosic ethanol to the petroleum fuels that would be replaced. These cost estimates do not consider taxes, retail margins, or other costs or ***transfers*** that occur at or after the point of blending (***transfers*** are ***payments*** within society and are not additional costs). We do not attempt to estimate potential cost savings related to avoided infrastructure costs (e.g , the cost savings of not having to provide pumps and storage tanks associated with higher-level ethanol blends). When estimating per-gallon costs, we consider the costs of gasoline on an energy equivalent basis as compared to ethanol, since more ethanol gallons must be consumed to go the same distance as gasoline due to the ethanol's lower energy content. Table IV.E.1-1 below presents the cost savings associated with this final rule that are estimated using this approach.\121\ The statutory cellulosic [[Page 58515]] biofuel target in EISA for 2018 is seven billion gallons (ethanol equivalent). The cellulosic biofuel volume used in this rule to establish the 2018 cellulosic biofuel percentage standard is 288 million gallons. The amount of cellulosic biofuel being waived is 6.71 billion gallons. The per-gallon cost difference estimates for cellulosic ethanol ranges from $0.79-$2.37 per ethanol equivalent gallon.\122\ Given that cellulosic ethanol production is just starting to become commercially available, the cost estimates have a significant range. Multiplying those per-gallon cost differences by the amount of cellulosic biofuel waived in this final rule, 6.71 billion gallons, results in approximately $5.3-$15.9 billion in cost savings. --------------------------------------------------------------------------- \121\ Details of the data and assumptions used can be found in a Memorandum available in the docket entitled ``Cost Impacts of the Final 2018 Annual Renewable Fuel Standards'', Memorandum from Michael Shelby, Dallas Burkholder, and Aaron Sobel to EPA Docket EPA-HQ-OAR-2017-0091. \122\ For the purposes of the cost estimates in this section, EPA has not attempted to adjust the price of the petroleum fuels to account for the impact of the RFS ***program***, since the changes in the renewable fuel volume are relatively modest. Rather, we have simply used the wholesale price projections for gasoline and diesel as reported in EIA's October 2017 STEO. Table IV.E-1--Impacts of the Difference between EISA Volumes for the Cellulosic Biofuel Standard and Final Cellulosic Volume in 2018 ------------------------------------------------------------------------ 2018 EISA cellulosic 2018 Final volume cellulosic volume standard ------------------------------------------------------------------------ Cellulosic Volume Required (Million 7,000 288 Ethanol-Equivalent Gallons) 123.... Change in Required Cellulosic .............. (6,712) Biofuels (Million Gallons as Ethanol)........................... Cost Difference Between Cellulosic .............. $0.79-$2.37 Corn Fiber-Derived Ethanol and Gasoline Per Gallon ($/EGE) 124.... Estimated Cost Difference in Meeting .............. $(5.3)-$(15.9) Cellulosic Biofuel Volume (Billion $) 125............................. ------------------------------------------------------------------------ 2. Illustrative Cost Analysis of Advanced Biofuels Using 2017 as the Baseline We recognize that for the purpose of estimating the cost of the 2018 RFS volume requirements that a number of different scenarios using different ``baselines'' would be of interest to stakeholders. Therefore, in this section, we are also providing an illustrative cost analysis that shows the costs of the advanced biofuel standard as compared to those associated with the preceding ***year***'s standard, which as discussed in section IV.C will lead to an increase of 10 million gallons of advanced biofuel in 2018 in comparison to 2017.\126\ --------------------------------------------------------------------------- \123\ Overall fuel volumes may not match due to rounding. \124\ Approximate costs are rounded to the cents place. \125\ Approximate costs are rounded to the first decimal place. \126\ There is also an increase of 10 million gallons in the 2018 applicable volume of total renewable fuel as compared to the 2017 volume. However, in light of the nested standards, that increase is entirely attributable to the increase in the advanced volume. --------------------------------------------------------------------------- EPA is providing an illustrative cost analysis for the increase in the overall advanced biofuel volume of 10 million ethanol equivalent gallons (as compared to 2017 volumes) using four different scenarios, assuming this increase in advanced biofuel volumes is comprised of: (1) cellulosic biofuel from CNG/LNG, (2) cellulosic biofuel from corn kernel fiber, (3) soybean oil BBD, or (4) sugarcane ethanol from Brazil. Showing the illustrative costs of soybean oil BBD and sugarcane ethanol is consistent with the methodology EPA developed for previous rulemakings. However, this discussion should not be interpreted as suggesting that the various renewable fuel types discussed are necessarily available in the marketplace. The availability of different types of renewable fuel is discussed in other sections of this preamble; in this section we assess costs as if the different fuel types are available, without intending to suggest that they are. In previous annual RFS rules, EPA provided an illustrative cost estimate for the entire change in the total renewable fuel volume standard assuming it was satisfied with conventional (i.e , non- advanced) corn ethanol. As there is no change in the 2018 implied conventional volume relative to the 2017 volume, all of the changes in both the advanced and total renewable fuel volumes are properly attributed to advanced biofuel. As described earlier, we are focusing on the wholesale level in our cost scenarios, and do not consider taxes, retail margins, additional infrastructure, or other costs or ***transfers*** that occur at or after the point of blending. More background information on this section, including details of the data sources used and assumptions made for each of the scenarios, can be found in a memorandum available in the docket.\127\ --------------------------------------------------------------------------- \127\ ``Cost Impacts of the Final 2018 Annual Renewable Fuel Standards'', Memorandum from Michael Shelby, Dallas Burkholder, and Aaron Sobel to EPA Docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- Table IV.E.2-1 below presents estimates of per energy-equivalent gallon costs for producing soybean biodiesel, Brazilian sugarcane ethanol, CNG/LNG derived from landfill biogas, and cellulosic ethanol derived from corn fiber relative to the petroleum fuels they replace at the wholesale level. For each of the four scenarios, these per-gallon costs are then multiplied by the 10 million ethanol-equivalent gallon increase in the 2018 advanced standard relative to the previous 2017 standard to obtain an overall cost estimate. Table IV.E.2-1--Illustrative Costs of the 10 Million Gallon Increase in the Advanced Biofuel Volume Requirement in 2018 Relative to the 2017 Volume Requirement ------------------------------------------------------------------------ Representative Product class volumes ------------------------------------------------------------------------ Soybean Biodiesel Scenario ------------------------------------------------------------------------ Cost Difference Between Soybean Biodiesel and $0.89-$1.22 Petroleum Diesel Per Gallon ($/EGE) 128............ Annual Change in Overall Costs (Million $) 129...... $9-$12 ------------------------------------------------------------------------ Brazilian Sugarcane Ethanol Scenario ------------------------------------------------------------------------ Cost Difference Between Sugarcane Ethanol and $0.61-$1.56 Gasoline Per Gallon ($/EGE)........................ [[Page 58516]] Annual Change in Overall Costs (Million $).......... $6-$16 ------------------------------------------------------------------------ CNG/LNG Derived from Landfill Biogas Scenario ------------------------------------------------------------------------ Cost Difference Between CNG/LNG Derived from Biogas $(0.04)-$0.07 and Natural Gas ($/EGE) 130........................ Annual Change in Overall Costs (Million $).......... $(0.4)-$0.7 ------------------------------------------------------------------------ Corn Fiber-Derived Ethanol Scenario ------------------------------------------------------------------------ Cost Difference Between Cellulosic Corn Fiber- $0.79-$2.37 Derived Ethanol and Gasoline Per Gallon ($/EGE).... Annual Change in Overall Costs (Million $).......... $8-$24 ------------------------------------------------------------------------ Based on this illustrative analysis of four separate hypothetical scenarios, EPA estimates that the costs for changes in the advanced fuel volumes compared to 2017 could range from $(0.4)-$24 million in 2018. It is important to note that these illustrative costs do not take into consideration the benefits of the ***program***.\131\ For the purpose of this annual rulemaking, we have not quantified benefits for the 2018 standards. For example, we do not have a quantified estimate of the GHG or energy security benefits for a single ***year*** (e.g , 2018). Also, there are impacts that are difficult to quantify, such as rural economic development and employment changes from more diversified fuel sources, that are not quantified in this rulemaking. --------------------------------------------------------------------------- \128\ Per-gallon cost differences compare illustrative biofuels to their petroleum fuel counterparts on an ethanol gallon equivalent (EGE) basis, accounting for the differences in energy content between fuels, and then multiplied by the total RINs needed to meet the change in volume obligations. \129\ Overall costs may not match per-gallon costs times volumes due to rounding. \130\ CNG/LNG derived from biogas and natural gas costs are compared on an ethanol gallon equivalent (EGE) energy content basis. \131\ The small negative cost estimate is likely a result of the methodology undertaken for these illustrative costs. --------------------------------------------------------------------------- V. Consideration of Additional Reductions Using Other Waiver Authorities As discussed in previous sections, we are reducing the statutory volume target for cellulosic biofuel to reflect the projected production volume of that fuel type in 2018, and we are reducing both advanced biofuel and total renewable fuel by the maximum permissible amount authorized under the cellulosic waiver authority in CAA section 211(o)(7)(D)(i). We have also considered whether it would be appropriate to provide further reductions for these renewable fuel categories pursuant to the general waiver authority in CAA section 211(o)(7)(A), or for these renewable fuel categories and the 2018 BBD using the BBD waiver authority in CAA section 211(o)(7)(E). We have concluded that further reductions in volumes using any of these other waiver authorities are not warranted. We note that in the October 4 Federal Register document we solicited comment on possible new interpretations of the general waiver authority for inadequate domestic supply and severe economic harm and of the biomass-based diesel waiver authority.\132\ We find it unnecessary to resolve whether to adopt such interpretations at this point in time because under any approach we would find exercise of these waiver authorities not appropriate based on the record before us. --------------------------------------------------------------------------- \132\ 82 FR 46174, October 4, 2017. --------------------------------------------------------------------------- As a result, we are finalizing advanced biofuel and total renewable fuel volume requirements resulting from the exercise of the cellulosic biofuel waiver authority alone, and we are not modifying the 2018 BBD applicable volume of 2.1 billion gallons established through a prior rulemaking. The implied volume for conventional renewable fuel (calculated by subtracting the advanced volume from the total volume) will be 15.0 billion gallons, consistent with the statutory target provided in the statute for 2018. A. Inadequate Domestic Supply On July 21, 2017, we proposed to reduce the 2018 statutory volume targets for advanced biofuel and total renewable fuel by the maximum permissible amount using the cellulosic waiver authority, and not to reduce these volumes further using other authorities. However, we requested comment on the possible additional use of the general waiver authority or other authorities to provide further reductions in the proposed volume requirements.\133\ To evaluate the possibility for using the general waiver authority on the basis of a finding of inadequate domestic supply, we considered the projected volumes of renewable fuel that can be supplied to refiners, importers, and blenders in 2018 from both domestic production and imports. In addition, consistent with the approach identified for consideration in the October 4 document, we considered the projected volumes of renewable fuel that can be supplied to refiners and blenders solely from domestic production. Under either approach we conclude a waiver is not warranted. --------------------------------------------------------------------------- \133\ 82 FR 34206 at 34213, October 4, 2017. --------------------------------------------------------------------------- In Section III we discussed our projection that 288 million gallons of cellulosic biofuel will be made available in 2018. In Section IV we described our assessment that about 4.40 billion gallons of advanced biofuel would be reasonably attainable in 2018 from both domestic production and imports but that, after considering a number of factors, such as the potential for feedstock/fuel diversions and cost of advanced biofuel, we would exercise our discretion to use the full cellulosic waiver authority to reduce the applicable volume to 4.29 billion gallons.\134\ As a result, we do not anticipate an inadequate domestic supply of advanced biofuels to meet a volume requirement of 4.29 billion gallons for advanced biofuel, when both domestic production and imports are considered. --------------------------------------------------------------------------- \134\ Because EPA's authority under the cellulosic waiver authority affords EPA more discretion to reduce volumes of advanced and total renewable fuel than the general waiver authority under an evaluation of inadequate domestic supply, EPA has evaluated the supply of advanced biofuel for purposes of a determination on the adequacy of supply without consideration of these factors. --------------------------------------------------------------------------- Having determined that there will not be an inadequate domestic supply of advanced biofuel, we further considered whether there may be an inadequate domestic supply to satisfy the portion of the total renewable fuel volume requirement that can be satisfied with non- advanced (conventional) renewable fuel. After application of the full cellulosic waiver authority to the advanced biofuel and total renewable [[Page 58517]] fuel statutory volume targets, the implied statutory volume for conventional renewable fuel is 15.0 billion gallons. The total domestic production capacity of corn ethanol in the U.S is about 16 billion gallons, and total production of denatured and undenatured ethanol from these facilities in 2016 exceeded 15 billion gallons.\135\ As a result, there does not appear to be an inadequate domestic supply of renewable fuel to satisfy the implied 15 billion gallon conventional renewable fuel volume that results from full application of the cellulosic waiver authority to reduce statutory volume targets for advanced biofuel and total renewable fuel. We note that this assessment does not include imported volumes of fuel, such as conventional biodiesel, which could also be used to satisfy the volume requirements. In light of this finding, we conclude that there is not an inadequate domestic supply of volumes than can be used to meet the 15 billion gallon implied volume for conventional renewable fuel, and thus that further reductions of the 19.29 billion gallon total renewable fuel volume requirement derived through use of the cellulosic waiver authority would not appropriate when taking into account both domestic production and imports. --------------------------------------------------------------------------- \135\ ``2017 Ethanol Industry Outlook'' by the Renewable Fuels Association indicates that 2017 nationwide production capacity is 16.0 bill gal and actual production in 2016 was 15.25 bill gal. ``US Fuel Ethanol Plant Production Capacity from EIA,'' estimates 2017 nameplate production capacity at 15.51 bill gal. In ``Ethanol Production in 2016 from EIA,'' EIA indicates that 2016 actual production was 15.45 bill gal. All documents are available in docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- In the October 4 document, we discussed comments on the proposal suggesting that EPA should interpret the undefined term ``domestic'' in the phrase ``inadequate domestic supply'' to account for only volumes of renewable fuel that are produced domestically. If EPA were to adopt this interpretation, we could exclude potential imports of renewable fuel in our assessment of domestic supply but, even if we found domestic supply to be inadequate, could take factors such as potential imports and the availability of carryover RINs into account in determining the extent to which we should exercise our discretion to grant a waiver on the basis of inadequate domestic supply.\136\ As described in more detail in the RTC document, stakeholders who addressed this issue provided varying perspectives on the extent to which such an interpretation would have a relevant impact on renewable fuel supply. --------------------------------------------------------------------------- \136\ EPA's current regulations provide that qualifying imported biofuel may be used for compliance with the RFS standards; EPA's response to comments on this approach to imported biofuels is provided in the RTC document. --------------------------------------------------------------------------- In light of the fact that the domestic production capacity of conventional biofuel volumes is in excess of 15 billion gallons, whether we were to exclude imported biofuels from our consideration of domestic supply would primarily impact our assessment of the supply of cellulosic biofuel and advanced biofuel volumes, not conventional renewable fuel. With respect to cellulosic biofuel, we note that the vast majority of the supply in 2018 is expected to come from domestic sources. In fact, if EPA excluded consideration of projected cellulosic biofuel imports, our projection of the available volume of cellulosic biofuel in 2018 would be reduced by only 2 million gallons or less than 1 percent of our projection that 288 million cellulosic biofuel gallons will be made available in 2018. Given the importance that Congress placed on the growth of cellulosic biofuel volumes, our projection that compliance with a 288 million gallon requirement is feasible using RINs generated in 2018, and the availability of carryover cellulosic biofuel RINs and cellulosic waiver credits for additional compliance flexibility, EPA would not exercise its discretion to lower the 288 million gallon projected cellulosic biofuel volume by 2 million gallons even if EPA were to interpret the term ``domestic supply'' to exclude imported volumes. With respect to the available supply of advanced biofuel in 2018 in the context of an interpretation of inadequate domestic supply that excludes imports, several commenters noted the data provided by EPA in the October 4 document indicating that a significant portion of the advanced biofuel available in previous ***years*** has been from imported biofuels, particularly imported biodiesel and renewable diesel. Some commenters pointed to total domestic production capacity and feedstock availability to argue that domestic producers are capable of compensating for volumes that would not be provided through imports, so that even under an interpretation of ``domestic supply'' that excluded imports, EPA would not be justified in reducing volumes on the basis of inadequate domestic supply to a level below what was proposed. Others suggested that, without imported volumes, the domestic industry could not ramp up production quickly enough to compensate for the exclusion of imports from our analysis and provide a ``domestic supply'' equal to the proposed 2018 volume requirements.\137\ We believe, based on the record before us, that there is uncertainty regarding the capability of the domestic advanced biofuel industry to compensate in 2018 for volumes that would not be provided through imports. Taking this uncertainty into account (including the distinct possibility that the domestic industry could compensate for exclusion of imports), as well as the availability of imported volumes and carryover RINs, EPA would not choose to exercise its authority to grant a waiver on the basis of inadequate domestic supply for 2018 even if it interpreted the term ``domestic supply'' to exclude imports. In light of this determination, we need not resolve at this time the interpretive issue regarding whether the term ``domestic supply'' should include consideration of imports. --------------------------------------------------------------------------- \137\ The ``domestic supply'' of BBD for 2018 would likely be adequate to meet the 2018 standard of 2.1 billion gallons. Domestic production of BBD would need to increase by approximately 300 million gallons as compared to the 2016 production. As discussed above, EPA believes this increase is possible and received comments suggesting this volume increase could be met by domestic production. Additionally, carryover RINs and imported volumes could still be used to meet the standard. Therefore, EPA would not chose to exercise its authority to grant a waiver on the basis of inadequate domestic supply for BBD for 2018 even if it interpreted the term ``domestic supply'' to exclude imports. --------------------------------------------------------------------------- B. Severe Economic Harm The proposal and October 4 document requested comment on the possibility of further reductions in the proposed volume requirements, including on the basis of a severe economic harm. We received comments from stakeholders both in support of, and opposed to, further reductions in the advanced biofuel and/or total renewable fuel volume requirements based on a finding of severe economic harm. For instance, several obligated parties stated that the purchase of RINs to comply with the applicable standards represents a significant economic burden to their companies. Some also indicated that they are considering filing for bankruptcy. However, these commenters did not provide sufficient evidence that the purchase of RINs, as opposed to other market factors, is responsible for the company's difficult economic circumstances, or why they cannot recoup the cost of RINs through higher prices of their products, or the arguments presented were unconvincing.\138\ None of the [[Page 58518]] commenters provided compelling evidence that the proposed RFS volume requirements for 2018 would be likely to cause severe economic harm to a region, State, or the U.S \139\ Further discussion of these comments can be found in the RTC document. --------------------------------------------------------------------------- \138\ We further note that before exercising the general waiver authority on the basis of severe economic harm to a State, a Region or the U.S , EPA would need to consider whether a waiver that would affect the standards applicable to all obligated parties, and would take into account any negative economic impacts to farmers and biofuel producers from a waiver, would be of significant benefit to individual obligated parties facing financial difficulties. \139\ In the October 4 document, we solicited comment on EPA's prior interpretation of the term ``severe economic harm.'' As discussed in the RTC document accompanying this action, we believe that the evidence in the record would be insufficient to support a finding of severe economic harm under any reasonable interpretation of the phrase advanced by commenters, so do not find it necessary to assess changes to our interpretation of the phrase at this time. --------------------------------------------------------------------------- In addition to reviewing comments on the proposed rule and the October 4 document, EPA also reviewed market data from 2017 and previous ***years*** to see if there was evidence that the RFS standards are currently causing severe economic harm, or would be likely to cause severe economic harm in 2018. Given that the 2018 volumes generated through the maximum reduction permitted under the cellulosic waiver authority are nearly the same as the volume requirements for 2017, we considered: 1. Whether severe economic harm has occurred to date or is likely to occur in 2017, and 2. whether the economic conditions in 2018 might be expected to be substantially different than those in 2017. To determine whether severe economic harm has occurred to date or is likely to occur in in 2017, we investigated several possible indicators. These included RIN generation for 2017 relative to 2016, refinery closures, retail fuel prices, and corn and soybean prices. Based on our investigation, we do not believe that severe economic harm has occurred thus far in 2017 to any State, region, or the U.S as a result of the 2017 standards, or is likely occur by the end of 2017. Details of this investigation can be found in a memorandum to the docket.\140\ --------------------------------------------------------------------------- \140\ ``Assessment of waivers for severe economic harm or BBD prices for 2018,'' memorandum from David Korotney to docket EPA-HQ- OAR-2017-0091. --------------------------------------------------------------------------- To determine whether the economic conditions in 2018 might be expected to be substantially different than those in 2017 in ways that could affect the economic impact of compliance with the RFS ***program***, we investigated projections of two primary drivers of the cost of compliance: Crop-based feedstock futures prices, and projected gasoline demand. We also investigated the potential market impacts of the final 2018 standards, most specifically in terms of ethanol and biodiesel consumption.\141\ --------------------------------------------------------------------------- \141\ ``Market impacts of biofuels,'' memorandum from David Korotney to docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- Based on the record before us, we do not believe that there is sufficient evidence to conclude that severe economic harm is occurring currently in 2017 in any State, region, or the United States, and we do not believe that market conditions in 2018 are likely to cause compliance with the applicable standards to be more economically challenging than it is in 2017. Given that the 2018 standards are very similar to the 2017 standards, then, we do not believe that further reductions in the 2018 volume requirements on the basis of severe economic harm are warranted. C. Severe Environmental Harm EPA received comments in response to the proposal asserting that there are negative environmental impacts that may be associated with the RFS ***program***. A significant portion of these concerns center on feedstock production. Although we are authorized to reduce the statutory volume targets on the basis of a finding that the requirements would ``severely harm the . . . environment of a State, region, or the United States,'' commenters have not presented evidence sufficient to support a determination to make a reduction on this basis for 2018. EPA is not making reductions on this basis for 2018. EPA's response to comments related to perceived environmental harms of the RFS ***program*** is set forth in the RTC document accompanying this rule. D. Biomass-Based Diesel Waiver Authority The BBD waiver authority in CAA section 211(o)(7)(E)(ii) provides that if EPA determines that there is a significant renewable feedstock disruption or other market circumstance that would make the price of BBD increase significantly, then EPA shall, in consultation with the Secretary of Energy and the Secretary of ***Agriculture***, issue an order to reduce, for up to a 60-day period, the annual volume requirement for BBD by an appropriate quantity that does not exceed 15 percent. If EPA reduces the annual volume requirement for BBD using this waiver authority, we may also reduce the applicable volume of advanced biofuel and total renewable fuel by an equal or lesser volume than the reduction in BBD. In the October 4 document we requested comment on the expected impact on the price of BBD of the expiration of the biodiesel blenders tax credit, proposed import duties on biodiesel from Argentina and Indonesia, or any other factors. We further requested comment on whether any expected impacts should be considered significant for the purposes of the BBD waiver authority. To investigate whether a reduction in the 2018 BBD volume requirement would be warranted under CAA section 211(o)(7)(E)(ii), we considered current and historical prices of unblended biodiesel (B100), the price of blended biodiesel (in particular, B20), and BBD (D4) RIN prices. The results of this investigation are described in a memorandum to the docket.\142\ EPA discussed in the October 4 document the fact that the Department of Commerce had imposed preliminary tariffs on biodiesel imported from Argentina and Indonesia, and that such tariffs could impact the price of BBD. However, these tariffs have not yet been finalized, nor has EPA observed any significant impact of the announcement of the preliminary tariffs on the price of biomass-based diesel.\143\ --------------------------------------------------------------------------- \142\ ``Assessment of waivers for severe economic harm or BBD prices for 2018,'' memorandum from David Korotney to docket EPA-HQ- OAR-2017-0091. \143\ ``Assessment of waivers for severe economic harm or BBD prices for 2018,'' memorandum from David Korotney to docket EPA-HQ- OAR-2017-0091. --------------------------------------------------------------------------- Based on the information before us, including the results of our investigation and information and comments submitted in response to the October 4 document, we have concluded that there is not sufficient evidence of a significant increase to the price of BBD due to feedstock disruption or other relevant market circumstances to justify reductions to the 2018 BBD volume requirement using the biomass-based diesel waiver authority. VI. Final Biomass-Based Diesel Volume for 2019 In this section we discuss the BBD applicable volume for 2019. We are establishing this volume in advance of those for other renewable fuel categories in light of the statutory requirement in CAA section 211(o)(2)(B)(ii) to establish the applicable volume of BBD for ***years*** after 2012 no later than 14 months before the applicable volume will apply. We are not at this time establishing the BBD percentage standards that would apply to obligated parties in 2019 but [[Page 58519]] intend to do so in late 2018, after receiving EIA's estimate of gasoline and diesel consumption for 2019. Although the BBD applicable volume sets a floor for required BBD use, because the BBD volume requirement is nested within both the advanced biofuel and the total renewable fuel volume requirements, any BBD produced beyond the mandated 2019 BBD volume can be used to satisfy both of these other applicable volume requirements. A. Statutory Requirements The statute establishes applicable volume targets for ***years*** through 2022 for cellulosic biofuel, advanced biofuel, and total renewable fuel. For BBD, applicable volume targets are specified in the statute only through 2012. For ***years*** after those for which volumes are specified in the statute, EPA is required under CAA section 211(o)(2)(B)(ii) to determine the applicable volume of BBD, in coordination with the Secretary of Energy and the Secretary of ***Agriculture***, based on a review of the implementation of the ***program*** during ***calendar*** ***years*** for which the statute specifies the volumes and an analysis of the following factors: 1. The impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wetlands, ecosystems, wildlife habitat, water quality, and water supply; 2. The impact of renewable fuels on the energy security of the United States; 3. The expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and BBD); 4. The impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel; 5. The impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and 6. The impact of the use of renewable fuels on other factors, including job creation, the price and supply of ***agricultural*** commodities, rural economic development, and food prices. The statute also specifies that the volume requirement for BBD cannot be less than the applicable volume specified in the statute for ***calendar*** ***year*** 2012, which is 1.0 billion gallons. The statute does not, however, establish any other numeric criteria, or provide any guidance on how the EPA should weigh the importance of the often competing factors, and the overarching goals of the statute when the EPA sets the applicable volumes of BBD in ***years*** after those for which the statute specifies such volumes. In the period 2013-2022, the statute specifies increasing applicable volumes of cellulosic biofuel, advanced biofuel, and total renewable fuel, but provides no guidance, beyond the 1.0 billion gallon minimum, on the level at which BBD volumes should be set. In establishing the BBD and cellulosic standards as nested within the advanced biofuel standard, Congress clearly intended to support development of BBD and especially cellulosic biofuels, while also providing an incentive for the growth of other non-specified types of advanced biofuels. That is, the advanced biofuel standard provides an opportunity for other advanced biofuels (advanced biofuels that do not qualify as cellulosic biofuel or BBD) to compete with cellulosic biofuel and BBD to satisfy the advanced biofuel standard after the cellulosic biofuel and BBD standards have been met. B. Determination of the 2019 Applicable Volume of Biomass-Based Diesel One of the primary considerations in determining the BBD volume for 2019 is a review of the implementation of the ***program*** to date, as it affects BBD. This review is required by the CAA, and also provides insight into the capabilities of the industry to produce, import, export, and distribute BBD. It also helps us to understand what factors, beyond the BBD standard, may incentivize the production and import of BBD. The number of BBD RINs generated, along with the number of RINs retired due to export or for reasons other than compliance with the annual BBD standards from 2011-2018 are shown in Table VI.B.1-1 below. --------------------------------------------------------------------------- \144\ Available BBD RINs Generated, Exported BBD RINs, and BBD RINs Retired for Non-Compliance Reasons information from EMTS. Table VI.B.1-1--Biomass-Based (D4) RIN Generation and Standards in 2011-2018 [million RINs or gallons] \144\ -------------------------------------------------------------------------------------------------------------------------------------------------------- BBD RINs BBD RINs Exported BBD retired, non- Available BBD BBD standard BBD standard generated (RINs) compliance RINs \a\ (gallons) (RINs) reasons -------------------------------------------------------------------------------------------------------------------------------------------------------- 2011.................................................... 1,692 72 98 1,522 800 1,200 2012.................................................... 1,737 102 90 1,545 1,000 1,500 2013.................................................... 2,739 124 101 2,514 1,280 1,920 2014.................................................... 2,710 134 92 2,484 1,630 \b\ 2,490 2015.................................................... 2,796 145 32 2,619 1,730 \b\ 2,655 2016.................................................... 4,008 203 96 3,709 1,900 2,850 2017.................................................... N/A N/A N/A N/A 2,000 3,000 2018.................................................... N/A N/A N/A N/A 2,100 3,150 -------------------------------------------------------------------------------------------------------------------------------------------------------- \a\ Available BBD RINs may not be exactly equal to BBD RINs Generated minus Exported RINs and BBD RINs Retired, Non-Compliance Reasons, due to rounding. \b\ Each gallon of biodiesel qualifies for 1.5 RINs due to its higher energy content per gallon than ethanol. Renewable diesel qualifies for between 1.5 and 1.7 RINs per gallon, but generally has an equivalence value of 1.7 In 2014 and 2015 the number of RINs in the BBD Standard column is not exactly equal to 1.5 times the BBD volume standard as these standards were established based on actual RIN generation data for 2014 and a combination of actual data and a projection of RIN generation for the last three months of the ***year*** for 2015. Some of the volume used to meet the BBD standard was renewable diesel. [[Page 58520]] In reviewing historical BBD RIN generation and use, we see that the number of RINs available for compliance purposes exceeded the volume required to meet the BBD standard in 2011, 2012, 2013, and 2016. Additional production and use of biodiesel was likely driven by a number of factors, including demand to satisfy the advanced biofuel and total renewable fuels standards, the biodiesel tax credit,\145\ and favorable blending economics. The number of RINs available in 2014 and 2015 was approximately equal to the number required for compliance in those ***years***, as the standards for these ***years*** were finalized at the end of November 2015 and EPA's intent at that time was to set the standards for 2014 and 2015 to reflect actual BBD use. In 2016, with RFS standards established prior to the beginning of the ***year*** and the blenders tax credit in place, available BBD RINs exceeded the volume required by the BBD standard by 859 million RINs (30 percent). This indicates that in appropriate circumstances there is demand for BBD beyond the required volume of BBD. --------------------------------------------------------------------------- \145\ The biodiesel tax credit was reauthorized in January 2013. It applied retroactively for 2012 and for the remainder of 2013. It was once again extended in December 2014 and applied retroactively to all of 2014 as well as to the remaining weeks of 2014. In December 2015 the biodiesel tax credit was authorized and applied retroactively for all of 2015 as well as through the end of 2016. \146\ This is because when an obligated party retires a BBD RIN to help satisfy their BBD obligation, the nested nature of the BBD standard means that this RIN also counts towards satisfying their advanced and total renewable fuel obligations. Advanced RINs count towards both the advanced and total renewable fuel obligations, while conventional RINs (D6) count towards only the total renewable fuel obligation. --------------------------------------------------------------------------- The prices paid for advanced biofuel and BBD RINs beginning in early 2013 through the end of 2016 also support the conclusion that advanced biofuel and/or total renewable fuel standards provide a sufficient incentive for additional biodiesel volume beyond what is required by the BBD standard. Because the BBD standard is nested within the advanced biofuel and total renewable fuel standards, and therefore can help to satisfy three RVOs, we would expect the price of BBD RINs to exceed that of advanced and conventional renewable RINs.\146\ If, however, BBD RINs are being used by obligated parties to satisfy their advanced biofuel obligations, above and beyond the BBD standard, we would expect the prices of advanced biofuel and BBD RINs to converge.\147\ Further, if BBD RINs are being used (or are expected to be used) to satisfy obligated parties' total renewable fuel obligation, above and beyond their BBD and advanced biofuel requirements we would expect the price for all three RIN types to converge. --------------------------------------------------------------------------- \147\ We would still expect D4 RINs to be valued at a slight premium to D5 and D6 RINs in this case (and D5 RINs at a slight premium to D6 RINs) to reflect the greater flexibility of the D4 RINs to be used towards the BBD, advanced biofuel, and total renewable fuel standard. This pricing has been observed over the past several ***years***. --------------------------------------------------------------------------- When examining RIN price data from 2012 through September 2017, shown in Figure VI.B.2-1 below, we see that beginning in early 2013 and through September 2017 the advanced RIN price and BBD RIN prices were approximately equal. Similarly, from early 2013 through late 2016 the conventional renewable fuel and BBD RIN prices were approximately equal. This suggests that the advanced biofuel standard and/or total renewable fuel standard are capable of incentivizing increased BBD volumes beyond the BBD standard, and operated in this manner starting in 2013.\148\ While final standards were not in place throughout 2014 and most of 2015, EPA had issued proposed rules for both of these ***years***. In each ***year***, the market response was to supply volumes of BBD that exceeded the proposed BBD standard in order to help satisfy the proposed advanced and total biofuel standards.\149\ Additionally, the RIN prices in these ***years*** strongly suggests that obligated parties and other market participants anticipated the need for BBD RINs to meet their advanced and total biofuel obligations, and responded by purchasing advanced biofuel and BBD RINs at approximately equal prices. We do note, however, that in 2012 the BBD RIN price was significantly higher than both the advanced biofuel and conventional renewable fuel RIN prices. In 2012 the E10 blendwall had not yet been reached, and it was likely more cost effective for most obligated parties to satisfy the portion of the advanced biofuel requirement that exceeded the BBD and cellulosic biofuel requirements with advanced ethanol. --------------------------------------------------------------------------- \148\ Although we did not issue a rule establishing the final 2013 standards until August of 2013, we believe that the market anticipated the final standards, based on EPA's July 2011 proposal and the volume targets for advanced and total renewable fuel established in the statute. (76 FR 38844, 38843, July 1, 2011). \149\ EPA proposed a BBD standard of 1.28 billion gallons (1.92 billion RINs) for 2014 in our November 2013 proposed rule. The number of BBD RINs available in 2014 was 2.67 billion. EPA proposed a BBD standard of 1.70 billion gallons (2.55 billion RINs) for 2015 in our June 2015 proposed rule. The number of BBD RINs available in 2015 was 2.92 billion. --------------------------------------------------------------------------- [[Page 58521]] [GRAPHIC] [TIFF OMITTED] TR12DE17.002 In raising the 2013 BBD volume above the 1 billion gallon minimum mandated by Congress, the EPA sought to ``create greater certainty for both producers of BBD and obligated parties'' while also acknowledging that, ``the potential for somewhat increased costs is appropriate in light of the additional certainty of GHG reductions and enhanced energy security provided by the advanced biofuel volume requirement of 2.75 billion gallons.'' \150\ Unknown at that time was the degree to which the required volumes of advanced biofuel and total renewable fuel could incentivize volumes of BBD that exceeded the BBD standard. In 2012 the available supply of BBD RINs exceeded the required volume of BBD by a very small margin (1,545 million BBD RINs were made available for compliance towards meeting the BBD requirement of 1,500 million BBD RINs). The remainder of the 2.0 billion-gallon advanced biofuel requirement was satisfied with advanced ethanol, which was largely imported from Brazil.\151\ From 2012 to 2013 the statutory advanced biofuel requirement increased by 750 million gallons. If EPA had not increased the required volume of BBD for 2013, and the advanced biofuel standard had proved insufficient to increase the supply of BBD beyond the statutory minimum of 1.0 billion gallons, an additional 750 million gallons of non-BBD advanced biofuels beyond the BBD standard would have been needed to meet the advanced biofuel volume requirement. --------------------------------------------------------------------------- \150\ 77 FR 59458, 59462 (September 27, 2012). \151\ 594 million advanced ethanol RINs were generated in in 2012. --------------------------------------------------------------------------- The only advanced biofuel other than BBD available in appreciable quantities in 2012 and 2013 was advanced ethanol, the vast majority of which was imported sugarcane ethanol. EPA had significant concerns as to whether or not the supply of advanced ethanol could increase this significantly (750 million gallons) in a single ***year***. These concerns were heightened by the approaching E10 blendwall, which increased the challenges associated with supplying increasing volumes of ethanol to the U.S If neither BBD volumes nor advanced ethanol volumes increased sufficiently, EPA was concerned that some obligated parties might be unable to acquire the advanced biofuel RINs necessary to demonstrate compliance with their RVOs in 2013. Therefore, as discussed above, EPA increased the volume requirement for BBD in 2013 to help create greater certainty for BBD producers (by ensuring demand for their product above the 1.0 billion gallon statutory minimum) and obligated parties (by ensuring that sufficient RINs would be available to satisfy their advanced biofuel RVOs). Since 2013, however, EPA has gained significant experience implementing the RFS ***program***. As discussed above, RIN generation data has consistently demonstrated that the advanced biofuel volume requirement, and to a lesser degree the total renewable fuel volume requirement, are capable of incentivizing the supply of BBD above and beyond the BBD volume requirement. Finally, we note that the BBD industry in the U.S and abroad has matured since EPA first increased the required volume of BBD beyond the statutory minimum in 2013. To assess the maturity of the biodiesel industry, EPA compared information on BBD RIN generation by company from 2012 and 2016 (the most recent ***year*** for which complete RIN generation is available). In 2012, the annual average RIN generation per company producing BBD was about 11 million RINs (about 7.3 million gallons) with approximately 50 percent of companies producing less the 1 million gallons of BBD a ***year***. The agency heard from multiple commenters during the 2012 and 2013 rulemakings that higher volume requirements for BBD would provide greater certainty for the emerging BBD industry and encourage further investment. Since that time, the BBD industry has matured in a number of critical areas, including growth in the size of companies, the consolidation of the industry, and more stable funding and access to capital. In 2012, the BBD industry was characterized by smaller companies with dispersed market share. By 2016, the average BBD RIN generation per company had climbed to almost 33 million RINs (22 million gallons) annually, a 3-fold increase. Only 27 percent of the companies produced less than 1 million gallons of BBD. We are conscious of public comments claiming that BBD volume requirements that are a significant portion of the [[Page 58522]] advanced volume requirements effectively dis-incentivize the future development of other promising advanced biofuel pathways. A variety of different types of advanced biofuels, rather than a single type such as BBD, would positively impact energy security (e.g , by increasing the diversity of feedstock sources used to make biofuels, thereby reducing the impacts associated with a shortfall in a particular type of feedstock) and increase the likelihood of the development of lower cost advanced biofuels that meet the same GHG reduction threshold as BBD.\152\ --------------------------------------------------------------------------- \152\ All types of advanced biofuel, including BBD, must achieve lifecycle GHG reductions of at least 50 percent. --------------------------------------------------------------------------- With the considerations discussed above and in Section IV.B.2 in mind, as well as our analysis of the factors specified in the statute, we are setting the applicable volume of BBD at 2.1 billion gallons for 2019. We believe this volume sets the appropriate floor for BBD, and that the volume of advanced biodiesel and renewable diesel actually used in 2019 will be driven by the level of the advanced biofuel and total renewable fuel standards that the Agency will establish for 2019. We have considered the required statutory factors in reaching our decision, as summarized in Section C, below, and in a memorandum to the docket (the ``2019 BBD docket memorandum'').\153\ --------------------------------------------------------------------------- \153\ ``Memorandum to docket: Draft Statutory Factors Assessment for the 2019 Biomass-Based Diesel (BBD) Applicable Volumes.'' See Docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- We believe our final 2019 BBD volume requirement strikes the appropriate balance between providing a market environment where the development of other advanced biofuels is incentivized, while also maintaining support for the BBD industry. Based on our review of the data, and the nested nature of the BBD standard within the advanced standard, we conclude that the advance standard continues to drive the ultimate volume of BBD supplied. Given the success of the industry in the past few ***years***, as well as the substantial increases in the BBD volume being driven by the advanced standard, we have determined that a volume requirement greater than 2.1 billion gallons for BBD in 2019 is not necessary to provide support for the BBD industry. Setting the BBD standard in this manner continues to allow a considerable portion of the advanced biofuel volume to be satisfied by either additional gallons of BBD or by other unspecified and potentially less costly types of qualifying advanced biofuels. C. Consideration of Statutory Factors Set Forth in CAA Section 211(o)(2)(B)(ii)(I)-(VI) for 2019 As noted earlier in Section IV.B , the BBD volume requirement is nested within the advanced biofuel requirement and the advanced biofuel requirement is, in turn, nested within the total renewable fuel volume requirement. This means that any BBD produced beyond the mandated BBD volume can be used to satisfy both these other applicable volume requirements. The result is that in considering the statutory factors we must consider the potential impacts of increasing or decreasing BBD in comparison to other advanced biofuels.\154\ For a given advanced biofuel standard, greater or lesser BBD volume requirements do not change the amount of advanced biofuel used to displace petroleum fuels; rather, increasing the BBD requirement may result in the displacement of other types of advanced biofuels that could have been used to meet the advanced biofuels volume requirement. While in recent ***years*** EPA has annually increased the BBD volume requirement, EPA is, as we proposed, maintaining the 2.1 billion gallon standard for 2019 based on our review of the statutory factors and the considerations noted above and in the 2018 BBD Docket Memorandum. In particular, as EPA noted above in section VI.B , the BBD industry is more mature, and we have increased BBD volumes significantly in recent ***years*** so that the BBD standard is now over twice the minimum statutory volume required in CAA section 211(o)(2)(B)(i). In these circumstances we do not believe that an additional increase in the required BBD required volume is necessary to support the industry in 2019. --------------------------------------------------------------------------- \154\ While excess BBD production could also displace conventional renewable fuel under the total renewable standard, as long as the BBD applicable volume is significantly lower than the advanced biofuel applicable volume our action in setting the BBD applicable volume is not expected to displace conventional renewable fuel under the total renewable standard, but rather other advanced biofuels. --------------------------------------------------------------------------- Consistent with our approach in setting the final BBD volume requirement for 2018, EPA's primary assessment of the statutory factors for the 2019 BBD applicable volume is that because the BBD requirement is nested within the advanced biofuel volume requirement, we expect that the 2019 advanced volume requirement, when set next ***year***, will determine the level of BBD production and imports that occur in 2019.\155\ Therefore, EPA continues to believe that the same overall volume of BBD would likely be supplied in 2019 even if we were to mandate a somewhat lower or higher BBD volume for 2019 in this final rule. Thus, we do not expect our 2019 BBD volume requirement to result in a difference in the factors we consider pursuant to CAA section 211(o)(2)(B)(ii)(I)-(VI). --------------------------------------------------------------------------- \155\ Even though we are not setting the 2019 advanced biofuel volume requirement as part of this rulemaking, we expect that the 2019 advanced volume requirement will be considerably higher than the 2019 BBD requirement, consistent with past practice and, therefore, that the BBD volume requirement for 2019 would not be expected to impact the volume of BBD that is actually produced and imported during the 2019-time period. --------------------------------------------------------------------------- As an additional supplementary assessment, we have considered the potential impacts of selecting an applicable volume of BBD other than 2.1 billion gallons in 2019. Setting a requirement higher or lower than 2.1 billion gallons in 2019 would only be expected to impact BBD volumes on the margin, protecting to a greater or lesser degree BBD from competition with other potential advanced biofuels. In this supplementary assessment we have considered all of the statutory factors found in CAA section 211(2)(B)(ii), and as described in the 2019 BBD docket memorandum, our assessment does not appear, based on available information, to provide a reasonable basis for setting a higher or lower volume requirement for BBD than 2.1 billion gallons for 2019. Overall and as described in the 2019 BBD docket memorandum, we have determined that both the primary assessment and the supplemental assessment of the statutory factors specified in CAA section 211(o)(2)(B)(ii)(I)-(VI) for the ***year*** 2019 does not provide significant support for setting the BBD standard at a level higher or lower than 2.1 billion gallons in 2019. VII. Percentage Standards for 2018 The renewable fuel standards are expressed as volume percentages and are used by each obligated party to determine their Renewable Volume Obligations (RVOs). Since there are four separate standards under the RFS ***program***, there are likewise four separate RVOs applicable to each obligated party. Each standard applies to the sum of all non- renewable gasoline and diesel produced or imported. The percentage standards are set so that if every obligated party meets the percentages by acquiring and retiring an appropriate number of RINs, then the amount of renewable fuel, cellulosic biofuel, BBD, and advanced biofuel used will meet the applicable volume requirements on a nationwide basis. [[Page 58523]] Sections III through V provide our rationale and basis for the volume requirements for 2018.\156\ The volumes used to determine the percentage standards are shown in Table VII-1. --------------------------------------------------------------------------- \156\ The 2018 volume requirement for BBD was established in the 2017 final rule. Table VII-1--Volumes for Use in Setting the 2018 Applicable Percentage Standards [Billion gallons] ------------------------------------------------------------------------ ------------------------------------------------------------------------ Cellulosic biofuel...................................... 0.288 Biomass-based diesel \a\................................ 2.10 Advanced biofuel........................................ 4.29 Renewable fuel.......................................... 19.29 ------------------------------------------------------------------------ \a\ Represents physical volume. For the purposes of converting these volumes into percentage standards, we generally use two decimal places to be consistent with the volume targets as given in the statute, and similarly two decimal places in the percentage standards. However, for cellulosic biofuel we use three decimal places in both the volume requirement and percentage standards to more precisely capture the smaller volume projections and the unique methodology that in some cases results in estimates of only a few million gallons for a single producer. A. Calculation of Percentage Standards To calculate the percentage standards, we are following the same methodology for 2018 as we have in all prior ***years***. The formulas used to calculate the percentage standards applicable to producers and importers of gasoline and diesel are provided in 40 CFR 80.1405 The formulas rely on estimates of the volumes of gasoline and diesel fuel, for both highway and nonroad uses, which are projected to be used in the ***year*** in which the standards will apply. The projected gasoline and diesel volumes are provided by EIA, and include projections of ethanol and biodiesel used in transportation fuel. Since the percentage standards apply only to the non-renewable gasoline and diesel produced or imported, the volumes of ethanol and biodiesel are subtracted out of the EIA projections of gasoline and diesel. Transportation fuels other than gasoline or diesel, such as natural gas, propane, and electricity from fossil fuels, are not currently subject to the standards, and volumes of such fuels are not used in calculating the annual percentage standards. Since under the regulations the standards apply only to producers and importers of gasoline and diesel, these are the transportation fuels used to set the percentage standards, as well as to determine the annual volume obligations of an individual gasoline or diesel producer or importer. As specified in the RFS2 final rule,\157\ the percentage standards are based on energy-equivalent gallons of renewable fuel, with the cellulosic biofuel, advanced biofuel, and total renewable fuel standards based on ethanol equivalence and the BBD standard based on biodiesel equivalence. However, all RIN generation is based on ethanol- equivalence. For example, the RFS regulations provide that production or import of a gallon of qualifying biodiesel will lead to the generation of 1.5 RINs. The formula specified in the regulations for calculation of the BBD percentage standard is based on biodiesel- equivalence, and thus assumes that all BBD used to satisfy the BBD standard is biodiesel and requires that the applicable volume requirement be multiplied by 1.5 However, BBD often contains some renewable diesel, and a gallon of renewable diesel typically generates 1.7 RINs.\158\ In addition, there is often some renewable diesel in the conventional renewable fuel pool. As a result, the actual number of RINs generated by biodiesel and renewable diesel is used in the context of our assessing reasonably attainable volumes for purposes of deriving the applicable volume requirements and associated percentage standards for advanced biofuel and total renewable fuel, and likewise in obligated parties' determination of compliance with any of the applicable standards. While there is a difference in the treatment of biodiesel and renewable diesel in the context of determining the percentage standard for BBD versus determining the percentage standard for advanced biofuel and total renewable fuel, it is not a significant one given our approach to determining the BBD volume requirement. Our intent in setting the BBD applicable volume is to provide a level of guaranteed volume for BBD, but as described in Section VI.B, we do not expect the BBD standard to be binding. That is, we expect that actual supply of BBD, as well as supply of conventional biodiesel and renewable diesel, will be driven by the advanced biofuel and total renewable fuel standards. --------------------------------------------------------------------------- \157\ See 75 FR 14670 (March 26, 2010). \158\ Although in some cases a gallon of renewable diesel generates either 1.5 or 1.6 RINs. --------------------------------------------------------------------------- B. Small Refineries and Small Refiners In CAA section 211(o)(9), enacted as part of the Energy Policy Act of 2005, and amended by the Energy Independence and Security Act of 2007, Congress provided a temporary exemption to small refineries \159\ through December 31, 2010. Congress provided that small refineries could receive a temporary extension of the exemption beyond 2010 based either on the results of a required DOE study, or based on an EPA determination of ``disproportionate economic hardship'' on a case-by- case basis in response to small refinery petitions. In reviewing petitions, EPA, in consultation with the Department of Energy, evaluates whether the small refinery has demonstrated either disproportionate impacts or viability impairment, and may grant refineries exemptions upon demonstration of either criterion. --------------------------------------------------------------------------- \159\ A small refiner that meets the requirements of 40 CFR 80.1442 may also be eligible for an exemption. --------------------------------------------------------------------------- EPA has granted exemptions pursuant to this process in the past. However, at this time no exemptions have been approved for 2018, and therefore we have calculated the percentage standards for 2018 without any adjustment for exempted volumes. EPA is maintaining its approach that any exemptions for 2018 that are granted after the final rule is released will not be reflected in the percentage standards that apply to all gasoline and diesel produced or imported in 2018.\160\ --------------------------------------------------------------------------- \160\ Further discussion of this issue can be found in the Response to Comments document in the docket for this action. --------------------------------------------------------------------------- C. Final Standards The formulas in 40 CFR 80.1405 for the calculation of the percentage standards require the specification of a total of 14 variables covering factors such as the renewable fuel volume requirements, projected gasoline and diesel demand for all states and territories where the RFS ***program*** applies, renewable fuels projected by EIA to be included in the gasoline and diesel demand, and exemptions for small refineries. The values of all the variables used for this final rule are shown in Table VII.C-1.\161\ --------------------------------------------------------------------------- \161\ To determine the 49-state values for gasoline and diesel, the amounts of these fuels used in Alaska is subtracted from the totals provided by DOE because petroleum based fuels used in Alaska do not incur RFS obligations. The Alaska fractions are determined from the June 29, 2016 EIA State Energy Data System (SEDS), Energy Consumption Estimates. [[Page 58524]] Table VII.C-1--Values for Terms in Calculation of the 2018 Standards \162\ [Billion gallons] ------------------------------------------------------------------------ Term Description Value ------------------------------------------------------------------------ RFVCB...................... Required volume of 0.288 cellulosic biofuel. RFVBBD..................... Required volume of biomass- 2.10 based diesel. RFVAB...................... Required volume of advanced 4.29 biofuel. RFVRF...................... Required volume of 19.29 renewable fuel. G.......................... Projected volume of 143.22 gasoline. D.......................... Projected volume of diesel. 54.76 RG......................... Projected volume of 14.71 renewables in gasoline. RD......................... Projected volume of 2.53 renewables in diesel. GS......................... Projected volume of 0 gasoline for opt-in areas. RGS........................ Projected volume of 0 renewables in gasoline for opt-in areas. DS......................... Projected volume of diesel 0 for opt-in areas. RDS........................ Projected volume of 0 renewables in diesel for opt-in areas. GE......................... Projected volume of 0.00 gasoline for exempt small refineries. DE......................... Projected volume of diesel 0.00 for exempt small refineries. ------------------------------------------------------------------------ Projected volumes of gasoline and diesel, and the renewable fuels contained within them, were provided by EIA on October 11, 2017, as required in the statute at CAA section 211(o)(3)(A). --------------------------------------------------------------------------- \162\ See ``Calculation of final % standards for 2018'' in docket EPA-HQ-OAR-2017-0091. --------------------------------------------------------------------------- Using the volumes shown in Table VII.C-1, we have calculated the percentage standards for 2018 as shown in Table VII.C-2. Table VII.C-2--Final Percentage Standards for 2018 ------------------------------------------------------------------------ ------------------------------------------------------------------------ Cellulosic biofuel...................................... 0.159 Biomass-based diesel.................................... 1.74 Advanced biofuel........................................ 2.37 Renewable fuel.......................................... 10.67 ------------------------------------------------------------------------ VIII. Administrative Actions A. Assessment of the Domestic Aggregate Compliance Approach The RFS regulations specify an ``aggregate compliance'' approach for demonstrating that planted crops and crop residue from the U.S complies with the ``renewable biomass'' requirements that address lands from which qualifying feedstocks may be harvested.\163\ In the 2010 RFS2 rulemaking, EPA established a baseline number of acres for U.S ***agricultural*** land in 2007 (the ***year*** of EISA enactment) and determined that as long as this baseline number of acres was not exceeded, it was unlikely that new land outside of the 2007 baseline would be devoted to crop production based on historical trends and economic considerations. The regulations specify, therefore, that renewable fuel producers using planted crops or crop residue from the U.S as feedstock in renewable fuel production need not undertake individual recordkeeping and reporting related to documenting that their feedstocks come from qualifying lands, unless EPA determines through one of its annual evaluations that the 2007 baseline acreage of 402 million acres ***agricultural*** land has been exceeded. --------------------------------------------------------------------------- \163\ 40 CFR 80.1454(g). --------------------------------------------------------------------------- In the 2010 RFS2 rulemaking, EPA committed to make an annual finding concerning whether the 2007 baseline amount of U.S ***agricultural*** land has been exceeded in a given ***year***. If the baseline is found to have been exceeded, then producers using U.S planted crops and crop residue as feedstocks for renewable fuel production would be required to comply with individual recordkeeping and reporting requirements to verify that their feedstocks are renewable biomass. The Aggregate Compliance methodology provided for the exclusion of acreage enrolled in the Grassland Reserve ***Program*** (GRP) and the Wetlands Reserve ***Program*** (WRP) from the estimated total U.S ***agricultural*** land. However, the 2014 Farm Bill terminated the GRP and WRP as of 2013 and USDA established the ***Agriculture*** Conservation Easement ***Program*** (ACEP) with wetlands and land easement components. The ACEP is a voluntary ***program*** that provides financial and technical assistance to help conserve ***agricultural*** lands and wetlands and their related benefits. Under the ***Agricultural*** Land Easements (ACEP-ALE) component, USDA helps Indian tribes, state and local governments, and non-governmental organizations protect working ***agricultural*** lands and limit non-***agricultural*** uses of the land. Under the Wetlands Reserve Easements (ACEP-WRE) component, USDA helps to restore, protect and enhance enrolled wetlands. The WRP was a voluntary ***program*** that offered landowners the opportunity to protect, restore, and enhance wetlands on their property. The GRP was a voluntary conservation ***program*** that emphasized support for working grazing operations, enhancement of plant and animal biodiversity, and protection of grassland under threat of conversion to other uses. USDA and EPA concur that the ACEP-WRE and ACEP-ALE represent a continuation in basic objectives and goals of the original WRP and GRP. Therefore, in preparing this ***year***'s assessment of the total U.S acres of ***agricultural*** land, the acreage enrolled in the ACEP-WRE and ACEP-ALE was excluded. Based on data provided by the USDA Farm Service Agency (FSA) and Natural Resources Conservation Service (NRCS), we have estimated that U.S ***agricultural*** land reached approximately 376 million acres in 2017, and thus did not exceed the 2007 baseline acreage. This acreage estimate is based on the same methodology used to set the 2007 baseline acreage for U.S ***agricultural*** land in the RFS2 final rulemaking, with the GRP and WRP substitution as noted above. Specifically, we started with FSA crop history data for 2017, from which we derived a total estimated acreage of 379,220,752 acres. We then subtracted the ACEP-ALE and ACEP-WRE enrolled areas by the end of Fiscal ***Year*** 2017, 2,777,887 acres, to yield an estimate of 376,442,865 acres or approximately 376 million acres of U.S ***agricultural*** land in 2017. The USDA data used to make this derivation can be found in the docket to this rule.\164\ --------------------------------------------------------------------------- \164\ As in 2016, USDA again provided EPA with 2017 data from the discontinued GRP and WRP ***programs***. Given this data, EPA estimated the total U.S ***agricultural*** land both including and omitting the GRP and WRP acreage. In 2017, combined land under GRP and WRP totaled 349,146 acres. Subtracting the GRP, WRP, ACEP-WRE, and ACEP-ALE acreage yields an estimate of 376,093,719 acres or approximately 376 million total acres of U.S ***agricultural*** land in 2017. Omitting the GRP and WRP data yields approximately the same 376 million acres of U.S ***agricultural*** land in 2017. --------------------------------------------------------------------------- [[Page 58525]] B. Assessment of the Canadian Aggregate Compliance Approach The RFS regulations specify a petition process through which EPA may approve the use of an aggregate compliance approach for planted crops and crop residue from foreign countries.\165\ On September 29, 2011, EPA approved such a petition from the Government of Canada. --------------------------------------------------------------------------- \165\ 40 CFR 80.1457 --------------------------------------------------------------------------- The total ***agricultural*** land in Canada in 2017 is estimated at 117.8 million acres. This total ***agricultural*** land area includes 95.5 million acres of cropland and summer fallow, 12.5 million acres of pastureland and 9.8 million acres of ***agricultural*** land under conservation practices. This acreage estimate is based on the same methodology used to set the 2007 baseline acreage for Canadian ***agricultural*** land in EPA's response to Canada's petition. The data used to make this calculation can be found in the docket to this rule. C. RIN Market Operation Some stakeholders have expressed concerns that the current regulatory provisions related to RIN trading render the RFS ***program*** vulnerable to market manipulation. The EPA takes such issues seriously. The RIN system was originally designed with an open trading market in order to maximize its liquidity and ensure a robust marketplace for RINs. However, the EPA is interested in assessing whether and how the current trading structure provides an opportunity for market manipulation. To that effect, the EPA sought comment and input on this issue, including on potential changes to the RIN trading system that might help address these concerns. We received comments from stakeholders suggesting a number changes to the RIN trading system. While EPA received many comments that are helpful to highlight opportunities for improvement to the RIN system, we are not in a position to make significant changes to the RIN system at this time. However, we intend to explore these suggested changes and are open to suggestions for making changes in the future that are within our authority and would help to improve the function and liquidity of the RIN system. Separate from evaluating the RIN trading options in the RFS ***program***, the EPA is working with appropriate market regulators to analyze targeted concerns of some stakeholders. Although the EPA has not seen evidence of manipulation in the RIN market, the EPA is not a commodity market regulatory agency, and thus we do not have expertise in this field. Claims of market manipulation prompted the EPA to execute a memorandum of understanding (MOU) with the U.S Commodity Futures Trading Commission (CFTC), which has the authority and expertise to investigate such claims. In the meantime, the EPA has continued to explore additional ways to increase ***program*** transparency in order to support the ***program*** and share data with all stakeholders. The EPA already publishes RFS ***program*** data on our Web site, including data related to RIN generation, sales and holdings, and annual compliance.\166\ We are interested in providing more information, to the extent consistent with our obligations to protect confidential business information (CBI). The EPA sought comment on specific data elements and posting frequency that stakeholders believe would be useful to help with market transparency and liquidity. We received comments from stakeholders suggesting a number of different types of data that commenters suggested would be useful to the industry and public. The EPA will need to further evaluate each of these suggestions to determine which information we can be post and, if so, whether we can post it at the frequency that was suggested by the commenters. Our decisions with respect to these suggestions must necessarily strike a balance between achieving the greatest transparency possible, while working within the limitations of our authority and resources (including technology systems), and protecting information that is claimed as CBI. --------------------------------------------------------------------------- \166\ For public data on the RFS and other EPA fuel ***programs***, refer to:   [*https://www.epa.gov/fuels-registration-reporting-and-compliance-help/public-data-and-registration-lists-fuel-****programs***](https://www.epa.gov/fuels-registration-reporting-and-compliance-help/public-data-and-registration-lists-fuel-programs). --------------------------------------------------------------------------- IX. Public Participation Many interested parties participated in the rulemaking process that culminates with this final rule. This process provided opportunity for submitting written public comments following the proposal that we published on July 21, 2017 (82 FR 34206), and we also held a public hearing on August 1, 2017, at which many parties provided both verbal and written testimony. All comments received, both verbal and written, are available in Docket ID No. EPA-HQ-OAR-2017-0091 and we considered these comments in developing the final rule. Public comments and EPA responses are discussed throughout this preamble and in the accompanying Response to Comment document, which is available in the docket for this action. X. Statutory and Executive Order Reviews A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review This action is an economically significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA prepared an analysis of illustrative costs associated with this action. This analysis is presented in Section IV.E of this preamble. B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs This action is considered an Executive Order 13771 regulatory action. Details on the estimated costs of this final rule can be found in EPA's analysis of the illustrative costs associated with this action. This analysis is presented in Section IV.E of this preamble. C. Paperwork Reduction Act (PRA) This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control numbers 2060-0637 and 2060-0640. The final standards will not impose new or different reporting requirements on regulated parties than already exist for the RFS ***program***. D. Regulatory Flexibility Act (RFA) I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. The small entities directly regulated by the RFS ***program*** are small refiners, which are defined at 13 CFR 121.201 We have evaluated the impacts of this final rule on small entities from two perspectives: As if the 2018 standards [[Page 58526]] were a standalone action or if they are a part of the overall impacts of the RFS ***program*** as a whole. When evaluating the standards as if they were a standalone action separate and apart from the original rulemaking which established the RFS2 ***program***, then the standards could be viewed as increasing the advanced and total renewable fuel volumes required of obligated parties by 10 million gallons between 2017 and 2018. To evaluate the impacts of the volume requirements on small entities relative to 2017, EPA has conducted a screening analysis \167\ to assess whether it should make a finding that this action would not have a significant economic impact on a substantial number of small entities. Currently available information shows that the impact on small entities from implementation of this rule would not be significant. EPA has reviewed and assessed the available information, which shows that obligated parties, including small entities, are generally able to recover the cost of acquiring the RINs necessary for compliance with the RFS standards through higher sales prices of the petroleum products they sell than would be expected in the absence of the RFS ***program***.168 169 This is true whether they acquire RINs by purchasing renewable fuels with attached RINs or purchase separated RINs. The costs of the RFS ***program*** are thus generally being passed on to consumers in the highly competitive marketplace. Even if we were to assume that the cost of acquiring RINs were not recovered by obligated parties, and we used the maximum values of the illustrative costs discussed in Section IV.E of this preamble and the gasoline and diesel fuel volume projections and wholesale prices from the October 2017 version of EIA's Short-Term Energy Outlook, and current wholesale fuel prices, a cost-to-sales ratio test shows that the costs to small entities of the RFS standards are far less than 1 percent of the value of their sales. --------------------------------------------------------------------------- \167\ ``Screening Analysis for the Final Renewable Fuel Standard ***Program*** Renewable Volume Obligations for 2018,'' memorandum from Dallas Burkholder, Nick Parsons, and Tia Sutton to EPA Air Docket EPA-HQ-OAR-2017-0091. \168\ For a further discussion of the ability of obligated parties to recover the cost of RINs see ``A Preliminary Assessment of RIN Market Dynamics, RIN Prices, and Their Effects,'' Dallas Burkholder, Office of Transportation and Air Quality, US EPA. May 14, 2015, EPA Air Docket EPA-HQ-OAR-2015-0111. \169\ Knittel, Christopher R., Ben S. Meiselman, and James H. Stock. ``The Pass-Through of RIN Prices to Wholesale and Retail Fuels under the Renewable Fuel Standard.'' Working Paper 21343. NBER Working Paper Series. Available online at   [*http://www.nber.org/papers/w21343.pdf*](http://www.nber.org/papers/w21343.pdf) --------------------------------------------------------------------------- While the screening analysis described above supports a certification that this rule would not have a significant economic impact on small refiners, we continue to believe that it is more appropriate to consider the standards as a part of ongoing implementation of the overall RFS ***program***. When considered this way, the impacts of the RFS ***program*** as a whole on small entities were addressed in the RFS2 final rule (75 FR 14670, March 26, 2010), which was the rule that implemented the entire ***program*** required by the Energy Independence and Security Act of 2007 (EISA 2007). As such, the Small Business Regulatory Enforcement Fairness Act (SBREFA) panel process that took place prior to the 2010 rule was also for the entire RFS ***program*** and looked at impacts on small refiners through 2022. For the SBREFA process for the RFS2 final rule, EPA conducted outreach, fact-finding, and analysis of the potential impacts of the ***program*** on small refiners, which are all described in the Final Regulatory Flexibility Analysis, located in the rulemaking docket (EPA- HQ-OAR-2005-0161). This analysis looked at impacts to all refiners, including small refiners, through the ***year*** 2022 and found that the ***program*** would not have a significant economic impact on a substantial number of small entities, and that this impact was expected to decrease over time, even as the standards increased. For gasoline and/or diesel small refiners subject to the standards, the analysis included a cost- to-sales ratio test, a ratio of the estimated annualized compliance costs to the value of sales per company. From this test, it was estimated that all directly regulated small entities would have compliance costs that are less than one percent of their sales over the life of the ***program*** (75 FR 14862, March 26, 2010). We have determined that this final rule will not impose any additional requirements on small entities beyond those already analyzed, since the impacts of this rule are not greater or fundamentally different than those already considered in the analysis for the RFS2 final rule assuming full implementation of the RFS ***program***. This rule establishes the 2018 advanced and total renewable fuel volume requirements at levels 10 million gallons higher than the 2017 volume requirements, and significantly below the statutory volume targets. This exercise of EPA's waiver authority reduces burdens on small entities, as compared to the burdens that would be imposed under the volumes specified in the Clean Air Act in the absence of waivers-- which are the volumes that we assessed in the screening analysis that we prepared for implementation of the full ***program***. Regarding the BBD standard, we are maintaining the volume requirement for 2019 at the same level as 2018. While this volume is an increase over the statutory minimum value of 1 billion gallons, the BBD standard is a nested standard within the advanced biofuel category, which we are significantly reducing from the statutory volume targets. As discussed in Section VI, we are setting the 2019 BBD volume requirement at a level below what is anticipated will be produced and used to satisfy the reduced advanced biofuel requirement. The net result of the standards being established in this action is a reduction in burden as compared to implementation of the statutory volume targets, as was assumed in the RFS2 final rule analysis. While the rule will not have a significant economic impact on a substantial number of small entities, there are compliance flexibilities in the ***program*** that can help to reduce impacts on small entities. These flexibilities include being able to comply through RIN trading rather than renewable fuel blending, 20 percent RIN rollover allowance (up to 20 percent of an obligated party's RVO can be met using previous-***year*** RINs), and deficit carry-forward (the ability to carry over a deficit from a given ***year*** into the following ***year***, providing that the deficit is satisfied together with the next ***year***'s RVO). In the RFS2 final rule, we discussed other potential small entity flexibilities that had been suggested by the SBREFA panel or through comments, but we did not adopt them, in part because we had serious concerns regarding our authority to do so. Additionally, as we realize that there may be cases in which a small entity may be in a difficult financial situation and the level of assistance afforded by the ***program*** flexibilities is insufficient. For such circumstances, the ***program*** provides hardship relief provisions for small entities (small refiners), as well as for small refineries.\170\ As required by the statute, the RFS regulations include a hardship relief provision (at 40 CFR 80.1441(e)(2)) that allows for a small refinery to petition for an extension of its small refinery exemption at any time based on a showing that compliance with the requirements of the RFS ***program*** would result in the refinery experiencing a ``disproportionate economic hardship.'' EPA regulations [[Page 58527]] provide similar relief to small refiners that are not eligible for small refinery relief (see 40 CFR 80.1442(h)). EPA evaluates these petitions on a case-by-case basis and may approve such petitions if it finds that a disproportionate economic hardship exists. In evaluating such petitions, EPA consults with the U.S Department of Energy, and takes the findings of DOE's 2011 Small Refinery Study and other economic factors into consideration. EPA successfully implemented these provisions by evaluating petitions for exemption from 14 small refineries for the 2016 RFS standards.\171\ --------------------------------------------------------------------------- \170\ See CAA section 211(o)(9)(B). \171\ EPA is currently evaluating 2 additional 2016 petitions, bringing the total number of petitions for 2016 to 16. --------------------------------------------------------------------------- Given that this final rule would not impose additional requirements on small entities, would decrease burden via a reduction in required volumes as compared to statutory volume targets, would not change the compliance flexibilities currently offered to small entities under the RFS ***program*** (including the small refinery hardship provisions we continue to successfully implement), and available information shows that the impact on small entities from implementation of this rule would not be significant viewed either from the perspective of it being a standalone action or a part of the overall RFS ***program***, we have therefore concluded that this action would have no net regulatory burden for directly regulated small entities. E. Unfunded Mandates Reform Act (UMRA) This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C 1531-1538, and does not significantly or uniquely affect small governments. This action implements mandates specifically and explicitly set forth in CAA section 211(o) and we believe that this action represents the least costly, most cost-effective approach to achieve the statutory requirements of the rule. F. Executive Order 13132: Federalism This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments This action does not have tribal implications as specified in Executive Order 13175. This final rule will be implemented at the Federal level and affects transportation fuel refiners, blenders, marketers, distributors, importers, exporters, and renewable fuel producers and importers. Tribal governments would be affected only to the extent they produce, purchase, and use regulated fuels. Thus, Executive Order 13175 does not apply to this action. H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ``covered regulatory action'' in section 2-202 of the Executive Order. This action is not subject to Executive Order 13045 because it implements specific standards established by Congress in statutes (CAA section 211(o)) and does not concern an environmental health risk or safety risk. I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use This action is not a ``significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action establishes the required renewable fuel content of the transportation fuel supply for 2018, consistent with the CAA and waiver authorities provided therein. The RFS ***program*** and this rule are designed to achieve positive effects on the nation's transportation fuel supply, by increasing energy independence and lowering lifecycle GHG emissions of transportation fuel. J. National Technology ***Transfer*** and Advancement Act (NTTAA) This rulemaking does not involve technical standards. K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This final rule does not affect the level of protection provided to human health or the environment by applicable air quality standards. This action does not relax the control measures on sources regulated by the RFS regulations and therefore will not cause emissions increases from these sources. L. Congressional Review Act (CRA) This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is a ``major rule'' as defined by 5 U.S.C 804(2). XI. Statutory Authority Statutory authority for this action comes from section 211 of the Clean Air Act, 42 U.S.C 7545. Additional support for the procedural and compliance related aspects of this final rule comes from sections 114, 208, and 301(a) of the Clean Air Act, 42 U.S.C 7414, 7542, and 7601(a). List of Subjects in 40 CFR Part 80 Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Fuel additives, Gasoline, Imports, Oil imports, Petroleum, Renewable fuel. Dated: November 30, 2017. E. Scott Pruitt, Administrator. For the reasons set forth in the preamble, EPA amends 40 CFR part 80 as follows: PART 80--REGULATION OF FUELS AND FUEL ADDITIVES 0 1. The authority citation for part 80 continues to read as follows: Authority: 42 U.S.C 7414, 7521, 7542, 7545, and 7601(a). Subpart M--Renewable Fuel Standard 0 2. Section 80.1405 is amended by adding paragraph (a)(9) to read as follows: Sec. 80.1405 What are the Renewable Fuel Standards? (a) \* \* \* (9) Renewable Fuel Standards for 2018. (i) The value of the cellulosic biofuel standard for 2018 shall be 0.159 percent. (ii) The value of the biomass-based diesel standard for 2018 shall be 1.74 percent. (iii) The value of the advanced biofuel standard for 2018 shall be 2.37 percent. (iv) The value of the renewable fuel standard for 2018 shall be 10.67 percent. \* \* \* \* \* [FR Doc. 2017-26426 Filed 12-11-17; 8:45 am] BILLING CODE 6560-50-P

**Load-Date:** December 13, 2017

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[***Register of Commission documents: OPINION on the draft general budget of the European Union for the financial year 2019 Document date: 2018-09-06 DEVE\_AD(2018)623732 Opinions***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TBB-X7P1-F0YC-N0Y0-00000-00&context=1516831)

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September 24, 2018 Monday

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**Length:** 2876 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

AD\1161536EN.docx PE623.732v02-00 EN United in diversity EN European Parliament 2014-2019 Committee on Development 2018/2046(BUD) 6.9.2018 OPINION of the Committee on Development for the Committee on Budgets on the draft general budget of the European Union for the financial ***year*** 2019 (2018/2046(BUD)) Rapporteur for opinion: Arne Lietz PE623.732v02-00 2/9 AD\1161536EN.docx EN PA\_NonLeg AD\1161536EN.docx 3/9 PE623.732v02-00 EN SUGGESTIONS The Committee on Development calls on the Committee on Budgets, as the committee responsible, to incorporate the following suggestions into its motion for a resolution: 1. Stresses that the Sustainable Development Goals (SDGs) 2030, in particular Goal 3 on health, Goal 4 on education, Goal 5 on gender equality and Goal 13 on climate action require appropriate Union assistance and must be reflected in the Union budget for 2019, thereby demonstrating the priority given to long-term efforts to eradicate poverty, as stipulated in Article 208 of the Treaty on the Functioning of the European Union (TFEU); recalls that its implementation has to cut across the Union’s internal and external policies, as well as integrate in a balanced and coherent manner the three dimensions of sustainable development, addressing the interlinkages between the different SDGs; calls on the Commission and on the Member States to make the SDGs 2030 a strategic priority and to reflect it in the Union budget; 2. Recalls that the Union has committed to comprehensively protect and promote the rights of the child in its external policy, in line with the provisions of the UN Convention on the Rights of the Child; stresses the importance of implementing the EU Guidelines for the Promotion and Protection of the Rights of the Child in Union external relations; calls on the Commission to monitor and report on child rights progress in Union external ***programmes***; 3. Reiterates its firm rejection of the use of development funds for non-development objectives such as border management or military capacity building and underlines that funding that does not fulfil official development assistance (ODA) criteria must be entirely sourced from other instruments than the Development Cooperation Instrument (DCI) or the European Development Fund (EDF); reiterates that to be effective in combating poverty over the long-term, and in accordance with Article 208 TFEU, actions tackling the deep-rooted causes of poverty should be chosen in preference to others that meet the criteria for official development assistance; reaffirms its support for budgetisation of the EDF, and emphasises the importance of restricting the budgets allocated to the African, Caribbean and Pacific (ACP) regions respectively; 4. Stresses that, while the flexibility and rapidity with which the sums concerned can be used is an advantage in terms of good management of the funds, these advantages cannot in any way justify development funds being diverted elsewhere, constraints on the power of scrutiny of Parliament, the only democratically elected body, or the systematic scheduling of actions for the long term; calls therefore for the creation of extraordinary instruments, such as the fiduciary funds, to be restricted as much as possible and for these principles to be taken into account in structuring the next multiannual financial framework (MFF); 5. Emphasises that the Union and its Member States must honour their collective commitment, confirmed in 2015, to raise their ODA to 0,7% of their Gross National Income (GNI) by 2030; recalls the Union’s collective commitment to provide the least developed countries (LDCs) with, in the short-term, between 0,15 % and 0,20 % of GNI allocated to ODA; stresses that the Union’s collective ODA fell by 2,4% in 2017 compared to 2016 figures; is concerned that if GNI remains at 0,11 % in 2016, the PE623.732v02-00 4/9 AD\1161536EN.docx EN Union will not be in a position to honour its commitments to the LDCs; calls on the Commission and the Member States to prepare and present a plausible timeline for such a gradual increase towards this level; calls on the Member States to exclude the in-donor refugee costs out of the ODA calculation; reiterates the commitment made by the Commission to dedicate at least 20% of its total ODA to human development and social inclusion; calls for an increased allocation of its 2019 ODA to health, education and social protection, in order to reach its commitment by the end of the current MFF; stresses in particular the need to promote and protect sexual and reproductive health and rights, thereby countering the Global Gag Rule which was reinstated by the United States government; affirms that Union development assistance should be spent more effectively and that ODA should be targeted to sectors where it is needed the most, namely capacity building, good governance, health, education, ***agriculture***, water supply and sanitation, as well as energy; emphasises on the need for maintenance support with sufficient access to spare parts and locally-trained technical experts; 6. Insists, given the important role played by the United Kingdom in development, that close ties are retained between the Union and the United Kingdom after its departure in order to minimise ensuing losses; 7. Recognises that no country has ever developed without engaging in further trade relations with their neighbours and the rest of the world; further encourages the financing of aid for trade activities, in order to allow developing countries to participate to a much greater degree in global value chains in the future; stresses in this context the increasing importance of digital connectivity in order to achieve a more balanced distribution of the globalisation benefits in favour of developing countries; 8. Underlines the high importance of supporting micro-, small- and medium-sized enterprises and calls in particular for the establishment of local solutions for a better access to finance with a further strengthening of micro-finance loan and guarantee systems; 9. Calls for an enlargement of the “Erasmus for Young Entrepreneurs” ***programme*** beyond Europe in particular to developing countries while providing the necessary financial means; 10. Encourages the establishment of vocational dual training institutions in which young people, while undergoing a professional apprenticeship ***programme*** with an emphasis on practical aspects of a profession, will have theoretical lectures at specialised professional schools; 11. Given the dramatic situation in the field of humanitarian aid, insists that the current global humanitarian needs are reflected with a significant funding increase for humanitarian aid budget lines be easy to mobilise; reiterates that education of both boys and girls plays a key role in preventing man-made humanitarian crises by avoiding conflicts, protecting children and providing them with perspectives; welcomes the fact that already a significant amount of humanitarian aid is spent on education in emergencies; calls, however, for an appropriate increase of this share and for more support to the Erasmus+ DCI budget line, as in emergency situations education is essential for the population’s development after the emergency stage has passed, not forgetting that this emergency stage can sometimes even last for several ***years***; AD\1161536EN.docx 5/9 PE623.732v02-00 EN 12. Notes the exhaustion of margins and flexibility mechanisms within the Union budget and in the Union’s external action, which are often used to mobilise additional funds to respond unforeseen needs, including humanitarian crises; in relation to this, opposes the Commission’s proposal for the funding of the second tranche of the Facility for Refugees in Turkey (FRT) that has not left sufficient margins under the heading 4 and MFF special instruments for unforeseen humanitarian crisis, due to the unfulfilled commitment by the Members States to contribute with EUR 2 billion by means of bilateral to the FRT; is concerned by the continued mobilisation of the EDF reserve to top-up contributions to the Union Trust Fund for Africa, most recently by EUR 500 million; stresses that this ***transfer*** of founds not only diverts money away from the EDF objectives of eradicating poverty and promoting sustainable development and towards migration management, but also severely limits the possibility to mobilise additional funds for future humanitarian crises in the ACP regions in the coming ***years***; calls again on Member States to increase their contributions to the FRT and the Union Trust Fund for Africa, for which pledged contributions currently amount to EUR 3 billion (before the additional EUR 500 million) from the Union budget and EDF, and only EUR 430 million from EU Member States and other donors; 13. Believes that promoting peace, security and justice in developing countries is of paramount importance for the Union in order to address the root causes of migration; recognises that expenditure relating to security is particularly relevant in the current efforts to comprehensively address the security-development nexus and deliver on Goal 16 of the 2030 Agenda for Sustainable Development; 14. Underlines the importance of increasing the attribution of funds aiming at supporting good governance, democracy and the rule of law in developing countries in order to promote accountable and transparent institutions, support capacity building and foster a participatory decision-making and public access to information; 15. Recalls the importance to support expenditure directly linked to the achievement of the objectives of the humanitarian aid policy, inter alia, expenditure on technical and administrative assistance; 16. Emphasises the importance of maintaining ***payment*** appropriations in the humanitarian aid chapter at least on the same level as commitment appropriations, in order to avoid severe and constant lack of funds for ***payments***, complicated urgent interventions and the accumulation of unpaid bills, with negative effects also on implementing partners; 17. Emphasises the importance of the provision of clean water and of the building of additional wastewater disposal facilities; 18. Draws attention to the scale and implications of energy poverty in developing countries and to the Union’s strong involvement in efforts to reduce such poverty; underlines the need for strong and concerted efforts by governments and stakeholders in affected countries to reduce energy poverty and attain SDG 7, especially with regard to remote rural areas in off-grid energy regions; 19. Calls for sufficient financial resources to United Nations Relief and Works Agency for Palestine Refugees in the Near East in order to ensure continuous support for Palestinian refugees in the region; PE623.732v02-00 6/9 AD\1161536EN.docx EN 20. Welcomes the increase on the appropriations to support development initiatives in developing countries carried out by or for civil society organisations and local authorities; in the area of humanitarian aid reminds the Commission and the Council of the Grand Bargain commitment on localization, which commits to paying at least a quarter of all humanitarian aid funding as directly as possible to local and national responders, therefore calls for a revision of the current Council Regulation (EC) No 1257/961 (dating from 1996) to ensure that the future financing for humanitarian aid continues to be based on needs and in line with the European Consensus on Humanitarian Aid, but is also adapted to a changing context and becomes more effective, notably in terms of advancing the humanitarian/development nexus and contributing to implement the commitments made at the 2016 World Humanitarian Summit, and as part of the Grand Bargain; 21. Reiterates the importance of focusing on main humanitarian crises, including forgotten humanitarian crises; calls to guarantee humanitarian funding for the following crises: Yemen (22 million people in need of humanitarian aid), Syria crisis including neighbouring countries (more than 13 million people in need of humanitarian assistance inside Syria), as well as for forgotten humanitarian crises such as Sahel (1,6 million children at risk of suffering from severe acute malnutrition and 6.8 million people food insecure) and Democratic Republic of Congo (13 million people in need and more than 2 million children suffering from severe acute malnutrition); 22. Highlights the need to guarantee humanitarian and development aid for the Sahel; stresses that chronic poverty, climate change, intensification of conflicts and a nearly lean season this ***year*** have resulted in 6.8 million people in need of humanitarian aid in a region with structural fragilities restricting access to basic social services; therefore calls to increase humanitarian and development funding for the region to cover both life-saving interventions and longer term efforts to tackle the root causes of vulnerability to food and nutrition insecurity and to strengthen basic social services; 23. Stresses that the need to implement the humanitarian/development nexus should be reflected in the Union budget for 2019, in focusing on key sectors such as nutrition; calls therefore on the Commission, and in particular the Directorate-General for European Civil Protection and Humanitarian Aid Operations and the Directorate-General for International Cooperation and Development to close the humanitarian and development gap by dedicating both humanitarian and longer term funding to nutrition in the Union budget for 2019, hence enabling children with severe acute malnutrition to access the treatment in all contexts, emergency and development alike; 24. Recalls that the effects of climate change have a tangible impact on several aspects of human life and are increasingly being felt in the development countries; calls for further resources from other instruments than the DCI and/or EDF in climate action, which reflects the strong commitment to and increased engagement in climate diplomacy by promoting in particular the renewable energy sector in order to tackle climate change; recalls that access to drinking water is a key factor in social and economic development, making it possible to tackle poverty and provide access to education and healthcare; calls for Member States and others to hold to the commitments they have made on combating global warming and climate change; stresses that the allocation shall come 1 Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid (OJ L 163, 2.7.1996, p. 1). AD\1161536EN.docx 7/9 PE623.732v02-00 EN from other funds than development funding; 25. Recalls that in the context of climate change and the need for climate adaptation, investments in disaster risk reduction and preparedness in development ***programmes*** are crucial, to prevent human suffering and the loss of lives, to help preserve results achieved through development cooperation in partner countries and to reduce the need for emergency responses; 26. Regrets that the Commission has not delivered on the objective to allocate 20% of its ODA to human development and social inclusion and even reduces the relevant budget line; requests therefore a strong increase of these appropriations; 27. Underscores the importance of pilot projects and preparatory actions; asks for continued support for on-going and new pilot projects and preparatory actions; 28. Emphasises the importance to keep the strongest cooperation possible with the United Kingdom in the field of development cooperation after the Brexit; 29. Notes the proposed increase by 134% of the cooperation with the Middle East budget line and the increase by 6 % of the migration and asylum budget line; regrets the lack of explanation by the Commission regarding the two increases in a context where migration flows to Europe have decreased sharply; proposes therefore to reduce corresponding appropriations in order to finance the necessary increase of the human development budget line.

PE623.732v02-00 8/9 AD\1161536EN.docx EN INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION Date adopted 29.8.2018 Result of final vote +: –: 0: 16 1 2 Members present for the final vote Beatriz Becerra Basterrechea, Ignazio Corrao, Mireille D’Ornano, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Stelios Kouloglou, Arne Lietz, Linda McAvan, Norbert Neuser, Lola Sánchez Caldentey, Jean-Luc Schaffhauser, Mirja Vehkaperä, Bogdan Brunon Wenta, Anna Záborská, Joachim Zeller Substitutes present for the final vote Frank Engel, Cécile Kashetu Kyenge, Paul Rübig, Kathleen Van Brempt AD\1161536EN.docx 9/9 PE623.732v02-00 EN FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION 16 + ALDE Beatriz Becerra Basterrechea, Mirja Vehkaperä EFDD Ignazio Corrao, Mireille D’Ornano GUE/NGL Stelios Kouloglou, Lola Sánchez Caldentey PPE Frank Engel, Teresa Jiménez-Becerril Barrio, Paul Rübig, Bogdan Brunon Wenta S&D Cécile Kashetu Kyenge, Arne Lietz, Linda McAvan, Norbert Neuser, Kathleen Van Brempt VERTS/ALE Maria Heubuch 1 - ENF Jean-Luc Schaffhauser 2 0 PPE Joachim Zeller, Anna Záborská Key to symbols: + : in favour - : against 0 : abstention

**Load-Date:** November 5, 2018

**End of Document**



[***Register of Commission documents: CAP strategic plans Document date: 2018-12-04 EPRS\_BRI(2018)630324 Briefing***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RWJ-R201-F0YC-N1N7-00000-00&context=1516831)

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December 5, 2018 Wednesday

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**Length:** 4849 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

BRIEFING EU Legislation in Progress 2021-2027 MFF EPRS European Parliamentary Research Service Authors: James McEldowney and Patrick Kelly Members' Research Service PE 630.324 – December 2018 EN CAP strategic plans OVERVIEW The Commission's legislative proposals on the future of the common ***agricultural*** policy (CAP) were published on 1 June 2018. They comprise three proposals: a regulation setting out rules on support for CAP strategic plans; a regulation on the single common market organisation (CMO) and a horizontal regulation on financing, managing and monitoring the CAP. The proposal for a regulation on CAP strategic plans introduces a new delivery model, described by the Commission as a fundamental shift in the CAP, involving a shift from compliance towards results and performance. It includes a new distribution of responsibilities between the EU and Member States. A new planning process is proposed which will cover both Pillar I (direct ***payments***) and Pillar II (rural development) of the CAP. Proposal for a regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common ***agricultural*** policy (CAP strategic plans) and financed by the European ***Agricultural*** Guarantee Fund (EAGF) and by the European ***Agricultural*** Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

Committee responsible: Rapporteur: Shadow rapporteurs: ***Agriculture*** and Rural Development (AGRI) Esther Herranz García (EPP, Spain) Maria Noichl (S&D, Germany) James Nicholson (ECR, UK) Jan Huitema (ALDE, the Netherlands) Luke Ming Flanagan (GUE/NGL, Ireland) Maria Heubuch (Greens/EFA, Germany) Martin Häusling (Greens/EFA, Germany) Bronis Ropė (Greens/EFA, Lithuania) Marco Zullo (EFDD, Italy) Angelo Ciocca (ENF, Italy) COM(2018) 392 1.6.2018 2018/0216(COD) Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision') Next steps expected: Vote in committee EPRS European Parliamentary Research Service 2 Introduction The common ***agricultural*** policy (CAP) was conceived in 1962 as a strategy to provide affordable food for European citizens and a fair standard of living for farmers. Since then it undergone successive reforms and incremental changes, culminating in the last reform in 2013 covering the 2014-2020 period (see Overview of CAP Reform 2014-2020, European Commission). Since the last reform, significant changes have taken place in the context in which the EU's ***agricultural*** and rural development policy has to operate. These include (for example) issues such as the ageing farming population, market instability and price volatility, the challenges posed by climate change, and trends in trade negotiations towards bilateral trade deals, as well as the new international commitments that the EU has signed up to, covering climate change and the UN's Sustainable Development Goals (SDGs). The Commission's proposals for a new regulation on CAP strategic plans reflects its intention to achieve real simplification through a new delivery model. This would give Member States the opportunity to come up with lighter and simpler CAP interventions. Existing situation Articles 38 to 44 and Annex I of the Treaty on the Functioning of the European Union (TFEU) set out the basic rules and objectives relating to the CAP. Article 39 sets out the CAP objectives, which are to: (i) increase ***agricultural*** productivity; (ii) ensure a fair standard of living for farmers; (iii) stabilise markets; (iv) ensure the availability of supplies; and (v) ensure reasonable prices for consumers. Articles 41 and 42 TFEU are dedicated to specific aspects of the CAP's implementation. The CAP's current legal framework is principally governed by four EU regulations: (1) Regulation (EU) No 1307/2013 covering direct ***payments*** to farmers; (ii) Regulation (EU) No 1308/2013 establishing a common organisation of the markets in ***agricultural*** products; (iii) Regulation (EU) No 1306/2013 covering horizontal issues such as the financing, management and monitoring of the CAP); and (iv) Regulation (EU) No 1305/2013 dealing with rural development. On the basis of its proposals for the multiannual financial framework (MFF) for 2021 to 2027, the Commission has put forward a new legislative framework for the CAP in this period. This takes the form of three regulations: the current legislative proposals for a regulation on CAP strategic plans; a horizontal regulation on the financing, management and monitoring of the CAP; and a third covering a single common organisation of the markets (CMO regulation). The Commission's proposals for the 2021-2027 MFF includes €324 billion for the CAP in 2018 constant prices. This amounts to a cut in EU-27 CAP funding of 12 % in constant prices. The proposed regulation on CAP strategic plans will repeal Regulation (EU) No 1305/2013 and Regulation No 1307/2013. Parliament's starting position Parliament's position prior to the publication of the Commission's legislative proposals for reforming the CAP in the post 2020 period is evident in a resolution adopted in plenary session on 30 May 2018 on the future of food and farming. Drawn up in response to the Commission's communication on the future of food and farming issued at the end of November 2017, the resolution sets out Parliament's priorities for CAP reform. While welcoming the intention to simplify and modernise the CAP for the economic benefit of farmers and to meet citizens' expectations, the resolution considers that, in order to meet both the existing and new challenges regarding food security for European ***agriculture***, the next multiannual financial framework (MFF) needs to increase or maintain the ***agricultural*** budget in constant euros. Expressing support for the maintenance of the existing two-pillar structure of the CAP,1 the resolution rejected the 25 % cut in the rural development budget which was outlined by the European Commission in its proposals for the next MFF on 2 May 2018. CAP strategic plans 3 In reference to the Commission's new delivery model (where each Member State will establish a CAP strategic plan covering interventions under both Pillar I and Pillar II), the resolution calls on the Commission to present a clear and simple model of a national strategic plan to clarify the criteria against which such national strategies will be evaluated. Preference is also expressed for a more targeted support arrangement which would take account of the diversity of ***agricultural*** systems, especially small and medium family farms and young farmers. It considers that this can be achieved through a compulsory redistributive higher support rate for the first hectares of a holding linked to the average size of a holding in Member States. It stresses that support for larger farms should be degressive, reflecting economies of scale with mandatory capping to be decided at European level. In addition it believes it is essential to ensure that support is targeted towards genuine farmers (with a focus on those who are actively farming in order to earn a living). A number of other recommendations are included in the resolution covering issues such as funding for ***agricultural*** crises, the uptake of innovative technologies, and revisions to the current greening measures. Parliament's resolution also stresses the need for a fair distribution of direct ***payments***. Increased convergence of direct ***payments*** between Member States, it argues, can only be achieved if the budget is adequately increased. Parliament's Committee on ***Agriculture*** and Rural Development (AGRI) organised an extraordinary meeting on 11 June 2018, at which Commissioner Phil Hogan presented the CAP legislative proposals. Council starting position Providing context for the current legislative proposal, the future of the CAP has been the subject of debates in Council. These are relevant as they cover a wide range of issues such as the CAP's added value, its key objectives, and the issue of subsidiarity, direct ***payments***, environmental and climate action and rural development. The Bulgarian Presidency published its conclusions on the Commission's communication on the future of food and farming on 19 March 2018. In relation to the new CAP strategic plans, the conclusions, supported by 23 Member States, called for '... simple strategic plans, allowing for flexibility in their design and subsequent amendments'. The current legislative proposal establishing rules on CAP strategic plans was discussed in the ***Agriculture*** and Fisheries Council on 18 June 2018 alongside the other proposals making up the CAP reform package post-2020. Ministers expressed concern about the cuts proposed by the Commission to the CAP budget in general and rural development in particular. The capacity of the new CAP to deliver genuine simplification for national authorities and farmers was also a matter for discussion. Preparation of the proposal The Commission's 2017 work ***programme*** included provision for an exercise on the modernisation and simplification of the CAP. A public consultation exercise undertaken by the Commission provided insight into the views and expectations of a wide range of stakeholders in respect of ***agriculture***, rural areas, and the future of the CAP. At the end of November 2017, the Commission issued its communication on the future of food and farming. Alongside the publication of the Commission's three legislative proposals, the Commission published a staff working document containing its impact assessment (IA). Annex 5 of the IA considered a range of options to test how the EU's CAP objectives could best be met. As the choice of CAP interventions which Member States are likely to choose is not yet known, the options considered by the Commission examined different ways in which the CAP objectives could be achieved. These included variations in terms of: environmental performance; the support that exists for targeting and re-distribution; EPRS European Parliamentary Research Service 4 variations in the balance between voluntary and mandatory (i.e conditionality) approaches; differences in terms of the environmental ambitions of Member States, including their intentions to address climate challenges. The following options were examined to test different sets of instruments: Option 1: was termed an updated baseline. The baseline for the post-2020 period takes account of the fully phased-in envelopes by Member States and the distribution between direct ***payments*** and rural development as currently in place (i.e after applying the flexibility between pillars). A 'post-Brexit baseline' for the EU-27 deducting UK pre-allocated envelopes and related contributions was developed. Option 3a: where a stronger priority is given to the environment, rather than to economic sustainability, reflecting higher environmental ambitions. Option 3b: where the environmental ambitions are lower but there is a strong focus on direct ***payment*** redistribution. Option 4: where direct ***payments*** are better targeted and implementation of conditionality is more ambitious in order to improve the joint economic and environmental performance of the CAP as well as to address climate challenges. Option 5: where there is a strong focus on small farms and the environment (through for example redistributing Pillar I support from larger to smaller farms) and where under Pillar II there is a greater availability of funds to promote job creation, knowledge, innovation through European Innovation Partnership (EIP) and LEADER projects. As explained in the impact assessment (p. 29) these options were 'illustrative of different ways to achieve the [CAP] objectives more particularly in terms of environment-climate performance as well as for targeting and redistributing support...' In short, they help to illustrate the difficult trade-offs that arise from a policy which addresses so many diverse objectives. EPRS is preparing an initial appraisal of the Commission's impact assessment. The changes the proposal would bring The Commission's legislative proposal published on 1 June 2018, sets out the CAP general objectives and specific objectives that have to be pursued through the interventions designed by Member States in their CAP strategic plans. The three general objectives as set out in the proposal are: (a) to foster a smart, resilient and diversified ***agriculture*** ensuring food security; (b) bolster environmental care and climate action and contribute to the environmental and climate related objectives of the Union; and (c) strengthen the socio-economic fabric of rural areas. Nine specific objectives are set for the future CAP summarised in figure 1 below. Set within this context, the proposals make provision for: the development of a new delivery model, where each Member State will draw up a CAP strategic plan covering interventions planned under both CAP Pillars to meet quantified targets linked to EU level CAP objectives; a new system of conditionality replacing the current green architecture of the CAP, reflecting higher ambition on environmental and climate action; better targeting of aid, whereby direct ***payments*** will be targeted at small and medium sized farms and where a cap of €60 000 on individual ***payments*** is imposed and compulsory capping for ***payments*** above €100 000; greater flexibility for Member States in terms of ***transferring*** allocations between funds; a performance and evaluation framework based on a limited and targeted set of common indicators relating to output, result and impact; CAP strategic plans 5 complementary income support for young farmers (where there is an obligation for Member States to allocate at least 2 % of their direct ***payment*** allocation to young farmers). The Commission considers that the new delivery model represents a 'fundamental shift in the CAP', moving away from compliance with detailed EU-level rules towards placing more emphasis on achieving results ...'. This reflects an expectation that a single strategic planning process involving both pillars of the CAP will achieve complementarity and synergy between the two pillars. Such an approach represents a 'bigger change' for Pillar I than for Pillar II. This is explained by the observation in the Commission's impact assessment (p. 25) that the 'planning process' for both pillars will have a similarity with the process of drawing up and implementing rural development ***programmes*** in the current period. Advisory committees Both the European Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) have considered the future of the CAP after 2020 in the form of earlier opinions and in an exchange of views with Parliament's AGRI committee held on 11 January 2018. The EESC established a study group of 21 members with John Bryan (Various interests – Group III, Ireland) to consider the Commission's CAP legislative proposals. An Opinion on the latter was adopted at the EESC plenary session on 17 October 2018. Whilst welcoming the new direction proposed for the CAP on subsidiarity, with greater responsibility and flexibility for Member States through the CAP strategic plans, the EESC is keen to ensure that the CAP remains a strong common policy across all Member States. It also expresses concerns that new proposals could increase rather than reduce the volume of bureaucratic burdens on farmers. The opinion also states that the proposed CAP strategic plans 'cannot allow Member States to renationalise markets or create barriers to or restrictions of fair competition in the single market'. For its part, the Committee of the Regions is preparing an opinion on the Commission's legislative proposals (rapporteur: Guillaume Cros, France, PES). A Commission for Natural Resources working document makes the point that 'an excessive ***transfer*** of competences to the Member States would lead to a renationalisation of the CAP and distort competition. The Committee considers that the proposal would result in a ***transfer*** of power from the co-legislators (Parliament and the Council) to the Commission and national administrations. National parliaments The deadline for the submission of reasoned opinions in the grounds of subsidiarity from national parliaments was 24 September 2018. In a reasoned opinion, the French National Assembly stated its view that the CAP was a strategic investment for the future, that it should remain a basic policy and that it deemed the proposed decrease in budget allocated to the policy unacceptable. Contributions were also received from three other Member States which reiterated concerns over the reduction in budget allocation, that there should be real simplification of the policy after 2020 and that the approval and amendment process for the strategic plans should be clarified. Figure 1: Future CAP objectives Source: European Commission. EPRS European Parliamentary Research Service 6 Stakeholders' views2 A range of stakeholder perspectives on the future of the CAP over the post-2020 period were highlighted in a previous EPRS briefing. These were based on their responses to the Commission's communication on the future of food and farming. Since the publication of the Commission's legislative proposals on the CAP, a number have issued press statements. The World Wildlife Fund Europe expressed its dismay that hardly any of its suggestions for the future CAP had materialised in the Commission's proposals. WWF had advocated a 'thorough reform of the existing system of subsidies in Pillar I and a reinforcement of rural development ...', which would have supported 'the transition to more sustainable farming and delivered benefits for nature'. With the coming of the new delivery model it fears that the necessary ambition and environmental performance will be lacking. Farm Europe considers that the new package will result in a drop in European farmers' income and would lead European ***agriculture*** towards a massive restructuring causing the exit of many farmers. It considers that the Commission is proposing a 'strong renationalisation and bureaucratisation of the CAP ...'. Referring specifically to the new delivery mechanism, Farm Europe has indicated that Parliament and the Council of the EU (***Agriculture*** Ministers) would be deprived of most of their prerogatives, as the Commission would have the power to validate all the choices each Member State would make in respect of both Pillar I and Pillar II. Copa and Cogeca has indicated in a press release that '...it is crucial to ensure that there is no renationalisation of the CAP and it's backed up by a stronger budget'. EurEau, the European federation of water services has stated that the European Commission needs to deliver an ***agricultural*** policy that does not reward ***agricultural*** pollution. They argue that to truly protect water resources, the next CAP must create a strong link between environmental quality standards which are already established in EU policies and the ***payment*** for farmers when complying with them. Under the Commission's proposal, Member States will be responsible for implementing the CAP's national action plans. This includes Member States being responsible for deciding if ***payments*** should be made to farmers. It is their stated belief that ***payments*** to farmers should be conditional on their compliance with environmental protection practices. They fear that environmental protection is often sacrificed to meet ***agricultural*** needs and that by leaving the enforcement of the proposed CAP to Member States, ***agricultural*** needs will come before meeting environmental ones. Legislative process In Parliament, the ***Agriculture*** & Rural Development (AGRI) Committee is responsible for the file, where Esther Herranz Garcia (EPP, Spain) was appointed rapporteur. Following its request, the Committee on the Environment, Public Health and Food Safety (ENVI) is an associated committee under Rule 54, with Giovanni La Via (EPP, Italy) as rapporteur for the opinion. This association reflects a new emphasis on the environmental components contained in the CAP, including the relevance of the climate dimension. The AGRI committee held an initial exchange of views on 9 July 2018. A representative from the Commission provided a presentation to the Committee on 30 August 2018 on the future CAP, covering issues concerning simplification and subsidiarity.3 As part of its preparatory work, the committee held a public meeting on 9 October 2018 on 'The future of the CAP'. Rapporteurs on the CAP from both the Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) participated in this hearing. During the discussion, a number of members expressed a feeling that the CAP may lose its 'common dimension' with 27 strategic plans. Some members pointed to the need for a better balance between Member States in terms of direct ***payments*** and external convergence. A subsequent workshop requested by the AGRI committee entitled 'The CAP beyond 2020 – an appraisal of the Commission legislative proposals' was held on CAP strategic plans 7 15 October 2018. This included consideration of an independent study to assess the design of the new CAP strategic plans as proposed by the Commission. The rapporteur's draft report was published on 29 October. Whilst acknowledging the need for the CAP to be more results driven, the report argues for the CAP budget to be kept at at least at the same level as during the current period. To avoid a renationalisation of the CAP, the draft stresses that the regulation must include a strong body of EU provisions to prevent the distortion of competition, ensuring non-discriminatory treatment for farmers throughout the EU. In terms of the targeting of income support to genuine farmers, the draft recommends that support to pluri-active farmers should not be precluded as their multiple activities often strengthen the socio-economic fabric of rural areas. The draft also includes an amendment that the CAP must expressly take into consideration the EU's equality policy, paying particular attention to the need to boost the participation of women in rural development, and that this should be taken into account by Member States in their strategic plans. This would include establishing a thematic sub-***programme*** in favour of rural women within these plans. In light of the ageing of the ***agricultural*** population, and given the need to incentivise new farmers to join the sector, the draft report recommends that Member States should have the option of increasing the age limit from 40 to 45 ***years*** as the main eligibility requirement for support to young farmers. The draft report recognises that the intervention type entitled 'basic income support for sustainability' is the main support provided by the CAP for stabilising the income of farms. It recommends that a minimum of 70 % of the expenditure for Member States should be allocated to this form of support. On the proposed CAP strategic plans, the draft report acknowledges that their design and management will not be easy. The draft indicates that the new model based on national strategic plans involves '...a dramatic paradigm shift within the CAP'. It would therefore postpone their implementation until 2023, to allow more time to draft the plans. Recognising the need to avoid any risk of interruptions in ***payments*** to farmers, an amendment is included for a transition period to make it possible to maintain the current support ***programmes*** until the strategic plans have been approved. In relation to the performance, monitoring and evaluation framework, the report recommends that these tasks must be established by a delegated act. It also removes the bonus for performance, as the new delivery model already provides for penalties for countries that do not meet established targets. Overall the draft report contains 448 amendments. It was discussed in the AGRI committee meeting of 21-22 November 2018. At this meeting, the Committee also received and discussed a presentation from the European Court of Auditors (ECA) on its opinion4 concerning the Commission's proposals for regulations relating to the CAP for the post 2020 period. The ECA's opinion criticises the proposals for the lack of a longer-term vision for EU ***agriculture***, considers that while the case for EU environmental and climate change related actions is strong, the data and arguments used to support the needs assessment for farmers' income are insufficient. The opinion indicates that it is unclear how the Commission will check the strategic plans to ensure environmental and climate ambition. Whilst welcoming the Commission's ambition to move to a performance-based model, the ECA considers that the absence of 'clear, specific and quantified EU objectives' means that the achievement of EU objectives cannot be measured. Following discussion of the Commission's proposal at the ***Agriculture*** and Fisheries Council meeting on 18 June 2018, a public exchange of views was held on 16 July 2018 on the CAP reform proposals. Whilst welcoming in general the elements of simplification and subsidiarity, some Ministers took the opportunity to reiterate concerns about possible additional administrative burden and costs associated with the proposed new delivery model. A progress report on the work carried out in Council on the CAP strategic plans was drawn up by the Austrian Presidency for discussion in public session for the ***Agriculture*** and Fisheries Council meeting on 15 October 2018. This summarised the key comments and questions raised by the Council's Working Party on Horizontal ***Agricultural*** Questions. Ministers were invited to consider a number of questions, such as the extent to which the proposals provide sufficient flexibility for Member States, while ensuring a level playing field; EPRS European Parliamentary Research Service 8 whether there was further scope for simplification; and in relation to the new greening architecture, the proportionality and appropriateness of the proposed instruments. EP SUPPORTING ANALYSIS McEldowney, J., CAP reform post-2020 - Setting the scene, EPRS, European Parliament, May 2018. Towards the CAP post 2020 – Appraisal of the EC Communication on 'The Future of Food and Farming' of 29 November 2017, Policy Department for Structural and Cohesion Policies, European Parliament, May 2018. The CAP Strategic Plans beyond 2020: appraisal of the EC legislative proposals, Policy Department for Structural and Cohesion Policies, European Parliament, October 2018. OTHER SOURCES Support for strategic plans to be drawn up by Member States under the Common ***Agricultural*** Policy (CAP strategic plans), EP Legislative Observatory, European Parliament. Council of the European Union, Outcome of the Council Meeting ***Agriculture*** and Fisheries, Luxembourg, 15 October 2018 and Presidency Progress Report, 10 October 2018. ENDNOTES 1 The first pillar (Pillar I) includes direct ***payments*** (i.e annual ***payments*** to farmers to help stabilise farm revenues) and market measures (to tackle specific market situations and to support trade promotion). The second pillar (Pillar II) covers rural development policy. 2 This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'. 3 At its meeting on 29 August 2018, the AGRI committee agreed to request an opinion from the European Parliament's Legal Service regarding the implications of the proposed new delivery model on (i) the institutional prerogatives of Parliament in the decision-making process in the field of ***agricultural*** policy, and (ii) on the appropriate use of delegated and implementing acts in the CAP proposals adopted by the Commission. 4 The Court of Auditors' opinion is based on Article 287(4), Treaty on the Functioning of the European Union, following requests by the Commission on 1 June 2018 and the European Parliament on 11 June 2018. 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**Load-Date:** December 6, 2018

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[***FEDERAL REGISTER: Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions Pages 45535 - 45539 [FR DOC # 2018-19152]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S82-D6J1-JDG9-Y022-00000-00&context=1516831)

Impact News Service

September 10, 2018 Monday

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**Length:** 5234 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

DEPARTMENT OF ***AGRICULTURE*** Federal Crop Insurance Corporation 7 CFR part 457 [Docket No. FCIC-18-0001] RIN 0563-AC55 Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions AGENCY: Federal Crop Insurance Corporation, USDA. ACTION: Final rule with request for comments. ----------------------------------------------------------------------- SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Sugar Beet Crop Insurance Provisions (Crop Provisions). The intended effect of this action is to update existing policy provisions and definitions to better reflect current ***agricultural*** practices. The changes will be effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states. DATES: This final rule is effective November 30, 2018. However, FCIC will accept written comments on this final rule until close of business October 10, 2018. FCIC will consider these comments and make changes to the rule if warranted. ADDRESSES: FCIC prefers that interested persons submit comments electronically through the Federal eRulemaking Portal.

Interested persons may submit comments, identified by Docket ID No. FCIC-18-0001, by any of the following methods:  Federal eRulemaking Portal: [*http://www.regulations.gov*](http://www.regulations.gov) Follow the instructions for submitting comments.      Mail: Director, Product Administration and Standards Division, Risk Management Agency, United States Department of ***Agriculture***, P.O Box 419205, Kansas City, MO 64133-6205. All comments received, including those received by mail, will be posted without change to   [*http://www.regulations.gov*](http://www.regulations.gov), including any personal information provided. Once these comments are posted to this website, the public can access all comments at its convenience from this website. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see   [*http://www.regulations.gov*](http://www.regulations.gov) If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests use of a text-based format. If interested persons wish to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the Risk Management Agency (RMA) Web Content Team at (816) 823-4694 or by email at [*rmaweb.content@rma.usda.gov*](mailto:rmaweb.content@rma.usda.gov)     Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Interested persons may review the complete User Notice and Privacy Notice for Regulations.gov at   [*http://www.regulations.gov/#!privacyNotice*](http://www.regulations.gov/#!privacyNotice).

FOR FURTHER INFORMATION CONTACT: Chandra Mason, Chief, Policy Administration Branch, Product Administration and Standards Division, Risk Management Agency, United States Department of ***Agriculture***, Beacon Facility, Stop 0812, Room 421, P.O Box 419205, Kansas City, MO 64141- 6205, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

    FCIC amends the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.109 Sugar Beet Crop Insurance Provisions (Crop Provisions), to be effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states. The intended effect of this action is to update existing policy provisions and definitions to better reflect current ***agricultural*** practices.     The changes are as follows:     1. FCIC is removing the paragraph immediately preceding section 1, which refers to the order of priority if a conflict exists among the policy provisions. This same provision is contained in the Basic Provisions. Therefore, the appearance here is duplicative and should be removed from the Crop Provisions.     2. FCIC is removing parentheticals identifying the titles of sections of the Basic Provisions throughout the Crop Provisions as the parenthetical section name is unnecessary and removing these titles will prevent FCIC from having to revise the Crop Provisions should these section titles change in the Basic Provisions.     3. Section 1--FCIC is revising the definition of ``Crop ***Year***.'' The previous definition required a reference to specific counties, as the crop ***year*** was defined differently for several California counties. In 2013, the actuarial information that made insurance available was removed from all California counties except Imperial County, which has the same definition of ``crop ***year***'' as used in all remaining insurable states and counties. Consequently, the revised definition removes references to specific counties such that all insurable counties have the same definition of ``crop ***year***.''     FCIC is removing the definition of ``Local Market Price'' as this term is no longer used in the Crop Provisions.     FCIC is revising the definition of ``Practical to Replant.'' FCIC is removing those provisions that are duplicative of the definition in the Basic Provisions and leaves the requirement that it is practical to replant if the terms of the processor contract can be met.     FCIC is adding a definition of ``Processor Contract'' and removing the definition of ``Sugar Beet Processor Contract.'' FCIC has identified several different Crop Provisions contain a variation of a definition for a ``processor contract,'' which has created ambiguity across Crop Provisions, and poses challenges for insurance providers to administer the ***program*** consistently across different crops. The definition of ``processor contract'' matches the definition found in other Crop Provisions, in order to improve

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standardization of language regarding use of contracts across crop insurance ***programs***. References throughout the Crop Provisions will be revised accordingly. The new definition also requires that contracts be executed by the acreage reporting date, which is consistent with all other crop insurance policies that insure contract crops. Contracts must be executed by the acreage reporting date so that liabilities and prices can be established for the purpose of determining guarantees and premium.     FCIC is removing the definition of ``Production Guarantee (per acre).'' The definition is contained in the Basic Provisions. This definition was previously necessary due to inclusion of stage guarantees, which, as stated below, have been removed from the policy. Further, as stated below, section 3 specifies that the production guarantee is expressed in pounds of raw sugar.     FCIC is removing the definitions of ``Standardized Ton'' and ``Ton.'' The definitions are no longer necessary, since, as stated below, FCIC is changing the basis of insurance from ``tons'' to ``pounds of raw sugar'' in section 3(c).     FCIC is removing the definition of ``Thinning'' as this term is no longer used in the Crop Provisions.     4. Section 3--FCIC is revising the basis of insurance from ``standardized tons'' to ``pounds of raw sugar.'' This change is made to align the policy with the current sugar beet industry standard for ***payment***. All references to the basis of insurance throughout the Crop Provisions will consequently be revised.     FCIC is removing stage guarantees from the policy. FCIC had previously offered an option to obtain coverage without the stage guarantees for an additional premium. FCIC has observed an increasing number of sugar beet producers electing the stage removal option, such that very few producers have coverage with stage guarantees. Removal of stage guarantees from the policy will better reflect the risk management needs of producers and simplify their existing coverage options. Premiums will be revised to reflect the removal of the stage guarantees from the policy.     5. Section 4--FCIC is removing references to a July 15 contract change date because, since 2013, this date was removed from the actuarial information for all counties. Additionally, FCIC proposes to edit the remaining date references to apply to states instead of counties. The edit does not change any county dates, merely provides consistency in reference to states or counties within the Crop Provisions and actuarial documents.     6. Section 5--FCIC is removing the table of county-specific cancellation and termination dates since many of the counties with differing cancellation and termination dates no longer have insurance for sugar beets. With the removal of insurance from these counties, there are only two remaining cancellation and termination dates, so the provisions have been revised to only refer to these dates. The revision will not result in any changed dates for counties where insurance for sugar beets is currently available.     7. Section 6--FCIC is removing and reserving this section. With the removal of stage guarantees, this section is no longer necessary. The premium computation method appears in the Basic Provisions and will reflect this removal.     8. Section 7--In section 7(b)(2), FCIC is replacing ``duly promulgated'' with ``executed and adopted'' and ``sets forth'' with ``contains.'' FCIC is also adding the modifier ``corporate'' to ``resolution.'' This revised terminology uses more common language, makes clear the connection to later uses of the term ``corporate resolution,'' and provides consistency with other Crop Provisions.     9. Section 8--FCIC is removing the parenthetical in 8(b) referring to counties without a final planting date because all insurable counties now have a specified final planting date.     10. Section 9--FCIC is removing the list of end of insurance dates by geographic region and instead referring to the ***calendar*** date shown in the actuarial documents for the end of the insurance period. This change will simplify the provision and allow FCIC to timely provide area-specific dates, allow for future ***program*** expansion, and provide greater flexibility to adjust end of insurance period dates to new or evolving regional conditions as needed in the future.     11. Section 11--In section 11(b), FCIC is removing the formula for calculating a replanting ***payment*** and replacing it with the phrase ``dollar amount of the replant ***payment*** is specified in the Special Provisions'' because the costs for replanting the crop may vary by county or region and this change gives FCIC the flexibility to ensure that the costs of replanting are reflected in the actuarial documents and adjusted as needed.     12. Section 12--FCIC is decapitalizing the words ``in the'' in the section heading for consistency throughout these Crop Provisions. In section 12(b), FCIC is adding a comma after ``processor contract'' to separate the two requirements. This change provides clarity on the issue of provision of contracts or corporate resolutions for specific entity types: For non-processors, a processor contract is required. For insureds who are also processors, a corporate resolution is required.     13. Section 13--In section 13(c)(1)(iii) FCIC is removing the parenthetical following the term ``unharvested production,'' which is no longer necessary due to the use of pounds of raw sugar as the basis of insurance, removal of stage guarantees, and the inclusion of an early harvest factor.     FCIC is removing section 13(c)(1)(iv), which is unnecessary due to the removal of stage guarantees. This also results in the redesignation of section 13(c)(1)(v) as section 13(c)(1)(iv).     In section 13(d) and (e), FCIC is revising the language to clarify the determination of production to count by referring to pounds of raw sugar and including the use of the raw sugar percentage specified in the Special Provisions only if a sugar test is not performed or is not deemed acceptable.     FCIC is adding a new subsection (f) to allow for an ``early harvest factor.'' The addition of this factor comes in response to a lack of clarity in the event of the periodic decisions by sugar beet processors to request a portion of their contracted acres be harvested early. In these events, the actual harvested beets are often lower in weight and sugar content, resulting in what could appear to be a production loss. This provision provides more clear guidance for insurance providers in the event of early harvested acres and eliminates the unnecessary reduction in grower APH. The adjustment for early harvest will not be made if the sugar beets are damaged by an insurable cause of loss and leaving the crop in the field would reduce production, and cannot result in a production to count in excess of the insured's actual production history. Further, the adjustment will only be made in the event that the portion of a unit harvested early exceeds a percentage of acreage threshold specified in the actuarial documents.     14. Section 14--FCIC is removing and reserving this section. This section was necessary because of the distinction between certain counties in California. Now that insurance is no longer available in those counties, the provision is no longer necessary and the late planting provisions in the Basic Provisions will apply.     15. Section 15--FCIC is removing section 15(a), because insurance is no longer available for those counties that

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previously had a July 15 contract change date. Effective Date     The FCIC is issuing this final rule without opportunity for prior notice and comment. The Administrative Procedure Act (APA) exempts rules ``relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' from the statutory requirement for prior notice and opportunity for public comment (5 U.S.C 553(a)(2)). A Federal crop insurance policy is a contract and is thus exempt from APA notice-and-comment procedures. Previously, changes made to the Federal crop insurance policies codified in the Code of Federal Regulations were required to be implemented through the notice- and-comment rulemaking process. Such action was not required by the APA, which exempts contracts. Rather, the requirement originated with a notice USDA published in the Federal Register on July 24, 1971 (36 FR 13804), stating that the Department of ***Agriculture*** would, to the maximum extent practicable, use the notice-and-comment rulemaking process when making ***program*** changes, including those involving contracts. FCIC complied with this notice over the subsequent ***years***. On October 28, 2013, USDA published a notice in the Federal Register (78 FR 64194) rescinding the prior notice, thereby making contracts again exempt from the notice-and-comment rulemaking process. This exemption applies to the 30-day notice prior to implementation of a rule. Therefore, the policy changes made by this final rule are effective upon publication in the Federal Register.     However, FCIC is providing a 30-day comment period and invites interested persons to participate in this rulemaking by submitting written comments. FCIC will consider the comments received and may conduct additional rulemaking based on the comments.     The changes will be effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states.

Executive Orders 12866, 13563, 13771 and 13777

    Executive Order 12866, ``Regulatory Planning and Review,'' and Executive Order 13563, ``Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13777, ``Enforcing the Regulatory Reform Agenda,'' established a federal policy to alleviate unnecessary regulatory burdens on the American people. The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, ``Regulatory Planning and Review,'' and, therefore, OMB has not reviewed this rule. The rule is not subject to Executive Order 13771, ``Reducing Regulation and Controlling Regulatory Costs.''

Paperwork Reduction Act of 1995

    Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C chapter 35, subchapter I), the collections of information in this rule have been approved by OMB under control number 0563-0053.

E-Government Act Compliance

    FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

    Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

    It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

    This rule has been reviewed in accordance with the requirements of Executive Order 13175, ``Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes. FCIC has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O 13175. If a Tribe requests consultation, FCIC will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Regulatory Flexibility Act

    FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. ***Program*** requirements for the Federal crop insurance ***program*** are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the indemnity amount for an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (FCIA) authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have a significant impact on a substantial number of small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C 605).

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Federal Assistance ***Program***

    This ***program*** is listed in the Catalog of Federal Domestic Assistance under No. 10.450

Executive Order 12372

    This ***program*** is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 2 CFR part 415, subpart C.

Executive Order 12988

    This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

    This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

List of Subjects in 7 CFR Part 457

    Crop insurance, Sugar Beet, Reporting and recordkeeping requirements.

Final Rule

    Accordingly, as set forth in the preamble, FCIC amends 7 CFR part 457 effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states as follows:

PART 457--COMMON CROP INSURANCE REGULATIONS

0 1. The authority citation for part 457 continues to read as follows:

    Authority:  7 U.S.C 1506(l), 1506(o).

0 2. Amend Sec.  457.109 as follows: 0 a. In the introductory text remove the phrase ``for the 2017 and succeeding crop ***years*** in counties with a contract change date of November 30, and for the 2018 and succeeding crop ***years*** in counties with a contract change date of April 30'' and add the phrase ``for effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states.'' in its place; 0 b. Remove the undesignated paragraph immediately following the heading ``Sugar Beet Crop Provisions''; 0 c. In section 1: 0 i. Revise the definition of ``crop ***year***''; 0 ii. Remove the definition of ``local market price''; 0 iii. Revise definition of ``practical to replant''; 0 iv. Add a definition of ``processor contract'' in alphabetical order; and 0 v. Remove the definitions of ``production guarantee (per acre)'', ``standardized ton'', ``sugar beet processor contract'', ``thinning'', and ``ton''; 0 d. In section 2 remove the term ``sugar beet'' in all three instances; 0 e. Revise sections 3 through 5: 0 f. Remove and reserve section 6; 0 g. In section 7: 0 i. In paragraph (a) introductory text, remove the parenthetical ``(Insured Crop)''; and 0 ii. Revise paragraphs (a)(3) and (b)(2); 0 h. In section 8: 0 i. In the introductory text, remove the parenthetical ``(Insurable Acreage)''; and 0 ii. In paragraph (b) remove the parenthetical ``(or within 30 days of initial planting for those counties without a final planting date)''; 0 i. Revise section 9; 0 j. In section 10 introductory text, remove the parenthetical ``(Causes of Loss)''; 0 k. In section 11: 0 i. In paragraph (a), remove the parenthetical ``(Replanting ***Payment***)'' and the term ``final stage''; and 0 ii. Revise paragraph (b); 0 l. In section 12: 0 i. In the introductory text, remove parenthetical ``(Duties in the Event of Damage or Loss)''; and 0 ii. Revise paragraph (b); 0 m. In section 13: 0 i. In paragraph (c) introductory text, remove the parenthetical ``(in standardized tons)''; 0 ii. In paragraph (c)(1)(iii), remove the parenthetical ``(unharvested production that is appraised prior to the earliest delivery date that the processor accepts harvested production will not be eligible for a conversion to standardized tons in accordance with section 13 (d) and (e))''; 0 iii. Remove paragraph (c)(1)(iv); 0 iv. Redesignate paragraph (c)(1)(v) as (c)(1)(iv); 0 v. Revise paragraphs (d) and (e); and 0 vi. Add paragraph (f); 0 n. Remove and reserve section 14; and 0 o. Revise section 15.     The revisions and additions read as follows:

Sec.  457.109  Sugar Beet Crop Insurance Provisions.

\* \* \* \* \*     1. Definitions     Crop ***year***. The period within which the sugar beets are normally grown, which is designated by the ***calendar*** ***year*** in which the sugar beets are normally harvested. \* \* \* \* \*     Practical to replant. In addition to the definition in section 1 of the Basic Provisions, it will not be considered practical to replant if production from the replanted acreage cannot be delivered under the terms of the processor contract, or 30 days after the initial planting date for all counties where a late planting period is not applicable, unless replanting is generally occurring in the area. \* \* \* \* \*     Processor contract. A written agreement between you and the processor, executed on or before the acreage reporting date, which is in effect for the crop ***year***, containing at a minimum:     (1) Your commitment to plant, grow, and deliver the sugar beet production to the processor;     (2) The processor's commitment to purchase the production stated in the contract; and     (3) A price or formula for a price based on third party data that will be paid to you for the production stated in the contract. \* \* \* \* \*     3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.     (a) In addition to the requirements of section 3 of the Basic Provisions, you may select only one price election for all the sugar beets in the county insured under this policy.     (b) The production guarantee will be expressed in pounds of raw sugar.     4. Contract Changes     In accordance with the provisions of section 4 of the Basic Provisions, the contract change date is April 30 preceding the cancellation date for California and November 30 preceding the cancellation date for all other states.     5. Cancellation and Termination Dates     In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are August 31 for California and March 15 for all other states. \* \* \* \* \*     7. Insured Crop \* \* \* \* \*     (a) \* \* \*     (3) That are grown under a contract and are not excluded from the processor

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contract at any time during the crop ***year***; and \* \* \* \* \*     (b) \* \* \*     (2) The Board of Directors or officers of the processor must have adopted and executed a corporate resolution that contains essentially the same terms as a processor contract. Such corporate resolution will be considered a processor contract under the terms of the sugar beet crop insurance policy; \* \* \* \* \*     9. Insurance Period     In accordance with section 11 of the Basic Provisions, the dates for the end of insurance period are contained in the actuarial documents. \* \* \* \* \*     11. Replanting ***Payments*** \* \* \* \* \*     (b) The dollar amount of the replant ***payment*** is specified in the Special Provisions. \* \* \* \* \*     12. Duties in the Event of Damage or Loss \* \* \* \* \*     (b) You must provide a copy of your processor contract, or corporate resolution if you are the processor.     13. Settlement of Claim \* \* \* \* \*     (d) Harvested production or unharvested production that is appraised after the earliest delivery date that the processor accepts harvested production and that meets the minimum acceptable standards contained in the processor contract or corporate resolution will be converted to pounds of raw sugar by multiplying the tons of such production by 2,000 and by the average percentage of raw sugar to determine the production to count. The average percentage of raw sugar will be determined from tests performed by the processor at the time of delivery.     (1) If individual tests of raw sugar content are not made at the time of delivery, the average percent of raw sugar may be based on the results of previous tests performed by the processor during the crop ***year*** if it is determined that such results are representative of the total production.     (2) If not representative, the average percent of raw sugar will equal the raw sugar content percent shown in the Special Provisions.     (e) Harvested production or unharvested production that is appraised after the earliest delivery date that the processor accepts harvested production and that does not meet the minimum acceptable standards contained in the processor contract or corporate resolution due to an insured peril will be converted to pounds of raw sugar by multiplying the tons of such damaged production by 2,000 and by the average percent of raw sugar contained in such production.     (1) If individual tests of raw sugar content are not made at the time of delivery, the average percent of raw sugar may be based on the results of previous tests performed by the processor during the crop ***year*** if it is determined that such results are representative of the total production.     (2) If not representative, the average percent of raw sugar will equal the raw sugar content percent shown in the Special Provisions.     (f) Production lost due to harvest prior to full maturity. If the percentage of insured acreage in the unit harvested prior to full maturity exceeds the threshold specified in the actuarial documents, production to count from such acreage will be determined by increasing the amount of harvested production by 1 percent per day for each day the sugar beets were harvested prior to the date the sugar beets would have reached full maturity.     (1) The date the sugar beets would have reached full maturity will be considered to be 45 days prior to the ***calendar*** date for the end of the insurance period, unless otherwise specified in the Special Provisions.     (2) This adjustment will not be made if the sugar beets are damaged by an insurable cause of loss and leaving the crop in the field would reduce production.     (3) The adjustment cannot result in production to count in excess of the insured's actual production history; \* \* \* \* \*     15. Prevented Planting     Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

Martin R. Barbre, Manager, Federal Crop Insurance Corporation. [FR Doc. 2018-19152 Filed 9-7-18; 8:45 am]  BILLING CODE 3410-08-P

**Load-Date:** November 5, 2018

**End of Document**



[***FEDERAL REGISTER: Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions Pages 45535 - 45539 [FR DOC # 2018-19152]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S8H-Y4K1-JDG9-Y04Y-00000-00&context=1516831)

Impact News Service

September 10, 2018 Monday

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**Length:** 5234 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

DEPARTMENT OF ***AGRICULTURE*** Federal Crop Insurance Corporation 7 CFR part 457 [Docket No. FCIC-18-0001] RIN 0563-AC55 Common Crop Insurance Regulations; Sugar Beet Crop Insurance Provisions AGENCY: Federal Crop Insurance Corporation, USDA. ACTION: Final rule with request for comments. ----------------------------------------------------------------------- SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the Common Crop Insurance Regulations, Sugar Beet Crop Insurance Provisions (Crop Provisions). The intended effect of this action is to update existing policy provisions and definitions to better reflect current ***agricultural*** practices. The changes will be effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states. DATES: This final rule is effective November 30, 2018. However, FCIC will accept written comments on this final rule until close of business October 10, 2018. FCIC will consider these comments and make changes to the rule if warranted. ADDRESSES: FCIC prefers that interested persons submit comments electronically through the Federal eRulemaking Portal.

Interested persons may submit comments, identified by Docket ID No. FCIC-18-0001, by any of the following methods:  Federal eRulemaking Portal: [*http://www.regulations.gov*](http://www.regulations.gov) Follow the instructions for submitting comments.      Mail: Director, Product Administration and Standards Division, Risk Management Agency, United States Department of ***Agriculture***, P.O Box 419205, Kansas City, MO 64133-6205. All comments received, including those received by mail, will be posted without change to   [*http://www.regulations.gov*](http://www.regulations.gov), including any personal information provided. Once these comments are posted to this website, the public can access all comments at its convenience from this website. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see   [*http://www.regulations.gov*](http://www.regulations.gov) If interested persons are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, FCIC requests use of a text-based format. If interested persons wish to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of the submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the Risk Management Agency (RMA) Web Content Team at (816) 823-4694 or by email at [*rmaweb.content@rma.usda.gov*](mailto:rmaweb.content@rma.usda.gov)     Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Interested persons may review the complete User Notice and Privacy Notice for Regulations.gov at   [*http://www.regulations.gov/#!privacyNotice*](http://www.regulations.gov/#!privacyNotice).

FOR FURTHER INFORMATION CONTACT: Chandra Mason, Chief, Policy Administration Branch, Product Administration and Standards Division, Risk Management Agency, United States Department of ***Agriculture***, Beacon Facility, Stop 0812, Room 421, P.O Box 419205, Kansas City, MO 64141- 6205, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Background

    FCIC amends the Common Crop Insurance Regulations (7 CFR part 457) by revising 7 CFR 457.109 Sugar Beet Crop Insurance Provisions (Crop Provisions), to be effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states. The intended effect of this action is to update existing policy provisions and definitions to better reflect current ***agricultural*** practices.     The changes are as follows:     1. FCIC is removing the paragraph immediately preceding section 1, which refers to the order of priority if a conflict exists among the policy provisions. This same provision is contained in the Basic Provisions. Therefore, the appearance here is duplicative and should be removed from the Crop Provisions.     2. FCIC is removing parentheticals identifying the titles of sections of the Basic Provisions throughout the Crop Provisions as the parenthetical section name is unnecessary and removing these titles will prevent FCIC from having to revise the Crop Provisions should these section titles change in the Basic Provisions.     3. Section 1--FCIC is revising the definition of ``Crop ***Year***.'' The previous definition required a reference to specific counties, as the crop ***year*** was defined differently for several California counties. In 2013, the actuarial information that made insurance available was removed from all California counties except Imperial County, which has the same definition of ``crop ***year***'' as used in all remaining insurable states and counties. Consequently, the revised definition removes references to specific counties such that all insurable counties have the same definition of ``crop ***year***.''     FCIC is removing the definition of ``Local Market Price'' as this term is no longer used in the Crop Provisions.     FCIC is revising the definition of ``Practical to Replant.'' FCIC is removing those provisions that are duplicative of the definition in the Basic Provisions and leaves the requirement that it is practical to replant if the terms of the processor contract can be met.     FCIC is adding a definition of ``Processor Contract'' and removing the definition of ``Sugar Beet Processor Contract.'' FCIC has identified several different Crop Provisions contain a variation of a definition for a ``processor contract,'' which has created ambiguity across Crop Provisions, and poses challenges for insurance providers to administer the ***program*** consistently across different crops. The definition of ``processor contract'' matches the definition found in other Crop Provisions, in order to improve

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standardization of language regarding use of contracts across crop insurance ***programs***. References throughout the Crop Provisions will be revised accordingly. The new definition also requires that contracts be executed by the acreage reporting date, which is consistent with all other crop insurance policies that insure contract crops. Contracts must be executed by the acreage reporting date so that liabilities and prices can be established for the purpose of determining guarantees and premium.     FCIC is removing the definition of ``Production Guarantee (per acre).'' The definition is contained in the Basic Provisions. This definition was previously necessary due to inclusion of stage guarantees, which, as stated below, have been removed from the policy. Further, as stated below, section 3 specifies that the production guarantee is expressed in pounds of raw sugar.     FCIC is removing the definitions of ``Standardized Ton'' and ``Ton.'' The definitions are no longer necessary, since, as stated below, FCIC is changing the basis of insurance from ``tons'' to ``pounds of raw sugar'' in section 3(c).     FCIC is removing the definition of ``Thinning'' as this term is no longer used in the Crop Provisions.     4. Section 3--FCIC is revising the basis of insurance from ``standardized tons'' to ``pounds of raw sugar.'' This change is made to align the policy with the current sugar beet industry standard for ***payment***. All references to the basis of insurance throughout the Crop Provisions will consequently be revised.     FCIC is removing stage guarantees from the policy. FCIC had previously offered an option to obtain coverage without the stage guarantees for an additional premium. FCIC has observed an increasing number of sugar beet producers electing the stage removal option, such that very few producers have coverage with stage guarantees. Removal of stage guarantees from the policy will better reflect the risk management needs of producers and simplify their existing coverage options. Premiums will be revised to reflect the removal of the stage guarantees from the policy.     5. Section 4--FCIC is removing references to a July 15 contract change date because, since 2013, this date was removed from the actuarial information for all counties. Additionally, FCIC proposes to edit the remaining date references to apply to states instead of counties. The edit does not change any county dates, merely provides consistency in reference to states or counties within the Crop Provisions and actuarial documents.     6. Section 5--FCIC is removing the table of county-specific cancellation and termination dates since many of the counties with differing cancellation and termination dates no longer have insurance for sugar beets. With the removal of insurance from these counties, there are only two remaining cancellation and termination dates, so the provisions have been revised to only refer to these dates. The revision will not result in any changed dates for counties where insurance for sugar beets is currently available.     7. Section 6--FCIC is removing and reserving this section. With the removal of stage guarantees, this section is no longer necessary. The premium computation method appears in the Basic Provisions and will reflect this removal.     8. Section 7--In section 7(b)(2), FCIC is replacing ``duly promulgated'' with ``executed and adopted'' and ``sets forth'' with ``contains.'' FCIC is also adding the modifier ``corporate'' to ``resolution.'' This revised terminology uses more common language, makes clear the connection to later uses of the term ``corporate resolution,'' and provides consistency with other Crop Provisions.     9. Section 8--FCIC is removing the parenthetical in 8(b) referring to counties without a final planting date because all insurable counties now have a specified final planting date.     10. Section 9--FCIC is removing the list of end of insurance dates by geographic region and instead referring to the ***calendar*** date shown in the actuarial documents for the end of the insurance period. This change will simplify the provision and allow FCIC to timely provide area-specific dates, allow for future ***program*** expansion, and provide greater flexibility to adjust end of insurance period dates to new or evolving regional conditions as needed in the future.     11. Section 11--In section 11(b), FCIC is removing the formula for calculating a replanting ***payment*** and replacing it with the phrase ``dollar amount of the replant ***payment*** is specified in the Special Provisions'' because the costs for replanting the crop may vary by county or region and this change gives FCIC the flexibility to ensure that the costs of replanting are reflected in the actuarial documents and adjusted as needed.     12. Section 12--FCIC is decapitalizing the words ``in the'' in the section heading for consistency throughout these Crop Provisions. In section 12(b), FCIC is adding a comma after ``processor contract'' to separate the two requirements. This change provides clarity on the issue of provision of contracts or corporate resolutions for specific entity types: For non-processors, a processor contract is required. For insureds who are also processors, a corporate resolution is required.     13. Section 13--In section 13(c)(1)(iii) FCIC is removing the parenthetical following the term ``unharvested production,'' which is no longer necessary due to the use of pounds of raw sugar as the basis of insurance, removal of stage guarantees, and the inclusion of an early harvest factor.     FCIC is removing section 13(c)(1)(iv), which is unnecessary due to the removal of stage guarantees. This also results in the redesignation of section 13(c)(1)(v) as section 13(c)(1)(iv).     In section 13(d) and (e), FCIC is revising the language to clarify the determination of production to count by referring to pounds of raw sugar and including the use of the raw sugar percentage specified in the Special Provisions only if a sugar test is not performed or is not deemed acceptable.     FCIC is adding a new subsection (f) to allow for an ``early harvest factor.'' The addition of this factor comes in response to a lack of clarity in the event of the periodic decisions by sugar beet processors to request a portion of their contracted acres be harvested early. In these events, the actual harvested beets are often lower in weight and sugar content, resulting in what could appear to be a production loss. This provision provides more clear guidance for insurance providers in the event of early harvested acres and eliminates the unnecessary reduction in grower APH. The adjustment for early harvest will not be made if the sugar beets are damaged by an insurable cause of loss and leaving the crop in the field would reduce production, and cannot result in a production to count in excess of the insured's actual production history. Further, the adjustment will only be made in the event that the portion of a unit harvested early exceeds a percentage of acreage threshold specified in the actuarial documents.     14. Section 14--FCIC is removing and reserving this section. This section was necessary because of the distinction between certain counties in California. Now that insurance is no longer available in those counties, the provision is no longer necessary and the late planting provisions in the Basic Provisions will apply.     15. Section 15--FCIC is removing section 15(a), because insurance is no longer available for those counties that

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previously had a July 15 contract change date. Effective Date     The FCIC is issuing this final rule without opportunity for prior notice and comment. The Administrative Procedure Act (APA) exempts rules ``relating to agency management or personnel or to public property, loans, grants, benefits, or contracts'' from the statutory requirement for prior notice and opportunity for public comment (5 U.S.C 553(a)(2)). A Federal crop insurance policy is a contract and is thus exempt from APA notice-and-comment procedures. Previously, changes made to the Federal crop insurance policies codified in the Code of Federal Regulations were required to be implemented through the notice- and-comment rulemaking process. Such action was not required by the APA, which exempts contracts. Rather, the requirement originated with a notice USDA published in the Federal Register on July 24, 1971 (36 FR 13804), stating that the Department of ***Agriculture*** would, to the maximum extent practicable, use the notice-and-comment rulemaking process when making ***program*** changes, including those involving contracts. FCIC complied with this notice over the subsequent ***years***. On October 28, 2013, USDA published a notice in the Federal Register (78 FR 64194) rescinding the prior notice, thereby making contracts again exempt from the notice-and-comment rulemaking process. This exemption applies to the 30-day notice prior to implementation of a rule. Therefore, the policy changes made by this final rule are effective upon publication in the Federal Register.     However, FCIC is providing a 30-day comment period and invites interested persons to participate in this rulemaking by submitting written comments. FCIC will consider the comments received and may conduct additional rulemaking based on the comments.     The changes will be effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states.

Executive Orders 12866, 13563, 13771 and 13777

    Executive Order 12866, ``Regulatory Planning and Review,'' and Executive Order 13563, ``Improving Regulation and Regulatory Review,'' direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13777, ``Enforcing the Regulatory Reform Agenda,'' established a federal policy to alleviate unnecessary regulatory burdens on the American people. The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866, ``Regulatory Planning and Review,'' and, therefore, OMB has not reviewed this rule. The rule is not subject to Executive Order 13771, ``Reducing Regulation and Controlling Regulatory Costs.''

Paperwork Reduction Act of 1995

    Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C chapter 35, subchapter I), the collections of information in this rule have been approved by OMB under control number 0563-0053.

E-Government Act Compliance

    FCIC is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

    Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

    It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

    This rule has been reviewed in accordance with the requirements of Executive Order 13175, ``Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes. FCIC has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O 13175. If a Tribe requests consultation, FCIC will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Regulatory Flexibility Act

    FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. ***Program*** requirements for the Federal crop insurance ***program*** are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the indemnity amount for an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act (FCIA) authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have a significant impact on a substantial number of small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C 605).

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Federal Assistance ***Program***

    This ***program*** is listed in the Catalog of Federal Domestic Assistance under No. 10.450

Executive Order 12372

    This ***program*** is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 2 CFR part 415, subpart C.

Executive Order 12988

    This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action against FCIC for judicial review may be brought.

Environmental Evaluation

    This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

List of Subjects in 7 CFR Part 457

    Crop insurance, Sugar Beet, Reporting and recordkeeping requirements.

Final Rule

    Accordingly, as set forth in the preamble, FCIC amends 7 CFR part 457 effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states as follows:

PART 457--COMMON CROP INSURANCE REGULATIONS

0 1. The authority citation for part 457 continues to read as follows:

    Authority:  7 U.S.C 1506(l), 1506(o).

0 2. Amend Sec.  457.109 as follows: 0 a. In the introductory text remove the phrase ``for the 2017 and succeeding crop ***years*** in counties with a contract change date of November 30, and for the 2018 and succeeding crop ***years*** in counties with a contract change date of April 30'' and add the phrase ``for effective for the 2019 and succeeding crop ***years*** in states with a November 30 contract change date and for the 2020 and succeeding crop ***years*** in all other states.'' in its place; 0 b. Remove the undesignated paragraph immediately following the heading ``Sugar Beet Crop Provisions''; 0 c. In section 1: 0 i. Revise the definition of ``crop ***year***''; 0 ii. Remove the definition of ``local market price''; 0 iii. Revise definition of ``practical to replant''; 0 iv. Add a definition of ``processor contract'' in alphabetical order; and 0 v. Remove the definitions of ``production guarantee (per acre)'', ``standardized ton'', ``sugar beet processor contract'', ``thinning'', and ``ton''; 0 d. In section 2 remove the term ``sugar beet'' in all three instances; 0 e. Revise sections 3 through 5: 0 f. Remove and reserve section 6; 0 g. In section 7: 0 i. In paragraph (a) introductory text, remove the parenthetical ``(Insured Crop)''; and 0 ii. Revise paragraphs (a)(3) and (b)(2); 0 h. In section 8: 0 i. In the introductory text, remove the parenthetical ``(Insurable Acreage)''; and 0 ii. In paragraph (b) remove the parenthetical ``(or within 30 days of initial planting for those counties without a final planting date)''; 0 i. Revise section 9; 0 j. In section 10 introductory text, remove the parenthetical ``(Causes of Loss)''; 0 k. In section 11: 0 i. In paragraph (a), remove the parenthetical ``(Replanting ***Payment***)'' and the term ``final stage''; and 0 ii. Revise paragraph (b); 0 l. In section 12: 0 i. In the introductory text, remove parenthetical ``(Duties in the Event of Damage or Loss)''; and 0 ii. Revise paragraph (b); 0 m. In section 13: 0 i. In paragraph (c) introductory text, remove the parenthetical ``(in standardized tons)''; 0 ii. In paragraph (c)(1)(iii), remove the parenthetical ``(unharvested production that is appraised prior to the earliest delivery date that the processor accepts harvested production will not be eligible for a conversion to standardized tons in accordance with section 13 (d) and (e))''; 0 iii. Remove paragraph (c)(1)(iv); 0 iv. Redesignate paragraph (c)(1)(v) as (c)(1)(iv); 0 v. Revise paragraphs (d) and (e); and 0 vi. Add paragraph (f); 0 n. Remove and reserve section 14; and 0 o. Revise section 15.     The revisions and additions read as follows:

Sec.  457.109  Sugar Beet Crop Insurance Provisions.

\* \* \* \* \*     1. Definitions     Crop ***year***. The period within which the sugar beets are normally grown, which is designated by the ***calendar*** ***year*** in which the sugar beets are normally harvested. \* \* \* \* \*     Practical to replant. In addition to the definition in section 1 of the Basic Provisions, it will not be considered practical to replant if production from the replanted acreage cannot be delivered under the terms of the processor contract, or 30 days after the initial planting date for all counties where a late planting period is not applicable, unless replanting is generally occurring in the area. \* \* \* \* \*     Processor contract. A written agreement between you and the processor, executed on or before the acreage reporting date, which is in effect for the crop ***year***, containing at a minimum:     (1) Your commitment to plant, grow, and deliver the sugar beet production to the processor;     (2) The processor's commitment to purchase the production stated in the contract; and     (3) A price or formula for a price based on third party data that will be paid to you for the production stated in the contract. \* \* \* \* \*     3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.     (a) In addition to the requirements of section 3 of the Basic Provisions, you may select only one price election for all the sugar beets in the county insured under this policy.     (b) The production guarantee will be expressed in pounds of raw sugar.     4. Contract Changes     In accordance with the provisions of section 4 of the Basic Provisions, the contract change date is April 30 preceding the cancellation date for California and November 30 preceding the cancellation date for all other states.     5. Cancellation and Termination Dates     In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are August 31 for California and March 15 for all other states. \* \* \* \* \*     7. Insured Crop \* \* \* \* \*     (a) \* \* \*     (3) That are grown under a contract and are not excluded from the processor

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contract at any time during the crop ***year***; and \* \* \* \* \*     (b) \* \* \*     (2) The Board of Directors or officers of the processor must have adopted and executed a corporate resolution that contains essentially the same terms as a processor contract. Such corporate resolution will be considered a processor contract under the terms of the sugar beet crop insurance policy; \* \* \* \* \*     9. Insurance Period     In accordance with section 11 of the Basic Provisions, the dates for the end of insurance period are contained in the actuarial documents. \* \* \* \* \*     11. Replanting ***Payments*** \* \* \* \* \*     (b) The dollar amount of the replant ***payment*** is specified in the Special Provisions. \* \* \* \* \*     12. Duties in the Event of Damage or Loss \* \* \* \* \*     (b) You must provide a copy of your processor contract, or corporate resolution if you are the processor.     13. Settlement of Claim \* \* \* \* \*     (d) Harvested production or unharvested production that is appraised after the earliest delivery date that the processor accepts harvested production and that meets the minimum acceptable standards contained in the processor contract or corporate resolution will be converted to pounds of raw sugar by multiplying the tons of such production by 2,000 and by the average percentage of raw sugar to determine the production to count. The average percentage of raw sugar will be determined from tests performed by the processor at the time of delivery.     (1) If individual tests of raw sugar content are not made at the time of delivery, the average percent of raw sugar may be based on the results of previous tests performed by the processor during the crop ***year*** if it is determined that such results are representative of the total production.     (2) If not representative, the average percent of raw sugar will equal the raw sugar content percent shown in the Special Provisions.     (e) Harvested production or unharvested production that is appraised after the earliest delivery date that the processor accepts harvested production and that does not meet the minimum acceptable standards contained in the processor contract or corporate resolution due to an insured peril will be converted to pounds of raw sugar by multiplying the tons of such damaged production by 2,000 and by the average percent of raw sugar contained in such production.     (1) If individual tests of raw sugar content are not made at the time of delivery, the average percent of raw sugar may be based on the results of previous tests performed by the processor during the crop ***year*** if it is determined that such results are representative of the total production.     (2) If not representative, the average percent of raw sugar will equal the raw sugar content percent shown in the Special Provisions.     (f) Production lost due to harvest prior to full maturity. If the percentage of insured acreage in the unit harvested prior to full maturity exceeds the threshold specified in the actuarial documents, production to count from such acreage will be determined by increasing the amount of harvested production by 1 percent per day for each day the sugar beets were harvested prior to the date the sugar beets would have reached full maturity.     (1) The date the sugar beets would have reached full maturity will be considered to be 45 days prior to the ***calendar*** date for the end of the insurance period, unless otherwise specified in the Special Provisions.     (2) This adjustment will not be made if the sugar beets are damaged by an insurable cause of loss and leaving the crop in the field would reduce production.     (3) The adjustment cannot result in production to count in excess of the insured's actual production history; \* \* \* \* \*     15. Prevented Planting     Your prevented planting coverage will be a percentage specified in the actuarial documents of your production guarantee for timely planted acreage. If you have additional levels of coverage and pay an additional premium, you may increase your prevented planting coverage if such additional coverage is specified in the actuarial documents.

Martin R. Barbre, Manager, Federal Crop Insurance Corporation. [FR Doc. 2018-19152 Filed 9-7-18; 8:45 am]  BILLING CODE 3410-08-P

**Load-Date:** November 5, 2018

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HINA Digest

25 May 2018

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**Length:** 9001 words

**Body**

Zagreb, 25 May 2018 (Hina) - PM: It's important to implement national reform ***programme*** to strengthen economic potentialZAGREB, May 24(Hina) - Prime Minister Andrej Plenkovic on Thursday commented on the European Commission'srecommendationsto Croatia, saying that it was a good thing that the EC recognised efforts the government had made in the fiscal consolidation sector, adding that it was important to implement the national reform ***programme*** in order to strengthen Croatia's economic growth potential.At the start of the government session on Thursday, the prime minister commented on the recommendations the European Commission gave to Croatia, saying that it was good that there this ***year*** there were fewer recommendations than the ***year*** before."It is good that this ***year*** we have fewerrecommendations that the ***year*** before.This is a sign that we did a good job on the national reform ***programme***. This time, everything that the European Commission recommended has already been included in our plan, which means that we recognised the trends well," Plenkovic said.He underscored that it was exceptionally important that the European Commission had recognised the efforts the government had made in the fiscal consolidation sector, adding that the results were better than expected. He said that headway had been made in the process of managing the public debt, which was shrinking faster than in other EU member states. Plenkovic also recalled that last ***year*** Croatia left the excessive deficit procedure."I believe it is no surprise that in 2017 financial institutions and agencies raised our credit rating for the first time since 2004," Plenkovic said, adding that the government would continue its work on fiscal consolidation and further reform.The PM underscored it was important to achieve three priority objectives from the national reform ***programme***, together with other measures, and in that way strengthen Croatia's economic growth potential.The government in April sent to the European Commission a 130-page National Reform ***Programme***, containing 59 concrete measures in 11 reform areas.

The three key objectives of the document are strengthening Croatia's economy competitiveness, connecting the education system with the labourmarket and achieving the sustainability of public finances.The European Commission on Wednesday gave Croatia four recommendations which Zagreb is expected to carry out this and next ***year*** and which are mostly the same as those given in 2017.In the first recommendation, Croatia is required to strengthen its fiscal framework and introduce real estate taxes, based on the value of the real estate.In the second recommendation, Croatia is expected to discourage early retirement, accelerate the transition to the higher statutory retirement age, and align pension provisions for specific categories with the rules of the general scheme.In the third recommendation, Croatia is expected to reduce the fragmentation and improve the functional distribution of competencies in public administration.In consultation with social partners, it is expected to harmonise the wage-setting frameworks across the public administration and public services.In the fourth recommendation, Croatia is expected to improve corporate governance in the state-owned enterprise sector and speed up the divestment of state-owned enterprises and inactive state assets.Croatia is also expected to significantly reduce the burden on businesses stemming from costs of regulation and from administrative burdens; to remove regulatory restrictions hampering access to and the practice of regulated professions and professional and business services; and to improve the quality and efficiency of the justice system, in particular by reducing the duration of civil and commercial cases.The recommendations are part of the spring package of the European Semester which the Commission publishes each ***year*** in May.FinMin says tax revenues up 5% in 2017, expenditure lower than plannedZAGREB, May 24(Hina) - Finance Minister Zdravko Maric said at a government session on Thursday that last ***year***'s budget revenues totalled HRK 122.7 billion, 5% more than the ***year*** before, which was owing to positive economic trends and the tax reform, while budget expenditures were lowerthan planned.The growth of budget revenues was owing to an increase in GDP of 2.8%, prompted by yet another record tourist season, the growth of household consumption, exports and investments, notably private ones, which grew by more than 7% on the ***year***, Maric said while presenting a report on the budget execution and a report on the application of fiscal rules in 2017.The minister stressed that the goodfiscal and economic indicators were owing to the tax reform and some other steps taken to improve the investment and business climate.The growth of budget revenues in 2017 was mostly owing to an increase intax revenues, which totalled HRK 75.2 billion.Income tax revenues totalled HRK 2 billion, 9.7% less than in the ***year*** before, a change that was owing to lower income taxes.Profit tax revenues were 15% higher, totalling HRK 8.2 billion.VAT revenues amounted to HRK 47.6 billion, 5.3% more than in 2016.Revenues from special levies and excise taxes grew 2.6% to HRK 15.1 billion.Revenues from contributions were 23.2 billion kuna, 4.6% more thanthe ***year*** before.Revenues from aid, with revenues from EU funds accounting for most of it, reached HRK 8.5 billion, an annual increase as well.Spending under controlBudget expenditures last ***year*** totalled HRK 125 billion, an increase of 4% but less than originally planned."This is owing to strong fiscal discipline and responsible spending of budget money," said Maric.He said that results were good despite several occasions when extra outlays in the amount of more than HRK 1.5 billion, for ***transfers*** to the health system, were approved.Maric stressed that last ***year*** debt interest was cut by one billion kuna."Over the past two ***years*** Croatia has managed to reduce interest expenditures by two billion kuna, and one should continue working on that," he said, explaining that this was owing to the financial restructuring of the road sector's debt.Household benefits, the most important category of expenditures, totalled HRK 45.8 billion, of which 37.7 billion went for pension allowances.Maric stressed that the expenditure growth rate was lower than the potential GDP growth, in line with the Fiscal Accountability Act.He said that planned budget expenditures had not been exceeded for the second consecutive ***year*** despite challenging situations.The resultis by about 2.1 billion kuna better, and better results were also achieved by extra-budgetary users and local government units, said Maric.The consolidated general government surplus in 2017 was 2.7 billion kuna, which is the first time a surplus was recorded since record-keeping about those statistics started, while the projection was a HRK 2.2 billion deficit, said Maric."The result is thus better by about five billion kuna," said Maric.Owing to this, 2017 saw a continuation of a decrease in the share of public debt in GDP, and at the end of 2017 it totalled 78%, which is almost 6 percentage points down from the previous ***year***."Regardless of the fact that public debt is still above the 60% of GDP set by the Maasticht criteria, the share of public debt in GDP has been going down almost at twice the rate prescribed by those criteria," said Maric.60% of profit of strategic companies to be paid into state budgetThe government on Thursday also adopted a proposal on the amount, ***payment*** terms and ***payment*** deadlines regarding profits of companies of strategic and special interest to Croatia for 2017, to be paid into the state budget in 2018.Minister Maric said that there were several companies that were exempt from this decision -Hrvatske Ceste, Hrvatske Autoceste, Hrvatska Kontrola Zracne Plovidbe, HZInfrastruktura, Hrvatska Postanska Banka, Jadrolinija, Zracna Luka Dubrovnik, Croatia Airlines, Odasiljaci i Veze, Zracna Luka Split and Drzavne Nekretnine."This decision envisages the ***payment*** of 60% of the profit after taxation for 2017 by state-owned companies into the state budget in 2018," Maric said.The only exception from this decision is the Agencija Plan company, which is to pay 100% of its post-tax profit into the state budget.Government approves financial plans of road and motorway operatorsZAGREB, May 24(Hina) - Hrvatske ceste (HC) road operator will invest HRK 2.95 billion in the construction and maintenance of state roads in 2018, while Hrvatske Autoceste motorway operator (HAC) will invest HRK 638.8 million, according to construction and investment plans of the two companies which the government approved at its session on Thursday.The construction and maintenance plan for state roads in 2018 foresees total investments in the amount of HRK 2.95 billion, of which HRK 2.17 billion will be invested in the construction and maintenance of state roads, Maritime, Transport and Infrastructure Minister Oleg Burkovic said, adding that construction investments would amount to HRK 1.2 billion.Other investments amount to HRK 776.9 million, he added.A total of HRK 638.8 million is available to the Croatian motorway operator HAC this ***year*** for construction and maintenance.Gov't adjusts energy laws to EU guidelinesZAGREB, May 24 (Hina) - The government on Thursday discussed draft amendments to the Act on the Regulation of Energy Activities and the Electricity Market Act, adjusting the two laws to EU guidelines.The amendments to the Act on the Regulation of Energy Activities will regulate the independence of Croatia's Energy Regulatory Agency (HERA) and enable it to objectively and transparentlydo its job in accordance with EU guidelines, Energy Minister Tomislav Coric said at the government session.The agency must be able to make autonomous decisions so that the energy market could function properly and be entirely independent of any other public or private bodies, including the government, the minister said.Gov't to buy HRK 450mn of bank claims against PetrokemijaZAGREB, May 24 (Hina) - The government on Thursday adopted a decisionto buy bank claims against the Kutina-based Petrokemija mineral fertiliser company in the amount of HRK 450 million, with Prime Minister Andrej Plenkovic underscoring that the decision was important for the company's coming recapitalisation and its long-term, quality business operation.A State Secretary atthe Ministry of Economy, Entrepreneurship and Crafts, Natasa Mikus Zigman, reported that Petrokemija was looking fora strategic partner that would invest HRK 450 million in cash in the company."However, considering the losses in the preceding periods and estimated losses in 2018, significant investments that need to be made in the company's plants and the lack of operating capital, and in order to secure its long-term sustainability, it is necessary to additionally reduce the company's debt, that is,increase its equity. The government's decision today recommends that the minister ofeconomybuy on its behalf banks' claims from Petrokemija in the amount of HRK 450 million," Mikus Zigman said.She explained that Petrokemija hada significant debt that as of 31 December 2017 amounted to more than HRK 800 million and that it hada negative equity in the amount of HRK 196 million."After the state takes on the claims against Petrokemija, they will be transformed into capital at the company's next assembly and consequently a portion ofthe claims transformed into equity will be used to cover losses incurred in 2017 and partially losses incurred in 2018," she added.Mikus Zigman recalled that in the past the government had adopted decisions under whichthe state guaranteed that the banks' claims would be paid, either with a direct state guarantee or by providing state-ownedshares as collateral.She underscored that once the financial restructuring was completed and the debt decreased and equity increased through recapitalisation, conditions would be created to implement the company's operational restructuring and ensure its long-term sustainability.Petrokemija is the largest mineral fertiliser manufacturer in Croatia and the state has an ownership share of 79.85%.The company generates a turnover of HRK 2 billion a ***year***. Apart from accountingfor one-third of Croatia's consumption of natural gas, Petrokemija hasa dominant impact on the operation of Croatian ports, HZ Cargo, Plinacro, HEP and about a hundredof small suppliers oftransport services, equipment maintenance, trade and services, Mikus Zigman said.EC to help Croatia in absorbing EU fundsZAGREB, May 24 (Hina) -The European Commission has selected five national or regional authorities responsible for cohesionpolicy, including Croatia's Ministry of Regional Development and EU Funds, to participate in a new pilot project on better absorption of EU funds in the budget period beyond 2020.This refers to the Competitiveness and Cohesion ***programme***.To improve the management of EU funded ***programmes*** in the post-2020 period, experts from the Commission and the Organisation for Economic Cooperation Development (OECD)will provide tailored support. They will focus on building the right organisational structures and developing the right skills for staff. The experts will also help the authorities coordinate more smoothly with the other players involved in the roll-out of Cohesion Policy ***programmes***, such as business and social partners, development agencies and civil society organisations.Commissioner for Regional Policy Corina Cretu said: "To fully unlock the potential of public investment in terms of growth and jobs, solid institutions and well-functioning administration are as important as the money itself. In the next long term EU budget, lessons drawn from this pilot action will help boost the effectiveness and performance of EU and public national funds alike in the future," the EC reported on its website.The first phase of the pilot, summer 2018 - March 2019, will be dedicated to establishing a roadmap for administrative capacity-building. With the support of the experts, the authorities will draw up a series of improvements to be made in four areas:organisational set-up and transparency; human resources; internal procedures, tools and ICT systems; and good governance, including interaction with external stakeholders.The ***programme*** authorities will implement the roadmap during the second phase of the pilot, as of 2019. The Commission will actively support them, with further expert advice and tools such as the competency framework and the networking instrument PEER 2 PEER.EUR 900,000 has been set aside from the European Regional Development Fund (ERDF) for the development of the first phase of the roadmaps in the five countries. The budget of the second phase will be decided at a later stage.The Commission will evaluate the results of the pilot by the end of 2019. The conclusions drawn will feed into the development of guidance on administrative capacity-building for the authorities in charge of handling EU funds ***programmes*** in the next long term funding period, the EC said.Gov't adopts bill to facilitate subsidised housingZAGREB, May 24 (Hina) - The government on Thursday adopted and forwarded to the parliament a final bill on subsidised housing (POS), which, among other things, adjusts the highest price of construction of POS housing to the real situation in the construction sector and facilitates the launchof a new subsidised housing ***programme***.The government-sponsored POS bill was aligned with the Construction Act and defines the reference price of construction as well as all the costs involved in construction - planning, construction, supervision and so on, as well as water utility fees and Value Added Tax. It does not definecosts related to the land, utility infrastructure and connections to the utility infrastructure.Construction and Physical Planning Minister Predrag Stromar (HNS) said that so far the price of POS flats, land, utility infrastructure and connections had significantly differed from the average price in the real sector.According to the State Bureau of Statistics, the average sales price of new apartments which were sold in the second half of 2016 and were not part of the POS schemeamounted to HRK 11,027 per square metre, which is about 41.3% higher than the averagesales price of POS apartments, whichamountsto HRK 7,806 per square metre.Under the bill, the highest price of land and utility infrastructure would be increased from 20% to 25% of the reference price of construction while the highest sales price of an apartment would be increased from 140% to 150% of the reference price of construction.Stromar said that the bill would enablepublic service employees, too, to apply for POS housing in addition to state administration employees as part of special POS ***programmes*** for housing to be offered for lease."This bill attempts to resolve the issue of housing for professions in short supply, researches, professors, teachers, doctors and all professions necessary in a city, municipality or county... we know how difficult it is to keep people in small communities. Rent would be paid by local councils, cities, counties and institutions owned by the state," Stromar added.Agreements valued at HRK 470mn signed for 102 rural development projectsZAGREB, May 24 (Hina) - Local government representatives and the ***Payment*** Agency in ***Agriculture***, Fisheries and Rural Development on Thursday signed agreements valued at HRK 470 million for 102 local government projects from Measure 7 - Basic services and village renewal in rural areas - of the EU Rural Development ***Programme***.The funds will be used to build 57 new kindergartens, 18 community centres, 12 fire stations, and two tourist information centres as well as to finance 13 projects for landscaping public spaces in rural areas. The aidbeing provided accounts for 80% to 100% of total eligiblecosts or between 15,000 and 1 million euros.Agency directorMatilda Copicrecalled thatthe projects were made available to communities of up to 5,000 residents and were advertised in April-May 2017.Shesaid that the total value of the projects was HRK 528 million.Copic announced that a new call for project applications would be advertised early in June providing HRK 500 million in aid- HRK 350 million of which will be earmarked for the construction, reconstruction and equipping of kindergartens in rural areas.According to ***Agriculture*** Minister Tomislav Tolusic, the new round of projects should result in the construction or reconstruction of 95 to 100 kindergartens.Prime Minister Andrej Plenkovic underscored that the signing of theagreements very clearly showed the benefit of Croatia's membership of the EU."We are sending a message of balanced regional development in Croatia, particularly of our smaller communities where any investment in the infrastructure, whether it be for kindergartens, fire stations or community centres or other infrastructure projects, means job creation... and enablespeople who have homes and familiesthere to stay there," Plenkovic said.He stressed that the policy of balanced regional development had been part of his government's strong activities over the past ***year*** and a half."We are dedicating special attention to Slavonia, but that doesn't mean that other counties aren't just as important. We will endeavour to make sure that these measures also help in the demographic revival of the country," the prime minister said.Tolusic expects many of the projects for which agreements were signed todayto be completed by spring next ***year***.He said that he considered the situation in rural areas to be better now than a few ***years*** ago.Tolusic added that in October 2016, rural development projects signed amounted to HRK 328 million whereas today they amount to HRK 5.15 billion.EduMin: Decision on hiring of school principals in line with Veterans ActZAGREB, May 24 (Hina) -Croatian Science and Education Minister Blazenka Divjak has told Hina that the instruction to schools to give advantage to unemployed veterans when hiring new school principals and dorm heads is not her decision, but rather explains a procedure defined by the Veterans Act.The VeteransAct, which has been in force for six months, defines relevant rules for all public services or institutions."Since the Constitutional Court is being mentioned as the body that should determineif the Veterans Act is in line with the constitution, if thatcourt decides that the law is unconstitutional, we will change our instruction to schools," Divjak, who is on a visit to Paris for a ministerial conference on the Bologna Process, told Hina.She went on to say that with regard to the hiring of education workers, her ministry's bill on education, whichwas currently being discussed by the parliament, would make order in the system of employment by introducing selection procedures that would make the hiring process more transparent also in cases when war veterans were concerned.According to media reports, Divjak on May 16 issued an instruction to primary and secondary schools as well as student dorms to give an advantage to unemployed veterans when hiring new principals. Apart from veterans, other categories to be given advantage in the hiring process are children of Croatian soldiers killed or gone missing in the 1991-95 war, disabled war veterans, war volunteers, and members of the immediate or extended family of soldierskilled or gone missing in the war.Veterans minister: Divjak's decision in line with War Veterans ActCommenting on Divjak's decision for reporters ahead of today's government session, War Veterans Minister Tomislav Medved said that there was nothing disputable about it and that Divjak had only cited in the decisionprovisions of the War Veterans Act that had been put to public consultation and received two parliamentary readings."What has changed in relation to the previous law is that now (veterans) have an advantage also when applying for a management position," Medved said, stressing that the decision was about employment under equal terms and would also coveremployees in the education system whose qualifications were not in line with their position.As for possible lawsuits that are being announced by some associations, Medved said that everyone was entitled to file a lawsuit, stressing that consultations were held on every article of the law and that it should be seen as an integral legal document.The Association of Secondary School Principals is worried about Divjak's instruction which saysthat unemployed veterans with eight ***years*** of service in the school system should have the exclusive advantage in the hiring process for school principals."The problem with this is that they are bypassing the selection procedure which makes the employment terms unequal for other candidates. Only unemployed veterans are entitled to that privilege. All the other veterans, including teachers and school principals, do not enjoy that privilege," said Suzana Hitrec of the Association of High School Principals.Opposition says veterans have become caste with greater rights than othersZAGREB, May 24(Hina) - Adecision on the hiring of school principals which gives an advantage to war veterans in the selection and hiring process and which was signed by Science and Education Minister Blazenka Divjak on Thursday elicited much criticism among opposition parties in the parliament, which said that a special, war-veteran caste had been established.Unlike the Opposition, ruling HDZ party member of parliament Josip Djakic, who also heads the HVIDRAassociation of disabled war veterans, believes that the criticism is coming from "those who have enjoyed management positions so far.""There has been no veteran population so far or legal preconditions to enable children of Croatian defenders killed in the war or defenders who have studied until now to apply and enjoy that benefit. The law is clear and I think that the ministeris one of the few to warn all those in decision-making placesthat veterans and children of soldiers killed or gone missing in the warhave an advantage, which is commendable," said Djakic.He believes that there would not be too many candidates interested in the positions concerned or meeting the necessary qualifications, but that a certain number will nonetheless apply."There is no need for fear, competence comes first, but the status of a child of a soldierkilled in the war must be respected, too," said Djakic.Social Democrat MP and former veterans' minister Predrag Matic said that "a regulation giving veterans an advantage in the employment process, except for managerial positions, wasin force earlier, too, meaning that veterans have always had an advantage (in the employment process)but could not be appointed to head the HRT public broadcaster or INA just because they are veterans.""That was one of the protesting veterans' demands, incorporated in the new law adopted last November, and now the country is in big trouble. The (science) minister has given her approval for that law and is now wondering, even though she participated in its drafting," said Matic."School principals are rightfullyworried because there are around 20,000 unemployed veterans, they could take over all positions... The status of a veteran cannot give someone an advantage when a managerial position is concerned, the Partisans themselves did not function that way from the 1940s to the 1990s. We are very good at copying laws from them, we have outdone them in many regards. The latest move doesveterans no credit, and most of them are not responsible for this," said Matic.Croatian Peasant Party (HSS) leader Kreso Beljak said that the law was "disgraceful", adding,"We live in a country where a caste has been formed that believes they have more rights than others.""I think that in 1991 nobody fought for privileges but to defend ourselves from the Great Serbian aggression, and all those who seek to have more rights than other citizens are simply war profiteers," said Beljak, himself a veteran.He went on to say that a vast majority of veterans were not members of any veteran association and did not want to use any privileges and detested the thought of being members of groups claiming to represent veterans.Anka Mrak Taritas of the GLASparty said that the legal provision was "unacceptable because one group of citizens cannot be put above others.""Maybe the veterans should be given an advantage also when ministers are appointed? This is not good for the veterans. We implored the ruling coalition to come totheir senses during the debate on the Veterans Act because now we do not see the end of this, maybe the prime minister, too, should be a veteran?I have veterans in my immediate family but I do not see among them the aggression and the need to stress their status that I see in associations claimingto represent the veterans," said Mrak Taritas, adding that the ruling coalition passed the veterans law to ensure a stable electorate.Opposition parties lash out against LNG terminal billZAGREB, May 24 (Hina) - Opposition parties in the Croatian parliament led by the Social Democratic Party (SDP) on Thursday lashed out against the Liquefied Natural Gas Terminal Bill which should pave the way for the construction of an LNG terminal on the northern Adriatic island of Krk, describing it as "a rape of the constitution and democracy", a waste of taxpayers' money and "a second stage of the sale of Croatia."Presenting the bill to parliament, the State Secretary at the Ministry of Environmental Protection, Ivo Milatic, said that the bill aimed to define the infrastructure of the LNG terminal, which he said was of strategic interest to Croatia, as well as to maintain the security of natural gas supply and regulate the award of concessions for the use of the maritime domain. He added that concession fees for the use of the maritime domain would be paid to local government.The annual concession fee for the first 25 ***years*** would be 1.5 million kuna (200,000 euros) and the central government would waivea third of revenues from concession fees, as a result of which two-thirds, or one million kuna, would be paid to Omisalj Municipality and one third, or 500,000 kuna, to Primorje-Gorski Kotar County."Who are you working for? Why would I have to pay for more expensive gas so that your government could curry favour with the United States and buy their friendship? You pay it out of your own pocket," Branimir Bunjac of the opposition Human Shield party said.SDP leader Davor Bernardic said that his party was with the citizens of Omisalj Municipality and the entire Primorje-Gorski Kotar County and that it supported the construction of an on-shore LNG terminal because if was development based andenvironmentally acceptable and would create jobs.Darko Horvat of the ruling Croatian Democratic Union (HDZ) noted that the LNG terminal project had been included among the strategic projects by the SDP government headed by Zoran Milanovic.Stjepan Curaj of the Croatian People's Party (HNS), a junior partner in the ruling coalition, said he was confident that the bill would put Croatia on Europe's energy map.SDP MP Zeljko Jovanovic called the bill "a rape of democracy, the constitution and law", whilehis party colleague Arsen Bauk announced a number of amendments to obstruct the passage of the bill, which is being discussed under fast-track procedure.The SDP's Alen Prelec asked how many phases the project hadand why the government insisted that a floating terminal was cheaper than an on-shore one if a study from 2016 showed the opposite."An on-shore terminal is twice as expensive as a floating one, and there will be two phases: first there will be a floating terminal and then an on-shore one," Milatic replied.Romana Jerkovic (SDP) asked in whose interest this was. "Is it in our strategic interest to invest in floating terminal infrastructure with taxpayers' money while someone else, namely foreigners, will make a profit? Should it not be in our strategic interest to invest in our own gas fields?" she asked. "This seems to be a second phase of the sale of Croatia," she added.Milatic said that the terminal would be built by the LNG Croatia company, which is owned by the energy companies Plinacro and HEP. "As far as I know, these are Croatian public companies and we are not selling off anything here. This kind of project has to be put up for concession because it concerns the maritime domain and there is an established procedure for that," he responded.Human Shield MP Ivan Pernar warned that LNG terminal lease rates were record low throughout Europe, only 23 percent, and that the state would have to pay the difference in the cost of terminal maintenance, which he claimed would have an impact ongas prices for buyers."Another problem is that Croatia will have to invest at least 275 million euros in the terminal. Insteadof investing in a terminal which we do not need and which is is unprofitable, we should invest this money in renewable energy sources," Pernar said.Milatic rejected the predictions that the terminal would be insufficiently leased. "We estimate that it will operate at full capacity and that there will be no such problems. As for the investment, total investment is currently estimated at 250 million euros, of which 102 million has been secured from the EU. This means that we should ensure 150 million euros for this investment," he explained.The opposition also criticised the ruling coalition for ignoring the local government of Omisalj, but the state secretary dismissed their criticisms saying that the local government was fully included in this process.Meanwhile, local government leaders from Omisalj and Krk, along with SDP MP Zeljko Jovanovic and Istrian Democratic Party (IDS) MP Tulio Demetlika, reiterated their opposition to the LNG Terminal Bill, saying the construction of a floating LNG terminal on Krk island would not benefit the local community and Croatiabut other countries, especially Hungary.Speaking at a press conference in the parliament building, Mirela Ahmetovic from Omisalj said that if the bill was passed, her municipality would ask the Constitutional Court to assess whether it was in line with the constitution. "We will take all the necessary measures to halt this harmful project," she said.Activists from the environmental group Green Action staged a protest outside the parliament building, saying that the bill was in the fast-track procedure to bypass the will of the local and regional community, shorten the procedure for the award of concessions and reduce the time for parliamentary and public debate on the issue. They said that this was unacceptable.They called on the lawmakers to take into account the opinion of the local population and vote against the bill, claiming that it would no doubt have a significant impact on the environment. They said that the bill was not in public interest and that it was environmentally unacceptable and unprofitable.Two SDP MPs report PM to Conflict of Interest CommissionZAGREB, May 24(Hina) - Social Democratic Party (SDP) Presidency member Sinisa Hajdas Doncic told reporters in the parliament on Thursday that he and party vice-president Pedja Grbin had reported Prime Minister Andrej Plenkovic to the parliamentary Conflict of Interest Commission over allegations of conflict of interest in the drafting of the law on emergency administration in systemic companies, dubbed Lex Agrokor."Grbin and I have analysed the materialconcerning Plenkovic's role in the drafting of Lex Agrokor and we reported him today to the Conflict of interest Commission, thus helping it to launch proceedings against him," said Hajdas Doncic, adding that they did it on their own behalf, as members of parliament, and not on behalf of their party.Commenting on Plenkovic's role in the affair, Hajdas Doncic said that it concerned "the hiring of some partners to write Lex Agrokor, as evident from the emails and media reports".Asked where he saw elements of conflict of interest, Hajdas Doncic said that "the law is very clear - ministries, whenever they draft a law, must form an expert task force for that purpose and if they need expert advice, they pay external consultants for it.""The situation in this case is very clear and simple - they avoided forming a task force and instead hired people who later sought remuneration exclusively from Agrokor. As will be seen in the coming months, Lex Agrokor will have major financial repercussions for the state budget, and those repercussions are already visible because pension funds have incurred losses just as thestate-owned banks HBOR and HPB have lost a portion of their claims. So this is definitely an instance of conflict of interest on the part of the Prime Minister and a case of undemocratic and non-transparent drafting of a law," Hajdas Doncic said.Dismissing the government's claims that it had worked under tight deadlines, Hajdas Doncic said that "they (government) could have sought and paid for advice from the Law Faculty or any other expert, and no one cantell me thata law with fewer than 30 articles can cost more than HRK 200,000." He added that Plenkovic's actions were to the benefit ofthe Borg group and to the detriment of public interest.Earlier in the day, SDP whip Arsen Bauk said that the SDP would not report Plenkovic to the Conflict of Interest Commission yet as they "can do it at any time.""The public is now preoccupied with the emails and his (Plenkovic's) relatively unsuccessful attempts to distance himself from the whole affair," Bauk said, adding that the SDP was waiting for more information so it could submit a well-substantiated report.Bauk believes that the Conflict of Interest Commission can also launch proceedings against the PM on its own, but its chair Natasa Novakovic told Nova TV on Wednesday that it would not launch any proceedings until it collected all relevant information.PM: Savoric was invited by government and came in good faithZAGREB, May 24 (Hina) - Prime Minister Andrej Plenkovic told the press after a meeting of the main committee of his HDZ party on Thursday evening that lawyer Boris Savoric had been invited by the government in 2017 and had accepted the invitation in good faith to help in the Agrokor case.Savoric was involved in the drafting of the law concerning the indebted Agrokor food and retail conglomerate and served for a while as an adviser to the former government-appointed emergency administrator of Agrokor.Plenkovic said he had not invited the lawyer personally.The PM was asked whether he could confirm the claim by the leader of the opposition Bridge party, Bozo Petrov, that lawyer Boris Savoric had come to the government as a person enjoying the prime minister's confidence.Petrov has told the Vecernji List newspaper that Savoric had been brought to the government by Prime Minister Andrej Plenkovic."The key question is who is saying this. Bozo Petrov is obviously speaking creatively," Plenkovic told reporters.Plenkovic recalled that it was a time of a looming crisis at Agrokor and that lawyers were engaged along with economic and financial experts."The drafting of the law was not discussed. I think Mr Savoric came in good faith to help in the process. I didn't call him personally, he was called by the government," Plenkovic said.The HDZ's main committee unanimously adopted a draft of the party's new statue ahead of its convention on Saturday.Plenkovic said that the convention would bring together about 2,000 delegates, adding that he did not expect any "dissonant tones" because the HDZ had behind it two ***years*** of victories and successes at parliamentary and local elections.He commented on the move by two Social Democratic Party (SDP) lawmakers to report him to the Conflict of Interest Commission over the Agrokor affair."It's their right and it's part of the political match we have been watching lately," Plenkovic said, adding that now it was up to the Commission to decide whether or not it would take action.US Attorney General: We have closest relations with CroatiaZAGREB, May 24 (Hina) - U.S. Attorney General Jeff Sessions on Thursday participated in a regional workshop on trans-national organised crime held at the Police Academy in Zagreb, after which he saidat a joint press conference with Croatia's Interior Minister Davor Bozinovic that the US has the closest relations with Croatia and that it wishes to expand theseachievements to other countries in the region.State prosecutors from Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia took part in the regional workshop.These countries have partnerships with the US that have lasted for decades and can be upgraded in the fight against terrorism, drug and human trafficking, and corruption, Sessions said.The US is investing in those partnerships with its expertise and has deployed several prosecutors and police consultants in its embassies in the countries in the region.That cooperation is already producing results in the fight against organised crime, Sessions said and added that in the past three years118 people had been arrested and drugs and weapons confiscated. In March alone, in cooperation with Croatian police and the DEA, for example, 100 kilosof cocaine was confiscated.Minister Bozinovic said that this is once again confirmation that Croatia is a key ally to the US in this part of Europe and added that he and Sessions discussed deepening this strategic partnership.Bozinovic added that since his visit to the US in January, whenthe foundations for stronger institutional cooperation were laid, significant progress and results are already visible. Operation Nana,carried out together with DEA, showed that Croatia was capable of coordinating the police from other countries, for example, Columbia, Panama, Germany and Italy.He recalled that Croatia and the US cooperated in the area of the rule of law bilaterally and through Interpol and Europol. Sessions added that the PNR (Passenger Name Record) Directive would soon enter into force in Croatia regarding information exchange on suspiciouspersons in international air transport. Information exchange is an important area of police work and an important element when it comes to America'svisa waiver ***program***, considering the fact that Croatia is one of five EU member states that is still waiting to enter that ***programme***, Bozinovic said.The two officials discussed migrations and in particular focused on the latest migrant route across Bosnia and Herzegovina.Bozinovic added that he was glad that the US supports Croatia's efforts to enter the Schengen Area.Grabar-Kitarovic and Sessions discuss strengthening Croatia-US tiesZAGREB, May 24 (Hina) - Croatian President Kolinda Grabar-Kitarovic met with US Attorney General Jeff Sessions in Zagreb on Thursday, the President's Office said in a press release.They discussed possibilities of further strengthening the good relationship between the two allies. Concluding an agreement on avoidance of double taxation and including Croatia in the US visa waiver programmecould contribute to that, the press release said.Sessions confirmed that the US shared an interest in Southeast Europe and agreed with Grabar-Kitarovic on the importance of permanent US support for the European and Euro-Atlantic future of this region.Sessions spoke of his participation in a workshop on transnational organised crime earlier in the day, and the two officials exchanged views on the political and security situation in Southeast Europe, sharing the views on a number of threats and on the importance of continuous open dialogue and cooperation between relevant institutions and services in Southeast Europe and with those in the EU and the US.Grabar-Kitarovic informed her guest about the strategic importance of a future LNG terminal on Krk island, which should contribute to energy diversification of Central Europe and strengthening the European cohesion and energy security, the press release said.State secretary Milas visits Ireland to discuss Irish experience with migration after economic crisisZAGREB, May 24(Hina) - The Croatian expatriate community in Ireland, as a bridge connecting the two countries, and Ireland's experience withmigrationfollowing the economic crisis in 2008 were the topics of talks Croatia's delegation, led by State Secretary Zvonko Milas, held with a member of the Irish Parliament and chairman of the Irish-Croatian parliamentary friendship group, John Brassil.The talks, held in the Irish parliament, also focused on the importance of infrastructure projects in encouraging the return of emigrants and the use of EU funds, according to a press release issued by the central office for Croats living abroad.Milas and the delegation of the central office for Croats living abroad also held talks with the Ceann Comhairle of Dáil Éireannis (the chairperson of the lower house of the Oireachtas (parliament) of Ireland),Sean O' Famearghail. At the talks it was agreed that Ireland would take part in a project called Roots, implemented by the central office for Croats living abroad. The project connects students from Croatia, Bosnia and Herzegovina and the United States.During his visit to Ireland, Milas was a guest of honor at a session of Seanad Éireann (upper house of Ireland's legislature) and Dáil Éireann (lower house).Croatian defence minister visits Minnesota National GuardZAGREB, May 24(Hina) - Croatian Defence Minister Damir Krsticevic is on a visit to theMinnesota National Guard which arranged for him a test flight in F-16 aircraft which Croatia has decided to buy."I am honored to have the opportunity to fly in the US F-16 aircraft, which is a truly powerful plane. This flight has confirmed that Croatia made the best decision when it decided to buy the multi-purpose F-16 aircraft, which will be the guarantor of its stability and security forever," Krsticevic said.The Minnesota National Guard commander, Major General Jon Jensen, said that with this flight the Americans wanted to show Krsticevic and Croatia the capabilities of the F-16 aircraft. 20% of workers in Croatia have temporary contract, 14.3% in EUZAGREB, May 25 (Hina) - Last ***year***, over 20% of workers in Croatia had a temporary employment contract while 14.33% of all employees in the EU had a temporary contract, according to figures provided by Eurostat, the statistical office of the EU.This means that 27 million employees aged 15 to 64 in the European Union (EU) had a temporary contract in 2017, Eurostat said.In 2017, this proportion was slightly higher for women (14.8%) than for men (13.8%). It was also higher in the euro area (16.0%) than in the EU.Significant discrepancies can be observed in the use of temporary work contracts across the EU Member States and between age groups.Highest share of employees with a temporary contract in Spain and Poland; lowest in Romania and LithuaniaOver one in four employees in Spain (26.8%) and Poland (26.1%), and more than one in five in Portugal (22.0%), the Netherlands (21.5%) and Croatia (20.6%) had a temporary contract in 2017.In Croatia 20.6% if workers had a temporary contract in 2017.At the opposite end of the scale, temporary employees accounted for less than 2% of all employees in both Romania (1.2%) and Lithuania (1.7%). Low shares were also recorded in Latvia (3.0%), Estonia (3.1%), Bulgaria (4.4%), Malta and the United Kingdom (both 5.6%).Young employees clearly the most affectedYoung people held by far the highest share of temporary contracts. Last ***year*** in the EU, nearly 8 million young people, or almost half (43.9%) of employees aged 15 to 24, were employed under a temporary contract.Across the EU Member States, more than seven in ten young employees had a temporary contract in Spain (73.3%) and Slovenia (71.6%). Around two-thirds of them had such contracts in Poland (68.2%) and Portugal (65.9%), while about six in ten were affected in Italy (61.9%), Croatia (60.8%) and France (58.0%).In contrast, the share of young people working under a temporary contract was less than 10% in Romania (4.1%), Latvia (6.7%) and Lithuania (6.8%).It was below 20% in Estonia (10.6%), Bulgaria (12.7%), Malta (13.0%), the United Kingdom (14.5%) and Hungary (17.6%).Venice Commission ends consultations on BH election changes with no resultsZAGREB, May 24(Hina) - Legal experts of the Council of Europe's Venice Commission on Thursday wrapped up consultations with representatives of political parties in Bosnia and Herzegovina about possible amendments to the election law without any concrete results but with a tentative agreement to continue talks at the start of June, at the level of party presidents.Legal experts of the Venice Commission, an expert body of the Council of Europe, arrived in Bosnia at the start of this week to help break an impasse in the negotiation of amendments to the election legislation, which is necessary to be able to implement the results of the election, scheduled for 7 October and form the legislative and executive government."The problem is that we in Bosnia interpret Constitutional Court decisions differently," Lidija Brdana of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH) said after the consultations, adding that talks needed to continue, as it was the only way to a solution to this problem.Sefik Dzaferovic of the Party of Democratic Action (SDA) said his party also wanted to resume the talks.In other news:ZSE indices down slightlyZAGREB, May 24 (Hina) - The main Zagreb Stock Exchange (ZSE) indices fell slightly on Thursday amid a modest turnover.The Crobex dropped by 0.14% to 1,848.73 points and the Crobex10 by 0.06% to 1,073.45 points.Turnover at the close of regular trading was a mere HRK 2.65 million, about 6.3 million lower than on Wednesday.None of the stocks crossed the one million kuna mark. The stock that generated the highest turnover was that of the Jadran hotel company, turning over HRK 393,000. Its price increased by 0.34% to HRK 5.94 per share.(EUR 1 = HRK 7.379415)THIS BULLETIN INCLUDES ITEMS RELEASED BY 0830 HOURS FRIDAY. (Hina) vm Masthead Brief News Bulletin is published by the Croatian News Agency HINA Marulicev trg 1610 000 ZagrebCroatia web:[*www.hina.hr*](http://www.hina.hr) mail: [*hina@hina.hr*](mailto:hina@hina.hr) phone: (+385 1) 48 08 660; fax (+385 1) 48 08 822 Publisher: Branka Gabriela Valentic, DirectorEditor in Chief: Serdo Obratov Bulletin Editor: Marija Sestan

ZAGREB, May 24(Hina) - Prime Minister Andrej Plenkovic on Thursday commented on the European Commission'srecommendationsto Croatia, saying that it was a good thing that the EC recognised efforts the government had made in the fiscal consolidation sector, adding that it was important to implement the national reform ***programme*** in order to strengthen Croatia's economic growth potential.

ZAGREB, May 24(Hina) - Finance Minister Zdravko Maric said at a government session on Thursday that last ***year***'s budget revenues totalled HRK 122.7 billion, 5% more than the ***year*** before, which was owing to positive economic trends and the tax reform, while budget expenditures were lowerthan planned.

ZAGREB, May 24(Hina) - Hrvatske ceste (HC) road operator will invest HRK 2.95 billion in the construction and maintenance of state roads in 2018, while Hrvatske Autoceste motorway operator (HAC) will invest HRK 638.8 million, according to construction and investment plans of the two companies which the government approved at its session on Thursday.

ZAGREB, May 24 (Hina) - The government on Thursday discussed draft amendments to the Act on the Regulation of Energy Activities and the Electricity Market Act, adjusting the two laws to EU guidelines.

ZAGREB, May 24 (Hina) - The government on Thursday adopted a decisionto buy bank claims against the Kutina-based Petrokemija mineral fertiliser company in the amount of HRK 450 million, with Prime Minister Andrej Plenkovic underscoring that the decision was important for the company's coming recapitalisation and its long-term, quality business operation.

ZAGREB, May 24 (Hina) -The European Commission has selected five national or regional authorities responsible for cohesionpolicy, including Croatia's Ministry of Regional Development and EU Funds, to participate in a new pilot project on better absorption of EU funds in the budget period beyond 2020.

ZAGREB, May 24 (Hina) - The government on Thursday adopted and forwarded to the parliament a final bill on subsidised housing (POS), which, among other things, adjusts the highest price of construction of POS housing to the real situation in the construction sector and facilitates the launchof a new subsidised housing ***programme***.

ZAGREB, May 24 (Hina) -Croatian Science and Education Minister Blazenka Divjak has told Hina that the instruction to schools to give advantage to unemployed veterans when hiring new school principals and dorm heads is not her decision, but rather explains a procedure defined by the Veterans Act.

ZAGREB, May 24(Hina) - Adecision on the hiring of school principals which gives an advantage to war veterans in the selection and hiring process and which was signed by Science and Education Minister Blazenka Divjak on Thursday elicited much criticism among opposition parties in the parliament, which said that a special, war-veteran caste had been established.

ZAGREB, May 24 (Hina) - Opposition parties in the Croatian parliament led by the Social Democratic Party (SDP) on Thursday lashed out against the Liquefied Natural Gas Terminal Bill which should pave the way for the construction of an LNG terminal on the northern Adriatic island of Krk, describing it as "a rape of the constitution and democracy", a waste of taxpayers' money and "a second stage of the sale of Croatia."

ZAGREB, May 24(Hina) - Social Democratic Party (SDP) Presidency member Sinisa Hajdas Doncic told reporters in the parliament on Thursday that he and party vice-president Pedja Grbin had reported Prime Minister Andrej Plenkovic to the parliamentary Conflict of Interest Commission over allegations of conflict of interest in the drafting of the law on emergency administration in systemic companies, dubbed Lex Agrokor.

ZAGREB, May 24 (Hina) - U.S. Attorney General Jeff Sessions on Thursday participated in a regional workshop on trans-national organised crime held at the Police Academy in Zagreb, after which he saidat a joint press conference with Croatia's Interior Minister Davor Bozinovic that the US has the closest relations with Croatia and that it wishes to expand theseachievements to other countries in the region.

ZAGREB, May 24 (Hina) - Croatian President Kolinda Grabar-Kitarovic met with US Attorney General Jeff Sessions in Zagreb on Thursday, the President's Office said in a press release.

ZAGREB, May 24(Hina) - The Croatian expatriate community in Ireland, as a bridge connecting the two countries, and Ireland's experience withmigrationfollowing the economic crisis in 2008 were the topics of talks Croatia's delegation, led by State Secretary Zvonko Milas, held with a member of the Irish Parliament and chairman of the Irish-Croatian parliamentary friendship group, John Brassil.

ZAGREB, May 24(Hina) - Croatian Defence Minister Damir Krsticevic is on a visit to theMinnesota National Guard which arranged for him a test flight in F-16 aircraft which Croatia has decided to buy.

ZAGREB, May 24(Hina) - Legal experts of the Council of Europe's Venice Commission on Thursday wrapped up consultations with representatives of political parties in Bosnia and Herzegovina about possible amendments to the election law without any concrete results but with a tentative agreement to continue talks at the start of June, at the level of party presidents.

ZAGREB, May 24 (Hina) - The main Zagreb Stock Exchange (ZSE) indices fell slightly on Thursday amid a modest turnover.

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**Load-Date:** May 25, 2018

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Oxford Business Group: Articles

January 2018

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**Length:** 5413 words

**Body**

Since the enactment of the 2006 Insurance Act, which promoted the development of local content requirements, the Ghanaian insurance industry has experienced a decade of rapid growth, and the proliferation of private companies and brokers.

However, following the influx of foreign capital on the back of oil and gas production, the size of the sector in relation to the broader economy has diminished. Prior to the development of hydrocarbons projects, insurance premiums looked set to breach 2% of GDP, but this has since fallen.

Nonetheless, government efforts to strengthen the country's financial sector and new leadership of the National Insurance Commission (NIC) - the industry regulator - contributed to rising optimism in late 2017. The Ministry of Finance and Economic Planning (MoFEP) and the NIC are in talks to expedite the passage of a new Insurance Act, and the NIC is targeting a penetration rate of 10% of GDP by 2021, as part of the four-***year*** mandate laid out by its new commissioner, Justice Yaw Ofori, appointed in August 2017. The growth of new business lines such as bancassurance, micro-insurance and mobile insurance should help bring this target into reach, although there is still ample progress to be made.

**Size**

By mid-2017 the NIC's website listed 22 life insurers and 27 non-life insurers, in addition to three reinsurance firms. In its most recent report, covering FY 2015, the NIC announced that total insurance premiums had reached GHS1.57bn ($590.1m), equivalent to approximately 1.17% of GDP.

"Even though insurance penetration has most likely risen since the publication of the 2015 data, it will remain below 2% of GDP in 2017 and 2018," Solomon Lartey, managing director and CEO of Activa International Insurance's Ghana office, told OBG. "That places it in the same range as other African insurance markets. However, before Ghana started receiving oil revenues in the early ***years*** of the decade, the insurance penetration rate reached 1.97% of GDP. Oil provided a huge boost to GDP, but local insurance firms' participation in the oil business remained low."

**Regulatory Framework**

The Ghanaian insurance market was overhauled with the 2006 Insurance Act, which introduced comprehensive legislation designed to effectively administer and supervise the industry, and provide better policyholder protection.

Central to the act was the focus on local content, obliging firms operating in Ghana to seek policies abroad only if domestic capacity was unable to provide coverage. Another key feature was the greater empowerment of the NIC as regulator.

First established in 1989 but now operating under the 2006 Insurance Act, the regulator licenses new insurance companies and brokers, sets industry standards, approves rates of premiums and commissions, and arbitrates disputes over claims. The body is also responsible for collating information from member companies and publishing statistics, principally in its annual report.

Other measures taken by the commission to secure and promote the industry include the Micro-insurance Market Conduct rules, put in place in 2013. Under these regulations, a company is not allowed to market or renew a micro-insurance product until it has been licensed by the NIC. Insurance contracts cannot be designated as micro-insurance unless they meet a number of criteria, which require them to be affordable and straightforward.

Furthermore, in April 2014 the No Premium, No Cover policy was adopted, which requires insurance companies to collect premiums before providing coverage. According to the NIC, this provides protection for all stakeholders by preventing companies from reporting huge amounts of outstanding premiums, while at the same time making large amounts of provisions for bad debts without significant recoveries, leaving them unable to cover potential claims.

**New Direction**

In September 2017 - shortly after his appointment to the commission - Ofori spoke to local media, outlining four primary policy goals: increasing the role of insurers in the broader financial sector, with greater investment of funds in the bond market; improving claims ***payment*** systems; boosting penetration in the informal sector, such as in ***agricultural*** and micro-insurance; and passing new legislation in 2018 to improve the commission's enforcement and oversight.

"What we should be looking at is how to raise the bar of entry for new [insurance companies], and also make those already operating more competitive and stronger," Ofori said. With this in mind, the commission is looking to double minimum capital requirements for insurance companies to GHS30m ($11.3m) as a way of bringing about a consolidation of the industry (see analysis).

The ambitious targets tie in with President Nana Akufo-Addo's administration's overarching goals of extending the role and strength of the nation's financial and capital markets sector.

Central to this process is the passage of a new Insurance Bill, which has been under discussion and review since 2013. It would seek to update the framework passed in 2006 and provide a platform for effective risk-based supervision, ensuring that regulators have the ability to review the manner by which insurance companies identify and control risks. According to local press reports, the bill would also establish control functions such as internal audit, risk management and actuarial functions.

**Life**

The Ghanaian life insurance industry has enjoyed mixed fortunes in recent ***years***. In 2015 the 22 local life insurance companies received record premiums of GHS706m ($265.4m), up from GHS583m ($219.1m) in 2014 and GHS470m ($176.7m) in 2013. The performance allowed total assets to grow to GHS1.74bn ($654m), a 29% increase on the previous ***year***. The dominant market players are Enterprise Life and SIC Life, which received premiums of GHS200m ($75.2m) and GHS181m ($68m), respectively.

However, 10 firms registered underwriting losses in 2015, some so severe that the overall industry registered an after-tax loss of GHS5.83m ($2.2m), compared to profits of GHS50.85m ($19.1m) in 2014, GHS46.29m ($17.4m) in 2013 and GHS61.89m ($23.3m) in 2012. In 2012 total premiums were just GHS356m ($133.8m). The aggregate underwriting results collated by the NIC show that the life segment's losses more than doubled between 2014 and 2015, from GHS150m ($56.4m) to GHS312m ($117.3m). These losses were mitigated somewhat by the successful performance of the firms' investment portfolios. Total investment in the life segment reached GHS1.44bn ($541.2m) in 2015, up 34% on the 2014 figure of GHS1.11bn ($417.2m), and accounting for 84% of segment assets - compared to 7% in cash, 4% in property and equipment, and 6% in other areas.

The life segment, popular with mobile insurance customers (see analysis), is considered to be a high-growth segment. In April 2016 a report by Timetric Insurance Intelligence Centre forecast total life premiums would reach GHS1.6bn ($601.3m) by 2019 as a result of the growth of the middle class and the expansion of micro-insurance products.

**Non-Life**

In the non-life insurance segment, which accounts for around 55% of industry premiums, underwriting losses were more modest and financial results were significantly better. Gross premium income grew by 18% in 2015 to reach GHS854m ($321m), while underwriting losses fell from GHS84m ($31.6m) to GHS65m ($24.4m).

Of the 27 non-life companies, only five registered net losses after tax, and the industry as a whole clocked profits of GHS61m ($22.9m) for the ***year***. As in the life segment, the biggest players are Enterprise Insurance and SIC Insurance, which had total premiums exceeding GHS100m ($37.6m), but a number of firms - including Star Assurance, Vanguard Assurance and Hollard Insurance - received premiums in excess of GHS70m ($26.3m) over the course of the ***year***.

**Investment Performance**

In 2015 the sector as a whole achieved an annual investment yield of 17%, only slightly down on the rates for 2012 and 2013. A number of firms' portfolios performed significantly above the average, with Capital Express Assurance and Glico Life Insurance registering 23% yields, while Unique Life Insurance saw a 30% return.

With the domestic capital markets stagnating, firms were conservative in their investment strategies in 2015. The most popular investments were term deposits with licensed banks, which accounted for a cumulative GHS674m ($253.3m) - just under half of total investments - while government securities purchased by the industry totalled GHS208m ($78.2m), around 14% of the total.

**Motor**

Motor is the biggest segment of the non-life insurance industry, accounting for GHS360m ($135.3m) in premiums in 2015, or 42% of the total. "Motor insurance is huge and compulsory, and that makes it one of the most exciting segments of the Ghanaian insurance sector," Patrick Dughan, assistant general manager of KEK Insurance Brokers, told OBG. Third-party insurance is needed for all vehicles on Ghana's roads, and the NIC sets premium levels.

In July 2015 the premium rate was raised from GHS66.30 ($24.92) to GHS252 ($94.72) per ***year***, while the rate for taxis was similarly hiked from GHS82.55 ($31.03) to GHS252 ($94.72) per ***year***.

Only rigorous opposition from motor unions prevented an even sharper increase from being proposed; the NIC had initially targeted annual premiums of GHS471 ($177.03) and GHS576 ($216.49) for cars and taxis, respectively. To assuage motorists' fears, however, the regulator agreed to introduce the increase over the course of three instalments.

Though expenses have increased, motorists also have gained coverage across West Africa. In June 2016 Ghana became the first English-speaking ECOWAS country to automatically issue the so-called brown card to all motor insurance policyholders.

The scheme, designed to encourage the movement of goods and services across the region, entitles card holders to third-party coverage in all member states. However, both brown cards and local insurance stickers have been the target of fraud, with fake stickers costing the sector in premiums.

**Fire, Theft & Property**

Fire, theft and property represents the second-largest division of the non-life segment, accounting for 23% of premiums in 2015. Like motor insurance, under the 2006 Insurance Act it is compulsory for private commercial buildings to have insurance. Plans must cover the legal liabilities of owners or occupiers with respect to bodily injury or death to users or third parties, and damage of property belonging to users or members of the public.

However, compliance with this legislation has traditionally been weak, prompting the NIC to launch a task force investigation in March 2017. The enforcement led to official cautions for 70 firms and the arrest of two company heads in the Greater Accra region.

Though government buildings have not been subject to the same requirements, that is likely to change in coming ***years***. In August 2016 Simon Nerro Davor, then-deputy commissioner of the NIC, told local media that a new law had been proposed to make it mandatory that government buildings have insurance.

While the bill has yet to be passed, in September 2017 the incoming commissioner of the NIC similarly voiced his support for the measure, which would provide a safety buffer for the government in times of disaster and a boon for the industry. "Given that the government is the largest spender, agreeing to insure all government assets could increase insurance penetration significantly," Ofori told local media.

**Local Content**

The NIC's regulations on local content play a strong role in capturing premiums from multinationals that might otherwise be lost to foreign insurers. Major international insurance firms - such as Allianz, Zurich and AIG - offer global ***programmes*** aimed at providing a single plan for a firm's worldwide entities and activities.

Under Ghanaian law, however, risks taken in Ghana must be insured in country. As the insurance requirements of multinational companies often extend far beyond the basic fire, theft and property policies traditionally offered in the local market, dealing with multiple insurance firms can leave gaps in coverage, leaving the companies exposed.

Some local firms are working to rectify this. "International firms want to go beyond transport and public liability policies to include political risk and crime insurance," Lartey told OBG. "Since it's forbidden to issue global ***programmes***, local firms such as Activa offer options which mimic them, offering the same level of protection in Ghana. Our main challenge is that international ***programmes*** often allocate risk premiums on a global basis. We need to market the idea to our insurance partners that they look at Ghana-specific risks and involve the local firm in the underwriting process," he added.

**Bancassurance**

Ghana's first bancassurance policies reached their 10-***year*** anniversary in 2017. Under this model, banks sell insurance to clients alongside their own banking products and receive the government-mandated agency commission.

The segment remains small, accounting for approximately 1% of non-life and 7% of life premiums in 2015, according to NIC data. However, the model has proliferated, with dozens of partnerships between the country's insurers and banks.

Daniel Addo, general manager of Hollard Insurance in Ghana, told OBG, "Before we entered the bancassurance market, it wasn't structured. Partnerships with local banks mainly existed in order to cover assets and property. We began by expanding into motor, then moved into home, travel and personal accident insurance. In 2013 our premiums were just GHS2m ($751,000), but for 2017 we are targeting GHS12m ($4.5m)," he added. Crucially, given the challenges insurers have faced with premium ***payments*** in the past, selling through banks also allows for the ***payment*** of premiums on a monthly, interest-free basis - which is frequently a more attractive option for customers than paying an up-front annual sum.

This has added to increased competition for insurers looking to establish new partnerships. According to Addo, the proliferation of insurance companies means that banks can shop around for the most attractive partnership. Whereas previously they only received a commission, they are increasingly looking to strike profit-sharing deals with insurance firms.

New deals have also been coming to fruition. In March 2017 Fidelity Bank Ghana, the country's largest indigenous bank, announced a tie-up with Prudential Life Insurance to add education and life to the existing lines of hospital and funeral coverage. In July 2017 Ecobank - which has an established life insurance partnership with Old Mutual - announced it had partnered with Allianz Insurance to offer motor bancassurance, placing policies for purchase on its electronic platform. The same month saw Ghana Commercial Bank launch a three-in-one policy in partnership with Star Life Assurance that offers a single premium for the firm's existing Home Call Plan, Child Education Plan and Wealth Master Plan.

To strengthen activity further, regulatory changes to allow the sale of bancassurance to corporate clients are currently under discussion. "The industry has been in talks with the regulator to open a space for commercial projects," said Addo. "The retail space is saturated, but if banks could act as intermediaries for sales to existing companies or new entrants building major projects, it would open up a huge new opportunity for the segment."

**Agents & Brokers**

Despite developments in bancassurance, traditional brokers still have a large role to play. "Bancassurance might help in expanding penetration, but long-term growth of the sector will still be driven by professional brokers and companies who are closer to the customer and able to assist them technically," James Wood, managing director of Edward Mensah, Wood & Associates (EMW), told OBG.

Brokers are paid on fixed-commission terms mandated by the NIC that vary depending on the type of policy. The sale of property insurance carries a 12.5% commission, while motor generates 15%. Total commissions have grown significantly from just over GHS20m ($7.5m) in 2011 to GHS40.5m ($15.2m) in 2015. The dominant players in the market still enjoy healthy market shares, with a third of all commissions earned by KEK Insurance Brokers. The second-largest broker, EMW, received GHS6.6m ($2.5m) in 2015, or 16% of the market. "Due to the high number of players, there is a strong level of competition in the insurance sector. This is beneficial to the consumer, even if there is some consolidation," Bode Oseni, managing director of Regency Nem Insurance, told OBG.

**Competition**

Aside from KEK and EMW, however, only two of the 72 licensed brokerages reporting figures to the regulator earned over GHS3m ($1.1m) in commissions in 2015. With a further 10 brokers joining the market by mid-2017, the industry has become both highly dispersed and very competitive.

"The increase in brokerages has led to unnecessary competition and undercutting of rates," Eric Addo-Mensah, COO of local firm Midas Insurance Brokers, told OBG. "Many clients look to benefit from this situation to negotiate better deals, and some brokers end up overpromising in order to win business. This does not augur well for the industry."

Along with increased competition, the sector has been affected by the new sales channels. "The way insurance is sold in Ghana is changing," Lartey told OBG. "We have always worked with general agents, but now we see many insurance companies rolling out branches in district capitals to attract direct customers. For smaller companies, the future is digital. More insurance is sold through banks these days, but as they move to a branchless model, insurance companies will have to follow suit."

In 2015 roughly 14% of life insurance premiums and 30% of non-life insurance policies were sold through direct business. Tied agents, who work exclusively for one insurance company, sold an additional 63% of life and 30% of non-life premiums. Bancassurance accounted for 1% of non-life and 7% of life, while mobile insurance held a 2% share of life.

Brokers have historically played an important role in the industry, by advising and assisting clients in purchasing the most suitable policy for their needs. "The brokerage industry has been very effective in Ghana over the last 25 ***years*** in terms of providing confidence to policyholders," Addo-Mensah told OBG. "The industry has grown since 1992. There were times when insurance companies interpreted policies in the way that suited them best. Brokers provided vital advice and protection to policyholders."

However, the rapid growth of the Ghanaian insurance industry along with the diversification of the channels through which policies are sold, has been accompanied by soft regulations, which have fuelled the proliferation of brokerage firms and increased competition, which can be problematic.

**Regulations**

Existing brokerages state that the sector could benefit from higher requirements to entry and improved enforcement.

"The NIC introduced minimum premium guidelines to check undercutting last ***year***," Dughan told OBG. "However, many firms are not complying with the guidelines and undercutting still takes place to suit the client's budget," he added.

Speaking in April 2017, Lydia Lariba Bawa, then-commissioner of the NIC, noted that he Ghanaian market had as many insurance companies as Nigeria - a country with six times Ghana's population - and that firms had proved resistant to mergers.

"Here in Ghana, the companies don't want to merge. Everybody wants to keep a small company [that] is inefficient and has inadequate capital," she said.

Ofori has also underscored the benefits of mergers, telling local press in September 2017, "The more capital you have, the stronger you are, and that means international companies are ready to do business with you. You can't be a very effective international insurance company when you are small."

The gradual raising of minimum capital requirements on insurance companies, promoting the consolidation of the market and merger of insurers, could also have a parallel effect on brokerages.

"Reducing the number of insurance companies will also reduce competition between insurance companies and brokers," Dughan said. "Currently, there are too many small companies providing a wide range of services. A consolidation in the industry will also lead to greater specialisation and higher incentives for excellence for brokers," he added.

**Growth Areas**

While motor, and fire, theft and property insurance make up the biggest segments of the non-life insurance market, many believe that the government's economic policy and future NIC regulations could open up new areas for growth.

At present, marine and aviation insurance contribute 7% to the overall non-life market, but this could be boosted if existing regulations are enforced. "Marine insurance has massive potential," Addo told OBG. "Most cargo destined for Burkina Faso and other landlocked West African countries passes through Ghanaian ports. The local law requires it to be insured in country. However, at the moment, transport firms often choose to pay the penalty for not having insurance, which is a 1% tax on the value of the goods. If the government enforced the law properly, it could have a big impact on marine and transport premiums."

Ambitious plans for the industrialisation of the countryside through a national ***programme*** known as One District, One Factory - aimed at building a factory in each of the 216 districts in the country - could also spur greater coverage for engineering and building. "The government's development plan requires bold construction," Lartey told OBG. "In the future, engineering policies are going to increase, and we will see a parallel rise in marine policies as much of the materials and equipment needed are imported."

Private pension represents another area that could be tapped for growth. Seth Kwaku Ansah Obiri, managing director of United Pension Trustees, told OBG, "The private pension market is still young, but it does have enormous growth potential, especially in the informal market. However, in order to attract voluntary participants to third-tier schemes, additional incentives should be provided."

**Reinsurance**

Companies in Ghana seeking reinsurance are also required by the 2006 legislation to exhaust local capacity before seeking coverage from overseas companies. The three reinsurance companies registered with the NIC have seen their premiums grow rapidly between 2011 and 2015.

The non-life insurance segment represented over 90% of income throughout this period. In 2011 local reinsurers received GHS3.1m ($1.17m) in life and GHS56.2m ($21.1m) in non-life premiums. By 2015 these figures had risen to GHS11.4m ($4.3m) and GHS152.2m ($57.2m), respectively.

The state-owned Ghana Reinsurance Company, in business since 1972, controls roughly 60% of the market, according to the MoFEP. The other players in the segment are Mainstream Reinsurance and the newest member, GN Reinsurance, established in 2014.

"The 2000s saw tremendous growth in the domestic insurance market, both in terms of the number of companies and premiums," Prince Kwesi Nkrumah, COO of GN Reinsurance, told OBG. "The demand for reinsurance exceeds domestic capacity, so the entrance of new companies strengthens the market by helping to absorb local premiums and reduce the volume of foreign exchange that leaves the country. Over the course of 2016 all the domestic reinsurance firms experienced very strong growth."

Some foreign placement of reinsurance premiums still occurs, but these ***transfers*** must be approved by the NIC. In 2015 Ghanaian reinsurance firms ***transferred*** approximately $4.45m, just under (EURO)500,000 and a nominal amount in pound sterling.

**Focus**

At present, the reinsurance market is focused principally on property, fire and specialised vehicle policies. "The local life insurance market is absorbed by the insurance companies, who rarely turn to reinsurance," said Nkrumah. "Meanwhile, motor policies for normal cars are for relatively small sums and direct insurers can absorb claims. The reinsurance market exists for expensive vehicles, such as trucking fleets, and protection for corporate offices and facilities."

However, as with other sections of the insurance industry, the government is keen to promote reinsurance for major projects in the natural resources and infrastructure sectors. Speaking in August 2017 at the inauguration of Ghana Reinsurance's new board, Abena Osei Asare, deputy minister of finance and economic planning, said that the firm required $53m in capital in order to compete globally in the oil and gas and construction sectors, and urged members to help acquire new funds. The company is already a growing regional player, sourcing around one-third of its premiums internationally, and has a strong presence in Kenya and Cameroon.

Some local firms, however, believe the local protection rules inhibit healthy competition in the market. With companies guaranteed an allocation of reinsurance premiums in accordance with their total capital, there is little incentive to invest in specialisation or develop new client relations.

"I think the regulators need to define more clearly what is meant by local retention," Lartey told OBG. "Dealing with other companies and building relationships and alliances is part of the insurance business, but the current legislation forces firms to do business with their own competitors. There are companies who are inactive in developing or marketing, but receive clients because local content protection demands they receive a share of the reinsurance business."

As with many of the challenges faced by the Ghanaian insurance industry, this problem could be addressed in part by the consolidation of the market through higher capital requirements (see analysis).

**Micro-Insurance**

While the country's insurance companies face tough competition to win lucrative corporate and upper-income clients, there is a significant evolution occurring in other brackets.

Ghana is a regional leader in terms of the uptake of micro-insurance, a product range marketed to small businesses and low-income families. A large proportion of premiums for this market are sold through mobile phone operators, with a combined 2.7m policyholders registered on the three major networks by June 2015, according to a study by the NIC and German development agency GIZ (see analysis).

The products are also sold through rural banks, post offices and government outreach ***programmes***. One example, the Fisherman Life Insurance Scheme - launched in January 2016 by the Ministry of Fisheries and Aquaculture Development and local firm Star Micro-Insurance - aims to provide life and equipment and tools coverage for an estimated 200,000 individuals upon completion. In doing so, Star Micro-Insurance aims to grow its client base from around 1m in August 2017 to 1.5m by the end of 2018.

Although mobile insurance is the primary distribution channel for micro-insurance, there is evidence that growth of this product line has spurred consumer education more generally, as well as boosted sales of micro-insurance sold through other channels.

BIMA, who partners with Tigo on mobile insurance, has since developed new products sold directly to middle- and low-income Ghanaians. Russell Haresign, country manager of BIMA, told OBG, "We have proven that you do not need mobile technology to spread micro-insurance. If you create the right policies at the right price point, you will find there is demand from the informal sector," he added.

**Training & Education**

The entrance into non-traditional areas of business will necessitate greater investment in human resources from companies.

"The development of the Ghanaian economy will require more underwriters and policy experts with more skills than previously," Addo told OBG. "It's not just motor and property anymore. The oil and gas sector is still very new in Ghana, and the insurance companies are still learning. We've built capacity through training organised by business associations and the regulator, but there is still a lot to do."

One available resource is the Ghana Insurance College. Established in 2006 with the goal of educating and training the country's insurance professionals, the school offers short courses in a wide variety of areas such as auto, bond and marketing; associate ***programmes*** in five areas, including reinsurance, claims and risk management; and a diploma in insurance. With underwriting among the technical skill sets in high demand in the local insurance market, the Ghana Insurance College could play a role in the ongoing specialisation in the sector Additionally, the Insurance Institute of Ghana (IIG), an association of industry professionals, has taken steps to improve standards, including developing guidelines and frameworks for everything from customer service to ethical behaviour.

However, some current regulations reduce the incentive for investment in training, according to Lartey. "Under the previous government, there were many seminars and training ***programmes*** related to insuring the oil and gas segment, but that knowledge has remained in the Ghana Oil and Gas Insurance Pool (GOGIP) and has not extended to companies," he told OBG. "If the government were to liberalise the writing of oil insurance and dissolve the GOGIP, then we could build proper capacity in the sector. Regulation would have to be strengthened for firms specialised in the hydrocarbons segment."

The GOGIP, formed in 2011 after the discovery fossil fuel in the country, is made up of general insurance companies in the segment and endorsed by the regulator. Given the combination of market fragmentation and local content rules, the GOGIP is designed to create shared capacity to handle and disseminate insurance risks, as well as provide advice and technical support for matters related to risk management, and the insurance of oil and gas.

**Improving Consumer Awareness**

As well as training underwriters and brokers, there is a wider need to improve education and awareness about insurance among potential clients. While micro-insurance may be finding ways to connect with the informal sector, there are still large segments of the Ghanaian population that remain uninsured.

"The industry has great potential, but something needs to be done on the education front to increase penetration, which is at risk of falling below 1% of GDP," KEK's Dughan told OBG. "The middle class is growing and they have more disposable income, which could be invested in insurance if they had the right education about its importance and benefits. In the meantime, companies should also be working to provide more competitively priced policies and products to attract low-income customers."

**Claims Confidence**

An additional impediment identified by the NIC is lack of client trust, which is fuelled by unsatisfactory claims management. In the life segment, the number of customer complaints lodged with the NIC increased from 67 in 2012 to 327 in 2014, but then declined to 222 over the course of 2015. In the non-life segment, however, complaints increased from 165 in 2012, to 193 in 2014 and 217 in 2015. In response, in August 2017 the IIG launched a new initiative to improve professionalism by developing a framework for companies focused on customer service, ethical conduct, qualifications and continuing professional development.

Gideon Amenyedor, vice-president of the IIG, explained to local media in August 2017 that breach of trust might be caused by uncertainty or ambiguity in the choice of wording, lack of clarity in policy language and exclusions in the policy not stated. "The business of insurance, perhaps more than any other, is thus based on trust and commitment. The contract between the insurer and the insured is a contract of utmost good faith; and requires honesty and trust from both parties," Amenyedor said.

**Outlook**

With both the regulator and the government pushing towards an ambitious target of 10% penetration, the coming ***years*** should see the insurance market become a larger and more central part of the Ghanaian economy.

The increase in minimum capital requirements for the insurance industry, proposed by the new commissioner of the NIC,appears sufficiently steep to force a consolidation of the sector, a process that will lead to more sustainable profits and greater specialisation in a market that is witnessing increased competition.

**Load-Date:** March 12, 2020

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[***U.S Government Fully Re-Imposes Sanctions on the Iranian Regime As Part of Unprecedented U.S Economic Pressure Campaign***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TNH-8BT1-F0YC-N018-00000-00&context=1516831)

Impact News Service

November 5, 2018 Monday

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**Length:** 3352 words

**Body**

Washington,DC  : U.S Department of the Treasury has issued the following news release:

WASHINGTON – Today, in its largest ever single-day action targeting the Iranian regime, the U.S Department of the Treasury’s Office of Foreign Assets Control (OFAC) sanctioned more than 700 individuals, entities, aircraft, and vessels.  This action is a critical part of the re-imposition of the remaining U.S nuclear-related sanctions that were lifted or waived in connection with the Joint Comprehensive Plan of Action (JCPOA).  OFAC’s action is designed to disrupt the Iranian regime’s ability to fund its broad range of malign activities, and places unprecedented financial pressure on the Iranian regime to negotiate a comprehensive deal that will permanently prevent Iran from acquiring a nuclear weapon, cease Iran’s development of ballistic missiles, and end Iran’s broad range of malign activities.  This brings to more than 900 the number of Iran-related targets sanctioned under this Administration in less than two ***years***, marking the highest-ever level of U.S economic pressure on Iran.

“Treasury’s imposition of unprecedented financial pressure on Iran should make clear to the Iranian regime that they will face mounting financial isolation and economic stagnation until they fundamentally change their destabilizing behavior.  Iran’s leaders must cease support for terrorism, stop proliferating ballistic missiles, end destructive regional activities, and abandon their nuclear ambitions immediately if they seek a path to sanctions relief,” said Treasury Secretary Steven Mnuchin.  “The maximum pressure exerted by the United States is only going to mount from here.  We are intent on making sure the Iranian regime stops siphoning its hard currency reserves into corrupt investments and the hands of terrorists.”

Today’s action includes the designation of 50 Iranian banks and their foreign and domestic subsidiaries; the identification of more than 400 targets, including over 200 persons and vessels in Iran’s shipping and energy sectors, and an Iranian airline and more than 65 of its aircraft; and the placement on the list of Specially Designated Nationals and Blocked Persons (“SDN List”) of nearly 250 persons and associated blocked property that appeared until today on the List of Persons Identified as Blocked Solely Pursuant to Executive Order (E.O ) 13599 (“E.O 13599 List”).  OFAC has deleted the E.O 13599 List as part of the cessation of the United States’ participation in the JCPOA.  For a complete list of targets sanctioned today, please click here.

As of today, significant transactions with most persons moved from the E.O 13599 List to the SDN List (other than those Iranian financial institutions identified solely pursuant to E.O 13599) could be sanctionable.  Such persons will have a notation of “Additional Sanctions Information – Subject to Secondary Sanctions” in their SDN List entries.

This action targets the Iranian regime, not the Iranian people.  OFAC continues to maintain humanitarian authorizations and exceptions to our Iran sanctions that allow for the sale of ***agricultural*** commodities, food, medicine, and medical devices to Iran. OVERVIEW OF TODAY’S ACTION

On May 8, 2018, the President ceased the United States’ participation in the JCPOA.  That same day, the President issued National Security Presidential Memorandum–11, instructing the Secretary of State and the Secretary of the Treasury to begin taking steps to re-impose all U.S sanctions lifted or waived in connection with the JCPOA, including to prepare to relist persons removed from U.S sanctions lists in connection with the JCPOA as appropriate.  The President directed that these steps be accomplished as expeditiously as possible, and in no case later than 180 days from May 8, 2018.

Yesterday marked the end of the 180-day wind-down period.  As of today, all U.S sanctions lifted or waived in connection with the JCPOA are re-imposed and in full effect.  OFAC has published additional frequently asked questions (FAQs) with respect to the re-imposition of these sanctions here.

As part of the re-imposition of U.S sanctions and the relisting of persons removed from U.S sanctions lists in connection with the JCPOA, hundreds of targets were designated or identified and added to the SDN List today.  Among those identified are 92 entities owned or controlled by Ghadir Investment Company, which OFAC previously identified as an investment firm affiliated with the Execution of Imam Khomeini’s Order (EIKO).

Additionally, persons and associated blocked property that were previously included on the E.O 13599 List have been moved to the SDN List.  OFAC has removed the E.O 13599 List, which was created on January 16, 2016 to denote the continued status as blocked of persons solely identified pursuant to E.O 13599 as meeting the definition of the terms “Government of Iran” or “Iranian financial institution.”

Moreover, an amendment to the Iranian Transactions Sanctions Regulations (ITSR) takes effect today that reflects the re-imposition of sanctions pursuant to certain sections of Executive Order 13846 and the changes to the SDN List and E.O 13599 List. BANKING SECTOR

Today marks the largest single-day OFAC action targeting the Iranian regime’s abuse of Iran’s banking sector to fund its destabilizing activities.  For example, the Iranian regime has funneled the equivalent of billions of dollars for the Islamic Revolutionary Guard Corps-Qods Force (IRGC-QF) through the banking sector.  The action targets, in particular, Iranian banks that have provided support to, or are owned or controlled by, persons designated in connection with the Iranian regime’s support to international terrorism, proliferation of weapons of mass destruction (WMD) or their means of delivery, and human rights abuses.  Some of the banks designated today have served as financial conduits for the IRGC-QF, the Ministry of Defense and Armed Forces Logistics (MODAFL), the Islamic Republic of Iran Broadcasting (IRIB), the Martyrs Foundation, Mahan Air, and Iran’s Law Enforcement Forces (LEF) — all entities that remained designated throughout the JCPOA.

“As the Iranian people suffer from fiscal mismanagement and a plummeting rial, the Iranian regime abuses the country’s banking system to enrich its elite and finance repressive state institutions.  The IRGC and other destabilizing entities leverage their access to the global financial system to fund proxies fighting in Syria, Iraq, and Yemen, subsidize the proliferation of WMD or their means of delivery, and arm those who abuse the human rights of Iranian citizens,” said Treasury Under Secretary Sigal Mandelker.  “This action is aimed at cutting off Iranian banks that facilitate Iran’s domestic repression and foreign adventurism from the international financial system, and will highlight for the world the true nature of the regime’s abuse of its domestic banking system.”

Today, more than 70 Iran-linked financial institutions and their foreign and domestic subsidiaries were designated or identified and placed on the SDN List.

Bank Melli is being designated pursuant to E.O 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, the IRGC-QF, which was previously designated pursuant to E.O 13224 on October 25, 2007.  As of 2018, the equivalent of billions of dollars in funds have flowed through IRGC-QF controlled accounts at Bank Melli.  Bank Melli has acted as a conduit for ***payments*** to the IRGC-QF.  The IRGC-QF has used Bank Melli to dispense funds to Iraqi Shia militant groups, and Bank Melli’s presence in Iraq was part of this scheme.  Since the mid-2000s, Bank Melli increasingly provided services to Iranian military-related entities as they became further involved in all aspects of the Iranian economy.  Bank Melli has enabled the IRGC and its affiliates to move funds inside and outside of Iran.  The IRGC was designated pursuant to E.O 13224 on October 13, 2017.

Bank Melli has also provided financial services to MODAFL, which was designated pursuant to E.O 13382 on October 25, 2007.

Arian Bank, a Bank Melli subsidiary, is being designated pursuant to E.O 13224 for being owned or controlled by Bank Melli.

Along with Arian Bank, OFAC designated another 12 entities pursuant to E.O 13224 for being owned or controlled by Bank Melli or one of Bank Melli’s subsidiaries:  Bank Kargoshaee, Melli Bank PLC, Tose-E Melli Group Investment Company, Tose-E Melli Investment Company, National Industries and Mining Development Company, Behshahr Industrial Development Corp., Cement Industry Investment and Development Company, Melli International Building & Industry Company, BMIIC International General Trading LLC, Shomal Cement Company, Persian Gulf Sabz Karafarinan, and Mir Business Bank (MB Bank).

Future Bank B.S.C is being identified as a person whose property and interests in property are blocked due to the fact that Bank Melli and Bank Saderat, entities whose property and interests in property are blocked pursuant to E.O 13224, hold a 50 percent or greater aggregate interest in the bank.

The Export Development Bank of Iran (EDBI) is being designated pursuant to E.O 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, MB Bank.  Three other entities are being designated pursuant to E.O 13224 for being owned or controlled by, or for acting for or on behalf of, EDBI:  EDBI Stock Exchange, EDBI Exchange Brokerage, and Banco Internacional de Desarrollo, C.A   Additionally, the Iran-Venezuela Bi-National Bank is being designated pursuant to E.O 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, EDBI.

Ghavamin Bank is being designated pursuant to E.O 13553 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Iran’s LEF.  Ghavamin Bank has provided extensive banking services and facilitated routine financial transactions for the LEF.  The LEF was designated in 2011 for being responsible for or complicit in serious human rights abuses in Iran, including operating detention centers where detained protestors were deprived of basic needs such as medical care.

Bank Sepah is being designated pursuant to E.O 13382 for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, MODAFL.  As of 2017, Bank Sepah served as a financial platform for MODAFL to pay its agents abroad.

Bank of Industry and Mine (BIM) is being designated pursuant to E.O 13382 for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, Bank Sepah.  As of 2018, BIM provided bank account services for Bank Sepah, including engaging in the exchange of Iranian rials for euros for the benefit of Bank Sepah.  BIM coordinated the ***transfer*** of the equivalent of millions of dollars’ worth of euros for the benefit of Bank Sepah.

Europaisch-Iranische Handelsbank AG (EIH) is being designated pursuant to E.O 13382 for being owned or controlled by BIM, and for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, Bank Sepah.  As recently as 2018, EIH maintained active account services for Bank Sepah, including processing the equivalent of millions of dollars’ worth of euro ***payments*** in support of Bank Sepah.

Post Bank of Iran is being designated pursuant to E.O 13382 for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, Bank Sepah.  As recently as 2018, Post Bank of Iran engaged in the exchange of Iranian rials for euros for the benefit of Bank Sepah through active euro accounts.

Bank Tejarat is being designated pursuant to E.O 13382 for having provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, Bank Sepah.  As recently as 2018, Bank Tejarat provided critical financial services for Bank Sepah.  Bank Tejarat also is being designated pursuant to E.O 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, Mahan Air, a designated Iranian airline that provides transportation, funds ***transfers***, and personnel travel services to the IRGC-QF.  Mahan Air was designated pursuant to E.O 13224 on October 12, 2011.  Belarus-based Trade Capital Bank (TC Bank) is being designated pursuant to E.O 13382 and E.O 13224 for being owned or controlled by Bank Tejarat.

Ayandeh Bank is being designated pursuant to E.O 13846 and the Iran Threat Reduction Act of 2012 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, IRIB, Iran’s state-media apparatus that routinely broadcasts false news reports and propaganda, including forced confessions of political detainees.  IRIB was designated pursuant to E.O 13628 in February 2013 for restricting or denying the free flow of information to or from the Iranian people.  IRIB was implicated in censoring multiple media outlets and airing forced confessions from political detainees.

Day Bank is being designated pursuant to E.O 13224 for being owned or controlled by, and for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, Martyrs Foundation, an Iranian parastatal organization that channels financial support from Iran to several terrorist organizations in the Levant, including Hizballah, Hamas, and the Palestinian Islamic Jihad (PIJ).  The Martyrs Foundation, which was designated pursuant to E.O 13224 in July 2007, has established branches in Lebanon staffed by leaders and members of terrorist groups to serve the families of killed or imprisoned Hizballah and PIJ members.  Day Bank provides significant financial support and banking services to the Martyrs Foundation.

Additionally, 14 entities are being designated pursuant to E.O 13224 for being owned or controlled by Day Bank.  These 14 subsidiaries, which engage in a wide range of business activities across different Iranian economic sectors, are Atieh Sazan Day, Buali Investment Company, Tejarat Gostar Fardad, Day Exchange Company, Day Leasing Company, Day Bank Brokerage Company, Tose-e Didar Iranian Holding Company, Royay-e Roz Kish Investment Company, Day E-Commerce, Tose-e Donya Shahr Kohan Company, Damavand Power Generation Company, Omid Bonyan Day Insurance Services, Omran Va Maskan Abad Day Company, and Day Iranian Financial and Accounting Services Company.

Persia International Bank PLC, First East Export Bank PLC, and Mellat Bank Closed Joint-Stock Company are being designated pursuant to E.O 13224 for being owned or controlled by Bank Mellat.  Bank Mellat was designated pursuant to E.O 13224 on October 16, 2018. SHIPPING SECTOR

Among those in Iran’s shipping sector placed on the SDN List today are Iran’s national maritime carrier, the Islamic Republic of Iran Shipping Lines (IRISL), and oil transport giant National Iranian Tanker Company (NITC), both of which were identified pursuant to E.O 13599 for meeting the definition of the term “Government of Iran.”  In addition, these entities have been determined to be part of the shipping sector of Iran.  As a result, the knowing provision of significant financial, material, technological, or other support to, or goods or services in support of, these entities could be sanctionable.

OFAC added to the SDN List 65 IRISL subsidiaries and associated individuals pursuant to E.O 13599.  In addition, 122 vessels also were identified as property in which IRISL has an interest.

One IRISL subsidiary, Valfajr Shipping Company PJS, has been used regularly by the IRGC to ***transfer*** passengers, cargo, containers, and IRGC personnel from IRGC-controlled ports in Iran to major ports in the Persian Gulf region.

Another IRISL subsidiary, Hafez Darya Arya Shipping Company, has shipped cargo to at least one known cover company for Iran’s Defense Industries Organization (DIO).  DIO was previously designated pursuant to E.O 13382 on March 30, 2007 for engaging in activities that materially contributed to the development of Iran's nuclear and missile ***programs***.

In 2017, IRISL subsidiary Safiran Payam Darya Shipping Company shipped more than 136,000 metric tons of Iranian light crude oil from Iran to Syria.

Additionally, pursuant to E.O 13599, OFAC identified 37 NITC-affiliated entities and vessels in which NITC has an interest.  Identifying information for another 52 vessels confirmed as being property in which NITC has an interest was updated as well.  Each ***year***, these vessels move tens of millions of barrels’ worth of Iranian oil, as well as Iranian natural gas, which constitute a major source of revenue to fund the Iranian regime’s malign activities.  It is essential to close off this funding stream to Tehran.

The Iranian shipping industry is reviving previously employed deceptive practices in an effort to obfuscate IRISL or NITC’s interests in vessels and other property.  Among the IRISL vessels identified today are four vessels that recently underwent name and partial ownership changes but that are still property in which IRISL has a blockable interest.  The global maritime industry should be on alert for Iran’s use of such tactics and make every effort to thwart Iran’s use of their jurisdictions to create front companies; to revoke their flags from IRISL and NITC vessels; and to deny other means that enable Iran to conceal its interest in the vessels.  For additional information related to Iran’s deceptive practices, please click here for FinCEN’s recent Iran Advisory. ATOMIC ENERGY ORGANIZATION OF IRAN

Today, OFAC added to the SDN List the Atomic Energy Organization of Iran (AEOI) as well as 23 AEOI subsidiaries and associated individuals, and identified them as meeting the definition of the term “Government of Iran” pursuant to E.O 13599 and section 560.211 of the ITSR.  AEOI has operational and regulatory control over Iran’s nuclear ***program*** and bears responsibility for nuclear research and development.

Additionally, OFAC designated Morteza Ahmadali Behzad pursuant to E.O 13382 for acting or purporting to act for or on behalf of, directly or indirectly, Pishro Company.  Pishro Company, which is responsible for research and development efforts across Iran’s nuclear ***program***, was designated pursuant to E.O.13382 on May 9, 2013. AVIATION

Today OFAC identified Iran Air, the national airline of Iran, pursuant to E.O 13599 for being owned or controlled by the Government of Iran.  OFAC also added to the SDN List 67 aircraft operated by Iran Air. SANCTIONS IMPLICATIONS

As a result of today’s action, all property and interests in property of these targets that are in the United States or in the possession or control of U.S persons must be blocked and reported to OFAC.  OFAC’s regulations generally prohibit all dealings by U.S persons or within the United States (including transactions transiting the United States) that involve any property or interests in property of blocked or designated persons.

In addition, persons that engage in certain transactions with the entities designated and identified today may themselves be exposed to enforcement action, designation, or blocking sanctions.  Furthermore, unless an exception applies, any foreign financial institution that knowingly facilitates a significant transaction for any of the entities designated today or for certain other Iranian persons on the SDN List (other than Iranian financial institutions solely identified as “Government of Iran”) could be subject to U.S correspondent or payable-through account sanctions.

**Load-Date:** November 6, 2018

**End of Document**



[***Cosmetics Weekly Trademark Review - Jan 23, 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RJ2-RJ81-F0JS-Y0KG-00000-00&context=1516831)

Rose Sheet

January 31, 2018 Wednesday 11:48 AM GMT

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**Length:** 110919 words

**Body**

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| [Class 3 (Cosmetics and Cleaning Preps) compiled by "The Rose Sheet" from Official Gazette of the U.S. Patent and Trademark Office] |  |  |  |  |  |
| Product Name | Trademark No./ [Serial No.] | Company | Filed Date [Published] | Class Nos. | First Use Date |
| Marks Registered - Class 3 |  |  |  |  |  |
| Pereja | 5,382,940[79-203,224] | Pereia Ileri Kimya Sanayi Anonim Sirketi | 12-8-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Jusbox Perfumes Black Powder | 5,382,994[79-206,980] | Beauty San S.P.A. | 1-20-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Fumerie Turque | 5,383,000[79-207,596] | Shiseido Company, | 12-28-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Fleur De Soie | 5,383,037[79-211,042] | Société Parisienne De Parfums Et Cosmétiques Sas | 2-24-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| E Evagarden | 5,383,062[79-213,243] | Eva Garden S.R.L. | 3-28-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Bio Cleaner | 5,383,150[86-703,573] | Gsb Od Dc, | 7-24-15[2-9-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Frèzz | 5,383,166[86-759,395] | Inqpharm Europe | 9-17-15[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Dermoplus | 5,383,193[86-834,166] | K & N Distributors | 11-30-15[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| French Girl Hair | 5,383,204[86-869,744] | L'oreal | 1-8-16[4-11-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| My Name Is Mud Therapeutic Mud For Problem Skin The Peach Treat-Ment Relax & Wax 6 Fluid Oz. The Peach Treat-Ment Delivers Flawless Skin Everywhere! | 5,383,349[87-104,800] | Relax & Wax | 7-14-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Glambitious | 5,383,380[87-136,952] | Glambitious | 8-12-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Urbun | 5,383,416[87-182,673] | Tengxin Zheng | 9-26-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Master Chrome | 5,383,432[87-198,443] | L'oreal Usa Creative | 10-10-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Biotop Professional | 5,383,462[87-219,249] | G.V. Cosmetics | 10-28-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Bioproducts | 5,383,483[87-227,427] | Biocloro, Srl | 11-5-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Pro Gold | 5,383,484[87-229,782] | Og Research (Swiss) | 11-8-16[5-30-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Prolimin Gold | 5,383,485[87-229,788] | Og Research (Swiss) | 11-8-16[5-30-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Original And Best Since 1977 | 5,383,491[87-231,431] | Professional Beauty Systems | 11-9-16[10-24-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Piosu | 5,383,505[87-237,539] | Dong, Bae Hae | 11-15-16[10-3-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Clean Up Biohazard Absorbent | 5,383,589[87-260,223] | Devmar Products | 12-7-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Indulge Body And Soul | 5,383,599[87-261,581] | Michele Deal Ted Fogliani | 12-8-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Game Face Grooming | 5,383,618[87-265,332] | Shutout | 12-12-16[6-6-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| 3D Fragrance | 5,383,684[87-273,449] | Herpin, Geo | 12-19-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| 5L Care Complex | 5,383,692[87-274,780] | Og Research (Swiss) | 12-20-16[5-30-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Emma T's Bath & Body | 5,383,710[87-277,897] | Travis, Mark | 12-22-16[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sano Anti Kalk | 5,383,783[87-290,424] | Sano-Brunos Enterprises | 1-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Slacy | 5,383,789[87-291,249] | Szco Cosmetic Co., | 1-6-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| K.T. | 5,383,995[87-359,453] | Takada Kenzo | 3-6-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
|  | 5,384,044[87-381,693] | Heaven On Earth | 3-22-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| 7True | 5,384,106[87-404,935] | Threehands Beauty Company | 4-10-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Viva Le Beaux | 5,384,161[87-421,491] | Demetrice Cobbs Davenport | 4-22-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Caie Reid | 5,384,178[87-425,421] | The Hair Resort | 4-26-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Makeup Slayve | 5,384,188[87-428,959] | Makeup Slayve | 4-27-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Beauty By Moshoodat | 5,384,190[87-429,050] | Sanni, Moshoodat | 4-27-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Ibiza Sun | 5,384,236[87-442,964] | Velázquez Passanante Maria Ximena | 5-9-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Shapiro Md Hair Growth Experts | 5,384,290[87-452,168] | Immudyne Pr | 5-16-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Jadayel | 5,384,301[87-453,670] | Abdul Samad Al Qurashi Showrooms Company For Aoud, Amber & Perfumes | 5-17-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Freshx | 5,384,311[87-455,350] | Edgeo | 5-18-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Dr. Luman | 5,384,319[87-457,842] | Lii, Shyh-Mine | 5-20-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Wild Wild Nest | 5,384,332[87-460,303] | Elg Enterprises | 5-23-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Tgin | 5,384,378[87-466,365] | Tginesis | 5-26-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Curl Bomb | 5,384,379[87-466,374] | Tginesis | 5-26-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
|  | 5,384,459[87-474,015] | Lila S. | 6-2-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| A Millisecond Of 'Me' Time | 5,384,461[87-474,130] | Boyle, Katie E., | 6-3-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Indian Meadow Herbals | 5,384,487[87-475,004] | Indian Meadow Herbals | 6-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Color Wow Dream Coat | 5,384,504[87-475,861] | Federici Brands | 6-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Barklogic | 5,384,524[87-477,321] | Logic Product Group | 6-6-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Shampoo Del Indio Huichol | 5,384,581[87-479,560] | Berrueta Soriano, Rafael | 6-7-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Ors Olive Oil Girls | 5,384,582[87-479,591] | Namaste Labs, | 6-7-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Anji Naturals | 5,384,621[87-480,387] | Brands By Brown | 6-8-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| K.C. Beard Co. | 5,384,699[87-482,482] | K.C. Beard Co. | 6-9-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sb | 5,384,856[87-487,918] | Roberta Housley | 6-13-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sheaberry | 5,384,857[87-487,925] | Roberta Housley | 6-13-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Olive Oil Girls | 5,384,907[87-489,571] | Namaste Labs, | 6-14-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Eyexpert | 5,384,929[87-490,005] | Eyexpert Technology Co. | 6-15-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Da Bomb | 5,384,943[87-490,434] | Da Bomb | 6-15-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Clean Influence | 5,384,947[87-490,489] | Sportive Sports Marketing | 6-15-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Deborah | 5,384,953[87-490,713] | Deborah Group S.P.A. | 6-15-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Southern Natural | 5,384,992[87-492,466] | Southern Natural | 6-16-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Tattoo Gold Superior Aftercare | 5,385,011[87-492,926] | Tattoo Gold Co. | 6-16-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Love Myself Organics | 5,385,023[87-493,207] | Love Myself Organics | 6-16-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Bless Your Hair | 5,385,024[87-493,244] | Decker, Jessica R. | 6-16-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Defining Stylez | 5,385,100[87-495,263] | Attwal, George | 6-19-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Mestool | 5,385,145[87-496,510] | Taizhou Luqiao Jiuya Hardware Tools Co. | 6-19-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Breath Influence | 5,385,161[87-497,159] | Sportive Sports Marketing | 6-20-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Simply Summer's Eve S E | 5,385,167[87-497,343] | C.B. Fleet Company, Incorporated | 6-20-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Anniloo | 5,385,286[87-502,051] | Surestar Group (Usa) | 6-22-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| It's Bath Time | 5,385,373[87-504,777] | Bless The Beasts | 6-26-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Ecobath | 5,385,392[87-505,170] | Cardinal Labs | 6-26-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Duped Cosmetics | 5,385,431[87-506,315] | Th Trades | 6-27-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Var-Beauty | 5,385,478[87-506,497] | Shenzhen Haohan Legend Technology Co.,Ltd. | 6-27-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Orarestore | 5,385,520[87-506,984] | Great Oral Health | 6-27-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Peace & Quiet | 5,385,535[87-507,303] | Nature's Answer | 6-27-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| B Beox Professional | 5,385,616[87-508,485] | Lasuvi Comercio, Importação E Exportaçaõ De Cosmeticos E Eletrodomesticos Ltda Me | 6-28-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Jax & Cali | 5,385,645[87-508,890] | Floridian Skins | 6-28-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sacred Elements | 5,385,646[87-508,893] | Fleurs De Vie | 6-28-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Helenlash | 5,385,732[87-509,884] | Qing Dao Hairbeauty Arts & Crafts Co Ltd Usa Qingdao Lashbeauty Cosmetic Co. | 6-28-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Qibest | 5,385,739[87-509,921] | Ma Weizhou | 6-28-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Tintark | 5,385,767[87-510,077] | Tintark Internatl. Co., Limited | 6-29-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| St. C | 5,385,877[87-510,893] | St. Clair Scents | 6-29-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Nola Lash Lady | 5,386,000[87-512,154] | Sesser, Nicole | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Sybarite | 5,386,002[87-512,162] | Cloon Keen Atelier | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Bathnuts | 5,386,020[87-512,447] | The Green Rift | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| F | 5,386,047[87-512,793] | Julian Francisco Bedel | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Treeactiv | 5,386,069[87-513,098] | Wholesale Health Connection | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Lashfusion | 5,386,073[87-513,162] | Fusion Brands America | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Love Made Me. | 5,386,077[87-513,257] | Bristol Trading | 6-30-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Just What Your Skin Needs | 5,386,119[87-513,805] | Molecuderm | 7-1-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Rorec | 5,386,147[87-514,010] | Rabinkov Holding | 7-2-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Organience | 5,386,214[87-514,365] | Amorepacific Corporation | 7-3-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Lather Nice | 5,386,316[87-515,577] | Lemerond, Kenneth J | 7-4-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Alfa Xy | 5,386,320[87-515,611] | Voglia De Mexico, S.A. De C.V. | 7-4-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Black Power | 5,386,360[87-515,852] | Qingdao Black Power E-Commerce Co., | 7-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Skin Loving Arabica | 5,386,365[87-515,895] | Constantakis, Greg | 7-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Easy White | 5,386,386[87-516,413] | Noudjou, Joseph | 7-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| One-Eye Gypsy | 5,386,418[87-517,004] | Fanesia Vienna Gorelick | 7-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Her Name | 5,386,420[87-517,065] | Haochun Import And Export Trade Co., | 7-5-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Kbaybo | 5,386,437[87-517,266] | Shenzhen Keberer Internatl. Trading Co. | 7-6-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| V-Bar | 5,386,474[87-517,872] | Wombpreneur | 7-6-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Lmlly | 5,386,518[87-518,755] | Shenzhen Liwei Trading Company | 7-6-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Lasfav | 5,386,546[87-518,965] | Qingdao Jaunty Sky Arts And Crafts Co.,Ltd. | 7-7-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Axiology | 5,386,562[87-519,406] | Axiology | 7-7-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Naturessenceusa Butterlicious | 5,386,610[87-520,810] | Naturessence Usa | 7-9-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Caicui | 5,386,611[87-520,820] | Rabinkov Holding | 7-9-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Brighton | 5,386,622[87-521,690] | Brighton Collectibles | 7-10-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Capture Youth | 5,386,640[87-527,039] | Parfums Christian Dior | 7-13-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Browfusion | 5,386,648[87-531,939] | Fusion Brands America | 7-18-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Enter The Club | 5,386,660[87-537,290] | Parfums Christian Dior | 7-21-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Poison Club | 5,386,661[87-537,485] | Parfums Christian Dior | 7-21-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Summer's Eve S E Simply Sensitive | 5,386,691[87-554,861] | C.B. Fleet Company, Incorporated | 8-3-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Visible Shine | 5,386,714[87-563,999] | Stoner | 8-10-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Coop + Daisy | 5,386,751[87-581,321] | Jocott Brands | 8-23-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Insfendel | 5,386,786[87-600,486] | Wang Lin | 9-8-17[11-7-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - |
| Marks Registered Under Section 1(d) - Class 3 |  |  |  |  |  |
| The following marks have been registered on the principal register pursuant to the intent-to-use provisions of Section 1(d) of the Trademark Act of 1946, as amended. |  |  |  |  |  |
| Cupholder Companion | 86-076,005[5,386,832] | Rockline Industries | 9-26-13[9-16-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Cupholder". Pre-Moistened, non-Medicated, non-Antibacterial disposable cosmetic wipes and towelettes for personal hygiene use. Cup holder companions. |  |  |  |  |  |
| Star Treatment | 86-288,769[5,386,900] | Hatchbeauty Agency | 5-22-14[10-14-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty products, namely, cosmetic preparations for skin care and color cosmetics. |  |  |  |  |  |
| The Color Authority | 86-299,902[5,386,908] | Hatchbeauty Agency | 6-4-14[10-14-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Color". Beauty products, namely, color cosmetics. |  |  |  |  |  |
| Invisible Md | 86-310,222[5,386,913] | Hatchbeauty Agency | 6-16-14[10-7-14] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Health and beauty products, namely, cosmetic preparations for skin care, non-Medicated skin care preparations. |  |  |  |  |  |
| Tor | 86-473,053[5,386,988] | Tor Salon & Spa Products | 12-5-14[5-26-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care products, namely, shampoo, conditioner, leave in conditioner, hair spray, mousse, and hair co-Wash. |  |  |  |  |  |
| Instant Miracle Worker | 86-482,111[5,386,992] | Coty Brands Management Philosophy | 12-16-14[5-2-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations, namely, creams and lotions. |  |  |  |  |  |
| Outdoor Miracle | 86-497,725[5,387,001] | Collier Manufacturing | 1-7-15[5-19-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Outdoor". Cleaning preparations; cleaning preparations for outdoor surfaces; stain removers; and stain removers for outdoor surfaces. |  |  |  |  |  |
| Biomimetic Laboratories | 86-518,245[5,387,007] | Biomimetic Laboratories Nomobo | 1-29-15[10-6-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Biomimetic laboratories". The mark consists of the stylized and stacked wording "Biomimetic laboratories", and the design of three overlapping hexagons. Beauty creams, serums and moisturizers, facial lotions, facial toners, facial cleansers, face creams, face oils, facial moisturizers; anti-Aging creams, gels, moisturizers, toners and cleansers; anti-Wrinkle creams, gels, moisturizers, toners and cleansers; eye creams, serums, lotions and gels; lip balm, lip cream, lip moisturizer; exfoliating products, namely, facial and body scrubs; skin moisturizers, body lotions, cream, scrubs and oils; hand creams, lotions, scrubs and soap; sun-Block creams, lotions, oils and spray; tanning and after sun milks, gels and oils. |  |  |  |  |  |
| Ee Earth Essence | 86-538,126[5,387,012] | Bleich, Michael | 2-18-15[7-21-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of interlocking stylized font of the literal element "Ee" with one "E" facing forward and the other "E" upside down facing backwards and interlocked with the forward facing "E", centered above the literal element "Earth essence". Non-Medicated personal care products, namely, facial creams, lotions, toners, cleansers, scrubs, serums and masks; non-Medicated eye creams, serums, lotions and gels; non-Medicated body washes, creams, lotions, oils and cleansers; bath salts and gels; non-Medicated women'S post-Waxing and pre-Shaving moisturizing lotions; non-Medicated detoxification preparations, namely, skin creams and washes. |  |  |  |  |  |
| Secret Sauce | 86-553,347[5,387,016] | It Cosmetics It Cosmetics Operating Company L'oreal Usa Creative | 3-4-15[6-2-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; make-Up; non-Medicated skin care preparations. |  |  |  |  |  |
| White Chocolate Bar | 86-643,106[5,387,061] | Too Faced Cosmetics | 5-27-15[10-13-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and make-Up. |  |  |  |  |  |
| Tidy Wipes | 86-698,089[5,387,109] | Jeffrey Kaplan Kaplan, Jeffrey | 7-20-15[10-20-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Wipes". Cloths impregnated with a detergent for cleaning; impregnated cleaning cloths; impregnated cleaning, dusting or polishing cloths. |  |  |  |  |  |
| R Ron Robinson | 86-717,975[5,387,116] | Ron Robinson | 8-7-15[1-5-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a miscellaneous design resembling portions of the letter "R" and the words "Ron robinson". Colognes, perfumes and cosmetics; cream soaps; eau de perfume; face and body beauty creams; fragrances; hair creams; hair lotion; hand cream; lotions for face and body care; moisturizing body lotions; oils for toiletry purposes; perfume; perfumes; shampoos; shaving lotions; skin cream; sun-Block lotions; sunscreen cream; tanning creams; tanning oils. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies "Ron robinson", whose consent(S) to register is made of record. |  |  |  |  |  |
| Moe | 86-766,716[5,387,135] | Moehiar Usa, | 9-24-15[4-4-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations; hair conditioner; non-Medicated hair serums; non-Medicated hair treatment preparations for cosmetic purposes; shampoos. |  |  |  |  |  |
| Signateur | 86-846,476[5,387,221] | Bays | 12-11-15[5-31-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfumes; eau de parfum; eau de toilette; cologne; personal deodorants and antiperspirants. Signature. The english translation of "Signateur" in the mark is "Signature". |  |  |  |  |  |
| Dollar Scent Club | 86-945,006[5,387,302] | Momentum Industries, Inc, | 3-18-16[4-4-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Air fresheners, namely, air fragrancing preparations. |  |  |  |  |  |
| Orezo | 86-957,584[5,387,317] | Rohto Pharmaceutical Co. | 3-30-16[9-5-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skincare preparations, namely, sunscreen and sunblock preparations. The wording "Orezo" has no meaning in a foreign language. |  |  |  |  |  |
| Beverly Hills Formula | 86-983,460[5,387,350] | Eric Peterson | 5-12-15[11-3-15] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Formula". Tooth whitening preparations, including gels, creams and pastes; dentifrices and mouthwash; toothpaste. |  |  |  |  |  |
| Fysik | 87-020,460[5,387,387] | Bunkers Global | 4-30-16[4-11-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| After-Shave creams; after-Shave lotions; body scrub; body wash; facial washes; non-Medicated bath preparations; non-Medicated skin care preparations; non-Medicated sun care preparations; non-Medicated hair care preparations; pre-Moistened cosmetic wipes; pre-Shaving preparations; shaving preparations; skin cleansers; soaps for body care; sun-Block lotions; body creams; face and body lotions; facial creams; hair conditioner; hair shampoo; non-Medicated serums for use on skin and hair; skin creams. The english translation of "Fysik" in the mark is "Physics". |  |  |  |  |  |
| Totally Spotless | 87-022,104[5,387,393] | The Clorox Company | 5-2-16[8-15-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Stain remover for clothing. |  |  |  |  |  |
| Cocoroo | 87-023,019[5,387,397] | Nutreatments | 5-3-16[10-18-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Coco". Non-Medicated organic skin care preparations all primarily made from coconut derived ingredients. Coco roo. |  |  |  |  |  |
| Palmolive Ultra Strength | 87-024,383[5,387,406] | Colgate-Palmolive Company | 5-4-16[4-4-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Strength". Dishwashing detergents. |  |  |  |  |  |
| Collateral Damage | 87-050,217[5,387,472] | Hatchbeautyagency | 5-25-16[10-11-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care products, namely, hair care preparations, hair conditioners. |  |  |  |  |  |
| Wasidah | 87-055,718[5,387,489] | Francois, Wasidah | 5-31-16[10-25-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body cream; body scrub. |  |  |  |  |  |
| Postplay | 87-099,374[5,387,559] | Hollender Sustainable Brands | 7-11-16[6-27-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Disposable pre-Moistened wipes impregnated with cleansing compounds for personal hygiene use after sexual activity, body wash. Post play. |  |  |  |  |  |
| Plasma Pro | 87-111,931[5,387,579] | Siborg | 7-21-16[3-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Plasma". Non-Medicated skin care preparations. |  |  |  |  |  |
| Celtic Ice | 87-112,689[5,387,581] | Colgate-Palmolive Company | 7-22-16[10-25-16] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Deodorants and antiperspirants for personal use. |  |  |  |  |  |
| That Girl | 87-149,483[5,387,632] | Maria Fernanda Pinto Mamede - Eireli | 8-24-16[4-25-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) yellow, tan, blue, turquoise, pink, dark pink and black is/Are claimed as a feature of the mark. The mark consists of a design of an incomplete five-Point star in blue, turquoise and black next to the term "That" in yellow, tan and black over the term "Girl" in pink, dark pink and black. a design of a small five-Point star in blue, turquoise and black is to the right of the term "Girl". the color white represents the background and is not claimed as a feature of the mark. Cosmetic balls; cosmetic bath salts; cosmetic cotton wool; cosmetic creams; cosmetic creams for skin care; cosmetic facial blotting papers; cosmetic hair dressing preparations; cosmetic hair regrowth inhibiting preparations; cosmetic hand creams; cosmetic masks; cosmetic massage creams; cosmetic milks; cosmetic nourishing creams; cosmetic oils; cosmetic oils for the epidermis; cosmetic olive oil for the face and body; cosmetic pads; cosmetic pencils; cosmetic preparations; cosmetic preparations against sunburn; cosmetic preparations for bath and shower; cosmetic preparations for baths; cosmetic preparations for body care; cosmetic preparations for eyelashes; cosmetic preparations for nail drying; cosmetic preparations for protecting the skin from the sun'S rays; cosmetic preparations for removing gel nails, acrylic nails, and nail polish; cosmetic preparations for skin care; cosmetic preparations for skin renewal; cosmetic preparations for slimming purposes; cosmetic preparations for the hair and scalp; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetic preparations, namely, skin balsams; cosmetic products in the form of aerosols for skin care; cosmetic products in the form of aerosols for skincare; cosmetic rouges; cosmetic skin fresheners; cosmetic soaps; cosmetic sun milk lotions; cosmetic sun oils; cosmetic sun-Protecting preparations; cosmetic sun-Tanning preparations; cosmetic sunscreen preparations; cosmetic suntan lotions; cosmetic suntan preparations; cosmetic tanning preparations; cosmetic white face powder; cosmetics; cosmetics and cosmetic preparations; cosmetics and make-Up; cosmetics in general, including perfumes; cosmetics in the form of milks, lotions and emulsions; cosmetics sold as an integral component of non-Medicated skincare preparations; cosmetics, namely, compacts; cosmetics, namely, lip primer; cosmetics, namely, lip repairers; adhesives for cosmetic purposes; adhesives for cosmetic use; after-Sun gels; after-Sun milks; after-Sun oils; almond milk for cosmetic purposes; aloe vera gel for cosmetic purposes; aloe vera preparations for cosmetic purposes; alum stones; amla oil for cosmetic purposes; anti-Aging moisturizers used as cosmetics; argan oil for cosmetic purposes; astringents for cosmetic purposes; bath oils for cosmetic purposes; bath powder; bleaching preparations for cosmetic purposes; body and beauty care cosmetics; castor oil for cosmetic purposes; chalk for cosmetic use; cleaner for cosmetic brushes; cleansing creams; cleansing milk for cosmetic purposes; cocoa butter for cosmetic purposes; coconut oil for cosmetic purposes; colognes, perfumes and cosmetics; coloring preparations for cosmetic purposes; cotton balls for cosmetic purposes; cotton buds for cosmetic purposes; cotton for cosmetic purposes; cotton puffs for cosmetic purposes; cotton sticks for cosmetic purposes; cotton swabs for cosmetic purposes; cotton wool and cotton sticks for cosmetic purposes; cotton wool balls for cosmetic use; cotton wool buds for cosmetic use; cotton wool for cosmetic purposes; double eyelids tapes; eye compresses for cosmetic purposes; face creams for cosmetic use; flower essences for cosmetic purposes; foams containing cosmetics and sunscreens; gauze for cosmetic purposes; gels for cosmetic purposes; glitter for cosmetic purposes; grape seed oil for cosmetic use; greases for cosmetic purposes; henna for cosmetic purposes; hydrogen peroxide for cosmetic purposes; lip stains; lotions for cosmetic purposes; mask pack for cosmetic purposes; milk for cosmetic purposes; mineral powder for use in cosmetic body wrap applications; nail paint; nail primer; nail varnish for cosmetic purposes; nutritional oils for cosmetic purposes; oils for cosmetic purposes; paraffin wax for cosmetic purposes; pencils for cosmetic purposes; perfume oils for the manufacture of cosmetic preparations; petroleum jelly for cosmetic purposes; plant and herb extracts sold as components of cosmetics; pomades for cosmetic purposes; pre-Moistened cosmetic tissues; pre-Moistened cosmetic towelettes; pre-Moistened cosmetic wipes; private label cosmetics; retinol cream for cosmetic purposes; rose oil for cosmetic purposes; self-Tanning preparations; shaving stones; shea butter for cosmetic purposes; skin and body topical lotions, creams and oils for cosmetic use; skin conditioning creams for cosmetic purposes; skin fresheners; skin moisturizers used as cosmetics; solid powder for compacts; spirit gum for cosmetic use; suntan oils for cosmetic purposes; tanning and after-Sun milks, gels and oils; tanning gels; tanning milks; tanning oils; tissues impregnated with cosmetic lotions; toners; topical skin sprays for cosmetic purposes. |  |  |  |  |  |
| Linämel | 87-157,888[5,387,642] | Linhart Incorporated | 9-1-16[1-24-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Toothpaste; toothpaste ingredient combination, namely, tooth cleaning preparations containing fluoride, theobromine, and xylitol. |  |  |  |  |  |
| The Tamed One | 87-185,560[5,387,688] | Ff Trademark | 9-28-16[2-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations. |  |  |  |  |  |
| One Up | 87-185,563[5,387,689] | Ff Trademark | 9-28-16[2-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations. |  |  |  |  |  |
| Aperio | 87-192,889[5,387,705] | Lightup Forever | 10-4-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bath oils and bath salts; body cream soap; body spray used as a personal deodorant and as fragrance; body sprays; bubble bath; cuticle conditioners; eye cream; eye gels; eye make-Up remover; facial moisturizers; facial cleansers; facial concealer; facial cream; facial creams; facial lotion; facial masks; facial moisturizers; facial oils; facial scrubs; facial washes; hand cleaners; hand creams; hand lotions; hand scrubs; hand soaps; liquid soap; liquid soap used in foot bath; make-Up removing lotions; make-Up removing milk, gel, lotions and creams; make-Up removing preparations; moisturizing body lotions; moisturizing creams; nail hardeners; nail polish; potpourri; skin moisturizer; skin moisturizer masks; skin moisturizing gel; skin toners; soaps for body care; soaps for personal use; soaps for body care; soaps for personal use; anti-Bacterial soap; antibacterial soap; bar soap; bath soaps; beauty soap; body cream soap; cream soaps; deodorant soap; disinfectant soap; eye make-Up remover; fragrance sachets; hand soaps; lavender sachets; liquid soap; liquid soap used in foot bath; liquid soaps for hands, face and body; non-Medicated body soaks; non-Medicated foot soaks; perfumed soap; perfuming sachets; scented body spray; skin soap; waterless soap. |  |  |  |  |  |
| Aperio | 87-192,917[5,387,706] | Lightup Forever | 10-4-16[2-21-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the literal element "Aperio". above and between the letters "I" and "O" in the word "Aperio" is a five leaf maple leaf. Anti-Bacterial soap; bar soap; bath oils and bath salts; bath salts; bath soaps; bath oils and bath salts; beauty soap; body cream soap; body spray used as a personal deodorant and as fragrance; body spray used as a personal deodorant and as fragrance; body sprays; bubble bath; cream soaps; cuticle conditioners; deodorant soap; disinfectant soap; eye make-Up remover; eye cream; eye gels; eye make-Up remover; facial cleansers; facial concealer; facial cream; facial creams; facial lotion; facial masks; facial moisturizers; facial oils; facial scrubs; facial washes; facial beauty masks; facial beauty masks; facial cleansers; facial concealer; facial cream; facial creams; facial lotion; facial masks; facial moisturizers; hand cleaners; hand creams; hand lotions; hand scrubs; hand soaps; liquid soap; liquid soap used in foot bath; liquid soaps for hands, face and body; make-Up removing lotions; make-Up removing milk, gel, lotions and creams; make up removing preparations; moisturizing body lotions; moisturizing creams; nail hardeners; nail polish; non-Medicated body soaks; perfumed soaps; potpourri; scented body spray; skin moisturizer; skin moisturizer masks; skin moisturizing gel; skin soap; skin toners; soaps for body care; soaps for personal use; waterless soap; bath oils and bath salts; body cream soap; body cream soap; eye cream; eye make-Up remover; facial concealer; facial cream; fragrance sachets; lavender sachets; liquid soap used in foot bath; liquid soaps for hands, face and body; perfuming sachets. |  |  |  |  |  |
| Sensual Eyes | 87-206,819[5,387,747] | American Internatl. Industries | 10-18-16[4-4-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Eyes". Cosmetics and cosmetic preparations; eye make-Up; eye shadows; make-Up kits comprised of eye shadows; compacts containing make-Up. |  |  |  |  |  |
| Aprilis | 87-209,430[5,387,755] | Shenzhen Lingde Investment Holding Co.,Ltd. | 10-20-16[3-14-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Facial cleansing milk; bath salts; aromatic essential oils; essential oils for aromatherapy use; anti-Wrinkle cream; skin whitening creams; beauty masks; cosmetics; cosmetic preparations for skin care; lotions for cosmetic purposes; oils for cosmetic purposes; make-Up; make-Up removing preparations; non-Medicated skin care preparations, namely, acne cream, macule removing cream. |  |  |  |  |  |
| Wellnessfusion | 87-237,396[5,387,920] | Pevonia Internatl. | 11-15-16[4-4-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care creams and lotions; face creams; non-Medicated skin peeling creams and gels; skin abrasive preparations; facial masks; non-Medicated foot creams and powders; non-Medicated foot lotions; non-Medicated body creams and powders; non-Medicated body lotion; non-Medicated bath salts; and non-Medicated eye creams. Wellness fusion. |  |  |  |  |  |
| Vv Cream | 87-240,194[5,387,945] | Perfect V Enterprises | 11-17-16[4-18-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Cream". The mark consists of the stylized letters "Vv" in between two large horizontal dashes underneath which is the word "Cream", in stylized lettering. Non-Medicated skin care preparations; fragrances and perfumery; cosmetics and cosmetic preparations; cosmetic body care preparations, materials to create body art and temporary tattoo ***transfers*** for use as cosmetics, namely, tattoo sprays and stencils therefor sold as a unit. |  |  |  |  |  |
| Malusa | 87-242,433[5,387,952] | B.M.A Usa | 11-18-16[5-16-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Oils for cosmetic purposes. The wording "Malusa" has no meaning in a foreign language. |  |  |  |  |  |
| Concentrated Naturals | 87-243,460[5,387,959] | Cosmesis Skincare | 11-21-16[9-5-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Concentrated naturals". The mark consists of the literal element "Concentrated naturals" presented in stylized font, to the left of which sits a stylized lotus flower design. Anti-Wrinkle cream; cosmetic creams; cosmetic preparations for skin care; facial cream; skin care products, namely, non-Medicated skin serum; skin cream; skin lighteners; cosmetic preparations for skin renewal; skin moisturizer; skin moisturizers used as cosmetics; all of the foregoing made from naturally derived ingredients. |  |  |  |  |  |
| Bio-Oil | 87-247,057[5,387,975] | Geneva Labs | 11-23-16[4-11-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) orange is/Are claimed as a feature of the mark. The mark consists of horizontal orange lines forming the shape of a drop with the stylized word "Bio-Oil" below the design also in orange. Cosmetics; essential oils for personal use. |  |  |  |  |  |
| Tenax | 87-251,210[5,387,994] | Ludovico Martelli S.R.L. | 11-29-16[4-18-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| (Based on use in commerce) hair pomades; hair shampoo (Based on 44(E)) brilliantine; hair gel; styling gels; hair creams; hair dressings for men; hair fixers; hair spray; hair wax; hair styling spray; styling lotions; styling mousse; styling paste for hair. The english translation of "Tenax" in the mark is "Hard", "Firm". |  |  |  |  |  |
| Adorisse Night | 87-252,172[5,387,999] | Jafra Cosmetics, S.A. De C.V. | 11-30-16[5-16-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Night". Fragrances. |  |  |  |  |  |
| Joy | 87-256,621[5,388,018] | The Procter & Gamble Company | 12-5-16[4-11-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) red, blue, green, white and yellow is/Are claimed as a feature of the mark. The mark consists of the word "Joy" in stylized font, the "J" is red, "O" is blue and "Y" is green with the entire word outlined in white and punctuated with a yellow lemon fruit slice. Dishwashing detergents. |  |  |  |  |  |
| Ode To Clean | 87-273,222[5,388,095] | Solugen | 12-19-16[9-12-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Wipes impregnated with a cleaning preparation; all-Purpose cleaners. |  |  |  |  |  |
| Sun Saint | 87-274,420[5,388,098] | Pinrose | 12-20-16[5-2-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Fragrances, perfumes, colognes. |  |  |  |  |  |
| In Your Element | 87-274,585[5,388,099] | L'oreal Usa Creative | 12-20-16[4-25-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| A La Nuit | 87-281,805[5,388,127] | Shiseido Company, | 12-27-16[6-6-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfumeries and perfumes. The english translation of "A la nuit" in the mark is "At the night". |  |  |  |  |  |
| Int'l Incense Cultural Association Usa,Iicau | 87-301,092[5,388,171] | Zhuo Yuan Cultural Int'l | 1-13-17[8-1-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Int'L incense cultural association usa". The mark consists of a circular design with two concentric circles sharing a common center. the space between the inner and outer circle is surrounded by the curved, stylized wording: "Int'L incense cultural association usa" and four five-Pointed stars. the stylized wording is located at the left, right and top of the said space, and the four stars are located at the bottom of the said space. the center of the inner circle is a unique design combining the chinese word "Xiang" and the "Thunder" trigram from chinese daoist cosmology. below this unique design is the capitalized stylized wording "Iicau". Abrasive paste; polishing paper; emery paper; polishing powders; polishing wax; glass granules used as abrasives in blasting services; talcum powders; perfumes and toilet waters; perfumes for industrial purposes; dish detergents; fruit and vegetable wash; laundry detergent; washing powder; aromatic essential oils; incense; body wash; bath and shower gels and salts not for medical purposes; natural soap bars; body powder; body sprays, namely, water in atomized containers used to produce a cooling effect; mouth washes; shaving mousse; hair dye; hair gel and hair mousse; hair nourishers; hair oils; hair pomades; hair shampoos and conditioners; perfumes and colognes; lavender water; rouge; eye shadow; double eyelids tapes; wrinkle resistant cream; anti-Freckle creams; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; eye cream; facial cream; skin whitening creams; flower essences for cosmetic purposes; non-Medicated diaper rash cream; non-Medicated skin cream for general skin rash and irritation resulting from skin shingles; synthetic musk; essential oils for flavoring tobacco. |  |  |  |  |  |
| I-Genesis | 87-301,207[5,388,172] | Dermyoung | 1-13-17[5-23-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated anti-Aging serum. |  |  |  |  |  |
| Morgan Miller | 87-306,130[5,388,185] | Welcome Ms Usa | 1-18-17[6-20-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skincare preparations, namely, lotions, creams, peels, toners, and gels; cosmetics; body lotion; body balm; moisturizers for face, body, and hands; sun care lotions; after-Sun lotions; non-Medicated cleansers for personal use, namely, skin cleansers, facial cleansers. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Tat Stick | 87-308,864[5,388,193] | Limoncello | 1-20-17[8-1-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Tat stick". The mark consists of a rounded cross with a horizontal line through the bottom quarter and a vertical line through the far right quarter next to the words "Tat stick", all of which are in a straight vertical line in the middle of a rectangle. Body lotion; moisturizing body lotions; non-Medicated lotions for tattoo aftercare. Tattoo stick. |  |  |  |  |  |
| Omdi | 87-309,907[5,388,195] | Onwuka Ifeoma N | 1-23-17[5-30-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Lipstick. |  |  |  |  |  |
| Cream + Powder = Staying Power | 87-324,362[5,388,222] | Hatchbeauty Agency | 2-3-17[7-11-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; cosmetics and make-Up. |  |  |  |  |  |
| Azi | 87-325,426[5,388,225] | Azi, | 2-6-17[6-27-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Castor oil for cosmetic purposes; eye cream; facial masks; body scrub; non-Medicated beard care preparations, namely, oils; non-Medicated facial and eye serum containing antioxidants. |  |  |  |  |  |
| Pyranha Detangler | 87-327,302[5,388,231] | Pyranha | 2-7-17[6-20-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Detangler". Hair detanglers for use on animals; non-Medicated grooming preparations for animals, namely, detanglers. |  |  |  |  |  |
| Whal Myung | 87-357,794[5,388,293] | Dong Wha Pharm. Co. | 3-3-17[8-22-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic preparations for skin care; cosmetics for the face and body. The english translation of "Whal myung" in the mark is "Life saving". |  |  |  |  |  |
| King George Soap Tested On Friends, Notanimals. Net Wt 8Oz / 226 G One Hundred Percent Handmade ?#@\*&%! | 87-375,191[5,388,331] | Colón Maurice | 3-17-17[9-12-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The colors pink, white, black, green, gold, nude, and brown are claimed as a feature of the mark. "Soap" and "One hundred precent handmade" and "Net wt 8oz / 226 g". The mark consists of the stylized wording "King george" in white above a picture of a stylized king with white hair, nude skin, pink lips and cheeks, and black eyes. the king is wearing clothing that is gold, white, brown, and black. a green and black wreath surrounds the left, right, and bottom portions of the king. there is a white speech bubble with the symbols "?#@\*&%!" within in it that appears to the left of the king'S head. the stylized wording "Soap" in white is located below the portrait of the king. to the right of the word "Soap" is the wording "Net wt 8oz / 226 g" in black. to the right of the wreath are three concentric circles, an inner white circle, a black circle, and a white circle outlined in black. within the black circle is the wording "One hundred percent" in white on top and "Handmade" in white on the bottom. there are two white circles on the left and right, separating "One hundred percent" from "Handmade". within the white circle is a black outline of a hand. to the left of the wreath is the wording "Tested on friends, not animals.", which appears vertically in black. all of the elements are within a pink square. Bar soap; bath soaps; natural soap bars; organic soap bars. King george soap tested on friends not animals net wt eight oz two hundred twenty six g one hundred percent handmade question mark hash tag at and percent exclamation mark. |  |  |  |  |  |
| Minifix Makeup | 87-379,355[5,388,340] | Tashman, Jeffry | 3-21-17[8-1-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Makeup". Cosmetic cases containing cosmetics, eyebrow pencils, eyeliner, lipstick pencils, lipliner pencils, blush pencils, concealer, highlighter pencils, face powder, brush applicators, foundation, and makeup remover; cosmetics. Mini fix makeup. |  |  |  |  |  |
| Cc+ Airbrush Perfecting Powder Illumination | 87-382,804[5,388,350] | L'oreal Usa Creative | 3-23-17[8-1-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Airbrush perfecting powder". Make-Up preparations. Cc plus air brush perfecting powder illumination. |  |  |  |  |  |
| Menthonol | 87-409,968[5,388,418] | Jp Renew Distributors | 4-13-17[8-15-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin lotions. |  |  |  |  |  |
| Bioperoxide | 87-424,673[5,388,453] | Solugen | 4-25-17[9-12-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Wipes impregnated with a cleaning preparation; all-Purpose cleaners. Bio peroxide. |  |  |  |  |  |
| Volcanospa | 87-442,094[5,388,491] | Millenia Productions | 5-9-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Pedicure preparations, namely, non-Medicated foot bath preparations, soaps for foot baths, foot scrubs, foot masks for skin care and non-Medicated foot lotions and oils. Volcano spa. |  |  |  |  |  |
| Jkosmmune | 87-446,234[5,388,506] | Jkosmmune | 5-11-17[9-19-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and make-Up; cosmetic preparations for skin care; cosmetic preparations for hair and scalp; non-Medicated preparations all for the care of skin, hair and scalp. |  |  |  |  |  |
|  | 87-447,118[5,388,507] | Jkosmmune | 5-12-17[9-19-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a circle, a line extending through the circle from the lower left to the upper right, a single line extending upwardly from the line to the perimeter of the circle, and three curved lines extending downwardly from the line to the perimeter of the circle. Cosmetics and make-Up; cosmetic preparations for skin care; cosmetic preparations for hair and scalp; non-Medicated preparations all for the care of skin, hair and scalp. |  |  |  |  |  |
| Veyali | 87-449,578[5,388,512] | Gina Benedetto | 5-15-17[9-19-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the word "Veyali" in lower-Case script. Cologne; eau-De-Cologne; eau de perfume; fragrances; perfumes. |  |  |  |  |  |
| Din Doo | 87-524,329[5,388,550] | Titan Industries Usa | 7-11-17[9-26-17] | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) blue and white is/Are claimed as a feature of the mark. The mark consists of the wording "Din doo" appearing in white inside a stylized bidet nozzle head. below the wording "Din doo" appears a light blue semi circle that partially encircles the word "Doo". centered within this semi circle is a second semi circle in white. all of the foregoing appears in a blue background. Anal hygiene products, namely, concentrated non-Medicated anal skin area cleansers containing witch hazel to be combined with water and ejected via a portable bidet system; specially formulated non-Medicated cleansers, namely, anal skin area cleansers for use in, or in conjunction with, portable bidet systems. The wording "Din doo" has no meaning in a foreign language. |  |  |  |  |  |
| Marks Registered Under Section 1(d) in More Than One Class |  |  |  |  |  |
| The following marks have been registered on the principal register pursuant to the intent-to-use provisions of Section 1(d) of the Trademark Act of 1946, as amended. |  |  |  |  |  |
| Cruiselife | 86-657,677[5,387,077] | Kbi Internatl. | 6-10-15[4-26-16] | Intl. 3, 25US. 1, 4, 6, 22, 39, 50, 51, 52 | - - - - |
| Non-Medicated fragrance free body care products, namely, lipstick, lip gloss, loose face powder, powder for make-Up, blush on mascara, nail enamel, nail polish, remover, eyebrow cosmetics, eye cream, eyeliner, eye shadow; non-Medicated hair shampoos for normal hair, hair shampoos for dry hair, hair shampoos for greasy hair, hair shampoos for dandruff scalp, hair conditioner, hair treatment preparations for cosmetic purposes, hair oil; non-Medicated preparations for hair styling; non-Medicated hair waving preparations, hair dye, hair wax, hair gel, hair spray, hair mousse; non-Medicated cosmetic preparations for slimming purposes; non-Medicated concealer for skin; non-Medicated face, body, facial concealer; non-Medicated creams for cellulite reduction; non-Medicated lotions for cellulite reduction; non-Medicated body scrub, facial scrubs, serums for use on face, facial oils; non-Medicated skin whitening creams, skin whitening preparations, acne treatment preparations, scar treatments, stretch mark treatments; depilatories; suntan oil for cosmetic purposes ; suntan lotion; suntan crèmes; sunscreen preparations; sunblock preparations; non-Medicated lip protectors; talcum powder; foam cleaners for personal use; liquid soaps; soaps for body care; shaving foam; after-Shave; body splash; antiperspirants and deodorants; bubble bath; bath oil; bath salts; bath foam; shower gel; foot deodorant spray; mouthwash; cleansing creams; cleansing milk; cosmetic nourishing creams; massage lotions; massage oils; astringent for cosmetic purposes; skin toners; facial masks; body scrub; anti-Aging cream; hand cream; lip balm; body lotion; after sun moisturizers; cleaning agents for household purposes, namely, for cleaning floors, toilets, ceramics in bathrooms and windows; wipes impregnated with a cleaning preparation; cleaning agents that include cleaning preparations that eliminate bacteria that cause products to age or reduce foul odors for general use and in cars; laundry preparations, namely, washing powder, laundry soap, fabric softener, rinse agents for washing machines for use when washing clothes; and detergents for machine dish washing. Clothing, namely, socks, underwear, shirts, t-Shirts, jackets, sweaters, slacks, pants, skirts; footwear, and hats. Cruise life. |  |  |  |  |  |
| Fresh Step | 86-781,956[5,387,147] | The Clorox Pet Products Company | 10-8-15[4-12-16] | Intl. 3, 5, 21US. 1, 2, 4, 6, 13, 18, 23, 29, 30, 33, 40, 44, 46, 50, 51, 52 | - - - - |
| The color(S) blue, yellow, gold and white is/Are claimed as a feature of the mark. The mark consists of a blue shield outlined in a beveled outer edge of alternating yellow and gold bands and inner edge of dark and light blue bands. the stacked words "Fresh step" appear in white and light blue, beveled initial case lettering on a blue background. the background has a light blue highlighted focal point behind the "E" of "Fresh". Odor removers for pets; pet stain removers; wipes impregnated with a cleaning preparation. Deodorizers for household pet litter boxes. Pet litter box accessories, namely, dust pans, scoopers, and brushes, caddies for holding the aforementioned accessories. |  |  |  |  |  |
| Work It Like A Pro | 86-833,746[5,387,210] | The B'laster Corporation | 11-30-15[4-12-16] | Intl. 1, 3, 4US. 1, 4, 5, 6, 10, 15, 26, 46, 50, 51, 52 | - - - - |
| Chemical preparations, namely, degreasing and cleaning solvents; engine decarbonizing chemicals. Automotive cleaning preparations; cleaner for use on hard surfaces; degreasing preparations for use on hard surfaces and equipment. All-Purpose lubricants; automotive lubricants; graphite lubricants; industrial and vehicular lubricants; household lubricants; marine lubricants; lubricants for ***agricultural*** machine implements; penetrants for industrial, automotive, farm, ***agricultural***, marine and household use, namely, penetrating oil; penetrating oil; water resistant lubricating greases that are in spray form; all-Purpose lubricants for industrial, automotive, farm, ***agricultural***, marine and household use. |  |  |  |  |  |
| All Better Baby | 86-836,958[5,387,214] | Johnson & Johnson | 12-2-15[5-17-16] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Baby". Gift pack comprising of baby wash and skin cleansers, premoistened wash cloths and non-Medicated diaper rash cream and ointment. Gift pack comprising of analgesics and pain relievers and medicated diaper rash cream. |  |  |  |  |  |
| Hawthorne | 86-840,551[5,387,218] | Hawthorne For Men | 12-6-15[5-23-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Cologne; eau de toilette; face and body lotions; fragrances; perfume; soaps for hands, face, and body; cosmetic body care preparations, namely, body moisturizers, shampoos, hair conditioners, and shower gels; cosmetic body care preparations, namely, cosmetic creams for skin care; cosmetic body care preparations, namely, shave and aftershave products, lotions, balms, gels. On-Line retail store services featuring fragrances, moisturizers, lotions, soaps, shampoos, conditioners, shower gels, skincare products, and aftershave products. |  |  |  |  |  |
| Oilistic Essential Wellness | 87-023,309[5,387,402] | Loredana Morett Herbst | 5-3-16[4-18-17] | Intl. 3, 10, 14, 35US. 1, 2, 4, 6, 26, 27, 28, 39, 44, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. "Essential wellness" as to classes 3 and 35, "Wellness" as to class 10, and "Essential" as to class 14. The mark consists of an image of a tree above the word "Oilistic" in script with the words "Essential wellness" below. Aromatherapy, bath, body, hair, and skin care products, namely, essential oils, hand lotions, face lotions, body lotions, lip balms, body scrubs, foot scrubs, non-Medicated foot creams, non-Medicated skin ointments, body powders, body sprays, non-Medicated skincare preparations, namely, body mists, massage oils, deodorants for personal use, aftershaves, make-Up removers, soaps, skin toners, face cleansers, body cleansers, facial masks, face creams, eye creams, non-Medicated foot powders; aromatherapy products kits composed of essential oils, hand lotions, body lotions, and lip balms; skin care products kits composed of body lotion, body scrubs, and body powders; bath salts, bath oils, body scrubs for use in the bath, scented room sprays, hair shampoo, hair conditioner, hair salt spray, reed diffusers comprised of scented oils and also including reeds and a diffuser container; fragrance beads; diffusers for emitting scented oils and scents; reeds and scented oils sold as a unit for use in room scent diffusers. Massaging apparatus for personal use. Jewelry; pendants containing essential oils; rings. Retail stores and online retail stores featuring fragrances, essential oils, diffusers, skincare preparations, hair care preparations, personal massagers, jewelry, candles and tea. |  |  |  |  |  |
| Eco Balance | 87-050,501[5,387,473] | Glo Science | 5-26-16[4-11-17] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| Dental bleaching gels, teeth whitening kits, teeth bleaching preparations, teeth cleaning preparations, teeth whitening gels, teeth whitening preparations, non-Pharmaceutical formulations, namely, post-Foaming gels, to treat gingivitis, gum inflammation, plaque and halitosis. Applying therapeutic treatment services in the nature of breath freshening services, tooth whitening services, treatment of periodontal disease, treatment for preventing periodontal disease, treatment for preventing gingivitis, treatment for fighting oral inflammation. |  |  |  |  |  |
| Siani | 87-215,967[5,387,794] | Smart-N-Healthy | 10-26-16[4-4-17] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Lotions for face and body care; lotions for face and body care; age retardant lotion; beauty lotions; face and body lotions; face and body lotions; facial lotion; non-Medicated facial and eye serum containing antioxidants. On-Line wholesale and retail store services featuring beauty and bath products. The name "Siani" does not identify a living individual. The english translation of "Siani" in the mark is "God is gracious" in the welsh language. |  |  |  |  |  |
|  | 87-230,123[5,387,869] | Lkk Health Products Group | 11-8-16[4-4-17] | Intl. 3, 5, 30, 32US. 1, 4, 6, 18, 44, 45, 46, 48, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of three chinese characters. Bar soap; shampoos; hair conditioners; facial cleansers; bath lotion; hand cleaners, hand cleaning preparations; washing powder; scale removing preparations for household purposes; toilet bowl detergents; glass cleaning preparations; stain removers; detergents for household use; cosmetics; dentifrices; air fragrancing preparations. Herb teas for medicinal purposes; dietetic foods, namely, pasta and crackers adapted for medical use; food for babies; health food supplements; by-Products of the processing of cereals for medical purposes; pharmaceutical preparations for skin care; nutritional supplements; mineral food supplements; dietary fiber to aid digestion; nutritional food additives for medical purposes in the nature of natural food extracts derived from vegetables. Tea-Based beverages; cocoa beverages with milk; sweets, candy; flavored, sweetened gelatin desserts; herbal tea for food purposes; rice-Based snack foods; farinaceous food pastes for human consumption; processed cereal-Based food to be used as a breakfast food, snack food or ingredients for making other foods. Vegetable juice; non-Alcoholic fruit juice beverages; smoothies; unfermented must; vegetable drinks; vegetable-Fruit juices; ginger ale; fruit juice concentrates; syrups for beverages. The non-Latin characters in the mark transliterate to "Wú", "Xiàn", and "Jí" and this has no meaning in a foreign language. |  |  |  |  |  |
|  | 87-238,312[5,387,930] | Biostime Hong Kong | 11-16-16[4-4-17] | Intl. 3, 5, 29, 30US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a notched circular ring with an irregular design inside. Bath lotion; cleansing milk for toilet purposes; cosmetic preparations for skin care; cosmetics; dentifrices; fabric softeners for laundry use; hair conditioner; hair lotions; hand cleaning preparations; oils for cosmetic purposes; sunscreen preparations; talcum powder; toilet waters; washing preparations and laundry bleach. Antiseptic wipes; babies' diaper-Pants; babies' napkins; breast-Nursing pads; cod liver oil; food for babies; infant formula; lacteal flour for babies; mineral food supplements; nutritional supplements; powdered milk for babies; vitamin preparations. Dried fruit-Based snacks; fruit-Based snack food; fruit pulp; jams; meat hash; milk; milk beverages, milk predominating; milk powder; milk products excluding ice cream, ice milk and frozen yogurt; prepared nuts; vegetable-Based snack foods. Candy; cereal based snack food; cookies; farinaceous food pastes for human consumption; fondants; fruit jelly candy; noodles; oat flakes; pastries; rice-Based snack foods; rice flour; rice vermicelli; spaghetti. |  |  |  |  |  |
|  | 87-239,199[5,387,937] | Products On The Go | 11-16-16[8-8-17] | Intl. 3, 5, 16US. 1, 2, 4, 5, 6, 18, 22, 23, 29, 37, 38, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a cartoon image of a chubby infant seated with his/Her legs off to the right, with an unrealistically large round head, very large eyes looking upward and to the right and with a smile, with no representation of a nose, and semicircular ears protruding from each side of the head. Baby wipes; non-Medicated diaper rash cream; non-Medicated diaper rash ointments and lotions. Babies' diapers; babies' napkins; babies' swim diapers; babies' diaper-Pants; baby diapers; disposable baby diapers. Disposable pads for diaper changing. |  |  |  |  |  |
| Febreze One | 87-246,965[5,387,973] | The Procter & Gamble Company | 11-23-16[4-11-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Scented fabric refresher spray; scented room sprays. Deodorizers for fabric, textiles and carpet; air deodorizer. |  |  |  |  |  |
| Budder | 87-369,061[5,388,312] | Lovebud | 3-13-17[8-15-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations; skin care preparations, namely, body balm. Medicated lip balm. |  |  |  |  |  |
| Hairsanity | 87-376,730[5,388,334] | H Plus Holdings | 3-19-17[8-1-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetic preparations for the hair and scalp; gel for scalp and/Or hair; hair care creams; hair care kits comprising non-Medicated hair care preparations, namely, conditioner, shampoo and/Or scalp treatment preparation; hair care lotions; hair conditioners; hair cleaning preparations; hair conditioners; hair lotions; hair gels; hair shampoo; hair shampoos and conditioners; non-Medicated preparations all for the care of hair and scalp; non-Medicated serums for use on hair and/Or scalp; 3-In-1 hair treatment system comprised of hair care preparations; oils for scalp and/Or hair; lotion for scalp and/Or hair; hair shampoos and conditioners; hair shampoos and scalp treatment preparations; hair masks. Medicated hair care preparations, namely, shampoo, conditioner and spot scalp treatment, for treatment and prevention of dry, itching and flaking scalp. |  |  |  |  |  |
| Swade | 87-412,367[5,388,421] | Swadeco | 4-14-17[8-29-17] | Intl. 3, 25US. 1, 4, 6, 22, 39, 50, 51, 52 | - - - - |
| Cologne; body sprays; skin moisturizer; skin soap; shampoos. Clothing, namely, t-Shirts, shirts, undergarments, socks, none of which are made of the material suede. Suede. |  |  |  |  |  |
| Enviro-Biotics | 87-416,460[5,388,432] | Better Air North America | 4-19-17[8-22-17] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cleaning preparations; cleaning preparations, namely, an environmental probiotic spray for purifying surfaces. Air deodorizing preparations; air deodorizing preparations, namely, an environmental probiotic spray for deodorizing air; environmental probiotic spray for purifying air. |  |  |  |  |  |
| Marks Published For Opposition in One Class - Class 3 |  |  |  |  |  |
| Izia Sisley | 79-195,711[00] | C.F.E.B. Sisley | 9-2-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) golden and white is/Are claimed as a feature of the mark. The mark consists of the wording "Izia" displayed in white stylized letters featured in a golden rectangle containing several streaks of white lines, with the wording "Sisley" displayed below the wording "Izia" in golden letters. Soaps, perfumery, essential oils, cosmetics, hair lotions. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Dr.Dareun | 79-202,059[00] | Shin, Dong Hee | 9-30-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Dr. dareun" in a stylized font, appearing above asian characters in a stylized font that transliterate into "Dagteo dareun.". Functional cosmetics; cosmetic skin milk for men; anti-Aging cosmetic preparations; cosmetics for hair and scalp; beauty masks; cosmetic preparations for the hair; cosmetic moisturizers for use on skin, faces, scalps; cosmetic preparations for bath and shower; cosmetic preparations for body care; baby lotions; moisturizing agents, namely skin, face, body and hand moisturizers; non-Medicated blemish balm creams for use on hair, skin and lips; sun block cosmetics; cosmetic skin care lotions; facial essences, namely essential oils for cosmetic facial purposes, facial lotions, facial creams and facial moisturizers; baby bath cleansers in the nature of bath soaps, bath milks and bath gels; baby body milks; facial emulsions; cosmetic creams and lotions for face and body care; cream for whitening the skin; cosmetic preparations for skin renewal; hair care preparations; gel facial mask being a kind of cosmetic mask; multifunctional shampoo. The name "Dr. dareun" does not identify a living individual. The non-Latin characters in the mark transliterate to "Dagteo dareun" and this means "Dr. different" in english. |  |  |  |  |  |
| The Roman Night | 79-204,658[00] | Bulgari S.P.A. | 11-11-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Eau de cologne; bath foam; hair conditioners; cosmetics; deodorants and antiperspirants for human beings; eau-De-Toilette; body emulsions for cosmetic use; body scrub; cosmetic facial scrubs; extracts of flowers for perfumes; extracts of perfumes; perfumes; foaming bath gels; hairspray; cosmetic cleansing milk; moisturizing body lotions; hair lotions; essential oils for personal use; natural oils for perfumes; non-Medicated bath oils; cosmetic body oils; scented oils used to produce aromas when heated; oils for perfumes and scents; scented oils; scented talcum powders; perfumery products; perfumery and fragrances; cakes of toilet soap; shampoo; shampoo-Conditioners; scented body spray; body talcum powder; talcum powder. |  |  |  |  |  |
| Yes I Do | 79-207,495[00] | Editions Des Sens | 11-24-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfumes; eau de cologne; lavender water; scented water for body and linen; eaux de toilette; air fragrancing preparations; sachets for perfuming linen; aloe vera preparations for cosmetic use; cakes of toilet soap; soaps; almond soaps; amber as perfume; aromatics essential oils; essential oils namely badian; cosmetic preparations for baths; bath salts, not for medical use; astringents shaving stones; shaving soaps; incense sticks; balms other than for medical use, namely, lip balms, body balms, skin balms; beauty masks; bergamot oil; scented wood; hair lotions; essential oils; essential oils of cedarwood; essential oils of lemon; cosmetics; cosmetic creams; deodorants for personal use and for room fragrancing; incense; ethereal essences; ethereal oils; flowers essences for cosmetic purposes; bases for flower perfumes; fumigation preparations in the nature of perfumes; gaultheria oil for use as an essential oil; massage gels other than for medical use; geraniol, namely, essential oil made from geraniol and used for perfumes; heliotropine for use as a scent for perfumes; oils for toilet purposes; jasmine oil for use as an essential oil; rose oil for use as an essential oil and for cosmetic use; lavender oil; oils for cosmetic use; oils for perfumes and scents; ionone perfumery; cleansing milk for toilet purposes; lotions for cosmetic use; after-Shave lotions; hair lotions; mint essence; mint for perfumery; musk perfumery; cosmetic set comprised of make-Up, cosmetic pencils, lipsticks, nail varnish; cosmetic products for skin care namely skin lotion, exfoliating scrub, sun-Tanning preparations; shaving products namely shaving soaps, shaving lotion, shaving balms; safrol for use as an essential oil and for cosmetic use; bath salts not for medical use; shampoos. |  |  |  |  |  |
| N Nanocarrier | 79-207,550[00] | Nanocarrier Co. | 12-15-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Nanocarrier". The mark consists of the wording "Nanocarrier" and a stylized letter "N" featuring a partially-Shaded circle. Skin lotions; milky lotions for the skin; beauty serums; cosmetic creams; cosmetics for basic skin care; medicated cosmetics; moisturizing cosmetics for skin; cosmetics for massage, namely, cosmetic massage creams, cosmetic massage oils, cosmetic massage lotions, massage gels, and massage waxes; hair rinses; non-Medicated hair treatment preparations for cosmetic purposes; cosmetics for hair care; bath salts, other than for medical purposes; bath additives, other than for medical purposes, namely, bath bombs, bath oils, bath melts, bath flakes, bath gels, bath crystals, bath fizzies, bath milk, bath beads, and bath preparations; hair tonics for scalp and hair care; deodorants for human body; cosmetics; facial wash; body soaps; shampoos; soaps; breath fresheners; deodorants for pets; perfume and ethereal oils; extracts of flowers sold as components of cosmetics, perfumes; dentifrices; anti-Static preparations for household purposes; de-Greasing preparations for household purposes; rust removing preparations; fabric softeners for laundry use; laundry bleach; laundry starch; funori being seaweed gelatin for laundry use. |  |  |  |  |  |
| Orphica | 79-207,564[00] | Abriga | 11-17-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) dark blue is/Are claimed as a feature of the mark. The mark consists of the wording "Orphica" in dark blue. Lotions for cosmetic purposes; body lotions; shaving balm; non-Medicated hair balm; sun tan lotion; non-Medicated lip balms; hand lotions; non-Medicated foot balms; lotions for cellulite reduction; lip glosses; facial wipes impregnated with cosmetics; eyelid shadow; deodorants and antiperspirants; body emulsions; depilatory lotions; facial emulsions; lotions for strengthening the nails; after-Shave emulsions; sunscreen lotions; eyeliner, colour cosmetics for the eyes; facial concealer; cosmetic eye pencils; cosmetic body scrubs; cosmetic face powders; cosmetic eye gels; cosmetics; cosmetic preparations for eyelashes; eyebrow cosmetics; make-Up; cosmetics and cosmetic preparations; cosmetics for personal use; cosmetic preparations for skin care; lip cosmetics; lip liners; eye pencils; make-Up pencils; body cream; face creams for cosmetic use; hand creams; make-Up removing creams; creams for cellulite reduction; moisturising creams; body lotions and hair gels; day skin creams; night skin cream; cosmetic creams and lotions; cleansing creams; cosmetic skin conditioning creams; non-Medicated creams for firming the skin; exfoliant creams; nail polish; hair spray; body masks; facial masks; cosmetic skin masks cosmetics; cleansing milk for toilet purposes; make-Up removing milks; milky lotions for skin care; soaps and skin moisturizing gels; lip conditioners; hair nourishers; body oils for cosmetic use; foot scrubs; cosmetic facial scrubs; perfume; washing-Up liquids; cosmetic facial washes; eye lotions; make-Up removing lotions; non- medicated bath preparations; body cleaning and skin cleaners; non-Medicated skin care preparations; perfumery; cosmetic rouges; artificial eyelashes; false eyelashes; beauty serums; serums for cosmetic purposes; bath salts; toothpaste; dentifrice; shampoos; lipsticks; talcum powder, for toilet use; artificial fingernail tips; skin toners; beauty tonics for application to the body; beauty tonics for application to the face; cosmetic tonics; mascara; cologne; eau de parfum; toilet water; make-Up removing gels; skin cleansing gels; eye gels; eyebrow gel; bath gel; gel eye masks. The wording "Orphica" has no meaning in a foreign language. |  |  |  |  |  |
| K + Kèrluxe | 79-213,478[00] | Cosswiss | 5-26-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "K + kèrluxe". Shampoos; gels, sprays, foams and balms for hair styling and hair care; creams for the hair; hair lotions; hair waxes; hair sprays; hair dyes and hair bleaching preparations; preparations for hair setting and waving; essential oils; perfumery preparations; toothpastes. K plus kèrluxe. |  |  |  |  |  |
| Color -Conscious | 79-214,308[00] | Number Three | 4-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Color". Hair color; hair dyes; hair colouring preparations; hair bleaches; color-Removing preparations for hair; shampoos; hair conditioners; hair care preparations; cosmetics; cosmetic soaps. |  |  |  |  |  |
| Mades | 79-216,702[00] | Mades Cosmetics B.V. | 5-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Mades" in stylized font in which the letters "A"And "E" appear elongated. Soap tablets for washing and cleaning the hands and body; perfumery products, namely, body sprays, cosmetic soaps in tablet form; cosmetic products, namely, body wash, bath and shower gel, bath pearls, body scrub, bath caviar, namely, an urea based bath product; bath fizzer tablets, namely, a mixture of citric acid and sodium bicarbonate that fizzes when dissolved; body lotion, hand cream, body butter, massage oil, body oil and lip balm; hair care preparations; hair shampoo and hair conditioner. |  |  |  |  |  |
|  | 79-219,888[00] | Meizhou Equity Investment (Kunshan) Co.,Ltd. | 8-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of three chinese characters. Washing powder; stain removers; grinding preparations, namely, abrasive sand; perfumery; cosmetics; breath freshening sprays; deodorants for animals; cosmetics for animals; dentifrices; shampoos for pets. The transliteration of the non-Latin characters in the mark is: "Man zhi tang". First characters "Man" means "Satisfaction"; the second character "Zhi" means "Gorgeous"; the last characters "Tang" means "Hall". |  |  |  |  |  |
| L'actone | 79-220,737[00] | Tis Sanayi Ve Dis Ticaret Anonim Sirketi | 3-29-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "L'Actone". Laundry bleaching preparations; cleaning preparations; laundry bleach, fabric softeners for laundry use, stain removers, dishwasher detergents; perfumery; cosmetics; fragrances; deodorants for personal use; deodorants for animals; liquid soaps for laundry; liquid bath soaps; dental care preparations, namely, dentifrices, denture polishes, tooth whitening preparations and mouth washes, not for medical purposes; abrasive preparations for cleaning; emery cloth; sandpaper; pumice stones for personal use; abrasive pastes; polishing preparations for leather, vinyl, metal and wood, polishes and polishing creams for leather, vinyl, metal and wood; wax for polishing. "L'Actone" has no meaning in a foreign language. |  |  |  |  |  |
| Revivoil | 86-447,870[00] | Henkel Ag & Co. Kgaa | 11-7-141-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations; hair styling preparations. Revival. |  |  |  |  |  |
| Touchable Texture | 86-454,929[00] | Flow Beauty Care | 11-14-141-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Texture". Hair care preparations; hair colouring preparations; hair care products, namely, shampoos, hair conditioners, hair gels, hairsprays, hair masques and non-Medicated hair treatment preparations for cosmetic purposes; beauty care products, namely, lotions and creams for hair. |  |  |  |  |  |
| Artechnology | 86-905,379[00] | Nextcell Medical Company | 2-11-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin care products, namely, non-Medicated skin care preparations, non-Medicated skin creams and lotions. |  |  |  |  |  |
| Freshsense | 86-921,551[00] | Yuen Foong Yu Consumer Products Co. | 2-26-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of "Freshsense" in stylized form. Bath salt; hair conditioner; body wash. Fresh sense. |  |  |  |  |  |
| Yagna | 86-935,530[00] | N. Ranga Rao And Sons Private | 3-10-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Incense; incense in the form of incense cones; dhoops, namely, incense sticks; fragrances; perfumes; potpourri; aromatic potpourris; massage oils; essential oils; scented oils. |  |  |  |  |  |
| N+B+C Beautilab | 87-020,195[00] | Val Usa Manufacturer Zhen, Lijuan | 4-29-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Gels for cosmetic purposes; beauty gels; nail gel; nail polish; nail polish base coat; nail polish top coat; nail care kits comprising nail polish. N plus b plus c beauty lab; n and b and c beauty lab. |  |  |  |  |  |
|  | 87-067,181[00] | Lunatick Cosmetic Labs | 6-10-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a three-Dimensional configuration of packaging in the form of a planchette-Shaped container for facial makeup. the matter shown in a dashed line circumnavigating the edge of the container is shown to differentiate the upper and lower portions of the container that separate upon opening and is not claimed as a feature of the mark, and the various internal diagonal lines are for shading purposes only and are not claimed as a feature of the mark. additionally, the circular element appearing in dashed lines, indicating the location of a mirror, is shown to identify placement of the mirror and is not claimed as a part of the mark. Cosmetics. |  |  |  |  |  |
| Native | 87-080,938[00] | Zenlen | 6-22-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; cosmetics and cosmetic preparations; cosmetics and make-Up; colognes, perfumes and cosmetics. |  |  |  |  |  |
| Tac Treatment & Care | 87-089,205[00] | Omni Bioceutical Innovations | 6-30-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Treatment & care". The mark consists of the letters "T" and "A" in one rectangle and the letter "C" in another rectangle with curved lines inside each rectangle, above the wording "Treatment & care". Non-Medicated skin care preparations and cosmetics, namely, human growth factor serums, anti-Aging serums, anti-Inflammatory masks, tattoo recovery masks, and sunscreen, moisturizers, lotions, cleansers, soaps, and makeup; non-Medicated hair care preparations, namely, human growth factor serums, conditioning serums, and eyelash and brow growth serums, shampoos and conditioners. |  |  |  |  |  |
| Togooo | 87-123,594[00] | Equity Design Desenvolvimento De Produtos E Processos Ltda | 8-1-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a water droplet containing the stylized literal element of "Togooo" within it. Laundry detergent; biotechnological cleaning solution for eliminating odors, breaking down organics, and removing stains; cleaning and washing preparations; effervescent cleaning tablets for washing clothing items; cleansing creams; cosmetic creams; cosmetic creams for skin care; cosmetic massage creams; cosmetic nourishing creams; skin and body topical lotions, creams and oils for cosmetic use; foams containing cosmetics and sunscreen; waterproof sunscreen; deodorants and antiperspirants; deodorant soap; shaving gel; aloe vera gel for cosmetic purposes; eyeglass lens cleaning solutions; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; hand cleaning gels; soaps, namely, hand and antibacterial soaps; sun-Tanning oils and lotions; non-Medicated feminine hygiene wash; feminine deodorant sprays; cosmetics and make-Up; pre-Moistened cosmetic tissues; cloths or tissues impregnated with a skin cleanser; toothpaste and mouthwashes; antibacterial soap; waterless soap; skin soap; body wash; non-Medicated lip balm; hydrogen peroxide for cosmetic purposes; toiletry bags sold filled with soap, shampoo, body wash, hair conditioner, body lotion. To gooo. |  |  |  |  |  |
| Unity All-In-One Colour Gel Polish | 87-132,786[00] | Bio Seaweed Gel | 8-9-161-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "All-In-One colour gel polish". Nail coatings, namely, nail paint; nail polish, nail gels, nail lacquers, nail strengtheners, nail hardeners, nail polish top coat, nail polish base coat, nail sculpting gel, nail care preparations. Unity all-In-One color gel polish. |  |  |  |  |  |
| Peppermint Swirl | 87-289,497[00] | Tri-Coastal Design Group | 1-4-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Peppermint". All-Purpose cleaners; bath pearls; body creams; body scrub; bubble bath; cosmetics; foot scrubs; gel eye masks; lip balm; lip gloss; nail polish; non-Medicated foot lotions; non-Medicated skin care preparations; reeds and scented oils sold as a unit for use in room scent diffusers; scented body spray; shower gel; non-Medicated bath salts; non-Medicated liquid soaps. |  |  |  |  |  |
| Shayla Naturally | 87-292,547[00] | Shayla Naturally | 1-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a drawing of shayla'S face and upper torso inside a circle with the words "Shayla naturally" below the circle. Body cream; exfoliant creams; hair conditioners for curly hair; hair conditioners for straight hair; hair conditioners for babies; hair products, namely, thickening control creams; hair rinses; baby shampoo; hair shampoo; hair rinses; hair rinses; oils for hair conditioning. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies a living individual, shayla ruiz, whose consent(S) to register is made of record. |  |  |  |  |  |
| Henslow's | 87-295,826[00] | Henslow's | 1-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Beauty lotions; body lotion; body and beauty care cosmetics; cosmetic preparations for body care; non-Medicated skin care preparations, namely, balms, salves, lotions, creams, oils; all of the foregoing containing hemp; all of the foregoing containing only fda-Approved ingredients. |  |  |  |  |  |
| Clean15 | 87-303,371[00] | Clove + Hallow | 1-16-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and skincare products, namely, loose and pressed face powders, lipsticks, lip glosses, eyeshadows, blushes, foundations, tone adjusting makeup, mascaras, skin cleansers, facial moisturizers, and facial oils, all of the aforementioned goods formulated using a minimalist approach with fifteen-Or-Fewer primarily natural main ingredients. Clean fifteen. |  |  |  |  |  |
| Blue Heat | 87-314,025[00] | Morris, Elizabeth K | 1-25-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| General purpose mentholated ointment not for medical use. |  |  |  |  |  |
| Native Deodorant | 87-319,841[00] | Zenlen | 1-31-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Deodorant". Cosmetic preparations for body care; cosmetics; cosmetics and cosmetic preparations; deodorants for body care; deodorants for human beings; body deodorants; personal deodorants. |  |  |  |  |  |
| Glory Covering | 87-322,296[00] | Glory Coverings | 2-2-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair and scalp products, namely, non-Medical hair restoration products in the nature of hair restoration lotion, hair nourishment products in the nature of hair nourishing creams and hair nourishing oils, thickening control creams, shampoos, conditioners, leave-In conditioners, deep conditioners, hair oils, hair lotions, hair gels. |  |  |  |  |  |
| Brazilian Nude | 87-323,863[00] | Sol De Janeiro | 2-3-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Brazilian" for hair removal preparations and depilatories for international class 3. Cosmetics; body cream; lotion, namely, body lotion, shaving lotion, and shaving cream; shower gel; hair removal preparations; depilatories. |  |  |  |  |  |
| Black Hair Matters | 87-329,782[00] | Zouva Ip | 2-9-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Black hair". Body and beauty care cosmetics; hair care preparations; hair conditioners; hair care lotions; hair care preparations; hair conditioner; hair conditioners; hair creams; hair detangler preparations; hair detangling preparations; hair dressings for men; hair dressings for women; hair gel; hair gel and hair mousse; hair gels; hair lotion; hair lotions; hair oils; hair relaxers; hair rinses; hair shampoo; hair shampoos and conditioners; hair spray; hair sprays; hair sprays and hair gels; hair straightening preparations; hair waving lotion; hairspray; shampoos; hair shampoo; hair shampoos and conditioners; non-Medicated hair restoration lotions. |  |  |  |  |  |
| Brazilian Kiss | 87-331,799[00] | Sol De Janeiro | 2-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; lip balm. |  |  |  |  |  |
| A Kleen Future Starts With The Hands That Build It | 87-336,745[00] | Vida Luminations | 2-15-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Emulated bar soap, more specifically, a bar soap device consisting primarily of a liquid soap pod and laminated led chip inside the bar soap that illuminates the bar soap while dispensing liquid soap to the consumer during use. A clean future starts with the hands that build it. |  |  |  |  |  |
| Nyc Crush | 87-354,254[00] | Very Fetching Company | 3-1-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Nyc". Cosmetics; perfumery. New york city crush. |  |  |  |  |  |
| Shades | 87-361,319[00] | Forty Acres And A Mule Filmworks | 3-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations; sunscreen. |  |  |  |  |  |
| Lacquerlicious | 87-364,205[00] | Toscano, Rob | 3-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Nail-Polish removers; nail polish; nail polish base coat; nail polish pens; nail polish remover; nail polish top coat. |  |  |  |  |  |
| Rachelmade | 87-364,709[00] | Rachelmade Products | 3-9-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and non-Medicated skin care products, namely, skin creams, skin moisturizers, body scrubs, facial masks, soaps, bath soaks, skin lotions, lip balms and glosses, shaving soaps, shaving balms. Rachel made. |  |  |  |  |  |
| Rethink Bath | 87-365,955[00] | Rethink Brands | 3-9-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Bath". Toothpaste; cleaning solutions; shampoo; body care products, namely, face and body lotions, face creams, facial moisturizers with spf, sunscreen cream, deodorant for personal use, antiperspirant for personal use, and non-Medicated liquid soap for hands, face and body; non-Medicated skincare preparations; non-Medicated mouthwash. |  |  |  |  |  |
| Rethink Laundry | 87-365,963[00] | Rethink Brands | 3-9-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Laundry". Laundry detergent; laundry soap; detergent soap; anti-Static dryer sheets; fabric softeners for laundry use; bleaching preparations for laundry use; laundry bleach; laundry pre-Soak; liquid laundry detergents; powder laundry detergents; starch for laundry purposes. |  |  |  |  |  |
| R-Mc | 87-366,985[00] | Ect | 3-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cleaning preparations in the nature of cleaning compositions for engines, jet engines, turbines and generators, pumping stations and auxiliary power units. |  |  |  |  |  |
| Innovation At Work | 87-368,772[00] | Washing Systems | 3-13-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Laundry detergent, bleaching agents and fabric treatments for use in commercial laundries. |  |  |  |  |  |
| Groom And Get Lucky | 87-370,209[00] | Kaffenbarger, Amos | 3-14-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Groom". Cosmetic oils, namely, face oils, hair dressings for men, hair oils, oils for hair conditioning; hair care products, namely, shampoos, hair creams, hair gels, hair-Washing and hair-Styling powders, hair oils, shaving creams, shaving gels, and aftershaves; skin care products, namely, non-Medicated cosmetic soap, body wash, face wash, non-Medicated skin care lotions and creams, face cream, body cream and lotions, skin cream and lotions, non-Medicated skin ointments, anti-Aging creams, anti-Aging gel, anti-Aging lotion; sunscreen; deodorants and antiperspirants for personal use, namely, deodorizing body powder, deodorizing body lotion, deodorizing soaps, deodorizing wipes; non-Medicated anti hair-Loss treatment preparations for cosmetic purposes; non-Medicated wrinkle removing skin care preparations. |  |  |  |  |  |
| Nutri Soft | 87-370,383[00] | Babo Botanicals | 3-14-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Shampoos; hair conditioners; body scrubs, body wash; body oil; face oil; body cleansing wash; make-Up; lip stick; eye liner; mascara; eye shadow; cosmetics. |  |  |  |  |  |
| Drive | 87-370,614[00] | Caren Products | 3-14-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Sunscreen cream; sunscreen preparations; cosmetic sunscreen preparations; waterproof sunscreen. |  |  |  |  |  |
| Sensitive Side | 87-372,430[00] | Kiss My Face | 3-15-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sensitive". Personal care products, namely, non-Medicated sunscreen preparations. |  |  |  |  |  |
| Kleenex Wet Wipes Gentle Clean | 87-373,565[00] | Kimberly-Clark Worldwide | 3-16-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Wet wipes gentle clean". Pre-Moistened cosmetic wipes. |  |  |  |  |  |
| Kleenex Wet Wipes Germ Removal | 87-373,571[00] | Kimberly-Clark Worldwide | 3-16-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Wet wipes germ removal". Pre-Moistened cosmetic wipes. |  |  |  |  |  |
| Kleenex Wet Wipes Sensitive | 87-373,576[00] | Kimberly-Clark Worldwide | 3-16-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Wet wipes sensitive". Pre-Moistened cosmetic wipes. |  |  |  |  |  |
| Perfect Volume | 87-374,474[00] | Naturelab. Co. | 3-16-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Volume". Hair cream; hair conditioner; hair spray; hair gel, hair tonic; hair mousse; hair rinse, hair lotion; hair mascara; hair wax; hair care preparations; cosmetic hair dressing preparations; cosmetics; shampoo; hair shampoo; non-Medicated scalp shampoo; bath soaps; toothpaste; fragrances; perfume; false nails; false eyelashes; adhesives for affixing false hair; adhesives for affixing hair pieces; adhesives for affixing wigs; laundry starch; seaweed gelatin for laundry use (Funori); adhesives for false eyelashes. |  |  |  |  |  |
| Dr. B's L'homme | 87-377,446[00] | Chemco Corp. | 3-20-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "L'Homme". Bath fizzies; body lotion; body masks; hair pomades; hair shampoos and conditioners; hair styling gel; non-Medicated exfoliating preparations for skin in the nature of a sugar-Based scrub; shave creams; shaving gels. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies eitelberg bergie montarroyos, whose consent(S) to register is made of record. The english translation of "L'Homme" in the mark is "Man". |  |  |  |  |  |
| Nyfw The Shows New York Fashion Week Backstage Favorite | 87-378,134[00] | Img Worldwide | 3-20-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the words "New york fashion week" and "Backstage favorite" separated by periods and forming a circle with the words "Nyfw the shows" in the center. Mascara and eyeliner. |  |  |  |  |  |
| Touch Glorious | 87-379,165[00] | Younique | 3-21-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and cosmetic preparations; make-Up primer. |  |  |  |  |  |
|  | 87-381,492[00] | Tous Les Jours Manufacturing Cc | 3-22-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a sitting bunny wearing a sleeveless top and handkerchief around its neck. Baby care cosmetics; baby body wash; baby lotion; non-Medicated baby diaper rash cream; baby powder; scented baby room spray. |  |  |  |  |  |
| Ultra Vivid Color Collection By Norvell | 87-381,897[00] | Sunless, | 3-22-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The colors black, white, silver, purple, and grey are claimed as a feature of the mark. "Color collection". The mark consists of the word "Ultra" in mixed silver, grey, and white hues in a stylized font above the word "Vivid" in mixed silver, grey, and white hues in a stylized font with a purple tear drop at the bottom of the second "V" in "Vivid", above the words "Color collection" in mixed silver, grey, and white hues in a stylized font, above the words "By norvell" in mixed silver, grey, and white hues in a stylized font, all of the foregoing on a black background. Cosmetic tanning preparations, namely, skin lotions for accelerating, coloring, enhancing, and extending tans; uv-Free indoor sun-Tanning preparations for use on skin; self-Tanning preparations, namely, self-Tanning lotions, tan enhancing moisturizing lotions, and skin moisturizers; sun-Tanning preparations; cosmetic tanning preparations, namely, tanning bronzing spray for skin treatment to be used in tanning booths; self-Tanning preparations. |  |  |  |  |  |
| Good Hair Care | 87-383,483[00] | Good Hair Care | 3-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Hair care". Hair care products, namely, heat protection sprays; hair conditioner; hair oils; hair spray; hair styling preparations; shampoos. |  |  |  |  |  |
| Ode | 87-393,166[00] | Mcevoy Of Marin | 3-30-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Soap, hair products, lotions, balms and lip stick. |  |  |  |  |  |
| Powder Puff Lippie | 87-393,825[00] | L'oreal Usa Creative | 3-31-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Lipstick, lip gloss and lip color. |  |  |  |  |  |
| The Lipstick Lobby | 87-395,956[00] | Studio 71, Lp | 4-3-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lipstick". Cosmetics; lipstick; non-Medicated skin care preparations; non-Medicated body care preparations. |  |  |  |  |  |
| Cibetta | 87-396,703[00] | Deysi Elvira Concepcion De Gonzalez | 4-3-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair balsam; hair conditioner; hair conditioners; hair creams; hair gel; hair glaze; hair masks; hair mousse; hair mousses; hair nourishers; hair oils; hair rinses; hair shampoo; hair tonic; hair tonics; shampoo-Conditioners; hair shampoos and conditioners; non-Medicated dandruff shampoo. |  |  |  |  |  |
| Jowae | 87-400,511[00] | Laboratoire Jowae | 4-6-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated soaps, perfumery, essential oils, cosmetics, non-Medicated cosmetic preparations for the care of the skin; non-Medicated cosmetic preparations for the maintenance and embellishment of the skin, namely, cream for body, cream for face, body and facial emulsion, body and facial lotion, body and facial oil, beauty balm cream, lip balm, body milk, hand cream, facial cleanser; cosmetic preparations for slimming purposes; deodorant for personal use; shaving and aftershave preparations; cosmetic sun protection preparations; beauty masks; cosmetic shower preparations. The wording "Jowae" has no meaning in a foreign language. |  |  |  |  |  |
| Fifty Kisses Lip Locking Liquid Color | 87-400,528[00] | Laura Geller Brands | 4-6-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Liquid color". Cosmetics; lipstick. |  |  |  |  |  |
| Triple Micellar Technology | 87-401,172[00] | Johnson & Johnson | 4-6-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Triple micellar technology". The mark consists of a circular logo containing "Triple micellar technology" surrounding a water drop having three small circles. Non-Medicated facial skincare cosmetic products, namely, facial cleanser, facial wipes impregnated with a cleaning preparation. |  |  |  |  |  |
| Nude Kisses Lip Hugging Lip Gloss | 87-403,178[00] | Laura Geller Brands | 4-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lip gloss". Cosmetics; lip gloss. |  |  |  |  |  |
| Sexy Toxic | 87-406,367[00] | Chen, Yanqian | 4-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of stylized wording "Sexy toxic". Beauty masks; cosmetics; eyebrow pencils; false nails; lip glosses; lipstick; lipstick cases; lipsticks; nail care preparations; nail polish. |  |  |  |  |  |
| Poudre De Plume | 87-409,599[00] | Ahn Perfumes | 4-13-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfume; perfumes. The english translation of "Poudre de plume" in the mark is "Feather powder". |  |  |  |  |  |
| Simply Baby Wellness Products | 87-411,254[00] | Michael Sheena | 4-13-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) black and green is/Are claimed as a feature of the mark. "Baby wellness products". The mark consists of the words "Simply baby" in black and words "Wellness products" located below in green. above the wording is a picture of a green stork carrying a green baby in a black bag. Baby products, namely, baby oil, baby wipes, baby powder, baby bubble bath, baby sunscreens; bath and shower gels for babies; toilet soaps for babies, body deodorants; cosmetics, namely, creams, milks, lotions, gels and powders for the face, the body and the hands of babies; non-Medicated sun care preparations; baby hair shampoos; hair gels, baby skin lotions; facial lotion; body lotion; body creams; body scrubs; bubble baths; bath bombs; skin cleansers; body oils and body lotions. |  |  |  |  |  |
| Aromatics International | 87-414,375[00] | Aromatics | 4-17-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Aromatics and international". The mark consists of a circular image created by three lines in a circle, with the word "Aromatics" at the top of the circle and the word "International" at the base. the words are separated by an image of a raindrop at equidistant points on the right and left hand side of the mark. at the center of the image is an inner circle created by two lines and inside the inner circle is a stylized images of a flower. Aloe vera gel for cosmetic purposes; aloe vera preparations for cosmetic purposes; aromatic preparations, namely, essential oils and lotions; cocoa butter for cosmetic purposes; coconut oil for cosmetic purposes; essential oils; essential oils for personal use; lotions for cosmetic purposes; beauty lotions; body lotion; facial lotion; skin lotion. |  |  |  |  |  |
| Base Butter | 87-414,983[00] | Lipzology Lipsticks | 4-18-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Butter". Body butter; body cream; face creams; lip balm; lip cream; skin cream; all being finished products not suited for modification by addition of ingredients. |  |  |  |  |  |
| Iope Live Lift | 87-423,892[00] | Amorepacific Corporation | 4-25-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lift". Cosmetic preparations for baths; cosmetic preparations for skin care; cosmetic soaps; cosmetics; cotton wool for cosmetic purposes; dentifrices; essential oils; hair gel; laundry bleach; laundry detergents; laundry fabric conditioner; laundry soap; lavender oil; lipstick; make-Up; make-Up foundation; non-Medicated balms for use on skin; non-Medicated toiletry preparations; perfume; shampoos; wrinkle removing skin care preparations; cleaning, polishing and scouring preparations; compacts containing make-Up; skin whitening preparations. The wording "Iope" has no meaning in a foreign language. |  |  |  |  |  |
| Lineblurfector | 87-436,243[00] | Strivectin Operating Company | 5-4-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; non-Medicated skin care preparations. Line blur factor. |  |  |  |  |  |
| Safe 'N Easy | 87-438,000[00] | Dumond Chemicals | 5-5-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Paint and varnish remover; preparations for cleaning and care of wood, decks, siding, fencing, stone, and masonry in the nature of cleaning and polishing preparations; all-Purpose cleaners; automotive cleaning and care preparations in the nature of automotive cleaning preparations and automobile wax; marine cleaning and care preparations in the nature of cleaning preparations and wax for marine vessels; all-Purpose cleaners for industrial use; all-Purpose cleaners for janitorial use; cleaner for removing oil and grease stains; rust removing preparations. Safe and easy. |  |  |  |  |  |
| Brow Gang | 87-441,341[00] | Woods, Shawnya N | 5-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Brow". Cosmetics; cosmetics and make-Up; tattoo removal preparations; beauty serums; body art stickers; cleaner for cosmetic brushes; eyebrow cosmetics; private label cosmetics; temporary tattoo ***transfers*** for use as cosmetics. |  |  |  |  |  |
| Yogana Labs | 87-446,445[00] | Yoganic Labs Na | 5-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Labs". Cosmetics. |  |  |  |  |  |
| Mefactory | 87-452,913[00] | Mefactory | 5-17-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic products, namely, mask sheets, facial creams, facial cleansers, cleansing products, namely, skin cleansing creams and lotions, and nose strips. Me factory. |  |  |  |  |  |
| Hollywood Glamour | 87-455,665[00] | Ip Branding Group | 5-18-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin and hair care preparations; hair coloring; shampoos. |  |  |  |  |  |
| Arizona Blue | 87-456,109[00] | St John, Clayton | 5-18-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| (Based on use in commerce) bath bombs; bath fizzies; bath melts; facial scrubs; foot scrubs; hand scrubs(Based on intent to use) bath salts, not for medical purposes; bath and shower gels and salts not for medical purposes; shower creams; bath lotion; bathing lotions; body lotion; face and body lotions; face milk and lotions; facial lotion; hair lotion; hair shampoos and conditioners; moisturizing body lotions; non-Medicated bath salts; non-Medicated beard care preparations, namely, creams, oils, cleansers; non-Medicated foot lotions; non-Medicated skin care creams and lotions; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; perfumed soap; scented body lotions and creams; shaving soap; skin lotion; skin soap; skin cleansing lotion; toning lotion, for the face, body and hands. |  |  |  |  |  |
| Napeya | 87-458,422[00] | Hong Kong Zhuanghuang Internatl. Group Co., | 5-22-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of wording of "Napeya" in stylized font. Air fragrancing preparations; bath preparations, not for medical purposes; bath salts, not for medical purposes; beauty masks; cakes of toilet soap; cleaning preparations; cosmetic preparations for baths; cosmetics; dentifrices; essential oils; facial cleansers; hair conditioners; hair lotions; incense; oils for toiletry purposes; perfumes; polishing preparations; scented linen water; shampoos for pets; skin whitening creams. The wording "Napeya" has no meaning in a foreign language. |  |  |  |  |  |
| Bagen | 87-459,973[00] | Chen Yong | 5-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Air fragrancing preparations; aromatic potpourris; aromatic pillows comprising potpourri in fabric containers; beauty masks; cosmetic pencils; cosmetics; cotton sticks for cosmetic purposes; cotton wool for cosmetic purposes; cream for whitening the skin; dentifrices; denture cleaners; denture polishes; deodorants for pets; depilatory preparations; eyebrow pencils; eyeshadows; facial cleansers; false eyelashes; false nails; hair coloring and dyes; hair dyes; hair waving preparations; lipsticks; make-Up preparations; nail polish; nail varnish; tooth whitening pastes; varnish-Removing preparations; skin whitening creams. The wording "Bagen" has no meaning in a foreign language. |  |  |  |  |  |
| Avoclean | 87-468,146[00] | Ecoponics. | 5-30-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| A non-Toxic cleaning preparation with deodorizer, which uses bio enzymes extracted from avocados and other plants. Avocado clean. |  |  |  |  |  |
| Auperwel | 87-469,457[00] | Shenzhen Ruiweier Electronic Company | 5-31-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Auperwel" in a stylized font with a wavy band across the "A" and above the "U". Air fragrancing preparations; aloe vera preparations for cosmetic purposes; antiperspirants; astringents for cosmetic purposes; cleaning preparations; cosmetic creams; cosmetic preparations; cosmetics; cosmetics for animals; cotton swabs for cosmetic purposes; dentifrices; deodorants for human beings or for animals; depilatory preparations; depilatory wax; lavender oil; lipstick; make-Up kits comprised of blackhead removing skin masks; mask pack for cosmetic purposes; oils for cosmetic purposes; perfumes; polishing wax; scented wood; shaving preparations; sunscreen preparations; tailors' wax; beauty masks; body masks; cosmetic masks; cosmetic sun-Tanning preparations; face painting kits; facial masks; foot masks for skin care; foot smoothing stones; gel eye masks; hair bleaching preparations; hair dyes; non-Medicated mouthwash and gargle; non-Medicated mouthwashes; pore tightening mask packs used as cosmetics; skin masks. |  |  |  |  |  |
| Make A Conscious Choice | 87-471,441[00] | Bates, Cathlene A | 6-1-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| Colorescience Finishing Touch | 87-477,514[00] | Colorescience | 6-6-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Sunscreen preparations, namely sunscreen-Based skin care for use in treating skin on the face after plastic surgery or dermatological procedures. |  |  |  |  |  |
| Brush Up Club | 87-480,768[00] | Israel Harry Zimmerman | 6-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Toiletries, namely, tooth cleaning products. |  |  |  |  |  |
| Blue Sky, Linen & Pear | 87-495,843[00] | The Dial Corporation | 6-19-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Linen & pear". Air fragrancing preparations. Blue sky, linen and pear. |  |  |  |  |  |
| Sparkling Rain, Lotus Flower & Morning Dew | 87-495,868[00] | The Dial Corporation | 6-19-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lotus flower". Air fragrancing preparations. Sparkling rain, lotus flower and morning dew. |  |  |  |  |  |
| Serenity Lavender, Eucalyptus & Jasmin | 87-495,883[00] | The Dial Corporation | 6-19-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Lavendar, eucalyptus & jasmin". Air fragrancing preparations. Serenity lavender, eucalyptus and jasmin. |  |  |  |  |  |
| Magnolia Dream | 87-495,910[00] | The Dial Corporation | 6-19-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Magnolia". In-Wash fragrance booster for laundry care. |  |  |  |  |  |
| Go By Greenshield Organic | 87-497,737[00] | Greenology Products | 6-20-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Organic". The mark consists of an image of a leaf above the word "Go" with the wording "By greenshield organic" below this. Non-Medicated skin care preparations; non-Medicated skin moisturizing preparations; non-Medicated skin serum; non-Medicated bath and shower preparations; non-Medicated toiletry preparations; non-Medicated nail care preparations; non-Medicated lip care preparations; essential oils for aromatherapy use; soap for personal use; deodorant for personal use; coconut oil for cosmetic purposes; non-Medicated diaper balm; non-Medicated nipple cream; all-Purpose cleaning preparations; disposal wipes impregnated with cleaning chemicals and cleansing compounds; laundry detergent; liquid dish soap; bathroom cleaner; glass cleaner; toilet bowl cleaner; automatic dishwashing detergent; spot cleaner; pet stain remover; pet shampoo; all of the foregoing goods containing organic ingredients. Go by green shield organic. |  |  |  |  |  |
| Sss Steph's Suds N Stuff | 87-498,425[00] | Steph's Suds N Stuff | 6-20-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of three stylized letters "S", one next to another, resembling three vertical waves. below them is the phrase "Steph'S suds n stuff" in stylized letters with the first letter of each word capitalized. Skin soap, skin lotion, lip balm, body wash, personal deodorant, non-Medicated skin toner. Sss steph'S suds and stuff. |  |  |  |  |  |
| Zaino Bros. | 87-509,497[00] | Z-2 Industries | 6-28-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Bros.". Automobile polish, car gloss in the nature of polish, car wash soap, car cleaner, tire gloss in the nature of polishing preparations, glass cleaner, automobile polish applicator containing automobile polish. |  |  |  |  |  |
| Jeff Leatham | 87-511,742[00] | Jeff Leatham | 6-29-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Fragrances; scented body spray; scented linen sprays; scented room sprays; colognes, perfumes and cosmetics. The name shown in the mark identifies a living individual whose consent is of record. |  |  |  |  |  |
| Invisible Oud | 87-511,986[00] | L'oreal | 6-30-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Oud". Perfumes, eaux de toilette. |  |  |  |  |  |
| Rdkl | 87-521,772[00] | Rdkl Holdings | 7-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Facial cleansers; facial moisturizers; facial oils; facial scrubs; lip balm; skin toners; cosmetic makeup remover; face serums, namely, non- medicated skin serums; shave cream; sunscreen creams; eye cream; reed diffusers comprised of scented oils and also including reeds and a diffuser container; scented room sprays; facial cleaning preparation, namely, acne cleanser not for medical purposes. Radical. |  |  |  |  |  |
| Radiant Citrus | 87-523,615[00] | The Dial Corporation | 7-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Citrus". Hair care preparations. |  |  |  |  |  |
| Embrace Your Face | 87-526,716[00] | Jean Pierre | 7-13-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bar soap; bath oils; body lotion; coloring preparations for cosmetic purposes; cosmetic pads; deodorants for personal use; facial cream; facial masks; facial moisturizers; make-Up; make up removing preparations; non-Medicated skin care preparations, namely, liquids; skin creams; skin lotions; skin toners; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; non-Medicated bath salts; pre-Moistened cosmetic tissues; pre-Moistened cosmetic wipes, all primarily marketed and sold to big-Box retailers, other retail stores, specialty stores, and drug stores, and not marketed or sold through salons, spas, or other entities or individuals who provide facials, skin care or makeup services. |  |  |  |  |  |
| Posdata N I Love New York | 87-528,896[00] | Jafer Enterprises R&D, Slu | 7-14-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a design of concentric circles and semi-Circles, with two full circles, then a thick semi-Circle band appearing immediately inside the top half of the full circles with a thinner semi-Circle appearing on the inner bottom half. centered on the top portion of the thick band is the wording "Posdata". on the left portion of the concentric design at the bottom of the thick band are the overlapping letters "Pd" with the "D" appearing backwards, and on the right portion of the concentric design at the bottom of the thick band are the overlapping letters "Dp" with "P" appearing backwards. in the center of all the circles are two smaller concentric circles with a design of the statue of liberty centered within. below the two smaller concentric circles are 17 bars intersecting the inner thin semi-Circle line. the entire concentric design is centered above a stylized letter "N" which is surrounded by two swoops, above the wording "I love" stacked above "New york" which is then above a design of a square with a slash intersecting the top right hand corner. all of the following appears enclosed within a rectangle. Perfumery, fragrances for personal use, eau de cologne, eau de perfume, toilet water, perfumes; antiperspirant; deodorant for personal use; body lotions. The english translation of "Posdata" in the mark is "Postscript". |  |  |  |  |  |
| Catherine Jinn | 87-533,882[00] | 4C Global Logistics | 7-19-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Facial cream; facial creams; facial lotion; facial moisturizers; wrinkle-Minimizing cosmetic preparations for topical facial use. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies "Catherine jinn", whose consent(S) to register is made of record. |  |  |  |  |  |
| L.A. Colors | 87-535,342[00] | Beauty 21 Cosmetics | 7-20-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics, nail care preparations, non-Medicated skin care preparations for skin and face, make up kits comprised of non-Medicated cosmetics. |  |  |  |  |  |
| Cheeky Bits | 87-540,932[00] | Cheeky Bits For Women Pty | 7-24-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. Anti-Sun preparations being cosmetics, namely, sun screen preparations; body creams being cosmetics; colour cosmetics for the eyes; colour cosmetics for the skin; cosmetics; cosmetics for bronzing the skin; cosmetics for eyebrows; cosmetics for eyelashes; cosmetics for personal use; cosmetics for protecting the skin from sunburn; cosmetics for skin tanning; cosmetics for suntanning; cosmetics for the treatment of dry skin; cosmetics for the use on the hair; cosmetics for use on the skin; cosmetics in the form of creams; cosmetics in the form of eye shadow; cosmetics in the form of gels; cosmetics in the form of mascara; cosmetics in the form of milks; cosmetics in the form of nail polish; cosmetics in the form of non-Medicated lotions; cosmetics in the form of oils; cosmetics in the form of powders; cosmetics in the form of rouge; cosmetics preparations; cosmetics to remove pigmentation marks; essential oils for use in cosmetics; eyebrow cosmetics; facial wipes impregnated with cosmetics, namely, pre-Moistened cosmetic wipes; hair cosmetics, namely, cosmetic preparations for the hair and scalp; liners for the eyes being cosmetics; cosmetics milks; cosmetics being moisturizers; nail base coat being cosmetics; nail enamel being cosmetics; nail enamel remover being cosmetics; nail gloss, namely, cosmetics; nail hardeners being cosmetics; nail polish removers being cosmetics; nail preparations, namely, cosmetics; nail revitalizing lotions, namely, cosmetics; nail tips being cosmetics; nail treatment creams, namely, cosmetics; nail treatment gels, namely, cosmetics; nail treatment lotions, namely, non-Medicated cosmetics; nail varnish remover being cosmetics; nail varnish removing preparations being cosmetics; night creams being cosmetics; non-Medicated cosmetics; non-Medicated cosmetic nourishing creams; oils for the body being cosmetics; oils for the breasts, namely, body oils being cosmetics; oils for the skin being cosmetics; preparations for removing cosmetics, namely, make up removing preparations; skincare cosmetics; scented sprays for use on the body being cosmetics; sun barriers, namely, cosmetics; sun blocking cream, namely, cosmetics; sun blocking lipsticks, namely, cosmetics; sun blocking preparations, namely, cosmetics; sun creams, namely, cosmetics; sun gel, namely, cosmetics; sun lotions, namely, cosmetics; sun milk, namely, cosmetics; sun protecting creams, namely, cosmetics; sun protection oils, namely, cosmetics; sun protection products, namely, cosmetics; sun protectors for lips, namely, cosmetics; sun screen preparations, namely, cosmetics; sun screening preparations, namely, cosmetics; sun skin care products, namely, cosmetics; sun-Tanning preparations, namely, cosmetics; suntan lotion, namely, cosmetics; suntan milk, namely, cosmetics; suntan oils, namely, cosmetics; suntan preparations, namely, cosmetics; tanning compositions, namely, cosmetics; tanning creams, namely, cosmetics; tanning oils, namely, cosmetics; tanning preparations, namely, cosmetics; textile pads impregnated with cosmetics, namely, cosmetic pads; tints, namely, cosmetics; toilet napkins of cellulose impregnated with cosmetics, namely, cosmetic pads; toilet napkins of cellulose wadding impregnated with cosmetics, namely, cosmetic pads; toilet napkins of paper impregnated with cosmetics, namely, cosmetic pads; varnishes being cosmetics; beauty care preparations, namely, beauty creams for body care; beauty care products, namely, beauty creams for body care; beauty creams being non-Medicated; beauty face packs, namely, mask pack for cosmetic purposes; beauty gels; beauty masks; beauty milks; beauty preparations, namely, beauty creams for body care; beauty products, namely, beauty creams for body care; distilled oils for beauty care, namely, face oils; non-Medicated beauty preparations, namely, beauty creams for body care; non-Medicated skin care beauty products, namely, non-Medicated skin care preparations; products for beauty care, namely, beauty creams for body care. |  |  |  |  |  |
| Fruit Burst | 87-541,388[00] | Spartan Chemical Company | 7-25-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Fruit". Non-Medicated body care preparations, namely, hand wash. |  |  |  |  |  |
| Sunflower Fresh | 87-541,394[00] | Spartan Chemical Company | 7-25-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sunflower". Non-Medicated body care preparations, namely, hand, hair, and body wash. |  |  |  |  |  |
| Sneezy Stop | 87-547,488[00] | Plant Therapy | 7-28-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sneezy". Essential oils; scented oils. |  |  |  |  |  |
| Sniffle Stopper | 87-547,493[00] | Plant Therapy | 7-28-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Sniffle". Essential oils; scented oils. |  |  |  |  |  |
|  | 87-557,970[00] | Guangzhou Fuzhuang Trade Co. | 8-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of four chinese characters below a stylized woman in a square shaded background. Abrasive paste; beauty masks; body lotions; cosmetics; dentifrices; ethereal oils; eyebrow pencils; eyeliner pencils; facial cleansers; hair conditioners; hair lotions; lip glosses; lipsticks; make-Up powder; moisturizing milk; nail art stickers; perfumes; shampoos; skin toners; sun-Block lotions. The non-Latin characters in the mark transliterate to "Chuan qi jin sheng" and this means "Legend, miracle, today, life" in english. |  |  |  |  |  |
| Modicum Skincare | 87-560,448[00] | Behan, Monica | 8-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Skincare". Beauty creams; beauty lotions; beauty serums; cosmetics; non-Medicated cleansers, namely, beauty and skincare preparations in the nature of facial cleansers; sunscreen preparations. |  |  |  |  |  |
| Surfree | 87-561,490[00] | Long Liu | 8-9-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Anti-Aging moisturizers used as cosmetics; astringents for cosmetic purposes; baby oil; baby suncreams; body and beauty care cosmetics; body emulsions; body mask powder; cleansing and polishing preparations; cleansing milk for cosmetic purposes; cosmetic hair regrowth inhibiting preparations; cosmetic masks; cosmetic massage creams; cosmetic olive oil for the face and body; cosmetic preparations, namely, firming creams; cosmetic preparations, namely, firming lotions; cosmetic preparations, namely, skin balsams; cosmetics and cosmetic preparations; cotton wool and cotton sticks for cosmetic purposes; eau-De-Cologne; essential oils; essential oils for aromatherapy use; ethereal oils; face powder; facial beauty masks; facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; facial cleansing milk; facial emulsions; facial masks; facial scrubs; fragrances and perfumery; hair color; hair mascara; hairspray; mask pack for cosmetic purposes; massage lotions; moisturizing creams; oils for toiletry purposes; patches containing sun screen and sun block for use on the skin; perfumed creams; perfumed paste; perfumes and toilet waters; pore tightening mask packs used as cosmetics; retinol cream for cosmetic purposes; rouges; skin masks; skin moisturizer masks; skin moisturizers used as cosmetics; skin moisturizing gel; spirit gum for cosmetic use; sun tan gel; sun tan lotion; sunscreen cream; sunscreen creams; sunscreen preparations; suntan oils for cosmetic purposes; synthetic perfumery; tanning creams; toilet waters; waterproof sunscreen. |  |  |  |  |  |
| Amoura Cosmetics | 87-562,230[00] | Clark, Anaddia | 8-9-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Cosmetics". Eyeshadow; lip glosses; lipstick. |  |  |  |  |  |
| Freeplus | 87-563,169[00] | Yaling Liu | 8-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Adhesives for affixing false hair; adhesives for false eyelashes, hair and nails; all purpose cotton swabs for personal use; aromatic preparations, namely, cream, lotion, body spray; bar soap; bath gel; beauty creams; cleaner for cosmetic brushes; cleansing milk; colognes, perfumes and cosmetics; cosmetic balls; cosmetics and cosmetic preparations; depilatories; essential oils; eye cream; facial cream; facial masks; false eyebrows; false eyelashes; fingernail embellishments; lip balm; lipstick; liquid soaps for laundry; liquid bath soaps; make-Up remover; moisturizing creams; moisturizing milk; mouthwashes, not for medical purposes; night cream; sunscreen cream; toothpaste; non-Medicated liquid soaps; non-Medicated lotions for skin, hair, face, body, hair waving; non-Medicated mouthwashes. Free plus. |  |  |  |  |  |
| Jvjq | 87-563,194[00] | Yaling Liu | 8-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Adhesives for affixing false hair; adhesives for false eyelashes, hair and nails; all purpose cotton swabs for personal use; aromatic preparations, namely, cream, lotion, body spray; bar soap; bath gel; beauty creams; cleaner for cosmetic brushes; cleansing milk; colognes, perfumes and cosmetics; cosmetic balls; cosmetics and cosmetic preparations; depilatories; essential oils; eye cream; facial cream; facial masks; false eyebrows; false eyelashes; fingernail embellishments; lip balm; lipstick; liquid soaps for laundry; liquid bath soaps; make-Up remover; moisturizing creams; moisturizing milk; mouthwashes, not for medical purposes; night cream; sunscreen cream; toothpaste; non-Medicated liquid soap; non-Medicated lotions for skin, hair, face, body, hair waving; non-Medicated mouthwashes. |  |  |  |  |  |
| Qdsuh | 87-564,543[00] | Yaling Liu | 8-10-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Adhesives for affixing false hair; adhesives for false eyelashes, hair and nails; all purpose cotton swabs for personal use; aromatic preparations, namely, cream, lotion, body spray; bar soap; bath gel; beauty creams; cleaner for cosmetic brushes; cleansing milk; colognes, perfumes and cosmetics; cosmetic balls; cosmetics and cosmetic preparations; depilatories; essential oils; eye cream; facial cream; facial masks; false eyebrows; false eyelashes; fingernail embellishments; lip balm; lipstick; liquid soaps for laundry; liquid bath soaps; make-Up remover; moisturizing creams; moisturizing milk; mouthwashes, not for medical purposes; night cream; sunscreen cream; toothpaste; non-Medicated liquid soaps; non-Medicated lotions for skin, hair, face, body, hair waving; non-Medicated mouthwash and gargle. |  |  |  |  |  |
| Live Bare | 87-566,389[00] | Kwb | 8-12-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic body care preparations, namely, body lotion, hand cream, beauty serum; essential oils for use in manufacturing of shampoo, conditioner, body wash, body lotion, hand cream, beauty serum; essential oils for use in the manufacture of scented products; fragranced body care preparations, namely, body lotion, hand cream, beauty serum; fragranced face care preparations, namely, facial serum, skin serum; fragranced skin care preparations, namely, body lotion, hand cream, facial serum; hair shampoos and conditioners; hand creams. |  |  |  |  |  |
| Bl Boys Lie | 87-567,931[00] | Mycone Dental Supply Co. | 8-14-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the words "Boys lie" in mixed upper and lower case letters with the shape of a heart above the "I" in "Lie" and inside the heart, the letters "B" and "L" with a teardrop below the "B" and a frown below the letters and a line down the center of the heart with 4 x'S over the line. Eye shadow; facial make-Up, namely, highlighters; lip liner; lipsticks; make-Up; nail polish. |  |  |  |  |  |
| Maphie | 87-573,904[00] | Guangzhou Morejoy Information Technology Co. | 8-18-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Abrasive paper; adhesives for cosmetic purposes; antiperspirants; baby powder; beauty masks; cosmetic pencils; cosmetic preparations for baths; cosmetic preparations for skin care; cosmetics; cosmetics for animals; cream for whitening the skin; dentifrices; eye shadow; facial cleansers; false eyelashes; false nails; lip glosses; lipsticks; liquid bath soaps; liquid soaps for laundry; make-Up powder; make up removing preparations; nail care preparations; nail polish; nail varnish; oils for cosmetic purposes; polishing preparations; potpourri; sandpaper; scented linen water; scouring solutions; skin whitening creams; sunscreen preparations; toilet soaps; varnish-Removing preparations; cotton wool for cosmetic purposes; essential oils; ethereal oils; non-Medicated liquid soap. The wording "Maphie" has no meaning in a foreign language. |  |  |  |  |  |
| Aleilo | 87-574,990[00] | Aleilo Enterprises Michelle Urena | 8-18-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body and beauty care cosmetics; cosmetics. The wording "Aleilo" has no meaning in a foreign language. |  |  |  |  |  |
| Kody Kapow | 87-576,760[00] | Children's Network | 8-21-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and cosmetic preparations; fragrances and perfumery; non-Medicated skin care preparations; non-Medicated hair care preparations; non-Medicated hair styling preparations; non-Medicated nail care preparations; non-Medicated bath preparations; non-Medicated sun care preparations; non-Medicated lip care preparations; deodorants for personal use; anti-Perspirants for personal use; non-Medicated dentifrices and mouthwashes; toothpastes. |  |  |  |  |  |
| Colorado Kid | 87-579,351[00] | Gib's Distribution | 8-22-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Colorado". Personal grooming products for men, namely, cosmetic hair and skin care preparations. |  |  |  |  |  |
| United Male | 87-580,459[00] | Greenway Research Labs | 8-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Male". Hair care preparations; non-Medicated beard care preparations, namely, lotions, creams, and oils. |  |  |  |  |  |
| United Male | 87-580,464[00] | Greenway Research Labs | 8-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The colors white, black and yellow are claimed as a feature of the mark. "Male". The mark consists of the wording "United male" in a stylized font in white and design of a triangular shield with stripes and a star in black, white and yellow. Hair care preparations; non-Medicated beard care preparations, namely, lotions, creams, and oils. |  |  |  |  |  |
| Zaman | 87-580,584[00] | Zaman Skincare | 8-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized word "Z a m a n". Body and beauty care cosmetics. |  |  |  |  |  |
|  | 87-580,633[00] | Zaman Skincare | 8-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a design of a silhouette of a bust of a woman'S side face profile with a hair strand extending form her neck contained in a square. Body and beauty care cosmetics. |  |  |  |  |  |
| Shaka Body | 87-581,488[00] | Shaka Beverages | 8-23-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Body". Lotions for cellulite reduction; after shave lotions; age retardant lotion; bar soap; bath lotion; bath soaps in liquid, solid or gel form; bathing lotions; beauty lotions; beauty soap; body lotions; body mask lotion; cosmetic soaps; cosmetic suntan lotions; face and body lotions; facial lotion; loofah soaps; massage lotions; non-Medicated hand soaps; perfumed soap; scented body lotions and creams; shaving lotion; shaving lotions; shaving soaps; skin lotions; skin soap; skin cleansing lotion; sun care lotions; sun tan lotion; sun-Block lotions; sun-Tanning oils and lotions. |  |  |  |  |  |
| Hair Cycle | 87-582,664[00] | Cole Instruments | 8-24-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Hair". Hair care kits comprising non-Medicated hair care preparations, namely, shampoo, conditioner, hair spray, and hair gel; hair gel; hair gel and hair mousse; hair gels; hair spray; hair sprays; hair sprays and hair gels; hair styling gel; hair styling spray; shampoo-Conditioners; shampoos; hair conditioner; hair conditioners; hair shampoo; hair shampoos and conditioners; non-Medicated shampoos for adding body to hair. |  |  |  |  |  |
| Aerlig Organics | 87-587,092[00] | De Bruin, Ryan | 8-28-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Organics". Bath oils; beauty masks; beauty serums; body butter; body milks; body oils; body scrubs; essential oils; facial moisturizers; non-Medicated lip care preparations; skin toners; all of the foregoing made in whole or significant part of organic ingredients. The wording "Aerlig organics" has no meaning in a foreign language. |  |  |  |  |  |
| Liplic New York Unleash The Goddess Within You | 87-588,408[00] | Amba Holdings,Llc | 8-29-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "New york". Cosmetics and make-Up. |  |  |  |  |  |
| Zjchao | 87-591,125[00] | Shen Zhen Shi Yi Bai Wang Luo Ke Ji Youxian Gong Si | 8-31-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| After shave lotions; air fragrancing preparations; almond milk for cosmetic purposes; antiperspirants; beard dyes; body wash; cold cream; cotton wool and cotton sticks for cosmetic purposes; cotton for cosmetic purposes; cream for whitening the skin; dentifrices; depilatories; depilatory preparations; depilatory wax; eau de cologne; eyebrow cosmetics; eyebrow pencils; facial creams; facial beauty masks; hair colouring and dyes; hair dyes; hair sprays; hair waving preparations; hydrogen peroxide for cosmetic purposes; lipsticks; make-Up powder; make-Up kits comprised of lipstick, lip gloss; make-Up preparations; make up removing preparations; mascara; nail care preparations; nail polish; nail polishing powder; non-Medicated cleansers for intimate personal hygiene purposes; perfumes; petroleum jelly for cosmetic purposes; rouges; sunscreen preparations; talcum powder, for toilet use; toilet soap; toilet water; varnish-Removing preparations; adhesives for affixing false eyelashes; adhesives for cosmetic purposes; astringents for cosmetic purposes; bleaching preparations for cosmetic purposes; cosmetic pencils; cosmetic preparations for bath and shower; cosmetic preparations for skin care; cosmetic preparations for eyelashes; cosmetic preparations for slimming purposes; cosmetics; cosmetics for animals; decorative ***transfers*** for cosmetic purposes; ethereal oils; false eyelashes; false nails; greases for cosmetic purposes; incense; lavender water; lotions for cosmetic purposes; moustache wax; oils for cosmetic purposes; perfume; permanent wave preparations; personal deodorants; pomades for cosmetic purposes; sandpaper; scented linen water; shaving preparations; tissues impregnated with cosmetic lotions; waxes for leather. |  |  |  |  |  |
| Luseclie | 87-598,871[00] | Liang Pengji | 9-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Body and beauty care cosmetics; cosmetics; cosmetics and make-Up; eyes make-Up; false nails; make-Up; nail art stickers; nail care kits comprising nail polish; nail gel; nail polish; nail primer. |  |  |  |  |  |
| Forbidden Nectar | 87-600,199[00] | Welch, Nicole | 9-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Perfume oil. |  |  |  |  |  |
| Like + Love | 87-600,415[00] | Calipak | 9-7-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations, namely, skin cleansers, skin moisturizers, skin lotions, skin soaps, sun screen preparations, cosmetics, non-Medicated hair care preparations, nail care preparations, non-Medicated skin care preparations, colognes, perfumes and tooth whitening preparations. Like plus love. |  |  |  |  |  |
| Half Caked | 87-600,799[00] | Caked Makeup | 9-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; cosmetic preparations; eye shadows; eye liner; eyebrow pencil; mascara; lipstick; lip gloss; lip liner; liquid lipstick; lip scrub, nail polish; blush; face powder; foundation; loose pigments. |  |  |  |  |  |
| Sexysmoky | 87-600,801[00] | Bare Escentuals Beauty | 9-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and cosmetic preparations. Sexy smoky. |  |  |  |  |  |
| Occult | 87-600,828[00] | Zoe Weisman | 9-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations, topical creams and body oils for cosmetic use. |  |  |  |  |  |
| Abante | 87-600,856[00] | Abante | 9-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Skin masks, body oils, body and face scrubs, non-Medicated bath salts, moisturizing creams, shaving creams, hair gel. |  |  |  |  |  |
| Naturely | 87-601,752[00] | Beauticell | 9-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and cosmetic preparations; body and beauty care cosmetics; cosmetic preparations for skin care; non-Medicated skin care preparations. |  |  |  |  |  |
| Mommy Wipes | 87-601,764[00] | Webb, Julia K. | 9-8-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Wipes". Disposable wipes impregnated with cleansing compounds for use on textile fabrics consisting of clothing, furniture, carpet and hard surfaces consisting of cabinets, countertops. |  |  |  |  |  |
| Lipsalive | 87-603,239[00] | Warren Levine | 9-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Lip balms and lipsticks. Lips alive. |  |  |  |  |  |
| Bae Bae | 87-603,461[00] | Art & Design Internatl. | 9-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; make-Up; cosmetic preparations for baths; functional cosmetics; cosmetic preparations for skin care; perfume; mask pack for cosmetic purposes; skin cleansers; essential oils; false eyelashes; adhesive for false eyelashes, hair and nails; non-Medicated toiletries ; shampoos; cosmetic soaps; dentifrices; cosmetics for animals; cleaning/Polishing/Scouring and abrasive preparations cleaning/Polishing and scouring preparations; pre-Moistened cosmetic tissues; aromatics for household purposes; nonmedicated hair care preparations; body oils. |  |  |  |  |  |
| Splashes & Spills | 87-603,598[00] | Splashes & Spills | 9-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; make-Up. Splashes and spills. |  |  |  |  |  |
| Oilthenticity | 87-603,869[00] | Christine Louise Taylor | 9-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Essential oils; essential oils for personal use; essential oils for use in manufacturing of lotions, inhalants, roll-Ons, and sprays. |  |  |  |  |  |
| Boss Ma'am | 87-604,753[00] | Condon, Stephen | 9-12-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetic preparations; cosmetic preparations for skin care; cosmetic preparations for body care; hair care preparations; make-Up; make-Up preparations; non-Medicated skin care preparations. |  |  |  |  |  |
| Madscara | 87-605,022[00] | Madison Elle Beer | 9-12-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics and skin care products, namely, non-Medicated cosmetics. |  |  |  |  |  |
| S | 87-605,468[00] | Interbasic Holding S.R.L. | 9-12-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the letter "S" inside a rounded, irregular shape. Perfumes. |  |  |  |  |  |
| The Burgundy Bar | 87-616,055[00] | L'oreal Usa Creative | 9-20-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Burgundy". Eye-Shadow. |  |  |  |  |  |
| Wake Up & Smell The Coffee | 87-620,908[00] | Together Beauty | 9-25-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Hair care preparations. Wake up and smell the coffee. |  |  |  |  |  |
| Redken Brews Nyc Grooming | 87-622,876[00] | L'oreal Usa Creative | 9-26-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Nyc grooming". Hair care preparations; hair styling preparations; non-Medicated skin care preparations; shaving preparations. Red ken brews new york city grooming. |  |  |  |  |  |
|  | 87-623,015[00] | Bayer Healthcare | 9-26-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| The color(S) brown, dark brown, beige, orange, white and blue is/Are claimed as a feature of the mark. The mark consists of a graphic element depicting a little boy standing on a blue body board. the boy has brown hair, beige skin, dark brown eyes and he is wearing orange swim trunks. emanating from the rear and bottom of the body board are waves and water droplets that are white. emanating from the top of the body board behind the boys leg are two small, white waves. above these waves are six blue water droplets. in the front of the board is a tear-Shaped figure containing stippling, indicating a transparent area. at the rear of the body board is an irregularly-Shaped figure depicting a wave that also contains stippling, indicating a transparent area. the stippling depicts transparency, and it is not claimed as a feature of the mark. Sun-Tanning preparations; sun block preparations; sun screen preparations; non-Medicated sun care preparations; cosmetic sun-Protecting preparations; non-Medicated skin care preparations; self-Tanning preparations; sunless tanning preparations, namely, cosmetic tanning preparations; after-Sun creams; after-Sun skin moisturizers; after-Sun oils; after-Sun lotions; after-Sun gels; lip balm. |  |  |  |  |  |
| Volcano Pedicure | 87-628,396[00] | Millenia Productions | 9-29-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| "Pedicure". Pedicure preparations, namely, non-Medicated foot bath preparations, soaps for foot baths, foot scrubs, foot masks for skin care and non-Medicated foot lotions and oils. |  |  |  |  |  |
| Innovation Is Luxury | 87-632,371[00] | Unilever N.V. | 10-3-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics. |  |  |  |  |  |
| Bombshell Seduction | 87-641,514[00] | Victoria's Secret Stores Brand Management | 10-11-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Bath bombs; body butter; body cream; body lotion; body milk; body scrub; body sprays; body wash; eau de parfum; eau de toilette; fragrances; hair care preparations; hand cream; perfume; non-Medicated lip care preparations; non-Medicated skin care preparation, namely, body mist. |  |  |  |  |  |
| Little Dream | 87-659,483[00] | Zoe Weisman | 10-25-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Non-Medicated skin care preparations, topical creams and oils for cosmetic use. |  |  |  |  |  |
| Scartox | 87-663,331[00] | University Medical Pharmaceuticals Corp. | 10-27-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics, face creams and lotions; skin creams and lotions. |  |  |  |  |  |
| All Night Long By Lionel Richie | 87-689,775[00] | Richlion Holdings | 11-17-171-23-18 | Intl. 3US. 1, 4, 6, 50, 51, 52 | - - - - |
| Cosmetics; cosmetic preparations; non-Medicated skin toners; makeup removers; all-Purpose cotton swabs for personal use and cosmetic purposes, cosmetic pads, and pre-Moistened cosmetic wipes; non-Medicated lip care preparations, non-Medicated toiletries; fragrances, perfumes, perfume oils, perfumed powders, cologne, eau de toilette, eau de perfume, eau de cologne and eau-De-Toilette water; non-Medicated facial, hand, body and skin lotions, creams, moisturizers, exfoliants, and scrubs; skin conditioners; skin cleansers; skin conditioners for the face, hands, and body; non-Medicated hand, body, and skin cleansers for personal use; beauty milks; eye creams; face and body glitter; skin highlighter in the nature of a bronzer; non-Medicated facial treatments in the nature of facial emulsions and facial masks, skin moisturizer masks, wrinkle removing skin care preparations; body fragrances, body oils, body powders, and body masks; massage oils, essential oils for personal use, and talcum powder; bath and shower products in the nature of bath beads, bath crystals, shower and bath foams, body and mouth washes, body scrubs, skin exfoliants, shower and bath gels, bath oils, talcum powders, body powders, and bath and shower salts not for medical purposes; topical skin sprays for cosmetic purposes; non-Medicated skin creams with essential oils for use in aromatherapy; cosmetic sunscreen preparations, sun-Tanning preparations and after-Sun lotions; self-Tanning preparations, namely, self-Tanning lotions, creams, gels and sprays; non-Medicated ointments for the treatment of sunburns; shaving preparations; nail polish, nail polish removers, nail care preparations, and nail buffing preparations; hair care preparations; hair care products in the nature of shampoos, conditioners, rinses, mousse, gels, creams, lotions and sprays; hair coloring preparations; hair color, hair waving lotion, permanent wave preparations, hair lighteners, hair dyes, hair emollients, hair mascara, hair pomades, hair relaxing preparations, and hair styling preparations; toothpaste, deodorant and antiperspirant; soaps for personal use; soap powder; room fragrances; air fragrancing preparations; fragrance emitting wicks for room fragrances; room fragrance refills for non-Electric room fragrance dispensers; perfuming and fragrance sachets; lavender sachets; sachet-Like eye pillows containing fragrances; fragrance sachets; scented ceramic stones; scented linen sprays and scented room sprays; scented oils; scented oils used to produce aromas when heated; potpourri; aromatic pillows comprising potpourri in fabric containers; reed diffusers comprised of scented oils and also including reeds and a diffuser container; fragrances for automobiles. The name "Lionel richie" identifies a living individual whose consent is of record. |  |  |  |  |  |
| Marks Published For Opposition in More Than One Class |  |  |  |  |  |
| Mitsui & Co. | [79-176,091] | Mitsui & Co. | 9-22-14[1-23-18] | Intl. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45US. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 100, 101, 102, 103, 104, 105, 106, 107 | - - - - |
| Color is not claimed as a feature of the mark. "Co.". The mark consists of the stylized wording "Mitsui & co.". above the wording is a japanese character. Chemicals for use in industry; plastic adhesives not for stationery or household purposes; plant growth regulating preparations; fertilizers; ceramic glazings in the nature of a dry chemical preparation for use in the manufacture of ceramics; priming putty, namely, oil cement; higher fatty acids for use in the food industry; chemical compositions for developing, printing and enlarging photographs; reagent paper not for medical purposes; artificial sweeteners; flour and starch for industrial purposes; unprocessed plastics, namely, plastics in primary form; pulp, namely, paper pulp; nonferrous metals, namely, actinium, americium, antimony, ytterbium, yttrium, uranium, erbium, gadolinium, gallium, californium, curium, samarium, dysprosium, silicon, mercury, scandium, strontium, cesium, cerium, selenium, bismuth, thallium, thulium, technetium, terbium, tellurium, thorium, neodymium, neptunium, berkelium, barium, fermium, praseodymium, francium, plutonium, protactinium, promethium, holmium, europium, radium, lanthanum, lithium, rubidium, rhenium; non-Metallic minerals, namely, sulphur non-Metallic mineral, foundry sand, kaolin, talc, rock salt, diatomaceous earth, acid clay, barytes and barite, saltpeter salpetre, natural graphite, dolomite, cryolite, bentonite, bauxite, fluorite florspa, magnesite, alunite, rock phosphate. Canada balsam; copal; sandarac; pine oil for use as a wood preservative; shellac; dammar; mordants for use in the chemical industry; anti-Corrosive preparations, namely, anti-Corrosive coating; anti-Rust preparations, namely, anti-Rust greases; mastic in the nature of raw natural resins; pine gum, namely, natural resins in the nature of gum extracts from pine bark; wood preservatives; dyestuffs; pigments; paints; printing ink; printing ink other than mimeographing ink; mimeographing ink; colors for drawing pictures, namely, oil color; anti-Rust greases; nonferrous metals in foil or powder form for painters, decorators, printers and artists; precious metals in foil or powder form for painters, decorators, printers and artists. Anti-Static preparations for household purposes; de-Greasing preparations for household purposes; rust removing preparations; stain removing benzine; fabric softeners for laundry use; laundry bleach; adhesives for affixing false hair; laundry starch; seaweed gelatine for laundry use (Funori); adhesives for affixing false eyelashes; breath freshening preparations; deodorants for animals; paint stripping preparations; shoe cream; shoe black; and shoe polish; polishing preparations; soaps and detergents; dentifrices; cosmetics and non-Medicated toiletries; perfume and flavour materials, namely, flavoured essential oils; incenses and fragrances; abrasive paper, namely, sandpaper; abrasive cloth; abrasive sand; artificial pumice stone for personal use; polishing paper; false nails; false eyelashes. Solid lubricants for industrial purposes; grease for shoes and boots; leather preserving oil and grease; fuels; solid fuels; liquid fuels; gaseous fuels; mineral oils and greases for industrial purposes not for fuel; non-Mineral oils and greases for industrial purposes not for fuel; waxes being raw material; lamp wicks; candles. Preparations for destroying vermin, fungicides, herbicides; pharmaceutical preparations for treating allergies; reagent paper for medical purposes; fumigants only for ***agricultural*** purposes; fungicides only for ***agricultural*** purposes; rodenticides only for ***agricultural*** purposes; insecticides only for ***agricultural*** purposes; herbicides, namely, weed killers; insect repellents only for ***agricultural*** purposes; antiseptics only for ***agricultural*** purposes; oiled paper for medical purposes; wrapping wafers sold empty for use in holding doses of medicine; gauze for dressings; empty capsules for pharmaceuticals; eyepatches for medical purposes; ear bandages; menstruation bandages; menstruation tampons; sanitary napkins; sanitary panties; absorbent cotton for medical purposes; adhesive plasters for medical purposes; bandages for dressings; antiseptic liquid bandages; breast-Nursing pads; dental composite materials; baby diapers; infant diaper covers; fly catching paper; mothproofing paper; lacteal flour for babies; dietary supplements for humans; dietetic beverages adapted for medical purposes; dietetic food adapted for medical purposes, namely, pasta and crackers; beverages for babies, namely, nutritionally fortified beverages; semen for artificial insemination. Iron and steel; nonferrous metals and their alloys; ores of metal; metal materials for building or construction, namely, metal tiles; prefabricated building assembly kits of metal; loading and unloading pallets of metal; artificial fish reefs of metal; prefabricated sectional poultry houses of metal; paint spraying booths of metal; metal pulleys, springs and valves not including machine elements; pulleys of metal, not machine elements; springs of metal, not machine elements; valves of metal, not machine elements; metal junctions for pipes; metal flanges; mechanical fastening elements of metal; metal cotter pins; railway points; road signs of metal not luminous nor mechanical; beacons of metal non-Luminous; reservoirs of metal; liquid storage tanks or reservoirs of metal; industrial water storage tanks of metal; liquefied gas storage tanks of metal; gas storage tanks of metal; internal floating lids of aluminium for use with gas or liquefied gas storage tanks; anchors; containers of metal for transport; anvils; swage blocks; metal hardware, namely, pulleys; metal hardware not including security locks, keys for locks, ring of metal for keys and padlocks, namely, metal springs; metal security locks for garage doors; metal keys for locks; rings of metal for keys; wire ropes; wire nets and gauzes; industrial packaging containers of metal; industrial packaging containers of metal not including metal stoppers, lids and caps; metal stoppers for industrial packaging containers; metal lids and caps for industrial packaging containers; metal nameplates and door nameplates; metal stepladders and ladders; letter boxes of metal; hat-Hanging hooks of metal; water tanks of metal for household purposes; tool boxes of metal, empty; towel dispensers of metal; metal joinery fittings; metal safes; upright signboards of metal; man-Made garden ponds of metal structures, namely, metal structural frames for artificial ponds placed in gardens, sold empty; transportable greenhouses of metal for household use; metal tombs and metal tomb plaques; ferrules of metal for canes and walking-Sticks; spurs; crampons being climbing irons; carabiners of metal; rock pitons of metal; sculptures of metal; shoe dowels made of metal; shoe pegs made of metal; hobnails of metal. Metalworking machines and tools, namely, machining centers; mining machines and apparatus, namely, mining bits; construction machines and apparatus, namely, concrete mixers; loading-Unloading machines and apparatus, namely, cranes and industrial robots; industrial fishing machines, namely, fish-Netting machines; chemical processing machines and apparatus, namely, emulsifying machines for chemical processing; textile machines and apparatus, namely, textile washing machines; food or beverage processing machines and apparatus, namely, filling machines; lumbering, woodworking, or veneer or plywood making machines and apparatus, namely, wool lathes and wood milling machines; pulp making, papermaking or paper-Working machines and apparatus, namely, pulp refining machines and pulping machines; printing or bookbinding machines and apparatus, namely, printing machines for industrial use; sewing machines; ***agricultural*** machines, ***agricultural*** implements other than hand-Operated, namely, cultivators, reapers, and seeders; plowing machines and implements other than hand-Held tools, namely, plow blades for vehicles; cultivating machines and implements, namely, power operated cultivators; harvesting machines and implements, namely, ***agricultural*** harvesters; plant fiber processing machines and implements for ***agricultural*** purposes, namely, stem crushing machines; fodder presses; fodder cutting machines being feed cutters; fodder mixing machines being feed mixers; cake-Fodder crushing machines being feed mills; milk filtering machines; milking machines; chick brooders; incubators for eggs; sericultural machines and implements, namely, silkworm egg washing machines; shoe making machines; leather tanning machines; tobacco processing machines; glassware manufacturing machines; painting machines; packaging or wrapping machines; power-Operated potters' wheels; plastic processing machines; semiconductor manufacturing machines; machines and apparatus for manufacturing rubber goods, namely, rubber forming machines; stone working machines; non-Electric prime movers not for land vehicles, namely, shafts and axles for machines; non-Electric prime movers, not for land vehicles other than water mills and wind mills, namely, spindles for machines; parts for non-Electric prime movers other than water mills and wind mills, namely, catalytic converters; wind mills; pneumatic or hydraulic machines and instruments, namely, pneumatic conveyors; adhesive tape dispensing machines; automatic stamping machines; vending machines; fuel dispensing machines for service stations, namely, fuel pumps for service stations; washing machines for laundry; electric washing machines for industrial purposes; laundry washing machines for household purposes; mechanical parking systems; vehicle washing installations; food mixing machines for commercial use; food peeling machines for commercial use; food cutting, chopping and slicing machines for commercial use; dishwashers; dishwashers for industrial purposes; dishwashers for household purposes; electric wax-Polishing machines for industrial purposes; vacuum cleaners; vacuum cleaners for industrial purposes; electric wax-Polishing machines for household purposes; vacuum cleaners for household purposes; power sprayers for disinfecting, insecticides and deodorants not for ***agricultural*** purposes; machine elements not for land vehicles, namely, ball ***transfer*** unit; shafts, axles or spindles not for land vehicles; machine elements not for land vehicles, namely, bearings; shaft couplings or connectors being machine elements not for land vehicles; bearings being machine elements not for land vehicles; power transmissions and gearing for machines not for land vehicles; shock absorbers being machine elements not for land vehicles; springs being machine elements not for land vehicles; brakes being machine elements not for land vehicles; valves being machine elements not for land vehicles; lawnmowers; curtain drawing devices, electrically operated; electric door openers; waste compacting machines; waste crushing machines; starters for motors and engines; ac motors and dc motors and structural parts therefor, not including those for land vehicles; ac generators being alternators; dc generators; electric food blenders for household purposes; dynamo brushes; laser repairing machines; fixing machines, namely, circular saws. Tweezers; braiders, hand-Held ones only; hoes, hand-Held; digging forks being spading forks; lawn rakes, hand-Held ones only; lasts for shoe-Making, hand-Held ones only; electric flat irons; electric razors and electric hair clippers; bladed or pointed hand tools, namely, scissors; bladed or pointed hand tools other than swords, namely, egg slicers; swords; hand tools, namely, clamps; hand tools, namely, hammers; carpenters' inkpots and their accessories, namely, razor strops; razor strops being leather strops; sharpening steels; whetstones being sharpening stones; egg slicers, non-Electric; sugar tongs; non-Electric planes for flaking dried bonito blocks (Katsuo-Bushi planes); can openers, non-Electric; nutcrackers; spoons; cheese slicers, non-Electric; pizza cutters, non-Electric; cutlery, namely, forks; needle-Threaders; dressmakers' chalk sharpeners; fire pans for carrying live charcoal in the nature of juno, namely, fire irons; hand tools, namely, fireplace bellows; fire tongs; bludgeons; shaving cases; pedicure sets; eyelash curlers; manicure sets; ice axes; diving knives; diving knife holders; palette knives. Ear plugs for swimmers; ear plugs for divers; ozonisers being ozonators; electrolysers being electrolytic cells; egg-Candlers; cash registers; coin counting or sorting machines; electric sign boards for displaying target figures, current outputs or the like; photo-Copying machines; mathematical instruments, namely, calculators; time and date stamping machines; time recording devices, namely, time clocks; punched card office machines; voting machines; postage stamp checking apparatus, namely, computer scanners for scanning postage stamps; life saving apparatus and equipment, namely, life rafts; fire extinguishers; fireplugs, namely, fire extinguishing apparatus; fire hoses; fire hose nozzles; sprinkler systems for fire protection; fire alarms; gas alarms; anti-Theft warning apparatus, namely, burglar alarms; protective helmets; railway signal apparatus, luminous or mechanical, namely, railway signals; vehicle breakdown warning triangles; luminous or mechanical road signs; divers' apparatus not for sports, namely, air tanks; computer game ***programs*** for arcade video game machines; simulators for the steering and control of vehicles; electronic sports training simulators; laboratory apparatus and instruments, namely, homogenizers; photographic machines and apparatus, namely, camera lenses; cinematographic machines and apparatus; optical machines and apparatus, namely, magnifying lenses; measuring or testing machines and instruments, namely, pressure gauges; power distribution or control machines and apparatus, namely, electric switches; rotary converters; phase modifiers, namely, optical phase shifters; solar batteries; batteries and cells; electric or magnetic meters and testers, namely, electric meters and electric sensors; electric wires and cables; telecommunication machines and apparatus, namely, electrical power distribution units; electronic machines, apparatus and their parts, namely, personal computers; machines in the nature of computer servers; electron tubes; semi-Conductor elements, namely, integrated circuits; electronic circuits not including those recorded with computer ***programs***; computer operating ***programs***; geiger counters; high frequency apparatus for welding, namely, welding transformers; cyclotrons not for medical purposes; industrial x-Ray machines and apparatus not for medical use; industrial betatrons not for medical use; magnetic prospecting machines, namely, metal detectors; magnetic object detectors, namely, metal detectors; seismic exploration machines and apparatus; hydrophone machines and apparatus; echo sounders; ultrasonic flaw detectors; ultrasonic sensors; electrical controllers for electronic door closing control systems; electron microscopes; magnetic cores; resistance wires; electrodes, other than welding electrodes or medical electrodes; fire boats; satellites for scientific purposes; fire engines; dust masks; gas masks; welding masks; fireproof garments; disaster prevention hoods, namely, laminar flow biological safety cabinet hoods for laboratory use; gloves for protection against accidents; spectacles, eyeglasses and goggles for sports; computer game ***programs*** for home video game machines; electronic circuits and cd-Roms recorded with ***programs*** for hand-Held games with liquid crystal displays; protective helmets for sports; weight belts for scuba diving; air tanks for scuba diving; regulators for scuba diving; metronomes. Pacifiers for babies; ice bag pillows for medical purposes; triangular bandages, namely compression bandages; supportive bandages; surgical catguts; feeding cups for medical purposes; dropping pipettes for medical purposes; teats; medical ice bags; medical ice bag holders; baby bottles; nursing bottles; finger guards for medical purposes; non-Chemical contraceptive apparatus; artificial tympanic membranes; prosthetic or filling materials not for dental use, namely, artificial materials for use in the replacement of bones; ear plugs for sleeping; ear plugs for soundproofing; esthetic massage apparatus for industrial purposes; medical apparatus and instruments for use in surgery; medical apparatus and instruments for treating cardiovascular disease; walking aids for medical purposes; crutches; electric massage apparatus for household purposes; gloves for medical purposes; urinals for medical purposes; bed pans; ear picks; sanitary masks for medical purposes. Toilet bowls and seats sold as a unit; prefabricated bathrooms sold as a unit comprised of toilets and sinks; drying apparatus for chemical processing; recuperators for chemical processing; steamers for chemical processing; evaporators for chemical processing; distillers for chemical processing; heat exchangers for chemical processing; drying apparatus for textile manufacture; milk sterilizers; bread-Making machines for industrial purposes; plywood drying machines; industrial furnaces; nuclear reactors being atomic piles; drying apparatus for harvest, namely, ***agricultural*** grain dryers; forage drying apparatus; electrical boilers other than parts of prime movers, engines; air-Conditioning apparatus for industrial purposes; freezing machines and apparatus, namely, refrigerating machines; laundry dryers, electric, for industrial purposes; machines and apparatus for use in beauty salons or barbers' shops not including hairdressing chairs, namely, towel steamers and hair drying machines; cooking equipment for industrial purposes, namely, industrial cooking ovens; industrial dish drying apparatus and installations, namely, electric dish dryers; dish disinfectant apparatus for industrial purposes; tap water faucets; level controlling valves for tanks; pipe line cocks; waste water treatment tanks for industrial purposes; septic tanks for industrial purposes; garbage incinerators; garbage incinerators for industrial purposes; garbage incinerators for household purposes; solar water heaters; water purifying apparatus; electric lamps and other lighting apparatus, namely, lighting installations; household electrothermic appliances other than for beauty or sanitary purposes, namely, dehumidifiers; household electrothermic appliances for beauty or sanitary purposes, namely, electronic facial steamers; washers for water taps; gas water heaters for household purposes; non-Electric cooking heaters for household purposes, namely, oil cooking stoves; kitchen worktops in the nature of a sink, faucet and gas cooktop; kitchen sinks; ice chests for household purposes, non-Portable; ice-Cooling refrigerators for household purposes; household tap-Water filters; standing paper lanterns (Andon); portable paper lanterns (Chochin); gas lamps; oil lamps; lamp chimneys; warming pans, non-Electric; non-Electric pocket warmers, namely, chemically-Activated heating packets for warming hands; japanese pocket warmers filled with stick fuel in the nature of chemically-Activated heating packets; hot water bottles for warming one'S feet in bed; waste water treatment tanks for household purposes; septic tanks for household purposes; heating or cooling packs filled with chemical substances ready to react when required; toilet stool units with a washing water squirter; disinfectant dispensers for toilets; toilet bowls; seatings for use with japanese style toilet bowls; bath fittings, namely, bathtubs; non-Electric stoves for household purposes, namely, wood burning stoves. Parts of railway freight cars, namely, unloading tipplers for tilting railway freight cars; pusher cars for mining; puller cars for mining; traction engine; ropeways for cargo or freight handling; non-Electric prime movers for land vehicles, namely, internal combustion engines; mechanical elements for land vehicles, namely, shaft couplings; shafts, axles or spindles for land vehicles; wheel bearings for land vehicles; shaft couplings or connectors for land vehicles; axle bearings for land vehicles; power transmissions and gearings for land vehicles; shock absorbers for land vehicles; suspension springs for land vehicles; brakes for land vehicles; parachutes; anti-Theft alarms for vehicles; wheelchairs; ac motors or dc motors for land vehicles not including their parts; vessels and their parts and fittings, namely, recreational jet boats; vessels and their parts and fittings other than air cushion vehicles, namely, small powerboats; air-Cushion vehicles; aircraft and their parts and fittings, namely, aircraft landing gear; railway rolling stock and their parts and fittings, namely, railway rolling stock and railway rolling stock wheels; automobiles and structural parts therefor; two-Wheeled motor vehicles, bicycles and structural parts therefor; rickshaws; sleighs and sleds being vehicles; trolleys; carts; horse drawn carriages; bicycle trailers (Riyakah); adhesive rubber patches for repairing tubes or tires; baby carriages being prams. Firearms; ammunition for firearms; gunpowder; explosive powders; pyrotechnic products and their peripherals, namely, torpedoes and underwater mines; tanks being weapons. Precious metals; unwrought and semi-Wrought precious stones and their imitations; unwrought precious stones; semi-Wrought precious stones and their imitations; jewelry, namely, keyrings, trinkets or fobs of precious metal; jewellery cases; trophies prize cups of precious metal; commemorative shields of precious metal; jewelry in the nature of personal ornaments of precious metal; personal ornaments of precious metal other than cufflinks; cuff links; shoe ornaments of precious metal; clocks and watches. Tuning apparatus for musical instruments; musical instruments; musical instrument stands and sheet music stands; conductors' batons; tuning forks. Pastes and other adhesives for stationery or household purposes; sealing wax; printers' reglets in the nature of interline leads; printing type; addressing machines; ink ribbons; automatic stamp affixing machines; electric staplers for offices; envelope sealing machines, for offices; stamp obliterating machines; drawing instruments; typewriters; checkwriters; mimeographs; relief duplicators; paper shredders for office use; franking machines; rotary duplicators; marking templates; decorators' paintbrushes; containers of paper, for packaging; plastic bags and plastic pouches for packaging; food wrapping plastic film for household purposes; garbage bags of paper for household purposes; garbage bags of plastics for household purposes; paper patterns for making quilts; tailors' chalk; banners of paper; flags of paper; hygienic hand towels of paper; towels of paper; table napkins of paper; hand towels of paper; handkerchiefs of paper; baggage tags; paper and cardboard; stationery; printed matter, namely, printed newsletters in the field of sports; paintings and calligraphic works; photographs; photograph stands. Mica, raw or partly processed; valves of rubber or vulcanized fiber not including machine elements; electromagnetic interference shielding gaskets; junctions for pipes not of metal, namely, pipe joint compound; joint packings for water pipes; floating anti-Pollution barriers; electrical insulating materials; washers of rubber or vulcanized fiber; chemical fiber not for textile use; rock wool; slag wool for use as building insulator; rubber thread and covered rubber yarn not for textile use; chemical fiber yarn and thread not for textile use; insulating gloves; rubber cords and laces; industrial packaging containers of rubber; rubber stoppers for industrial packaging containers; rubber lids and caps for industrial packaging containers; plastic sheeting for ***agricultural*** purposes; condenser paper, namely, insulating materials; vulcanized fiber; plastic semi-Worked products, namely, extruded plastics in the form of bars, blocks, pellets, rods, sheets and tubes for use in manufacturing; rubber, raw or semi-Worked; soundproofing materials of rock wool not for building purposes. Handbag frames; purse frames; horseshoes; industrial packaging containers of leather; clothing for domestic pets; bags and the like, namely, handbags and all-Purpose sports bags; leather pouches; vanity cases not fitted; umbrellas and their parts; walking sticks; canes; metal parts of canes and walking-Sticks; handles for canes and walking sticks; saddlery; leather and unworked fur in the nature of fur pelts; semi-Worked fur; leather straps; rawhides; raw skins; tanned leather; furs sold in bulk; leather cloth, namely, leather and imitation leather. Tar; pitch; non-Metallic minerals for building or construction; ceramic building materials, bricks and refractory products, namely, bricks and ceramic roofing tiles; building materials made of linoleum for fixing to existing walls or floors, namely, non-Metal wall tiles; plastic building materials, namely, plastic wallboards and floorboards; synthetic building materials, namely, wallboards and floorboards; asphalt, and asphalt building or construction materials, namely, asphalt felt and asphalt roof coatings; rubber building or construction materials, namely, rubber floor tiles; plaster for building purposes; lime building or construction materials; building or construction materials of plaster, namely, plaster boards; rockslide retention nets of textile construction materials; prefabricated buildings, not of metal; erosion control mats integrating plants seeds; plastic security windows allowing communication; road and field marking sheets and strips, namely, plastic road studs; cement and its products, namely, cement posts and cement slabs; building timber; building stone; building glass; artificial fish reefs not of metal; pre-Fabricated poultry houses, not of metal; paint spraying booths not of metal; non-Metal moulds for forming cement building products, namely, cement posts and bricks; water-Pipe valves not of metal or plastics; road signs not of metal, non-Luminous, and not mechanical; beacons not of metal, non-Luminous; non-Metal sump reservoirs for use in construction of basement waterproofing system; liquid storage tanks of masonry for industrial purposes; water tanks of masonry for industrial purposes; water tanks of masonry for household purposes; letter boxes of masonry; joinery fittings not of metal; man-Made garden ponds structures, not of metal, namely, non-Metal structural frames for artificial ponds placed in gardens, sold empty; transportable greenhouses not of metal for household use; gravestones and tomb plaques not of metal; stone sculptures; concrete sculptures; marble sculptures; non-Metallic mineral materials unworked or partly worked for building or construction; boards and powder of inorganic fiber, namely, fiberboards; plaster boards; slag, namely, slag stone. Meerschaum, raw or partly worked material; yellow amber; loading pallets not of metal; beehives being hive boxes or honeycombs; hairdresser'S chairs; barbers' chairs; valves of plastics not including machine elements; reservoirs not of metal or masonry, namely, plastic storage tanks; liquid storage tanks or reservoirs not of metal or masonry, namely, wood storage tanks; industrial water tanks not of metal or masonry, namely, water tanks of plastic for industrial purposes; liquefied gas storage tanks not of metal or masonry; gas storage tanks not of metal or masonry; containers for transport not of metal; curtain fittings, namely, curtain hooks and rails; metal-Substitute plastic fasteners, namely, non-Metal rails, bolts and screws; nails, wedges, nuts, screws, tacks, bolts, rivets and casters not of metal; washers not of metal, not of rubber or vulcanized fiber; locks, non-Electric, not of metal; furniture cushions; japanese floor cushions (Zabuton); pillows; mattresses; industrial packaging containers of wood, bamboo or plastics; industrial packaging containers of wood not including corks nor wooden stoppers, lids and covers; industrial packaging containers of bamboo; industrial packaging containers of plastics not including plastic stoppers, lids, covers and bottles; corks, plastics and wooden stoppers for industrial packaging containers; plastic and wooden lid and covers for industrial packaging containers; embroidery frames and hoops; nameplates and door nameplates not of metal; flagpoles; hand-Held flat fans; hand-Held folding fans; stakes for plants or trees, namely, non-Metal stakes for plants or trees; beds for household pets; dog kennels; nesting boxes for small birds; step ladders and ladders not of metal; letter boxes not of metal or masonry; hat hooks not of metal; water tanks for household purposes not of metal or masonry; hanging boards in the nature of japanese style peg boards, namely, plastic peg boards for use with positional hooks; tool boxes not of metal; fixed towel dispensers not of metal; furniture; indoor window blinds; blinds of reed, rattan or bamboo (Sudare); bead curtains for decoration; window shades; wind chimes; oriental single panel standing partition (Tsuitate); oriental folding partition screens (Byoubu); benches; advertising balloons; upright signboards of wood or plastics; artificial model food samples made of plastic; ritual flower stands; pocket mirrors; pocket mirror bags, namely, fitted covers for personal compact mirrors; cradles; infant walkers; mannequins; costume display stands; sleeping bags for camping; picture frames; plaster sculptures; plastic sculptures; wooden sculptures; japanese food wrapping sheets of wood as materials (Kyogi); bamboo unworked or partly worked material; bamboo skins, unworked or partly worked material; unworked or semi-Worked vines for plaiting; rattan, unworked or partly worked material; reeds, raw or partly worked material; rushes, raw or partly worked material; onigaya hay, raw or partly worked material; sedges, unworked or partly worked material; vegetable aggregate for plaster, namely, susa used as anti-Cracking materials aggregated into plaster; straw of wheat, barley or oats, namely, straw plaits; tusks, raw or partly worked material; whalebones; shells and crusts, namely, sea shells; artificial horns; ivory, unworked or partly worked material; animal horns; animal teeth; tortoiseshells, unworked or partly worked material; animal bone, unworked or partly worked material; coral, unworked or partly worked; rice chests; bathroom stools. Dental floss, floss for dental purposes; unworked or semi-Worked glass not for building; mangers for animals, troughs for livestock; poultry rings; cosmetic and toilet utensils, namely, combs and cosmetic brushes; electric tooth brushes; cosmetic and toilet utensils other than electric tooth brushes; tub brushes; metal brushes; brushes for pipes; industrial brushes; ship-Scrubbing brushes; gloves for household purposes; industrial packaging containers of glass or porcelain; industrial packaging containers of glass not including glass stoppers, lids and covers; industrial packaging containers of ceramics; glass stoppers for industrial packaging containers; glass covers and lids for industrial packaging containers; industrial packaging bottles of plastics; kitchen utensils and containers, not including gas water heaters for household use, non-Electric cooking heaters for household purposes, kitchen worktops and kitchen sinks, namely, kitchen containers and kitchen tongs; cooking pots and pans, non-Electric; coffee-Makers, non-Electric; japanese cast iron kettles, non-Electric (Tetsubin); kettles, non-Electric; tableware, other than knives, forks and spoons, namely, coffee services, tea services and scoops; portable coldboxes, non-Electric; food preserving jars of glass; drinking flasks for travellers; cookware, namely pots and pans; ice pails; pepper pots; sugar bowls; colanders; salt shakers; japanese style cooked rice scoops (Shamoji); cooking funnels; drinking straws; japanese style personal dining trays or stands (Zen); bottle openers; egg cups; tart scoops; napkin holders; napkin rings; pan mats, namely, trivets; chopsticks; chopstick cases; ladles and dippers for kitchen use; cooking sieves and sifters; serving trays; toothpicks; toothpick holders; cleaning tools and washing utensils, namely, washing boards; ironing boards; tailors' sprayers, namely, empty spray bottles; ironing boards (Kotedai); hera-Dai fabric marking boards; stirrers for hot bathtub water (Yukakibol); bathroom pails; candle extinguishers; candlesticks; cinder sifters for household purposes; coal scuttles; japanese charcoal extinguishers called hikeshi-Tsubo, namely, fire buckets; mouse and rat traps; fly swatters; flower pots; hydroponic plant pots for home gardening; watering cans; feeding vessels for pets; brushes for pets; bird cages; bird baths; clothes brushes; chamber pots; piggy banks; boxes of metal for dispensing paper towels; soap dispensers; tanks indoor aquaria and their fittings, namely, aquariums; toilet paper holder; flower vases; flower bowls; upright signboards of glass or ceramics; perfume burners; shoe brushes; shoe horns; shoe shine cloths; shoe shine sponges and cloths; shoe-Trees in the nature of shoe stretchers; portable cooking kits for outdoor use; cattle hair for brushes, horsehair for brushes; polishing cloth. Awnings for vessels; tarpaulins for ships; sails; raw textile fibers; cotton fibers; hemp fibers; silk fibers; coarse animal hairs; chemical fibers for textile use; inorganic fibers for textile use; cotton waddings for clothes; hammocks; futon bags, namely, canvas bag for the storage of futons; cotton batting for futon; knitted cords; sanada-Himo japanese-Style cords; starched cords; twisted cords; cordage; netting, not of metal; industrial packaging containers of textile; industrial packaging containers of straw; elastic bands for binding; tarpaulins, not for ships; tents, not for camping; mountaineering ropes; tents for mountaineering or camping; sails for windsurfing; sawdust; kapok; wood shavings; wood wool, wooden excelsior; cattle hair, raccoon dog hair, pig bristles and horsehair, not for textile use and not for brushes; feathers and downs. Threads and yarns for textile use; threads and yarns excluding chemical fiber and covered rubber thread and yarn not for textile use and degreased waste threads and yarns; degreased waste threads and yarns. Woven fabrics; woven fabrics other than edging ribbons for tatami mats; cloth for tatami mat edging ribbons; knitted fabrics; felt and non-Woven textile fabrics; oilcloth; gummed waterproof cloth; vinyl coated cloth; rubberized cloth; filtering materials of textile, namely, cheese cloth; woven textile goods for personal use, namely, towels and handkerchiefs; mosquito nets; bedsheets; futon quilts; linen, namely, futon quilts; futon ticks, namely, unstuffed futon covers not of paper; pillowcases, pillow slips; bed blankets; table napkins of textile; dish towels for drying; shower curtains; banners and flags not of paper, namely, banners and flags of textile; fitted toilet seat covers of textile; unfitted seat covers of textile; wall hangings of textile; curtains; table cloths not of paper; draperies, thick drop curtains; shrouds, sheets of woven fabrics for wrapping corpses; shrouds for dressing a corpse for funeral (Kyokatabira kimono); red and white striped curtains; black-And-White striped curtains; billiard cloth (Baize). Clothing, namely, shirts and pants; non-Japanese style outerclothing, namely, outer jackets; coats; sweaters and the like, namely, sweaters and cardigans; shirts and the like, namely, t-Shirts and polo shirts; nightwear; underwear, underclothing; swimwear, bathing suits; swimming caps, bathing caps; camisoles; tee-Shirts; japanese traditional clothing, namely, japanese sleeping robes; sleep masks; clothing, namely, aprons; collar protectors for wear; socks and stockings other than special sportswear; puttees and gaiters; fur stoles; shawls; scarves; japanese style socks (Tabi); japanese style socks covers (Tabi covers); clothing, namely, gloves and mittens; neckties; neckerchiefs; bandanas in the nature of neckerchiefs; thermal supporters, namely, thermal underwear; mufflers; clothing, namely, ear muffs; nightcaps; headgear, namely, hats and caps; garters; sock suspenders; suspenders; waistbands; belts for clothing; footwear other than special footwear for sports; shoes and boots other than shoe dowels, shoe pegs, tongue or pullstrap for shoes and boots, protective metal members for shoes and boots; tongue or pullstrap for shoes and boots; protective metal members for shoes and boots; japanese style wooden clogs (Geta); japanese style sandals (Zori); masquerade costumes; clothes for sports, namely, jerseys; clothes for sports other than clothes for water sports, namely, sweatpants; clothes for water sports, namely, surfwear; special footwear for sports, namely, mountaineering shoes; special footwear for sports other than horse-Riding boots and windsurfing shoes, namely, baseball shoes; horse-Riding boots; windsurfing shoes. Shuttles for making fishing nets; hosiery loom needles; electric hair curlers other than hand implements; needles; eyelets for clothing; hem tapes being haberdashery; ribbons; knitted raschel lace fabrics, namely, lace trimming; lace and embroidery; braids; knitting sticks, namely, knitting needles; sewing boxes; dressmakers' impressing blades, namely, tracing wheels; sewing thimbles; pin and needle cushions; boxes for needles; armband for holding sleeves; insignias for wear not of precious metal, namely, ornamental novelty badges; buckles for clothing, clothing buckles; ornamental novelty badges for wear not of precious metal; brooches for clothing; special sash clips for obi (Obi-Dome); bonnet pins, not of precious metal; ornamental adhesive patches for jackets; brassards; hair ornaments; buttons and the like, namely, buttons and buttons for clothing; artificial flowers; artificial garlands and wreaths; artificial flowers other than artificial garlands and wreaths; false beards; false moustaches; non-Electric hair curlers, other than hand implements; shoe ornaments not of precious metal; shoe eyelets; shoe laces; metal fasteners for shoes and boots. Bath mats for wash places; tatami mats and the like, namely, japanese rice straw mats; floor coverings; wall hangings not of textile; artificial turf; gymnastic mats; wallpaper. Wax for skis; amusement machines and apparatus for use in amusement parks, namely, coin-Operated amusement machines; toys for domestic pets; toys, namely, dolls; dolls; go games; japanese chess (Shogi games); japanese playing cards (Utagaruta); dice; japanese dice games (Sugoroku); dice cups; chinese checkers games; chess games; checkers, checker sets; dominoes; playing cards; japanese playing cards (Hanafuda); mah-Jong; game machines and apparatus, namely, video game machines; billiard equipment; sports equipment, namely, basketballs; sports equipment other than for climbing, surfing, water-Skiing and scuba diving, namely, soccer balls; climbers' harness; sports equipment for surfing, water-Skiing and scuba diving, namely, surfboards, water skis, and scuba fins; fishing tackle; butterfly nets. Edible oils and fats; milk products excluding ice cream, ice milk and frozen yogurt; meat for human consumption fresh, chilled or frozen; eggs; fresh, chilled or frozen edible aquatic animals not live, namely, seafood; frozen vegetables; frozen fruits; processed meat products, namely, bacon and ham; processed seafood products, namely, canned seafood; processed seafood products, namely, salmon and not including blocks of boiled, smoked and then dried bonitos katsuobushi, dried pieces of agar jelly kanten, flakes of dried fish meat kezuri-Bushi, fishmeal for human consumption, edible shavings of dried kelp tororo-Kombu, sheets of dried laver hoshi-Nori, dried brown alga hoshi-Hijiki, dried edible seaweed hoshi-Wakame and toasted sheets of laver yaki-Nori; blocks of boiled, smoked and then dried bonitos (Katsuo-Bushi); dried pieces of agar jelly (Kanten); flakes of dried fish meat (Kezuri-Bushi); fish meal for human consumption; edible shavings of dried kelp (Tororo-Kombu); sheets of dried laver (Hoshi-Nori); dried brown alga (Hoshi-Hijiki); dried edible seaweed (Hoshi-Wakame); toasted sheets of laver (Yaki-Nori); processed vegetables and fruits; fried tofu pieces (Abura-Age); freeze-Dried tofu pieces (Kohri-Dofu); jelly made from devils' tongue root (Konnyaku); soya milk, milk substitute; tofu; fermented soybeans (Natto); processed eggs; pre-Cooked curry stew, stew and soup mixes; dried flakes of laver for sprinkling on rice in hot water (Ochazuke-Nori); furi-Kake dried flakes of fish, meat, vegetables or seaweed; side-Dish made of fermented soybean name-Mono; preserved pulses. Starch based binding agents for ice cream; meat tenderizers for household purposes; starch based thickening preparations for stiffening whipped cream; aromatic preparations for food not from essential oils, namely spices; tea; coffee and cocoa; ice; confectionery, namely chocolate; bread and buns; sandwiches; steamed buns stuffed with minced meat (Chinese-Manjuh); hamburgers sandwiches; pizzas; hot dogs sandwiches; meat pies; seasonings other than spices; soya bean paste condiment; worcestershire sauce; meat gravies; ketchup; soy sauce and soya sauce; vinegar; vinegar mixes, namely, flavored balsamic vinegar and vinegars flavored with seasonings and spices; seasoning soy sauce (Soba-Tsuyu); salad dressings; white sauce; mayonnaise; sauces for barbecued meat; cube sugar; fructose for culinary purposes; crystal sugar not confectionery; sugar; maltose for culinary purposes; honey; glucose for culinary purposes; powdered starch syrup for culinary purposes; starch syrup for culinary purposes; table salt mixed with sesame seeds; cooking salt; roasted and ground sesame seeds; celery salt; umami seasonings; spices; ice cream mixes; sherbet mixes; unroasted coffee beans; cereal preparations, namely, breakfast cereals; chinese stuffed dumplings gyoza, cooked; chinese steamed dumplings (Shumai, cooked); sushi; fried balls of batter mix with small pieces of (Octopus takoyaki); boxed lunches consisting of rice, with added meat, fish or vegetables; ravioli; yeast powder; koji in the nature of fermented malted rice; yeast; baking powder; instant confectionery mixes, namely, ice cream mixes; pasta sauce; by-Product of rice for food, namely, sake lees; husked rice; husked oats; husked barley; gluten for food, namely, gluten additives for culinary purposes; flour. Wreaths of natural flowers; live fishing baits; hops, unprocessed; edible aquatic animals, live; unprocessed edible seaweeds; vegetables, fresh; fresh vegetables other than tea leaves; tea leaves, unprocessed; unprocessed sugar crops; fruits, fresh; malt not for food, namely, malt for brewing and distilling; foxtail millet, unprocessed; proso millet, unprocessed; unprocessed edible sesame; buckwheat, unprocessed; corn, unprocessed grain; japanese barnyard, millet unprocessed; wheat, barley and oats, unprocessed; unprocessed rice; sorghum, unprocessed; animal foodstuffs; seeds and bulbs; living trees; grass seeds; turf natural; dried flowers; seedlings; saplings; flowers, natural; pasture grass seed; potted dwarfed trees, namely, bonsai; live mammals, fish not for food, birds and insects; silkworm eggs; cocoons for silkworm breeding; eggs for hatching; urushi tree seeds; rough cork; palm tree leaves, unworked. Beer; non-Alcoholic beverages, namely, carbonated beverages; fruit juices; vegetable juices beverage; extracts of hops for making beer; whey beverages. Japanese liquors in general; western liquors in general; alcoholic fruit beverages; japanese shochu-Based alcoholic beverages, namely, chuhai; chinese liquors in general; flavored liquors. Tobacco; smokers' articles, namely, cigarette-Rolling machines; matches. Advertising and publicity services; promoting the goods and services of others through the administration of sales and promotional incentive schemes involving trading stamps; business management analysis or business consultancy; marketing research or analysis; providing information concerning commercial sales; business management of hotels; providing information relating to preparation, auditing or certification of financial statements; employment agencies; auctioneering; import-Export agencies; arranging newspaper subscriptions; shorthand services; message transcription; document reproduction; office functions, namely, filing, in particular documents or magnetic tape; compilation of information into computer databases; providing business assistance to others in the operation of data processing apparatus, namely, computers, typewriters, teletext machines and other similar office machines; reception services for visitors in buildings; publicity material rental; rental of typewriters, copying machines and word processors; providing employment information; providing information on newspaper articles, namely, news clipping services; rental of vending machines; wholesale and retail store services featuring a variety of goods in each field of clothing, foods and beverages, and livingware, carrying all goods together; wholesale and retail store services featuring woven fabrics and beddings; wholesale and retail store services featuring clothing; wholesale and retail store services featuring diapers; wholesale and retail store services featuring footwear other than special footwear for sports; wholesale and retail store services featuring bags and pouches; wholesale and retail store services featuring foods and beverages; wholesale and retail store services featuring liquor; wholesale and retail store services featuring meat; wholesale and retail store services featuring seafood; wholesale and retail store services featuring vegetables and fruits; wholesale and retail store services featuring confectionery, bread and buns; wholesale and retail store services featuring rice and cereals; wholesale and retail store services featuring milk; wholesale and retail store services featuring carbonated drinks refreshing beverages and non-Alcoholic fruit juice beverages; wholesale and retail store services featuring tea, coffee and cocoa; wholesale and retail store services featuring processed food; wholesale and retail store services featuring automobiles; wholesale and retail store services featuring two-Wheeled motor vehicles; wholesale and retail store services featuring bicycles; wholesale and retail store services featuring furniture; wholesale and retail store services featuring joinery fittings; wholesale and retail store services featuring tatami mats; wholesale and retail store services featuring ritual equipment; wholesale and retail store services featuring electrical machinery and apparatuses; wholesale and retail store services featuring bladed or pointed hand tools, hand tools, hardware; wholesale and retail store services featuring kitchen equipment, cleaning tools and washing utensils; wholesale and retail store services featuring pharmaceutical, veterinary and sanitary preparations and medical supplies; wholesale and retail store services featuring cosmetics, toiletries, dentifrices, soaps and detergents; wholesale and retail store services featuring ***agricultural*** machines, implements and supplies; wholesale and retail store services featuring flowers and trees; wholesale and retail store services featuring fuel; wholesale and retail store services featuring printed matter; wholesale and retail store services featuring paper and stationery; wholesale and retail store services featuring sports goods; wholesale and retail store services featuring toys, dolls, game machines and apparatus; wholesale and retail store services featuring musical instruments; wholesale and retail store services featuring photographic machines and apparatus and photographic supplies; wholesale and retail store services featuring clocks, watches and spectacles eyeglasses and goggles; wholesale and retail store services featuring tobaccos and smokers' articles; wholesale and retail store services featuring building materials; wholesale and retail store services featuring semi-Wrought precious stones and their imitations; wholesale and retail store services featuring pets. Acceptance of deposits including substitute bond issuance and acceptance of fixed interval installment deposits; loans financing and discount of bills; domestic exchange settlement, namely, money exchange; liability guarantee and acceptance of bills, namely, financial guarantee and surety; securities lending; acquisition and ***transfer*** of monetary claims; safekeeping of valuables including securities and precious metals safe deposit services; money exchange, exchanging money; trusteeship of financial futures contracts; trusteeship of money, securities, monetary claims, personal property, land, rights on land fixtures, surface rights or lease on land; agencies for bond subscriptions; foreign exchange transactions; letter-Of-Credit related services, namely, issuing letters of credit; brokerage of credit purchase; issue of tokens of value; agencies for collecting gas or electric power utility ***payments***; consigned collection of ***payment*** for goods, namely, debt recovery services; buying and selling of securities, namely, securities brokerage; trading of securities index futures; trading of securities options; trading of overseas market securities futures; agencies for brokerage of securities, securities index futures, securities options, and overseas market securities futures; agencies for brokerage of entrusting agents with on-Commission trading in domestic markets of securities, securities index futures and securities options, namely, financial investment brokerage; agencies for brokerage of entrusting agents with on-Commission trading in overseas markets of securities, and securities index futures, namely, financial investment management; agencies for brokerage of forward agreement of securities, for forward agreement of securities index futures, for forward agreement of securities options, spot and forward transaction of securities index futures; brokerage for securities liquidation; securities underwriting; securities brokerage, namely, securities offering; securities brokerage, namely, transaction of securities subscription or offering; providing stock market information; agencies for commodity futures trading; life insurance brokerage; life insurance underwriting; agencies for non-Life insurance; claim adjustment for non-Life insurance; non-Life insurance underwriting, namely, underwriting automobile fire, and casualty insurance; insurance premium rate computing; management of buildings; real estate agency services for the leasing or rental of buildings; leasing or renting of buildings; real estate agencies, namely, purchase and sale of buildings; agency services for the purchase or sale of buildings, namely, real estate agencies; real estate appraisal; land management, namely, real estate management; real estate agency services for the leasing or rental of land; leasing of land; real estate brokerage for the purchase and sale of land; agency services for the purchase or sale of land; providing information in the field of real estate; art appraisal; precious stone appraisal; used automobiles appraisal; financial assessment of company credit; providing financial information in the field of tax appraisals; providing information relating to tax ***payment*** processing services; charitable fund raising; rental of paper money and coin counting or processing machines; rental of cash dispensers; rental of automated-Teller machines. Building construction; construction consultancy; operation and maintenance of building equipment; shipbuilding; repair or maintenance of vessels; aircraft repair or maintenance; repair of bicycles; repair or maintenance of automobiles; repair or maintenance of railway rolling stocks; repair or maintenance of two-Wheeled motor vehicles; repair or maintenance of cinematographic machines and apparatus; repair or maintenance of optical machines and instruments; repair or maintenance of photographic machines and apparatus; repair or maintenance of loading-Unloading machines and apparatus; repair or maintenance of fire alarms; repair or maintenance of office machines and equipment; repair or maintenance of air-Conditioning apparatus for industrial purposes; repair or maintenance of burners; repair or maintenance of boilers; repair or maintenance of pumps; repair or maintenance of freezing machines and apparatus; repair or maintenance of electronic machines and apparatus; repair or maintenance of telecommunication machines and apparatus; repair or maintenance of telephone apparatus; repair of radio receivers or television receivers; repair or maintenance of telecommunication machines and apparatus other than telephone apparatus, radio receivers and television receivers; repair or maintenance of construction machines and apparatus; repair or maintenance of consumer electric appliances; repair or maintenance of electric lighting apparatus; repair or maintenance of electric motors; repair or maintenance of power distribution or control machines and apparatus; repair or maintenance of power generators; repair or maintenance of laboratory apparatus and instruments; repair or maintenance of measuring and testing machines and instruments; repair or maintenance of medical apparatus and instruments; repair or maintenance of firearms; repair or maintenance of printing or bookbinding machines and apparatus; repair or maintenance of chemical processing machines and apparatus; repair or maintenance of glassware manufacturing machines and apparatus; repair or maintenance of fishing machines and instruments; repair or maintenance of metalworking machines and tools; repair or maintenance of shoe making machines; repair or maintenance of industrial furnaces; repair or maintenance of mining machines and apparatus; repair or maintenance of rubber goods manufacturing machines and apparatus; repair or maintenance of integrated circuits manufacturing machines and systems; repair or maintenance of semiconductor manufacturing machines and systems; repair or maintenance of machines and apparatus for processing foods or beverages; repair or maintenance of machines and apparatus for lumbering, woodworking, or veneer or plywood making; repair or maintenance of textile machines and apparatus; repair or maintenance of tobacco processing machines; repair or maintenance of painting machines and apparatus; repair or maintenance of ***agricultural*** machines and implements; repair or maintenance of plowing machines and implements other than hand-Held tools; repair or maintenance of cultivating machines and implements; repair or maintenance of harvesting machines and implements; repair or maintenance of plant fiber processing machines and implements; repair or maintenance of fodder presses; repair or maintenance of fodder cutting machines; repair or maintenance of fodder mixing machines; repair or maintenance of cake-Fodder crushing machines; repair or maintenance of milk filtering machines; repair or maintenance of milking machines; repair or maintenance of chick brooders; repair or maintenance of egg incubators; repair or maintenance of sericultural machines and implements; repair or maintenance of machines and apparatus for pulp-Making, papermaking or paper-Working; repair or maintenance of plastic processing machines and apparatus; repair or maintenance of packaging or wrapping machines and apparatus; repair or maintenance of sewing machines; repair or maintenance of reservoirs; repair or maintenance of gasoline station equipment; repair or maintenance of mechanical parking systems; repair or maintenance of bicycle parking apparatus; repair or maintenance of cooking equipment for industrial purposes; repair or maintenance of dishwashers for industrial purposes; repair or maintenance of electric washing machines for industrial purposes; repair or maintenance of vehicle washing installations; repair or maintenance of vending machines; repair or maintenance of power-Driven floor cleaning machines; repair or maintenance of amusement machines and apparatus; repair or maintenance of machines and apparatus for use in beauty salons or barbers' shops; repair or maintenance of water pollution control equipment; repair or maintenance of water purifying apparatus; repair or maintenance of waste compacting machines and apparatus; repair or maintenance of waste crushing machines; repair or maintenance of divers' apparatus; repair or maintenance of chemical plants; repair or maintenance of nuclear power plants; furniture restoration; umbrella repair; repair or maintenance of musical instruments; safe maintenance or repair; shoe repair; clock and watch repair or maintenance; sharpening of scissors and kitchen knives; setup or repair of locks; repair or maintenance of gas water heaters; repair or maintenance of non-Electric cooking heaters; repair or maintenance of cooking pots and pans; repair or maintenance of signboards; repair of bags or pouches; repair of personal ornaments; repair of toys or dolls; repair of sports equipment; repair of billiard equipment; repair of game machines and apparatus; repair or maintenance of bath fittings; repair of toilet stool units with a washing water squirts; repair of fishing tackle; repair of spectacles; fur care and repair; laundering; pressing of clothing; clothing repair, mending clothing; fluffing of cotton batting for futon; repair of tatami mats; chimney sweeping; cleaning of building exterior surfaces; window cleaning; carpet and rug cleaning; floor polishing; septic tank cleaning; bathtub and bath boiler cleaning; street cleaning; reservoirs cleaning; disinfecting of telephone hand-Sets; vermin exterminating other than for ***agriculture***, horticulture or forestry; sterilization of medical machines and apparatus; rental of construction machines and apparatus; rental of floor cleaning machines; rental of mops; rental of car-Washing apparatus; rental of laundry dryers; rental of spin dryers for clothes; rental of electric washing machines; rental of mining machines and apparatus; rental of drainage pumps; rental of industrial dish drying machines; rental of dish washing machines for industrial purposes. Telecommunication other than broadcasting, namely, telecommunication gateway services; television broadcasting; news agencies, namely, the transmission of news items to news reporting organizations; rental of telecommunication equipment including telephones and facsimile apparatus. Railway transport; car transport; providing road and traffic information; vehicle-Driving services; marine transport; air transport; packaging of goods for transport; freight brokerage; cargo unloading; animal removal services; ship brokerage for rental, selling, purchasing or chartering of vessels; refloating of ships; ship piloting; warehousing services; temporary safekeeping of personal belongings; temporary storage of deliveries; gas supplying distribution; electricity distribution; water supplying distribution; heat supplying distribution; rental of warehouse space; parking services, namely, parking lot services; highway development services, namely, providing toll roads for others; providing vessel mooring facilities; airport services; operating parking lots, namely, parking lot services; rental of loading-Unloading machines and apparatus; car rental; rental of vessels; rental of bicycles; rental of aircraft; rental of mechanical parking systems; rental of packaging or wrapping machines and apparatus; rental of refrigerator-Freezers for household purposes; rental of freezers for household purposes; rental of wheelchairs; correspondence delivery by post and/Or messenger; travel tour conducting; travel arrangement and reservation services excluding those for lodging, namely, making reservations and bookings for transportation; rental of aircraft engines; rental of freezing machines and apparatus; rental of gasoline station equipment not for repair and maintenance of automobiles, namely, rental of gasoline tanks. Removal of radiation rays, namely, radiation decontamination services; treatment or processing of cloth, clothing or fur including drying; custom tailoring or dressmaking; embroidery, embroidering; metal treating; processing of rubber; processing of plastics; ceramic processing; wood-Working; paper treating and working; stone treating, namely, stone grinding; taxidermy; processing of bamboo, tree barks, rattan, vines or other mineral vegetable materials other than processing of ingredients; food processing; processing of artificial limbs or artificial teeth including processing of medical materials, namely, custom fabrication of artificial limbs, artificial teeth and medical materials; processing of cinematographic films; photographic enlarging; photographic printing; photographic film development; bookbinding; water treating; recycling of waste; nuclear fuel reprocessing; engraving of sealing stamps; photogravure; rental of textile machines and apparatus; rental of machines and apparatus for film development, photograph printing, photograph enlargement or photograph finishing; rental of metal treating machines and tools; rental of bookbinding machines; rental of machines and apparatus for processing foods or beverages; rental of machines and apparatus for lumbering, woodworking, or veneering or plywood making; rental of machines and apparatus for pulp-Making, papermaking or paper-Working; rental of water purifying apparatus; rental of waste compacting machines and apparatus; rental of waste crushing machines; rental of chemical processing machines and apparatus; rental of glassware manufacturing machines and apparatus; rental of shoe making machines; rental of tobacco processing machines; providing material treatment information; printing; collection, sorting and disposal of waste and trash; collection, sorting and disposal of domestic waste and trash; collection, sorting and disposal of industrial waste and trash; rental of knitting machines; rental of sewing machines; rental of humidifier for household purposes. rental of air purifiers for household purposes; rental of air-Conditioning apparatus for household purposes; rental of electricity generators; rental of printing machines and apparatus; rental of boilers; rental of humidifier for industrial purposes; rental of air purifiers for industrial purposes; rental of air-Conditioning apparatus. Operating lotteries; educational and instruction services, namely, conducting classes in the field of arts, crafts, sports, and general knowledge regarding life skills; arranging, conducting and organization of seminars in the field of medicine; animal training; plant exhibitions; animal exhibitions; non-Downloadable electronic publications in the nature of books in the field of medicine; services of reference libraries for literature and documentary records; book rental; art exhibitions; gardens for public admission; caves for public admission; publication of books; arranging and planning of movies, shows, plays or musical performances; movie showing, movie film production, and movie film distribution; presentation of live show performances; direction or presentation of plays; presentation of musical performances; production of radio or television ***programs***; production of videotape film in the field of education, culture, entertainment or sports not for movies or television ***programs*** and not for advertising or publicity; production of radio and television ***programs***; operation of video and audio equipment for the production of radio and television ***programs***; organization, arranging and conducting of sports competitions; organization of entertainment events excluding movies, shows, plays, musical performances, sports, horse races, bicycle races, boat races and auto races, namely, organizing cultural and arts events; organization, arranging and conducting of horse races; organization, arranging and conducting of bicycle races; organization, arranging and conducting of boat races; organization, arranging and conducting of auto races; providing audio or video studio services; providing sports facilities; providing amusement facilities; providing facilities for movies, shows, plays, music or educational training; booking of seats for shows; rental of cinematographic machines and apparatus; rental of cine-Films; rental of musical instruments; rental of sports equipment, except vehicles; rental of television sets; rental of records or sound-Recorded magnetic tapes; rental of image-Recorded magnetic tapes; rental of film negatives; rental of film positives; rental of toys; rental of amusement machines and apparatus; rental of game machines and apparatus; rental of paintings and calligraphic works; photography; language interpretation; translation; rental of cameras; rental of optical machines and apparatus, namely, video cameras. Providing meteorological information; architectural design; surveying; geological surveys or research; designing of machines, apparatus, instruments and their parts or systems composed of such machines, apparatus and instruments, namely designing and development of computer hardware; computer software design, computer ***programming***, or maintenance of computer software; technological advice relating to computers, automobiles and industrial machines; testing, inspection or research of pharmaceuticals, cosmetics or foodstuffs; research on building construction or city planning; testing or research on prevention of pollution; testing or research on electricity; testing or research on civil engineering; testing, inspection or research on ***agriculture***, livestock breeding or fisheries; testing or research on machines, apparatus and instruments; rental of measuring apparatus; rental of computers; providing on-Line non-Downloadable software for use in database management; rental of laboratory apparatus and instruments; rental of drawing instruments. Providing temporary accommodation; accommodation bureau brokering reservations for hotels, boarding houses or the like, namely, booking of hotels and boarding house for others; providing foods and beverages; boarding for animals; preschooler and infant care at daycare centers; retirement home; rental of conference rooms; rental of facilities for exhibitions; rental of futon and quilts; rental of pillows; rental of blankets; rental of electric toasters for household purposes; rental of microwave ovens for household purposes; rental of hot plates for household purposes; rental of cooking equipment for industrial purposes; rental of non-Electric cooking heaters; rental of dishes; rental of kitchen worktops; rental of kitchen sinks; rental of curtains; rental of furniture; rental of wall hangings; rental of floor coverings; rental of wet wipes; rental of towels. Beauty salons; barbershops; providing bath houses; garden tree planting; garden or flower bed care; fertilizer spreading; weed killing; vermin exterminating for ***agriculture***, horticulture or forestry; massage and therapeutic shiatsu massage; chiropractics; moxibustion; treatment for dislocated joints, sprain, bone fractures or the like (Judo-Seifuku); acupuncture; medical services; providing medical information; physical examination; dentistry; preparation and dispensing of medications; dietary and nutritional guidance; animal breeding; veterinary services; animal grooming; nursing care; rental of potted plants; farming equipment rental; rental of medical apparatus and instruments; rental of apparatus and instruments for use in beauty salons or barbershops; rental of lawnmowers. Rental of safes; information relating to fashion coordination services for individuals; marriage partner introduction or dating services; providing facilities for wedding ceremonies; planning and arranging of wedding ceremonies; funeral service undertaking; providing grave spaces or charnel houses; providing legal information relating to agencies for procedures relating to industrial property rights and preparation of expert opinions; providing legal information relating to agencies for legal procedures relating to lawsuits or other legal issues; providing legal information relating to agencies for judicial registration or deposits; providing legal information relating to agencies for copyright licensing; legal services relating to social insurance claims; security guarding for facilities; personal body guarding; investigation or surveillance on background profiles; fortune-Telling; non-Therapeutic counselling services rendered to meet the needs of individuals, namely, marriage and spiritual counseling; pet sitting; caring for babies excluding services provided at a facility, namely, babysitting services; housework services rendered to meet the needs of individuals, namely, house sitting; rental of clothing; rental of altars; rental of fire alarms; rental of fire extinguishers; rental of personal ornaments for wearing. Mitsui and co. The non-Latin characters in the mark transliterate to "Mitsui" and this means "Three wells" in english. The english translation of "Mitsui" in the mark is "Three wells". |  |  |  |  |  |
| The Power Within | [79-194,775] | Lune Group Oy | 7-28-16[1-23-18] | Intl. 3, 5, 10US. 1, 4, 6, 18, 26, 39, 44, 46, 50, 51, 52 | - - - - |
| Menstrual cup cleaning substances; soaps; lotions, balsams, creams and cleansers for skin care; skin care preparations, namely non-Medicated skin care preparations; perfumery, essential oils; cosmetics; hair lotions; oils for cosmetic purposes; non-Medicated toiletries. Sanitary preparations for medical purposes; medical plasters, materials for dressings in the nature of gauze for dressing; hygienic preparations in the nature of sanitary towels, medicated soaps, air purifiers preparations, and hygienic dressing bandages in the nature of menstruation bandages, hygienic medicated antibacterial and medicated cleansing lotions and gels for body, hygienic antibacterial and medicated soaps, absorbent goods for personal hygiene, namely, hygienic covers in the nature of menstrual pads; tampons; pantyliners. Condoms, menstrual cups; diaphragms for contraception. |  |  |  |  |  |
| Otso | [79-195,287] | Arctia Icebreaking Oy | 4-5-16[1-23-18] | Intl. 3, 9, 12, 16, 18, 21, 24, 25, 28, 39, 41US. 1, 2, 3, 4, 5, 6, 13, 19, 21, 22, 23, 26, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 44, 50, 51, 52, 100, 101, 105, 107 | - - - - |
| Non-Medicated toiletries; perfumery and fragrances; oral hygiene preparations, namely, toothpaste, mouthwash and dentifrices; body cleaning and beauty care preparations, namely, body and beauty care cosmetics; cleaning and fragrancing preparations, namely, perfumes and beauty soaps; shower gels; bath soap; bath foam. Video disks and video tapes with recorded animated cartoons; audio recordings featuring music; digital music downloadable provided from a computer database or the internet; downloadable electronic publications in the nature of books, magazines, brochures in the field of ice breaking and shipping; cinematographic films featuring ice breaking and shipping; downloadable graphics for mobile phones; downloadable musical sound recordings; downloadable music files; musical video recordings; talking books, namely, audio books in the field of ice breaking and shipping; musical sound recordings; musical sound recordings in the form of discs; printed publications in optically recorded form, namely, electronic publications, namely, book, magazine, brochure featuring ice breaking and shipping recorded on computer media; printed publications in electronically readable format, namely, electronic publications, namely, book, magazine, brochure featuring ice breaking and shipping recorded on computer media; video recordings featuring music, films; game software; computer game ***programs*** downloaded via the internet; downloadable electronic game ***programs***; downloadable computer game ***programs***; downloadable video game ***programs***; software ***programs*** for video games, namely, video game software; recorded computer game ***programs***; computer games, namely, computer game discs; video game ***programs***; sun glasses; cases for spectacles and sunglasses; reflecting discs for wear in the nature of safety products, namely, embroidered reflective patches to be worn on clothing; bags, cases and sleeves for storing and carrying telephones, computers, mp3 players, cd-Players, dvd players, headphones, cameras and apparatus for game; mouse mats; computer memories; covers for mobile phones, laptops, portable computers and tablets. Icebreakers, namely, ships; seacraft, namely, boats. Paper, cardboard; printed matter, namely, printed ***calendars***, printed forms, printed invitations; photographs; stationery; packing paper, wrapping paper and packaging materials made of paper or cardboard; cardboard boxes; paper bags; envelopes; scrapbooks, photographic albums; books in the field of ice breaking and shipping; notebooks, story books, activity books, namely, coloring books; comic strips, colouring books, children'S activity books; comic magazines; greeting cards; ***calendars***; paper wipes, namely, disposable wipes not impregnated with chemicals or compounds; tissues of paper; table napkins of paper; paper table linens; mats, namely, coasters of paper or cardboard; pens; pen holders; desk pads; drawing materials and instruments, namely, pens and pencils; writing instruments and writing pads; pencil cases and boxes; rubber erasers; writing paper pads; postcards; posters; occasion cards; bookends; bookmarkers; ink stamps; paper flags; signboards of paper or cardboard; stickers; decorations and ornaments made of paper or card, namely, paper party decorations and ornaments; printed periodicals in the field of ice breaking and shipping; printed publications, namely, brochures, booklets, and teaching materials in the field of ice breaking and shipping; pastel crayons; colour pencil sets, namely, color pencils; document portfolios; folders; toilet paper and kitchen roll, namely, paper towels. Trunks and travelling bags; umbrellas and parasols; casual bags, namely, all-Purpose carrying bags; wallets, duffel bags, rucksacks and animal carriers; belt bags and hip bags; cosmetic bags sold empty; reusable shopping bags; satchels; luggage tags; straps for luggage and handbags; leather shoulder belts; collars, leads and harnesses for pets. Household or kitchen utensils and containers, namely, containers for household use, combs and sponges for household purposes; brushes, namely, hair brushes and scrubbing brushes; mugs; bottles sold empty and vacuum bottles; statues of china or glass; disposable containers for household or kitchen use; serving trays; plates, bowls; beverage glassware; candlesticks; glass storage jars; piggy banks; works of art made of glass; toothbrushes and toothbrush holders; cosmetic and and bathroom articles, namely, bath brushes, bath sponges, and cosmetic brushes; coupes and vases; bottle openers. Fabric and textile goods, namely, textile labels, textile tablecloths, textile wall hangings, textile fabrics for the manufacture of clothing; bed clothes, namely, bed sheets and comforters; table cloths not of paper; bed blankets, pillowcases; duvet covers; curtains; handkerchiefs of textile; towels; bed sheets, bed covers; shower curtains; cushion covers; sitting mat covers of fabric, namely, unfitted fabric furniture covers; textile table napkins; place mats, not of paper; fabrics, namely, woven fabrics, silk fabrics, polyester fabrics, knitted fabrics and non-Woven fabrics and felts; tea towels; throws. Clothing, namely, t-Shirts, shirts, blouses, shorts, pants, tops, skirts, dresses; footwear, headwear, namely, hats and caps; belts; ties; scarves and bandanas; socks and tights; knitted caps, caps with visors; gloves, mittens; outerclothing, namely, coats, parkas and jackets; coats; overalls; boots; slippers; sport shoes; sandals; pajamas; clothing for children, namely, t-Shirts, shirts, shorts, pants, tops, jeans and dresses; baby gowns, namely, baby bodysuits; bath robes, dressing gowns; aprons; masquerade costumes; swimming costumes. Games and playthings, namely, board games, dice games, playing cards, dolls, plush toys; gymnastic and sporting articles not included in other classes, namely, footballs; electric action toys, stuffed toys, water toys, wooden toys, namely, toy vehicles and toy houses; toys made of plastics, namely, action figures; children'S multiple activity toys; bags specially adapted for sports equipment; electronic games other than those adapted for use with television receivers only; handheld units for playing electronic games; video game consoles; balloons; jigsaw puzzles; dolls; assemble toys, namely, toy models; fairground and playground apparatus, namely, playground equipment, namely, climbing units, sand boxes and slides; mechanical and electronic games, namely, pinball games and arcade games; festive seasonal decorations, namely, christmas tree decorations; practical jokes, namely, toy and novelty face masks; games, namely, apparatus for electronic games adapted for use with an external display screen or monitor; skis, ice skates; ski boards, namely, snow boards; flippers for swimming; and swimming floats. Ice breaking for the shipping industry; harboring services, namely, harbour piloting, harbor crane unloading. Education services, namely, providing classes, seminars, workshops in the field of ice breaking and shipping; providing of training in the field of ice breaking and shipping; entertainment in the nature of track and field competitions, light shows, musical and dance performances, arranging and conducting parties; production of plays, cinematographic films; organizing community sporting and cultural events; providing on-Line electronic publications, not downloadable, in the nature of magazines and brochures in the field of ice breaking and shipping; publishing of stories; publication of printed matter; publishing of electronic publications; providing electronic publications, namely, non-Downloadable electronic publications in the nature of magazines and brochures in the field of ice breaking and shipping; production and distribution of cinematographic films; animation production services; animated cartoon production services; production of television ***programs***; organizing parties and events, namely, party planning and special event planning for social entertainment purposes; publication and publishing activities, namely, publishing of journals, books and magazines; production of music; production of plays; provision of on-Line computer games; amusement and theme park services; fan club services in the nature of entertainment; provision of on-Line entertainment, namely, providing an on-Line board game. |  |  |  |  |  |
| Nat Protect | [79-196,509] | Naturex | 10-18-16[1-23-18] | Intl. 1, 3US. 1, 4, 5, 6, 10, 26, 46, 50, 51, 52 | - - - - |
| "Protect". Chemicals as raw materials for cosmetics and the food and pharmaceutical industries, mainly comprising plant extracts; active chemical ingredients used in cosmetic formulation; mineral acids; mineral salts for industrial purposes; chemicals mainly comprising plant extracts designed to preserve cosmetics and for the antimicrobial protection thereof. Soaps; perfumes; cosmetics; essential oils; odoriferous substances in the nature of aromatic oils, aromatic essential oils; cosmetics in galenic form and mainly containing plant extracts, not for medical purposes; nutritional additives being cosmetic preparations that may contain plant extracts and/Or purified molecules extracted from plants, for beauty or skin, body, facial, hair or nail care for cosmetic purposes in the form of powders, bars and creams. |  |  |  |  |  |
| Cyberobics | [79-199,359] | Mcfit Global Group | 3-15-16[1-23-18] | Intl. 3, 9, 14, 20, 25, 28, 35, 38, 41, 42, 43, 45US. 1, 2, 4, 6, 13, 21, 22, 23, 25, 26, 27, 28, 32, 36, 38, 39, 50, 51, 52, 100, 101, 102, 104, 107 | - - - - |
| Toiletries, namely, non-Medicated toiletry preparations, oils for toiletry purposes, lotions for toiletry purposes; cosmetics; perfumery; fragrances; bath and shower gels, not for medical purposes; aftershave creams; shaving lotion; perfumed creams; hand creams; shaving cream; face creams for cosmetic use; skin cream; hair care creams; haircare preparations, including hair lotions; scented body lotions and creams; beauty lotions; lotions for face and body care. Apparatus for recording, transmission or reproduction of sound or images; data processing apparatus; computers; computer software, namely, software to use and show specific fitness and mental health content via ***programmed*** websites and mobile applications, including applications for mobile devices; digital music downloadable provided via the internet; digital video downloadable provided via the internet recordings featuring sports and fitness videos for physical and mental training; image and sound carriers, namely, blank optical data carriers, pre-Recorded magnetic data carriers featuring video in the field of physical fitness, health and mental training; electronic notice boards; headphones; transmitters of electronic signals; audio-And video-Receivers; sound transmitting apparatus; display screens, namely, flat panel display screens, lcd; computer animation software for mental and physical training; video games software; wearable activity trackers and wearable computers both in the shape of bracelets with integrated altimeters, compasses, pedometers, speed measuring apparatus and/Or telemeters with speed sensors. Electric clocks and watches; chronographs for use as watches and timepieces; stopwatches. Furniture. Clothing, namely, shirts, shorts, pants, jackets, socks, belts, jumpers, sweaters, pullovers, cardigans, sweatshirts, wristbands; footwear; headgear, namely, hats, caps. Gymnastic articles, namely, balance beams, gymnastic apparatus, aerobic step machines, stationary exercise bicycles; sporting articles, namely, weights, treadmills, rowing machines, stair stepping machines, resistance machines, stationary cycles, barbells for weight lifting; video game apparatus, namely, video game machines, video game joysticks; cardiovascular equipment, namely, weights, treadmills, rowing machines, stair stepping machines, resistance machines, stationary cycles; cardio equipment, namely, aerobic step machines, stationary exercise bicycles; machines for physical exercises, namely, weights, barbells for weight lifting, exercise bands, stretch bands, dumbbells; appliances for gymnastics; gymnastic apparatus. Advertising; business management; business administration; arranging of contacts, namely, provision of commercial and business contact information, providing an on-Line computer database in the field of business contacts for others, for the purchase and sale of films, video and audio recordings. Broadcasting of films, video and audio recordings; electronic transmission of sporting, cultural and social events; video-On-Demand transmission; provision of telecommunication access to video and audio content provided via an online video-On-Demand services; provision of telecommunication access to films and television ***programs*** provided via a video-On-Demand service; provision of access to an internet portal featuring video-On-Demand ***programs***; providing telecommunication access to and broadcasting services of videos, films and television ***programmes*** using video-On-Demand and pay tv services; continuous electronic real-Time transmission of multimedia files, in particular audio and video files, via the internet and other telecommunications systems; transmission of video and audio content and providing of access to telecommunications, in particular through video-On-Demand transmission via the internet and other telecommunications systems; providing online forums for fitness and mental health enthusiasts to communicate and share experiences; telecommunication services of a social network, namely, electronic transmission of data, news and information; providing on-Line chat rooms for social networking; providing access to a global computer information network and providing of online discussion chat rooms for social networking. Providing sports facilities; providing sports studios; providing sport camp; operating health and wellness clubs for physical exercise and for physical exercise in groups; rental of sports equipment except vehicles; planning in the nature of services for production and rental of films; design in the nature of services for production and rental of films; production and rental of films, video and sound recordings; recording of video and sound carriers, namely, audio and video recording services; providing on-Line music, not downloadable; providing on-Line videos, not downloadable featuring sport and fitness videos for physical and mental training; provision of non-Downloadable films and television ***programs*** via pay television channels featuring sport and fitness videos for physical and mental training; provision of non-Downloadable films and television ***programs*** provided via a video-On-Demand service; provision of non-Downloadable films and television ***programs*** via streaming services through the internet; showing of films and continuing, ongoing television ***programs***, namely, sport and fitness films for physical and mental training; entertainment by means of a computer database provided online or by means of the internet, namely, production and rental of films; provision of online entertainment, namely, production and rental of films; provision of on-Line computer games, namely, online games for tracking user progress and success upon completion of workouts and training ***programs***; on-Line gaming services, namely, online games for tracking user progress and success upon completion of workouts and training ***programs***; organization or arrangement of sports competitions; arranging, organizing and conducting of cultural and sporting events; entertainment services, namely, providing online, non-Downloadable fitness and mental health videos on locations at gyms, spas, hotels, clubs, workplaces and residential buildings; entertainment services in the nature of cultural, musical and sporting events, namely, music festivals, concerts, live theatrical productions, group exercise activities, organization of non-Downloadable webinars, in the field of fitness and mental healt, group runs in the nature of group fitness running activities, bicycle competitions, outdoor gymnastic classes, soccer competitions, baseball competitions, basketball competitions; gymnastic instruction; music composition services; sporting activity services, namely, organization and providing of sporting competitions, group exercise instruction, personal training instruction, equipment in the nature of rental of sports equipment except vehicles, providing exercise equipment and fitness and exercise facilities, exercise classes, body sculpting classes, group fitness classes and fitness and exercise facilities; cultural activities, namely, organizing musical and sporting events, namely, music festivals, concerts, live theatrical productions, group exercise activities, group runs, bicycle competitions, outdoor gymnastic classes, soccer competitions, baseball competitions, basketball competitions; organizing, arranging and conducting of seminars for educational purposes in the field of physical and mental fitness, training, nutrition, health, wellness, mental well-Being, music, languages and popular culture and distribution of training material in connection therewith; organizing, arranging and conducting of educational workshops for educational purposes in the field of physical and mental fitness, training, nutrition, health, wellness, mental well-Being, music, languages and popular culture and distribution of training material in connection therewith; organization, arranging and conducting of exhibitions for cultural or educational purposes; organization, arranging and conducting of concerts; arranging and organizing sporting events in the nature of fitness training, sporting competitions, group exercise instruction, personal training instruction, equipment in the nature of rental of sports equipment except vehicles, providing exercise equipment and fitness and exercise facilities, exercise classes, body sculpting classes, group fitness classes, fitness and exercise facilities, trainer conventions in the nature of educational conventions in the field of fitness training; services of clubs, namely, music dance and night club services. Design and development of computer hardware and software. Providing food and drink in pubs; providing food and drink in restaurants; providing food and drink in clubs; providing food and drink in bars; providing food and drink in cafés; services of pubs; services of restaurants; services of bars; services of cafés; services for providing food and drink. Issuing licenses for franchising concepts; licensing of rights to films, television and video productions; licensing of industrial property; licensing the rights of films, video and audio recordings; online services provided by social networks, namely, online social networking services. |  |  |  |  |  |
| Baltic Wood | [79-200,684] | Baltic Wood S.A. | 7-14-16[1-23-18] | Intl. 3, 19, 35US. 1, 4, 6, 12, 33, 50, 51, 52, 100, 101, 102 | - - - - |
| The color(S) black, green and white is/Are claimed as a feature of the mark. The top rectangle - black colour; the bottom rectangle - green colour; the words "Baltic wood" - white colour; three coaxial semi-Circular rings - white colour. "Baltic wood". On a background of a black rectangle three white, coaxial, semicircular rings are placed one above the other; black streaks enter the top ring at its right side and the middle and bottom rings at their left sides reaching the centre of the rings and narrowing towards the centre of the ring; under the rings are the white words "Baltic wood" in latin alphabet letters; below the black rectangle is a green rectangle. Cleaning, washing and polishing preparations; detergent soap other than for use in manufacturing operations and for medical purposes; color-Removing preparations for floor; sandpaper for floors; parquet floor wax; floor and furniture polish; washing preparations; rust removing preparations. Wood panelling; planks; manufacturing timber; parquet flooring; wood flooring slabs and wood flooring blocks; wooden slats for floors; wooden joists; wooden grids; decorative trim panel mouldings, not of metal; wooden parquet mosaic; wooden battens; lintels not of metal; wall panels, not of metal; parquet floor boards; floors, not of metal; plywood, floor panels. Wholesale distributorship and retail store services both featuring paints, lacquers, floor and wall panels, parquet flooring, materials and preparations for installation of floors, agents and preparations for gluing, polishing and varnishing parquet flooring and floors; advertising and marketing; sales promotion for others. |  |  |  |  |  |
| Acm 1899 Ac Milan | [79-200,885] | A.C. Milan S.P.A. | 12-31-15[1-23-18] | Intl. 3, 6, 8, 9, 14, 16, 18, 21, 24, 25, 28, 34, 35, 36, 38, 41, 43, 44US. 1, 2, 3, 4, 5, 6, 8, 9, 12, 13, 14, 17, 21, 22, 23, 25, 26, 27, 28, 29, 30, 33, 36, 37, 38, 39, 40, 41, 42, 44, 50, 51, 52, 100, 101, 102, 104, 107 | - - - - |
| The color(S) white, red and black is/Are claimed as a feature of the mark. "1899" and "Milan". The mark consists of the literal elements "Acm 1899 ac milan" represented in stylized font in black, and a design consisting of three concentric ovals in which the outermost oval is in red outlined in black, the second oval is in black and the center oval is in white. inside the same white center oval are the letters "Acm" in black on top and the numbers "1899" in black on the bottom. in between the letters and numbers and superimposed on the same white center oval is a black outlined circle divided in half with the left side half of the circle containing three black vertical bars and three red vertical bars and the right side half of the circle containing a stylized red cross outlined in black against a white background. the wording "Ac milan" is located apart from and below the design elements. Soaps, namely, non-Medicated soaps, shaving soaps; perfumery; essential oils; cosmetics; hair care lotions; dentifrice; cologne; lavender water; toilet water; amber perfume; aromatics, namely, aromatic oils; essential oils for flavoring beverages; essential oils for food flavorings, namely, cake flavorings; skin care preparations, namely, balms other than for medical purposes; bases for flower perfumes, namely, aromatic essential oils; joss sticks; cotton sticks for cosmetic purposes; make-Up preparations; make-Up powder; hair dye; hair colorants for toilet purposes; eyeliner; eyebrow cosmetics; cosmetic creams; dentifrices; detergents, namely, powder laundry detergents; deodorants for human use in the nature of perfumery; perfumed flower extracts for perfumes; make-Up foundations; massage gels other than for medical purposes; dental bleaching gels; incense; hair spray; nail polish; almond milk for cosmetic purposes; cleansing milk for toilet purposes; scented wood; after-Shave lotions; lotions for cosmetic purposes; lip glosses; shoe wax; mascara; beauty masks; eyebrow pencils; cosmetic pencils; mint for perfumery; decorative ***transfers*** for cosmetic purposes; musk; make-Up kits comprised of lipstick, lip gloss; oils for toilet purposes; essential oils of cedarwood; essential oils of lemon; oils for perfumes and scents; oils for cleaning purposes; oils for cosmetic purposes; lavender oil; cosmetic almond oil; rose oil for cosmetic purposes; eye-Shadow; cotton wool for cosmetic purposes; foot smoothing stones; pumice stone for personal use; shaving stones in the nature of astringents for cosmetic purposes; pomades for cosmetic purposes; aromatic potpourri; nail care preparations; cleaning agents for household purposes; shaving preparations; non-Medicated toiletries; make-Up removing preparations; varnish-Removing preparations; perfume; air fragrancing preparations; lipsticks; polishing rouge; bath salts, not for medical purposes; almond soap; shaving soap; bar soap; soap for brightening textile; shampoos; shampoos for pets; dry shampoos; talcum powder, for toilet use; cosmetic dyes, namely, hair dyes; beard dyes; tissues impregnated with cosmetic lotions; scented room sprays; non-Medicated bath soaps in liquid form; shower shampoos, namely, hair shampoo; wipes impregnated with eau de cologne and cleaning preparations; cocoa butter for cosmetic purposes; essential oils for use in air fresheners, namely, aromatic essential oils. Safes; ores of metal; buckles of common metal; bronze works of art; bronze; bells; non-Electric door chimes; metal safety deposit boxes; letter boxes of metal; cotter pins of metal; metal keys for locks; metal door bolts; signboards of metal; metal padlocks; works of art of common metal; brass, unwrought or semi-Wrought; identity plates of common metal; props of metal, namely, props of metal being metal beams; flanges of metal; window fasteners of metal; spurs; hardware, namely, white metal pins; tension links of metal; figurines of common metal; memorial plates of metal, namely, metal novelty license plates; registration plates of metal; portable anvils; outdoor blinds of metal for external use; wire stretchers in the nature of tension links of metal used in connecting chain, wire rope or other rigging; metal hooks. Hand-Operated implements, namely, nail files, nail clippers, cuticle pushers, tweezers, nail and cuticle scissors; side arms, not including firearms, namely, hunting knives; razors; holing axes; cheese slicers, non-Electric; depilation appliances, electric and non-Electric; oyster openers; can openers, non-Electric; silver-Plated knives, forks and spoons; harpoons for commercial fishing; axes; whetstone holders; manicure sets; pedicure sets; razor cases; bayonets; hand tools, namely, screwdrivers; shears; spanners; bits as parts of hand tools, namely, bit drivers for hand tools, drill bits for hand drills; tool belts; hand-Operated cutting tools, namely, box cutters; cutlery; drawing knives; hunting knives; engraving needles; scaling knives; hand tools, namely, foundry ladles; razor strops; glaziers' diamonds being parts of hand tools; scissors; hand-Operated cutting tools; hand tools, namely, fruit pickers; forks; table forks; hand-Operated lasts for shoe-Making; hand tools, namely, rasps; razor blades; hand tools, namely, levers; hand tools, namely, files; needle files; emery files; nail files, electric; hair clippers for personal use, electric and non-Electric; beard clippers; japanese chopping kitchen knives; tweezers; hair-Removing tweezers; numbering punches, namely, nail punches; nail nippers; sand trap rakes; rakes; hand tools, namely, scrapers; nutcrackers; sabres; hand-Operated jig-Saws; hand saws; manicure sets, electric; shaving cases; swords; spatulas being hand tools; wire strippers being hand tools; rabbeting planes; hand tools, namely, squares; embossers, namely, hand-Operated press machines for embossing; nail clippers, electric or non-Electric; vegetable choppers being chopping kitchen knives; pizza cutters, non-Electric; egg slicers, non-Electric; hand tools, namely, priming irons; frames for handsaws; penknives; hand tools, namely, drills; bits being hand tools, namely, bit braces for manual drills; gardening trowels; mincing knives being hand tools; flatware, namely, knives and forks; dessert cutlery sets, namely, forks, spoons, and knives; pitchforks. Apparatus for recording, transmitting and reproducing sound or images; blank magnetic data carriers; blank recording discs; compact discs featuring sports or soccer; blank recordable dvds and other digital recording media, namely, downloadable audio and video recordings, and cds featuring and promoting sports or soccer; cash registers; calculators; computers; computer software; electronic diaries; loudspeakers; antennas; navigation apparatus for vehicles in the nature of on-Board computers; satellite navigational apparatus, namely, satellite-Aided navigation systems; projection apparatus, namely, slide or photograph projection apparatus; photographic cameras; global positioning system gps apparatus, namely, gps data logger for recording trips and classifying them into different accounts; photography darkroom apparatus, namely, photograph enlarging apparatus; sound recording apparatus; time recording apparatus; distance measuring apparatus; sound reproduction apparatus; sound transmitting apparatus; distance measuring apparatus; slide projectors; radios; radios for vehicles; telephone apparatus; containers for contact lenses; spectacle cases; shutter releases; batteries, electric; binoculars; decorative magnets; pocket calculators; juke boxes for computers; telescopes; battery chargers; blank integrated circuit cards in the nature of blank smart cards; video game cartridges; protective helmets for sports; riding helmets; radio pagers; blank usb flash drives; dna chips; electric buzzers; cinematographic cameras; cell phone straps; portable computers; pedometers; counters, namely, geiger counters; chronographs for use as specialized time recording apparatuses; transparencies photography, namely, frames for photographic transparencies; light-Emitting diodes (Leds); blank floppy computer discs; circular slide rules; shield cases for magnetic disks; blank optical discs; compact discs read-Only memory, namely, blank cd-Roms for sound or video recording; animated cartoons, namely, dvd featuring animate cartoons; automatic steering apparatus for vehicles, namely, simulators for the steering and control of vehicles; downloadable image files containing sport or soccer; downloadable music files; photocopiers; record players; temperature indicators; speed indicators; hands-Free kits for phones; lasers, not for medical purposes; contact lenses; lens hoods; magnifying lenses; correcting lenses optics, namely, corrective glasses; optical lenses; spectacle lenses; bar code readers; compact disc players; disk drives for computers; cd players; mp3 players; dvd players; portable media players; optical character readers; electronic pens; modems; computer monitors; spectacle frames; eyeglass frames; computer cursor control devices, namely, computer mouse; blank magnetic computer tapes; blank video tapes; objectives lenses optics, namely, adapter rings for attaching objectives on cameras; spectacles optics, namely, 3d spectacles; anti-Glare glasses; sunglasses; sports glasses; time clocks in the nature of time recording devices; wrist rests for use with computers; downloadable computer ***programs*** software for word processing; computer game software; computer operating ***programs***, recorded; light-Emitting electronic pointers in the nature of luminous pointers; audio-Video receivers; telephone receivers; detectors, namely, carbon monoxide detectors; cabinets for loudspeakers; fluorescent screens; screens photography, namely, diffusers for use in photography; signals, namely, road signs, luminous or mechanical; luminous beacons; answering machines; simulators for the steering and control of vehicles; recorded computer software, namely, computer operating ***programs***, recorded; computer printers for printing documents; measuring instruments, namely, measuring rulers; downloadable ring tones for mobile phones; sound recording carriers, namely, prerecorded magnetic data carriers featuring sport or soccer; magnetic data media, namely, blank magnetic data carriers; optical data media, namely, blank optical data carriers; electronic indicator panels; mouse pads; radio telephones; telegraphs transmitting apparatus; teleprinters; tv sets, namely, tv sets; thermometers, not for medical purposes; encoded magnetic cards, namely, magnetically encoded identity cards; telecommunications transmitters; telephone transmitters; camcorders; blank video cassettes; video screens; video telephones; headphones including microphones; measuring rulers; compasses, namely, directional compasses; light pens; protective covers for smartphones and tablets; rolling cases especially adapted for holding notebook computers; protective cases and pouches for carrying mobile phones; computer accessories in the nature of support apparatus, namely, computer stands specially designed for holding a computer, printer and computer peripherals; usb hubs; computer stylus. Alloys of precious metal; jewellery; precious stones; horological and chronometric instruments; agates; jet, unwrought or semi-Wrought; jewelry, namely, amulets; clock and watchmaking, namely, clock parts and watch-Making parts; jewelry, namely, rings; silver, unwrought or beaten; cases being parts of clocks and watches and jewellery cases; paste jewellery, namely, costume jewelry; clock and watchmaking pendulums; cufflinks; brilliant stones, namely, precious stones; bracelets in the nature of jewellery; watch straps; busts of precious metal; watch cases being part of watches; clock cases being part of clocks; watch chains; jewelry chains; jewelry charms; necklaces in the nature of jewellery; chronographs for use as watches; chronoscopes; diamonds; tie bars; figurines of precious metal; gold thread jewellery; threads of precious metal jewellery; collectable copper tokens; cloisonne jewellery; badges of precious metal; iridium; clock hands; ingots of precious metals; movements for clocks and watches; medals; lockets in the nature of jewellery; precious metals, unwrought or semi-Wrought; watch springs; coins, namely, collectible coins; works of art of precious metal; earrings; jewellery of yellow amber; ornaments of jet; shoe jewelry of precious metal; hat jewelry of precious metal; gold, unwrought or beaten; floor clocks; atomic clocks; wristwatches; clocks and watches, electric; pearls in the nature of jewellery; beads for making jewelry; semi-Precious stones; precious metals, namely, platinum metal; key rings comprised of trinkets or fobs sold as a unit; clock dials; sundials; rhodium; clockworks being clock parts; ruthenium; boxes of precious metal; jewelry cases in the nature of jewelry caskets and jewelry boxes; tie pins; pins being jewelry; ornamental pins; jewelry brooches; spinels in the nature of precious stones used as gems; statues of precious metal; time instruments, namely, apparatus for timing sports events; alarm clocks; watch glasses; cuff-Links; jewellery made of crystal, namely, precious and semi-Precious crystal stones and beads for use in jewelry; jewelry charms made of precious metal; key holders of precious metals; key rings of textile/Fabric, namely, key chains comprised of split rings with decorative fobs or trinkets, or imitation leather key chains. Paper; cardboard; printed matter, namely, paper signs, books, manuals, curricula, newsletters, informational cards and brochures in the field of sport or soccer; book covers; photographs printed, namely, mounted and unmounted photographs; paper stationery; glue for stationery or household use; artists' materials namely, molds for modeling clays; painters' brushes; typewriters and office requisites in the nature of electric paper hole punches, except furniture; printed teaching materials in the field of sport or soccer; aquarelles; glue for stationery or household use; albums for coins, photographs, stamps except record albums; almanacs; cigar bands; stationery; bookbinding material; office requisites in the nature of adhesive tape dispensers, except furniture; paper towels; drawing sets in the nature of drawing instruments, namely, compasses, curves, triangles; stencil cases; cases for sealing stamps; atlases; stickers being stationery; bibs of paper; adhesive bands for stationery or household purposes; gummed tape for stationery use; table linen of paper; printed tickets; greeting cards; musical greeting cards; pads being stationery, namely, memo pads; sketch pads; envelopes for stationery use; ***calendars***; writing board erasers; printing type; carbon paper; copying paper; silver paper; wrapping paper; writing paper; tracing paper; wood pulp paper; filter paper; luminous paper; waxed paper; paper for recording machines; cards, namely, blank note cards; geographical maps; folders for papers; placards of paper or cardboard; posters; folders, namely, file folders; postcards; cardboard articles, namely, cardboard containers; catalogues in the field of sport or soccer; tablemats of paper; letter trays; hectographs; printed newsletters in the field of sport or soccer; file boxes for storage of business and personal record being office requisites; pen clips; cabinets for stationery office requisites, namely, desktop document file stands; iron-On, plastic ***transfers*** in the nature of decalcomanias; drawings; dictionaries; leaflets about sport or soccer; marker pens, namely, permanent markers; handkerchiefs of paper; paperweights; staples for offices; paper sheets, namely, disposable paper sheets for personal hygienic use in the nature of disposable headrest covers not for medical use, and paper sheets for note taking; drawing materials, namely, drawing materials for blackboards; writing materials, namely, ink for writing instruments; school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue and book marks; photo-Engravings; postage stamps; flags of paper; paper clasps; writing chalk; newspapers; comic books; rubber erasers; paper-Clips; pictures; stickers; chalk sticks; ink, namely, ink for pens; signboards of paper or cardboard; bottle wrappers of cardboard or paper; blackboards; writing slates; printed pamphlets in the field of sport or soccer; books in the field of sport or soccer; correcting fluids for type being office requisites; lithographs; terrestrial globes; stencils being stationery; pencils; charcoal pencils; slate pencils; pencil leads; forms, printed; adhesive bands for stationery or household purposes; correcting tapes being office requisites; paper ribbons; ink ribbons; inking ribbons for computer printers; typewriter ribbons; pen wipers, namely, erasers; pastel crayons; pens; pen nibs; painters' brushes; writing brushes; steel pens; printed periodicals in the field of sport or soccer; framed paintings and pictures, namely, picture framing mat boards; printed advertisement boards of paper or cardboard; pencil holders; pencil lead holders; penholders; checkbook covers; document holders being stationery; chalk holders; passport holders; pen boxes; erasing products, namely, whiteboard erasers; printed publications, namely, brochures, booklets, and teaching materials in the field of sport or soccer; push pins; writing or drawing books; square rulers for drawing; bookends; ledger books; indexes, namely, index cards; drawing t-Squares; drawing rulers; bookbinding materials; graphic art reproductions; portraits; printed matter, namely, magazines and periodicals all in the field of sport and soccer; plastic or paper bags for merchandise packaging in the nature of envelopes and pouches; paper bags; conical paper bags; boxes of cardboard or paper; paint boxes being articles for use in school; file cards; bookmarkers; writing cases sets, namely, pouches for writing instruments; portable printing sets, namely, label printing machines; portable printing sets being office requisites, namely, thermal ***transfer*** ribbons for printers; place mats of paper; balls for ball-Point pens; stands for pens and pencils; place mats of paper for beer glasses; coasters of paper; drawing squares; paper tapes and cards for the recordal of computer ***programs***; writing instruments; drawing instruments; french curves; photograph stands; stamp stands; holders for sealing stamps; notebooks; paper knives in the nature of letter openers being office requisites; blotting paper; seal ink pads; tablecloths of paper; arithmetical tables, namely, printed flip charts in the field of mathematics for displaying elementary arithmetic tables; drawing boards; prints engravings; clipboards; writing tablets; pencil sharpeners, electric or non-Electric; trading cards, other than for games; address stamps; drawing pens; table napkins of paper; tissues of paper for removing make-Up; transparencies, namely, paper transparencies and plastic transparencies; informational flyers featuring sport and soccer excluding advertising flyers; paper pennants; paper banners; protective covers for books; holders for desk accessories; bumper stickers; school desk diaries; protractors as drawing instruments; desk mats; money clips. Animal skins; imitation leather; trunks and suitcases; umbrellas and parasols; walking staffs; whips, harnesses and saddlery; clothing for pets; umbrella rings; saddle trees; leather key cases; fastenings for saddles; alpenstocks; umbrella sticks; vanity cases, not fitted; trunks; travelling trunks; slings for carrying infants; bags for sports; chain mesh purses; leather tool bags, sold empty; purses; travelling sets, namely, in the nature of leatherware; briefcases; travelling bags in the nature of leatherware; school bags; leatherboard; girths of leather; collars for animals; horse collars; leather laces; unworked or semi-Worked leather; horseshoes; leather thread; moleskin in the nature of imitation leather animal skins; umbrella covers; whips; leather leads; walking cane handles; umbrella handles; suitcase handles; pouch baby carriers; muzzles; parasols; umbrellas; cattle skins; curried skins; chamois leather, other than for cleaning purposes; card cases, namely, calling card cases, notecases, namely, calling card cases; music cases; wallets; net bags, namely, string bags for shopping; hand bags, namely, clutch bags; haversacks; bags being envelopes; pouches, of leather, for packaging; bags for campers, namely, overnight bags; beach bags; holdalls; bags for climbers, namely, hip bags; textile shopping bags; wheeled shopping bags; boxes of leather or leather board; hat boxes of leather; frames for umbrellas or parasols; handbag frames; attaché cases; garment bags for travel; bags; handbags; briefcases being leatherware; gentlemen'S handbags; clutches purses, namely, men'S clutch bags; bumbags; shoe bags for travel; trolley suitcases, namely, general purpose sport trolley bags; coin purses; imitation leather hides; textile shopping bags; gym bags; t-Shirts for pets; banner, namely, bandanas in the nature of foulards, namely, clothing accessories for pets; fur pelts. Household and kitchen utensils, namely, pot and pan scrapers, rolling pins, spatulas, turners, whisks and containers, namely, all-Purpose portable household containers; combs and sponges, namely, sponges for household purposes and facial sponges for applying make-Up; brushes, namely, hair brushes; beverage glassware; porcelain, namely, mugs, cups, dishes; earthenware, namely, mugs, cups, dishes; indoor aquaria; cruets; bottle openers; bread boards; washing boards; cutting boards for the kitchen; basins in the nature of bowls; cocktail stirrers; chopsticks; beer mugs; drinking glasses; cups of paper or plastic; tankards; glass jars being carboys; glass bowls; tea infusers; candy boxes; bottles, sold empty; glass flasks; pitchers; butter dishes; busts made of china, terracotta, or glass; coffeepots, non-Electric; stemware; non-Electric candelabras for use with candlesticks; buckets made of woven fabrics; drinking straws; decanters; lazy susans; corkscrews, electric and non-Electric; epergnes; bread baskets for domestic use; laundry baskets; dish covers; pot lids; ironing board covers, shaped; dinnerware, namely, fruit cups; cheese-Dish covers; tea cosies; covers, not of paper, for flower pots; drinking horns; mixing spoons in the nature of kitchen utensils; soap dispensers; cages for household pets; buttonhooks; mess-Tins; china ornaments; salad bowls; signboards of porcelain or glass; pepper mills, hand-Operated; coffee grinders, hand-Operated; cooking pots; basting spoons in the nature of cooking utensils; clothes-Pegs; fitted picnic baskets, including dishes; oil cruets; pepper pots; combs; electric combs; combs for animals; large-Toothed combs for the hair; plates; dishes in the nature of cookware for use in microwave ovens; serving platters; paper plates; disposable table plates; saucers; candle rings; soap dishes; sponge holders; toothpick holders; napkin rings; powder compacts; toilet roll holders; egg cups; potholders; drinking vessels; lunch boxes; bread bins; containers for household or kitchen use; kitchen containers; thermally insulated containers for food; salt cellars; non-Metal coin banks; boxes of glass; metal boxes for dispensing paper towels for household use; cookie jars; tea caddies; soap boxes; brooms; coffee services in the nature of tableware; tea services in the nature of tableware; spice sets, namely, spice racks; coasters, not of paper or textile; trivets in the nature of table utensils; toothbrushes; toothbrushes, electric; cookie, namely, biscuit cutters; cups; earthenware saucepans; tea pots; kitchen utensils, namely, pot and pan scrapers, rolling pins, spatulas, turners, whisks; utensils for household purposes, namely, pot and pan scrapers, rolling pins, spatulas, turners, whisks; perfume vaporizers, sold empty; cabarets trays, namely, trays for household purposes; drinking cups for babies; mugs; dinnerware, namely, fruit salad cups; fruit dishes; soup plates, namely, soup bowls and soup tureens; dinnerware, namely, breakfast cups in the nature of egg cups; dinnerware, namely, stainless steel cups; demitasse sets comprised of cups and saucers; room perfume diffusers, namely, plug-In diffusers for mosquito repellents; cleaning rags; tissue boxes, namely, ceramic tissue box covers; drinking flasks; drinking bottles for sports; food containers for pet animals, namely, all-Purpose portable household containers and animal-Activated pet feeders that include dispensers for releasing pet food therein; oven mitts in the nature of textile pot holders; pourers, namely, wine pourers; drip catchers, namely, wine drip collars specially adapted for use around the top of wine bottles to stop drips. Textiles, namely, textile fabrics for lingerie, beddings, bed linen, towels, beach towels, kitchen textile, blankets, curtains and textile goods, namely, beddings, bed linen, towels, beach towels, kitchen textile, blankets, curtains; bed blankets; plastic table covers; face towels of textile; towels of textile; bath linen; linen; bed clothes, namely, bed blankets, flat and fitted bed sheets, plaid, namely, travelling rugs and tartan blankets, and bed blankets; table linen, not of paper; brocades; canvas for tapestry or embroidery; tablemats of textile; bed covers of paper; infants' bed linen; lap rugs; curtain holders of textile material; labels of textile; handkerchiefs of textile; pillowcases; mattress covers; felt, namely, felt cloth; flannel fabric; hat linings, of textile, in the piece, namely, textile used as lining for hats; coverings for furniture, namely, unfitted fabric covers for crib rails, furniture, vehicle seats; cushion covers; shams; linings textile, namely, textile used as lining for clothing; flags of textile or plastic, not of paper; gauze cloth in the nature of gauze fabric; bath mitts; jersey fabric in the nature of jersey material; cheviots cloth in the nature of cheviot fabric; sheets textile, namely, textile goods, namely, a synthetic sheet with fragrance for the purpose of inserting into pillow slip and under fitted sheet to emit fragrance; fabrics, namely, fabrics that may or may not have printed patterns and designs thereon for use in textile applications, namely, the manufacture of apparel, upholstery, signage, flags, banners and wallpaper; drugget fabric; billiard cloth; printers' blankets of textile; wall hangings of textile; eiderdown covers; door curtains; furniture coverings made of plastic materials; furniture coverings of textile, namely, unfitted fabric furniture covers; sleeping bag liners; table linen, namely, coasters; banners of textile or plastic; lining fabric for footwear, namely, shoes; woollen cloth; fabric, impervious to gases, for aeronautical balloons; fabric table runners; shrouds; taffeta; tablecloths, not of paper; moleskin fabric not for medical use; hemp cloth; printed calico cloth; mattress covers impregnated with an insect repellant treatment to repel mites; oilcloth for use as tablecloths; gummed waterproof cloth; cheese cloth; buckram; curtains of textile or plastic; shower curtains of textile or plastic; adhesive fabric for application by heat; hemp fabric; jute fabric; linen cloth; rayon fabric; ramie fabric; silk cloth; elastic woven material, namely, woven reinforcement fabrics made of fiberglass and basalt for use in structural reinforcement in industrial applications; fabric of imitation animal skins; fiberglass fabrics, for textile use; knitted fabric; non-Woven textile fabrics; upholstery fabrics; fabric for footwear; lingerie fabric; traced cloth for embroidery; chenille fabric; frieze in the nature of cloth; place mats of textile; dinner mats of plastics material, namely, of textile material; table napkins of textile; napkins, of cloth, for removing make-Up; quilts; tulle; velvet; curtains; mosquito nets; zephyr cloth in the nature of zephyr fabric; flags, namely, cloth flags; covers for eiderdowns; protective covers dust sheets for use in decorating, namely, antimacassar; plaids made of cotton; beach towels; bath towels; table linen; cloths of fabric for dishes, namely, dish cloths. Clothing, namely, shirts, shorts, pants, coats, dresses, skirts and socks; footwear; headgear, namely, hats, caps and visors; clothing of imitations of leather, namely, shirts, shorts, coats, dresses; leather clothing, namely, shirts, shorts, coats, dresses; clothing for gymnastics, namely, gymnastic shoes, gymnastic shirts, shorts, pants and socks; dresses; bathrobes; bandanas, namely, foulards; head scarves; bibs, not of paper; caps being headwear; berets; underwear; overalls; teddies being undergarments; baby bodysuits; braces; studs for football boots; corsets being underclothing; galoshes; skull caps; training shoes; socks; stockings; knee-High socks; breeches; short-Sleeve shirts; shirts; stuff jackets being clothing; bodices being lingerie; sports singlets; top hats; paper hats for use as clothing items; coats; hoods being clothing; belts being clothing; money belts being clothing; tights; shoulder wraps; detachable collars; camisoles; neck scarfs being mufflers; ear muffs being clothing; layettes being clothing; corselets; bathing suits; beach clothes, namely, beach coverups, swimwear; masquerade costumes; neckties; bathing caps; shower caps; coats; headbands; pocket squares; silk handkerchiefs, namely, silk pocket squares; fittings of metal for footwear, namely, protective metal members for shoes and boots; ready-Made linings being parts of clothing; gabardines being clothing; gaiters; jackets being clothing; wind resistant jackets; fishermen'S jackets; garters; skirts; jumper dresses; aprons being clothing; girdles being underwear; gloves being clothing; mittens; ski gloves; welts for footwear; raincoats; ready-Made clothing, namely, ready-Made linings being parts of clothing; paper clothing, namely, paper hats for use as clothing items; knitwear clothing, namely, shirts, dresses, sweaters; jerseys being clothing; leg warmers; leggings trousers, namely, gymnastic leggings trousers; liveries; singlets; hosiery; t-Shirts; swimsuits; pullovers; muffs being clothing; pelerines; mantillas; sleep masks; miniskirts; underpants; bathing trunks; vests; babies' pants being clothing; camiknickers, namely, knickers; trousers; parkas; furs being clothing; shirt yokes; chasubles; pajamas; sweatbands; ponchos; pullovers; stocking suspenders; sock suspenders; brassieres; sandals; bath sandals; saris; footwear; bath shoes, namely, thong footwear; gymnastic shoes; beach shoes; football shoes; training shoes; ski boots; shawls; scarves; underpants; overcoats; outerclothing, namely, outer jackets; petticoats; slips being undergarments; half-Boots; boots; fur stoles; shoe soles; inner soles; heels; pockets for clothing; tee-Shirts; togas; turbans; wet suits for water-Skiing; tracksuits; uniforms; veils being clothing; visors being headwear; wooden shoes; sleeveless t-Shirts, namely, a-Shirts; sleeveless padded jackets; sleeveless jackets; heavy jackets; padded vests; blousons in tricot fabric; polo shirts; sweat shirts; rain boots; skirt suits; rompers; babies' booties; pashminas, namely, pashmina shawls; capes being clothing for rain protection; head sweatbands and wristbands; slippers; babies' bathrobes; peaked caps, namely, cap peaks; boxer shorts; slipper socks; flip-Flops; shower shoes; shorts to be used during sport training, namely, soccer shorts; stretch shirts, namely, soccer and training shirts and jerseys; trousers for men, women, children; shorts for men, women, children; tights; beanies; hats of textile, namely, knit hats, beanies, woolly hats; waterproof jackets; waterproof trousers; clothing for athletic use, namely, padded pants; under t-Shirts, being underwear; neck tubes being clothing; gilets. Toys, namely, action figure toys; gymnastic apparatus and sporting articles, namely, shin guards for athletic use, football balls net, namely, soccer ball goal nets, nets for ball games, football gloves, play balls; decorations for christmas trees; christmas trees of synthetic material; swings; fish hooks; tennis ball throwing apparatus; apparatus for games; body-Building apparatus; appliances for gymnastics; video game apparatus, namely, video game joysticks; kites; bows for archery; fencing weapons; fishing tackle; ascenders being mountaineering equipment; ski bindings; archery implements; machines for physical exercises, namely, exercise bands, training bars, rowing machines excluding machines for physical therapy purposes; play swimming pools and sports articles, namely, inflatable swimming pools, shin guards for athletic use, footballs; dolls; golf clubs; hockey sticks; twirling batons; targets; electronic targets for games and sports; stationary exercise bicycles; marbles for games; billiard balls; skittles being games; starting blocks for sports events; building blocks being toys; play balls; body boards; soap bubbles toys, namely, bubble making wand and solution sets; cricket bags, namely, bags specially designed to hold cricket equipment; golf bags, with or without wheels; guts for rackets; cups for dice; kaleidoscopes; bladders of balls for games; dolls' rooms; bells for christmas trees; rods for fishing; paper party hats; percussion caps being toys; caps for toy pistols; card games; doll houses; rocking horses; chips for gambling; swimming belts; surfboard leashes; weight lifting belts being sports articles; strings for rackets; confetti; gut for fishing; ornaments for christmas trees, except illumination articles in the nature of electric christmas tree lights and confectionery; hang gliders; discuses for sports; flying discs being toys; billiard markers; chest expanders; horseshoe games; sling shots being sports articles; hunting game calls; darts; scuba equipment, namely, spearfishing harpoon guns; streamers being novelty toy party favors; flotation apparatus for swimming, namely, kick board flotation devices for recreational use; chalk for billiard cues; counters for games; toys for domestic pets; baby rattles being playthings; games, namely, children'S educational games for developing fine motor, cognitive, counting skills; board games; ring games; building games; checkers games; dominoes; chess games; parlor games; portable games with liquid crystal displays; pachinkos; snow globes; scratch cards for playing lottery games; gloves for games, namely, goalkeeper gloves; baseball gloves; golf gloves; fencing gauntlets; batting gloves; boxing gloves; bob-Sleighs; protective paddings for playing soccer being parts of sports suits; climbers' harness; harness for sailboards; scale model kits being toys; dolls' beds; bowling apparatus and machinery; arcade video game machines; bar-Bells; puppets; costume masks; theatrical masks; fencing masks; toy mobiles; scale model vehicles; toy scooters; paintballs being ammunition for paintball guns; artificial snow for christmas trees; practical jokes in the nature of novelties, namely, whoopee cushions; party favors, namely, party favor hats; teddy bears; balloons; poles for pole vaulting; billiard balls; balls for games; balls, namely, footballs; swimming jackets; knee guards being sports articles for athletic use; elbow guards being sports articles for athletic use; paragliders; shin pads being sports articles for athletic use; roller skates; in-Line roller skates; ice skates; stuffed toys; plush toys; quoits; clay pigeons being targets; roulette wheels; piñatas; flippers for swimming; toy air pistols toys; toy pistols; paintball guns; candle holders for christmas trees; punching bags; jigsaw puzzles; rackets; snowshoes; rosin used by athletes; nets for sports; butterfly nets; tennis nets; landing nets for anglers; sole coverings for skis; kite reels; rollers for stationary exercise bicycles; bags especially designed for skis and surfboards; chessboards; bingo cards; camouflage screens being sports articles; skis; waterskis; skateboards; men'S athletic supporters being sports articles; sleds being sports articles; slot machines in the nature of gaming machines; snowboards; edges of skis; billiard table cushions; snooker cues; skating boots with skates attached; bite indicators in the nature of fishing tackle; sailboards; surfboards; swimming kick boards; billiard tables; coin-Operated billiard tables; indoor football tables; tables for table tennis; checkerboards; clay pigeon traps; playground slides; trampolines; spring boards being sports articles; backgammon games; spinning tops being toys; toy vehicles; radio-Controlled toy vehicles; dolls' clothes; shuttlecocks; football gloves; poker cards in the nature of playing cards; playing cards; beach tennis rackets; beach balls; play mats containing children'S playthings; yo-Yos; toy flying discs; bingo game playing equipment; roulette sets, namely, roulette wheels, fiches, namely, slips of paper used in betting games; golf tees; ball inflators, namely, pumps for inflating sports equipment, namely, footballs; toy buckets, namely, sand toys; sandbox toys in the nature of toy shovels; squeezable balls used to relieve stress, namely, stress relief exercise balls; karate shin pads; christmas stockings; inflatable armbands for swimming, namely, floats for recreational use, namely, arm floats. Smokers' articles, namely, cigar storage tubes, lighters; matches; lighters for smokers; pocket machines for rolling cigarettes; cigarette holders; cigar holders; tobacco pouches; absorbent paper for tobacco pipes; cigarette paper; cigarillos; cigar cases; cigarette filters; pipe cleaners for tobacco pipes; firestones; tobacco pipes; ashtrays; match holders; smokers' mouthpieces for electronic cigarettes, cigars, cigarettes, in the nature of cigarette holders; cigarette papers; pipe racks for tobacco pipes; matchboxes; cigarette cases; humidors. Advertising services; business management; rental of advertising time on communication media; commercial administration of the licensing of the goods and services of others; direct mail advertising services; business management of sports people; rental of advertising space; marketing, namely, marketing the goods and services of others; marketing consulting; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; organization of fashion shows for promotional purposes; presentation of goods on communication media, for retail purposes, namely, providing home shopping services in the field of sports equipment by means of television, mobile telephone, computers, radio; production of advertising films; on-Line advertising on a computer network; advertising by mail order, namely, advertisement services by mail; advertising and publicity services; radio advertising; television advertising; sponsorship search; market research; organizational and business advice for franchising concepts, namely, organization of exhibitions, trade fairs and shows, all of the aforesaid being for commercial purposes; consultancy with regard to business management and business organization; public relations; setting up, management, development and arranging advertising and promotional campaigns, namely, developing advertising and promotional campaigns for business; presentation and demonstrations for advertising purposes, namely, preparing audiovisual presentations for use in advertising; arranging and conducting of exhibitions for business and advertising purposes; development and management of business contract, namely, negotiation of business contracts for others; organization, operation and supervision of customer loyalty and incentive ***programs*** which provide free or discount sport game tickets if customers purchase their sports equipment and apparel at designated sports equipment retail stores aimed at soccer club fans; administration of consumer loyalty ***programs*** which provide discounts or incentives aimed at soccer club fans; organization, operation and supervision of loyalty schemes and incentive schemes, namely, providing incentive award ***programs*** for customers and employees through the distribution of prepaid stored value cards for the purpose of promoting and rewarding loyalty. Financing services; monetary affairs, namely, financial information, management and analysis services; real estate affairs, namely, valuations in real estate matters; banking; charitable fund raising; issuance of credit cards; warranty services, namely, extended warranty services, namely, service contracts; home banking; debit card services, namely, ***payment*** processing services, namely, debit card transaction processing services; card services, namely, credit card ***payment*** processing services; financing services; providing educational scholarships. Telecommunication access services; news agencies, namely, the transmission of news items to news reporting organizations; television broadcasting; providing internet chatrooms; information about telecommunication; electronic messaging; communications by cellular phones; paging services via radio, telephone and other means of electronic communication networks; wireless broadcasting; telecommunications routing and junction services; electronic bulletin board services in the nature of telecommunications services; voice mail services; teleconferencing services; telephone services, namely, cellular telephone services; telegraph services; cable television broadcasting; transmission of greeting cards online; transmission of digital files; electronic message sending; electronic transmission, namely, electronic data transmission; facsimile transmission; telegram transmission; satellite transmission; internet access services, namely, providing internet access; television transmission services; broadcasting and transmission of television ***programs*** by means of broadband optical or wireless networks; providing on-Line forums for sharing electronic messages and information among computer users in connection with topics in the fields of training, education, instruction regarding sport or soccer, entertainment, music, concerts, video, radio, television, films, news, sports games and cultural events; providing internet chatrooms; e-Commerce services, namely, providing access to e-Commerce platforms on the internet, namely, providing multiple user access to proprietary collections of information in the field of soccer by means of global computer information networks and providing e-Commerce distribution and selling, namely, electronic data transmission of e-Commerce transaction data via computer networks. Sporting and cultural activities, namely, providing information relating to organizing community sporting and cultural activities; sport camp services; music composition services; conducting fitness classes; timing of sports events; physical education; radio entertainment, namely, radio entertainment production; providing amusement parks; entertainment information; providing information about education; recreation information; gymnastic instruction; night clubs; providing karaoke services, namely, hosting social entertainment events, namely, karaoke parties for others; microfilming; production of radio and television ***programs***; organization of balls; organization of sports competitions; arranging of beauty contests; organization of exhibitions for cultural or educational purposes; operating lotteries; organization of fashion shows for entertainment purposes; entertainment services, namely, party planning; booking of seats for shows; publication of books; publication of texts, other than publicity texts; open-Access publishing services, namely, publication of electronic books and journals on-Line; electronic desktop publishing; entertainment in the nature of theater productions; health clubs services, namely, providing instruction and equipment in the field of physical exercise; news reporters services; game services provided on-Line from a computer network, namely, entertainment services, namely, providing on-Line computer games; providing museum facilities presentation and exhibitions, namely, conducting guided tours of a museum, an historical site, a winery; personal trainer services in the nature of personal fitness training; recording studios; subtitling; rental of sports equipment, except vehicles. Providing of food and drink; providing temporary accommodation; cafeterias; operation of tourist homes; restaurant services; self-Service restaurants; hotel services; bar services; catering; hotel and motel services; snack-Bars; canteen services; providing temporary lodging at holiday camps. Medical services; hygienic and beauty care for human beings and animals; cosmetic body care services. Acm eighteen ninety nine. |  |  |  |  |  |
| Zweifeld | [79-202,056] | Dagmar Zweifel | 10-5-16[1-23-18] | Intl. 3, 14, 18, 25, 26, 35, 41, 42, 43US. 1, 2, 3, 4, 6, 22, 27, 28, 37, 39, 40, 41, 42, 50, 51, 52, 100, 101, 102, 107 | - - - - |
| Cosmetics. Jewelry. Bags, namely, all-Purpose carrying bags, luggage, wallets and carrying cases, umbrellas, parasols. Clothing, namely, pants, shirts, jackets, tops, bottoms, shoes, caps, waist belts. Clothing accessories, namely, brooches and buckles, arm bands (Clothing accessories); decorative textile articles, namely, ribbons of textile materials, decorative articles for the hair, namely, hair slides, hair bows, hair chopsticks. Marketing in the field of fashion and cosmetics; online retail store services featuring cosmetics, bags, luggage, wallets and other carrying cases, umbrellas and parasols, clothing, shoes, caps and waist belts, accessories for apparel, sewing articles and decorative textile articles, decorative textile articles for the hair. Film production services and production of radio ***programmes***. Design of clothing, shoes and caps; design services for clothing accessories, jewelry, bags, interior design, architectural design; graphic design; new product design services for others; jewelry design; design in the automotive field, namely, design of automobile parts; consultancy relating to interior decoration; consultancy relating to interior architectural services; advisory services relating to interior design; services in the fields of science and technology, as well as related research and development services, namely, scientific research and development. Providing of food and drink. |  |  |  |  |  |
| Empreinte Moi | [79-203,994] | M. Sébastien Chateau | 9-28-16[1-23-18] | Intl. 3, 18, 25, 35US. 1, 2, 3, 4, 6, 22, 39, 41, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the wording "Empreinte moi" in large block letters with a small diamond design between the two words. there is a large diamond design with a fingerprint on it above the wording. Perfumery products, perfumes, essential oils, deodorants for personal use, extracts of flowers sold as a component of perfumery, eau de cologne, lavender water, scented linen water, astringents for cosmetic use, bases for flower perfumes in the nature of flower essences for cosmetic purposes, non-Medicated skin balms, collagen preparations for cosmetic use, cosmetic bath preparations, cosmetic preparations for eyelashes and eyebrows, cosmetic preparations for skin care, cosmetic skin preparations for enhancing or extending skin-Tanning, sunscreen preparations, body creams; body milks; body lotions, pencils for cosmetic use, shampoos, dry shampoos, cosmetic creams, nail care preparations, make-Up remover, depilatories and depilatory preparations, mascara, lipstick, soaps, soap bars, make-Up kits comprised of lipsticks, lip gloss, eyeshadows, blushes. Leather and imitations of leather; wallets, purses, credit card cases, leather diary holders, briefcases; bags and cases for documents in the nature of briefcases, music cases, satchels, leather pouches, handbags, backpacks, wheeled shopping bags, travel bags, beach bags, school bags, reusable shopping bags, key cases, unfitted vanity cases, traveling sets in the nature of luggage, traveling trunks, trunks, carrying cases and suitcases; animal skins; umbrellas and parasols. Clothing, namely, coats, gaberdines overcoats, reefer jackets, parkas, dust coats, raglans in the nature of coats, frock coats; suits; pants, capri pants, hosiery, headwear, hats, berets, hats, boleros, panama hats, fedoras, boater; footwear; shirts, short-Sleeve shirts, blouses, dress shields and ready-Made linings, shirt yokes, collars and false collars, cuffs and shirt fronts all being parts of clothing; uniforms, aprons and overalls; skirts, dresses, clothing of leather or imitation leather, namely jackets, pants, dresses, skirts, coats, belts; furs; gloves; scarves; neckties, suspenders, belts, lavallière, in the nature of cravats excluding underwear. Presentation of goods on communication media for retailing; wholesale and retail store services, online wholesale and retail store services and mail order services featuring clothing, coats, gabardines, overcoats, reefer jackets, parkas, dust coats, raglans, frock coats, suits, pants, capri pants, hosiery, headwear, hats, berets, borsalinos, boleros, panama hats, fedora, boater, footwear, shirts, short-Sleeve shirts, blouses, dress shields and ready-Made linings, shirt yokes, collars and false collars, cuffs, shirt fronts, uniforms, aprons, overalls, skirts, dresses, clothing of leather or imitation leather, belts, furs, gloves, scarves, neckties, suspenders, belts, lavallière, excluding underwear. The english translation of the wording "Empreinte moi" in the mark is "Imprint me" or "Fingerprint me". |  |  |  |  |  |
| Renkforce | [79-204,840] | Conrad Electronic Se | 12-2-16[1-23-18] | Intl. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35, 38, 39, 44, 45US. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 50, 51, 52, 100, 101, 102, 104, 105 | - - - - |
| Chemicals used in industry, science and photography; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering preparations and soldering chemicals; chemical substances for preserving foodstuffs; tanning substances in the nature of tanning agents for use in the manufacture of leather; adhesives for use in industry. Paints; varnishes; lacquers; preservatives against rust and against deterioration of wood in the nature of a coating; colorants; mordant dyes; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art. Bleaching preparations for laundry use; fabric softeners for laundry use; cleaning preparations; polishing, scouring and abrasive preparations. Industrial oils and greases; industrial lubricants; dust absorbing compositions; dust-Wetting compositions; dust-Binding compositions; fuels; candles for illumination; wicks for candles for lighting; parts for candles, namely, wicks for candles. Pharmaceutical preparations, namely, antivirals; veterinary preparations, namely, pain relief medication; sanitary preparations for medical use; food for babies; dietary supplements for humans; dietary supplements for animals; mustard plasters; materials for dressings, namely, bandages for dressings; material for stopping teeth; dental wax; disinfectants; preparations for destroying vermin; fungicides; herbicides. Common metals and their alloys, unwrought or semi-Wrought; metal building materials, namely, fascia; transportable buildings of metal; materials of metal for railway tracks, namely, railway sleepers of metal; non-Electrical cables and wires of common metal; ironmongery, namely, iron wire; small items of metal hardware, namely, high security metal locks and sheet metal plates; pipes and tubes of metal; metal safes; metal ores. Metalworking machines, namely, cutting machines for metalworking, honing machines for metalworking, milling machines; wood processing machines, namely, wood planning machines, wood drilling machines; machines for plastics working; machine tools, namely, clamps for use in the precision clamping of work pieces, machine tools for forming, riveting, swaging, and flaring of metal and plastics; motors and engines except for land vehicles; ***agricultural*** implements, namely, cultivators, harvesters, disk harrows, seeders; incubators for eggs; automatic vending machines; small electric motors, not for land vehicles; small electric pumps; motor-Operated or electric tools in the nature of motor-Operated or electric hand tools, namely, electric drilling machines, electric screwdrivers, electric chain saws; accessories for the aforesaid tools, namely, stands for machines in the nature of drill stands, drill chucks for power drills, power supply apparatus for drilling machines, namely, non-Electrical adapters for use in joining extensions and power drill bits; soldering irons, electric; electric soldering stations comprising electric soldering irons. Cutlery; side arms, not including firearms, namely, hunting knives; razors; flat irons. Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, life-Saving and teaching apparatus and instruments, namely, distance measuring apparatus, distillation apparatus for scientific purposes, gravity measuring instruments, antennas, temperature indicators, electrical annunciators, speed indicators, electric loss indicators, magnetic encoded identification bracelets, photographic exposure meters, observation instruments in the nature of cameras, spectacles, chronographs for use as specialized time recording apparatuses, motion detectors, theft alarms, parts for anti-Theft automotive alarms, namely, electronic sensors, remote control transmitters and receivers for remotely operating land vehicles, pressure indicating plugs for valves, pressure measuring apparatus, photography darkroom lamps, electronic pens, audio- and video-Receivers, audio-Video receivers, range finders for cameras, ergometers not for medical purposes, navigation apparatus for vehicles in the nature of on-Board computers, thermostats for vehicles, binoculars, telescopes, electro-Dynamic apparatus for the remote control of signals, electric installations for the remote control of industrial operations, fire alarms, electronic speed controllers, altimeters, dog whistles, hydrometers, hygrometers, induction voltage regulators, directional compasses, compasses for measuring, laser pointers, luminous pointers, microscopes, electric navigational instruments, electronic navigational and positioning apparatus and instruments, fog signals, non-Explosive; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, apparatus and instruments for conveying, distributing, transforming, storing, regulating or controlling electric current; instruments and apparatus for controlling electric current, namely, electrical controllers for magnetic bearing control; electric junction boxes; couplings, electric; connections for electric lines; thermionic valves; electric batteries; electronic regulating and control devices for the operation of light emitting diodes or electric light; electronic chips for the manufacture of integrated circuits; multiprocessor chips; electric light dimmers; junction boxes; remote controls for remote controlled air and surface vehicles; speed regulators for record players; electrical inductors; electric wires and cables; coaxial cables; electricity conduits; voltage surge protectors; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; blank recordable optical discs; blank optical data carriers; computer memories; blank cd-Roms for sound or video recording; cd-Rom drives; mechanisms for coin-Operated apparatus; cash registers; calculating machines, data processing equipment and computers; computer peripheral devices; computer keyboards; data processing apparatus; video and computer game ***programs***; computer operating ***programs***; fire-Extinguishing apparatus; electric and electronic apparatus and devices composed thereof, namely, television sets, satellite receivers, radio sets, stereo tuners; electric audio amplifiers; audio mixing amplifiers; sound amplifiers; reverberation audio amplifiers; electronic sound mixing apparatus; sound equalizers; record players; jukeboxes; record player chassis; cd players; apparatus for recording, transmission or reproduction of sound and images, namely, cassette recorders, tape recorders; microphones; headphones; cabinets for loudspeakers; loudspeaker chassis; loudspeakers; crossovers for sound equalizers; video transmission apparatus; video recorders; video and text transmission apparatus; cameras; cameras for moving images and individual images, namely, video cameras, digital cameras, cinematographic cameras, and photographic cameras; lasers and laser installations, namely, laser diodes, laser pointers, laser writers, lasers, not for medical purposes; light source apparatus, namely, optical scanners for light effects; electronic controls for lighting devices; cb radio sets; amateur radio transmission and receiver sets; service radio transmission and receiver sets; radio audio amplifiers; electric, electronic and optoelectronic components, namely, electric resistors, electric resistors in the nature of potentiometers, adjustable and sliding voltage regulators for electric power, electric capacitors, adjustable electric capacitors, dimmer electric resistors, electric coils for electric and electronic circuit boards, ferrite and iron magnetic cores; diodes; transistors; thyristors; triacs in the nature of three-Electrode semi-Conductors; circuit boards provided with integrated circuits and switching circuits; temperature and light dependent resistors; photodiodes; light diodes for lamps; photo transistors; rectifiers; dissipaters for electric, electronic and optoelectronic components, namely, commutators; voltage monitor modules; electric relays; transformers; transmitters of electronic signals; safety electric fuse boxes; mounts and holders for electric and electronic or optoelectronic components, namely, mounting racks for telecommunications hardware, mounting racks for computer hardware, holders for electric coils; electronic connectors, electrical plugs and sockets, all for electric and electronic commutators; electric and electronic components for solar technology and components for laser technology, namely, apparatus for converting electronic radiation to electrical energy, namely, photovoltaic solar modules; model-Making electronics, namely, transmission and receiver sets for remote control and units thereof, switching and control circuits for models, electronic switching circuits for flashing lights for models, electronic noise generators, all for model electrical controllers, electronic regulating and control devices for the operation of light emitting diodes; apparatus and instruments for weak-Current engineering for communications engineering, high-Frequency engineering and control engineering, electric, electronic and electromechanical measuring instruments, in particular built-In measuring instruments and multiple measuring instruments, namely, pulse generators for testing electric current, resistors for distributing or controlling electric current, portable electronic recorder for measuring and recording multiple voltage, current and thermocouple readings from various transducers; digital display multiple measuring apparatus, namely, oscillographs; rigid and flexible endoscopes for non-Medical use; frequency meters; adjustable and non-Adjustable mains apparatus, namely, electrical arc detection and suppressing device used in low voltage switchgear; battery chargers; television sound transponders and electrical adapters; electric and electronic alarm apparatus and installations and parts therefor, namely, optical and acoustic electronic signal transmitters; surface acoustic wave sensors; optical sensors; light barriers, namely, light systems comprising light sensors and switches; electromechanical sensors for door and window contacts and vibration contacts for windows and doors, namely, electrical sensor apparatus for sensing the presence or absence of individuals or objects by contact or pressure; microcomputers and structural parts therefor; radio and television aerials; indoor aerials; car aerials; amateur radio and cb radio aerials, namely, mobile aerials and station aerials; electric and electronic aerial accessories, namely, aerial amplifiers, aerial duplexers, aerial cables, level regulators and distributors for aerials, aerial electric sockets, electrical terminators for aerial cables, aerial jacks, power supply connectors and adaptors for aerials, baluns for aerials, coaxial switches and relays, power supplies for aerial amplifiers, rotors for aerials; mechanical aerial accessories, namely, masts for wireless aerials, bearings for rotating aerials, mechanical fastening elements for aerials and aerial masts in the nature of fastening elements for fastening mobile aerials to automobiles, mast casings and mast holders for securing aerial amplifiers and crossover networks; electrical installation material, namely, dimmer electric light switches; pin and socket connectors, namely, electrical plugs and sockets; connections for electric lines; electric wires; flexible electricity conduits; batteries and accumulators; electronic timer switches; intercoms consisting of external and internal speaker stations, change-Over switches, power supply units, amplifiers and video monitors; electric and electronic demonstration boxes, consisting of electric and electronic components and structural components, namely, digital signage; electronic desk calculators; pocket calculators; electronic and mechanical voltage testers; electronic metal detectors; electric power supply and electric control apparatus for soldering irons; telecommunications equipment, namely, telephones, video telephones; telephone answering machines; fax machines; teleprinters; modems; mobile telephones; telephone accessories, namely, telephone extension cables, hands-Free devices for mobile phones, hands free kits for phones, telephone subscriber call meters, telephone electrical connection boxes, manual and electronic change-Over switches for telephones, telephone connectors and sockets, telephone flexible electricity conduits; computers; portable computers; document printers; scanners; computer screens; blank hard computer discs; blank floppy computer discs; disk drives for computers; cd-Rom drives; cd-Rom writers; floppy disk drives; keyboards; computer mice; computer cards, namely, graphics cards; interfaces for computers; memory cards; modems and computer fax modem cards; computer pin and socket connectors, namely, electrical plugs and sockets for computers; recorded computer software for managing bank accounts, editing photos, making restaurant reservations; computer ***programs***, downloadable computer ***programs***, and computer ***programs*** recorded on data carriers, all for controlling laser and light sources; software tools and data communications software for electronic data exchange between computers, computer systems, and interfaces via the internet and intranets and for the carrying out of other computer-Based functions, namely, electronic communications systems comprised of computer hardware and software for the transmission of data between two points; housings of metal or plastic for electric or electronic apparatus, namely, housings for printed circuit boards, housing for electric junction boxes, and housing for electrical connectors; battery chargers for vehicle batteries, mobile phones, battery-Operated hand tools; shutter releases for cameras; photocopiers; cinematographic films, exposed; optical character readers; electronic readers and controllers for controlling access to a premises; bar code readers; mouse pads; editing appliances for cinematographic films; needles for record players; tone arms for record players; juke boxes for computers; plotters; blank sound recording strips; blank video cassettes. Artificial limbs, eyes and teeth and structural parts therefor; suture materials. Apparatus for lighting, namely, lighting apparatus for vehicles, lighting installations, electric torches for lighting, bicycle lights, vehicle reflectors; lighting devices for light sources, namely, electric lamps, flashlights, and effect lamps in the nature of lamps for festive decoration, low voltage glow electric lamps, lamp bulbs, electric discharge lamps; lighting apparatus utilizing light emitting diodes (Leds), namely, luminaires, using light emitting diodes (Leds) as a light source, for street or roadway lighting; sockets for electric lights; light-Emitting diode (Led) lighting fixtures. Land vehicles and structural parts therefor; apparatus for locomotion by air, namely, drones and structural parts therefor; apparatus for locomotion by water, namely, hydrofoil boats supported by single or multi hulls, and structural parts therefor. Firearms; ammunition; projectiles; explosives; fireworks; parts of firearms, namely, open sights for use on firearms; parts of explosives, namely, fuses for explosives; parts of fireworks, namely, firework bodies. Horological and chronometric instruments and parts thereof. Musical instruments; parts for musical instruments, namely, tuners, strings, cases, bows, mutes, stands, music synthesizers, tuning forks, tuning hammers for musical instruments. Printed matter, namely, printed paper signs, printed paper labels; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, molds for modeling clays; paint brushes; typewriters; office requisites, namely, bookbinding apparatus and machines for office use, typewriters, paper shredders for office use; plastic materials for packaging, namely, plastic film roll stock for packaging; printers' type; printing blocks. Plastics in extruded form for use in further manufacturing; packing and insulating materials; flexible pipes, not of metal; parts for flexible pipes, namely, non-Metal fittings for flexible compressed air pipes. Leather and imitations of leather; cases, key cases, weekend bags, bags, made of leather and imitations of leather; animal skins; animal hides; trunks; travelling bags; umbrellas and parasols; walking sticks; whips; harness and saddlery; metal parts of walking-Sticks; metal parts of umbrellas. Rigid pipes, not of metal, for building; asphalt, pitch and bitumen; non-Metallic transportable buildings; monuments, not of metal; structural parts of non-Metal monuments. Furniture; mirrors; picture frames; drawer pulls of plastic or wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-Of-Pearl, meerschaum and substitutes for all these materials; furniture parts. Containers for household or kitchen use; combs; sponges for household purposes; brush-Making materials; steelwool; unworked or semi-Worked glass; beverage glassware; works of art of porcelain and earthenware. Tarpaulins; sails; sacks and bags for the transportation or storage of materials in bulk; padding and stuffing materials not of rubber, paper or plastic; raw fibrous textile materials. Yarns and threads for textile use. Textile fabrics for use in making clothing and household furnishings; bed covers. Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; parts of footwear, namely, shoe uppers. Laces and embroidery; ribbons and braid; buttons; hooks and eyes; sewing pins and needles; artificial flowers. Carpets, rugs, mats and matting, linoleum for covering existing floors; coverings for existing floors; non-Textile wall hangings. Electronic games other than those adapted for use with television receivers only; hand-Held units for playing electronic games; battery-Powered computer game with lcd screen; lcd game machines; christmas tree decorations, except confectionary and electric christmas lights; apparatus for electronic games adapted for use with television receivers only. Wholesale and retail store services featuring chemicals, paints, pharmaceuticals, cosmetics and household goods, fuels and motor fuels, goods for the health sector, machines, tools and goods of common metal, construction articles, do it yourself articles and garden articles, hobby requisites and craft supplies, electric goods and electronic goods, computers, electronic data carriers, sound recording carriers and data media, sanitary installations, vehicles and vehicle accessories, fireworks, clocks and watches and jewelry, musical instruments, printed matter, stationery, office requisites, bag makers' goods and saddlery, furnishings and decorative articles, tents, awnings, tarpaulins, clothing, shoes and textile goods, toys, sports goods, foodstuffs and beverages, ***agricultural*** products, horticultural products and forestry products, tobacco products. Telecommunications services for providing multiple-User access to a global computer network. Transport of goods; packaging of goods; storage of goods; arranging transport for travelers. Medical services; hygienic and beauty care for human beings or animals; ***agriculture*** and horticulture services, namely, plant selection and propagation of plants, plant material, and produce in connection with commercial rooftop soil farms; forestry services, namely, forest habitat restoration. Legal services; security services for the protection of individuals, namely, bodyguard services; security services for buildings, namely, providing physical access to properties via a remote call-In locking device; personal lifestyle consulting services; on-Line social networking services. |  |  |  |  |  |
| Roogenic | [79-205,758] | Oren Barak | 1-4-17[1-23-18] | Intl. 3, 29, 30, 32, 43US. 1, 4, 6, 45, 46, 48, 50, 51, 52, 100, 101 | - - - - |
| Beauty creams; hand cream; cosmetic moisturising creams; cosmetic moisturising skin creams; non-Medicated creams for hydrating the skin; non-Medicated creams for personal care; blended essential oils; essential oils; essential oils for use in air fresheners. Dried fruit; dried fruits in powder form; dried fruit products, namely, dried fruit mixes, dried fruit powders, dried fruit pieces; food products made from dried fruits, namely, processed fruits, non-Alcoholic fruit extracts for use as ingredients of nutritional supplements and vitamins, preserved fruits, fruit conserves, fruit-Based food beverage, fruit-Based food bars, milk drinks containing fruits, milk beverages containing fruits, snack mix consisting primarily of dried fruits; prepared snacks made from dried fruit. Herb tea-Based beverages not for medical purposes; herbal tea other than for medical use; iced tea; non-Medicated tea bags; nonmedicated tea beverages. Non-Alcoholic beverages flavored with tea. Coffee shop services. |  |  |  |  |  |
| R-M | [79-205,866] | Basf Coatings | 3-6-17[1-23-18] | Intl. 1, 2, 3US. 1, 4, 5, 6, 10, 11, 16, 26, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized wording "R-M" within a hexagon. Chemical products for use in industry; unprocessed plastics and artificial resins, in the form of powders, pastes, liquids, emulsions and dispersions; adhesive substances for industrial purposes; solvents for varnishes and lacquers. Varnishes, lacquers, particularly enamel paints for motor vehicles and motor vehicle repair, thinners for varnishes and lacquers, adhesives, namely, pre-Treatment coatings for surfaces to improve adhesion and corrosion resistance and products, namely, paint primers supplying the primer layer for pre-Treatment of surfaces before varnishing; anti-Rust sealants. Cleaning, polishing, scouring and abrasive preparations for the treatment of motor vehicle bodies. |  |  |  |  |  |
|  | [79-206,291] | Rovio Animation | 8-16-16[1-23-18] | Intl. 3, 9, 14, 16, 18, 21, 24, 25, 28, 30, 32, 41, 43US. 1, 2, 3, 4, 5, 6, 13, 21, 22, 23, 26, 27, 28, 29, 30, 33, 36, 37, 38, 39, 40, 41, 42, 45, 46, 48, 50, 51, 52, 100, 101, 107 | - - - - |
| The color(S) white, light blue, orange, turquoise blue, brown, light brown and black is/Are claimed as a feature of the mark. The mark consists of a design of a fuzzy bird in which the fuzzy body appears in shades of light blue and turquoise blue, as do the feathers atop the bird'S head. the bird'S feet are orange, as is the bird'S beak. the bird'S eyes have an orange outer ring, a ring in the colors brown and light brown inside of this, and the whites of the bird'S eyes appear in the color white. the bird'S eyes are shades of turquoise blue and light blue, with black pupils.??. Essential oils and aromatic extracts in the nature of perfumes; non-Medicated toiletries; perfumery and fragrances; oral hygiene preparations, namely, dentifrices, toothpaste, and non-Medicated mouthwash; body cleaning and beauty care preparations, namely, non-Medicated soap, shower gels, facial and body scrubs, facial cleansers and skin cleansers in the nature of body cleansers, skin cleansers, non-Medicated body soaks, non-Medicated exfoliating preparations for skin, perfumed body powders, body creams and lotions, face creams and lotions, after-Shave lotions, antiperspirants, deodorants for personal use, non-Medicated sun care preparations, hair shampoo, hair conditioners, hair gels, hair creams, cosmetics, lotions for cosmetic purposes, nail polishes, nail varnishes, nail enamel, nail gel, nail glitter, false nails, adhesives for artificial nails, decorative fingernail decals for cosmetic purposes, nail cream, false eyelashes, hair dyes, hair spray, beauty masks, make-Up, makeup powder, make-Up preparations, make-Up removing preparations, baby oil, baby powder, baby bath gel and baby lotion, lip gloss, and non-Medicated lip balm; cleaning preparations; fragrancing preparations, namely, perfuming sachets, air fragrancing preparations, and room fragrancing preparations. Animated cartoons recorded on pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings; audio recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; audio visual recordings featuring music, images, motion picture films, animated cartoons, music videos, and computer games; digital music downloadable from a computer database or the internet; downloadable electronic publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; instruction manuals in downloadable electronic format; exposed cinematographic films; pre-Recorded audio tapes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; exposed film, namely, exposed camera film, exposed photographic film, and exposed slide films; digital music downloadable provided from mp3 internet web sites, namely, downloadable mp3 files and mp3 recordings from the internet and featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; holographic images, holographic displays, and holograms, all, namely, photographic recordings of a light field used to reconstruct and display a fully three-Dimensional image of a subject or scene in space with coherent light, featuring animated cartoons; digital music downloadable from the internet; weekly publications downloaded in electronic form from the internet in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, satire, art, general trivia, computer games, home video games, and animation; recorded discs bearing images featuring animated cartoons; downloadable graphics for mobile phones; downloadable musical sound recordings; downloadable music files; musical video recordings; talking books in the nature of audio books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; phonograph records in the nature of sound recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; recorded discs bearing sound, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, and cd-Rom discs featuring music, images, motion picture films, animated cartoons, music videos, and computer games; musical sound recordings; pre-Recorded cd'S featuring musical recordings; pre-Recorded videos, namely, pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings featuring music, images, motion picture films, animated cartoons, music videos, and computer games; pre-Recorded tape recordings, namely, audio tapes featuring music; downloadable electronic publications in machine-Readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable electronic publications in optically recorded format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable electronic publications, namely previously printed publications, that are now in electronically readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; cinematographic films featuring animated cartoons; downloadable podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer documentation in electronic form, namely, downloadable documents in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation provided via a website; electronic publications, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; training manuals in the form of a computer ***program***, namely, computer software comprising a training manual used for training purposes; exposed sensitized films, namely, sensitized cinematographic film, sensitized photographic film, and sensitized x-Ray film; exposed photosensitive media films, namely, exposed slide film, exposed camera film, exposed cinematographic film, and exposed photographic film; exposed cinematographic film; video recordings, namely, musical video recordings and audiovisual video recordings featuring music, images, motion picture films, animation, and music videos; recorded data files, namely, downloadable electronic data files featuring audio, video, text, binary, still images, graphics and multimedia files; computer game software; computer software for computer games, video games and processing digital images; electronic databases in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; computer game software downloadable via the internet; downloadable electronic game ***programs***; downloadable computer game ***programs***; computer game software, namely, downloadable video game ***programs***; computer software ***programs*** for video games; computer video game software contained on cartridges for personal computers, home video game consoles, arcade-Based video game consoles, slot machines, and video lottery terminals; recorded computer game ***programs***; computer games, namely, computer game ***programs***, computer ***programs*** for pre-Recorded games, computer game software for use on mobile and cellular phones, interactive multimedia computer game ***programs***, computer game software downloadable from a global computer network, the internet, and wireless devices; interactive video game ***programs***; computer ***programs*** stored in digital form, namely, computer ***programs*** for using the internet and the world wide web; computer software for electronic publishing; personal computer application software for managing document control systems; computer software downloaded from the internet for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; interactive computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; interactive multimedia computer ***programs*** for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software that permits games to be played; computer application software for mobile phones, portable media players, handheld computers, portable computers, and tablets, namely, software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for education featuring instruction in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software downloadable from global computer information networks; children'S educational software; data recorded electronically, namely, computer ***programs*** recorded on data media designed for recreational game playing purposes; audio cassettes, namely, pre-Recorded cassettes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; dvds, namely, pre-Recorded dvds featuring music, images, motion picture films, animated cartoons, music videos, and computer games; electronic data carriers, namely, secure digital memory cards, flash drives, usb flash drives, usb cards featuring computer game software and computer game ***programs***; pre-Recorded compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; information technology equipment, namely, computers and audiovisual equipment, namely, cameras and flashes for cameras, cases for cameras and photographic equipment, movie projectors, multimedia projectors, picture projectors, sound-Reproducing apparatus, high definition televisions, and transmitting and receiving apparatus for radio and television broadcasting and for long-Distance transmission; computer operating systems. Jewels; jewelry boxes and presentation boxes for watches; gemstones, pearls, and precious metals, and imitations thereof; ornaments in the nature of jewelry, ornamental lapel pins, personal ornaments in the nature of jewelry, holiday ornaments not tree ornaments, shoe jewelry, and hat jewelry made of or coated with precious or semi-Precious metals or stones, or imitations thereof; statutes and figurines made of or coated with precious or semi-Precious metals or stones, or imitations thereof; trinkets or fobs in the nature of key rings; trinkets coated with precious metals, namely, rings and key rings; key fob rings coated with precious metals. Disposable paper products, namely, paper cartons for delivering goods, paper lunch bags, advertising signs of paper, advertising signs of cardboard, art paper, bibs of paper, blank or partially printed paper labels, blank paper notebooks, lined and unlined writing pads, memo pads, notepads, book cover paper, business card paper, ***calendared*** paper, gift-Wrapping paper, packaging in the nature of blister cards, paper towels, notebook paper, paper folders, paper envelopes for packaging, table cloths of paper, table linens of paper, paper napkins, toilet paper, boxes of cardboard or paper, gift boxes made of cardboard, cardboard cartons, cardboard containers, paper handkerchiefs, paper napkins for removing make-Up, paper flags, paper banners, protective covers for notebooks, place mats and coasters of paper and cardboard, and disposable paper sheets for personal hygienic use in the nature of disposable headrest covers not for medical use; decoration materials, namely, paper party decorations, paper cake decorations, decorations of paper for lunch boxes and foodstuffs, decorative paper centerpieces, and party ornaments of paper; art materials, namely, paint brushes, water color paints, drawing ink, pastels, crayons, pencils, pens, chalk, artists' watercolor saucers, molds for modeling clays, blackboards, drawing boards, easels, and canvas for painting; art media, namely, arts and crafts clay kits, arts and craft paint kits, coloring books, stencils for face painting, rubber marking stamps, temporary tattoo ***transfers*** similar to decals, stickers and sticker albums, blackboards and scrap books; pastes and adhesives for stationery or household purposes; printed matter, namely, note cards, greeting cards, books, booklets, printed periodicals, magazines including gaming magazines, manuals, newspapers, newsletters, journals, children'S books, baby books, comic books, coloring and children'S activity books, instructional and teaching materials, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; paper and cardboard; books in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; stationery; educational supplies, namely, two-Ring and three-Ring binders, desk pencil holders, desk pencil stands, paper folders, ***calendars***, paperweights, pencil sharpeners, electric pencil sharpeners, paper clips, thumb tacks and push pins, document folders, index cards, and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue for stationery or household purposes and book marks; works of art made of paper and cardboard; figurines of paper and cardboard, namely, papier-Mâché figurines, and architects' models; bags, namely, paper bags, merchandise bags, grocery bags, paper party bags, party goodie bags of paper or plastic, plastic or paper bags for household use; articles for packaging made of paper, cardboard, or plastics, namely, cardboard boxes for packaging, paper bags for packaging, paper pouches for packaging, paper roll stock for packaging, padded paper envelopes for mailing or packaging, paper for wrapping and packaging, and storage containers and packaging containers made of paper or cardboard; articles for wrapping made of paper, cardboard, or plastic, namely, gift-Wrapping paper, paper gift wrap bows, paper and plastic gift wrapping ribbons, food wrapping plastic film, sheets of cellophane paper for wrapping, and plastic packaging wrap for commercial or industrial use; articles for storage made of paper, cardboard, or plastics, namely, plastic food storage bags for household use and containers for storage or transport made of paper or cardboard; drawing materials, namely, pencils, pastels, crayons, ink for writing instruments, color pencils, markers, dry erase markers, permanent markers, and highlighting markers; drawing paper; arts and crafts equipment, namely, arts and crafts clay kits, colored craft and art sand, children'S arts and crafts paper kits, and arts and craft paint kits; modelling equipment, namely, molds for modeling clays, modeling clay, and modeling clay for children. Walking sticks; luggage; bags in the nature of handbags, purses, fabric and leather pouches, coin purses, and cosmetic purses sold empty; wallets; other carriers, namely, duffel bags, beach bags, backpacks, sports bags, diaper bags, briefcases, leather and canvas shopping bags, business card holders in the nature of card cases, leather briefcase-Type portfolios, carry-All school bags, and tool bags of leather or imitations of leather sold empty; umbrellas; parasols. Cosmetic utensils, namely, cosmetic brushes, make up applicators in the nature of applicator sticks for applying make-Up and make up brushes, shaving brushes, stands for shaving brushes, hair brushes and combs; toilet utensils, namely, toilet brushes and toilet sponges; bathroom articles, namely, bathroom pails, toilet paper holders, stands specially adapted for toothbrushes, and toothbrush cases; brushes, namely, brushes for cleaning footwear, cleaning brushes for household use, toothbrushes, nail brushes, and brushes for pets; brush-Making materials; statues, figurines, plaques, and works of art made of porcelain, terra-Cotta, or glass; tableware, namely, tea services and coffees services; cookware, namely, cooking pots and pans, glass dishes; containers for household or kitchen use; glasses, namely, drinking glasses and beverage glassware; drinking vessels; barware, namely, seltzer bottles, cocktail shakers, beverage glassware, coffee mugs, beer mugs, and earthenware mugs; serving dishes; household utensils, namely, dishes. Fabrics for textile use; textile goods, namely, textile table linens, bedcovers and plastic table covers, bed canopies, individual place mats made of textile, tapestries of textiles, gift wrap of textile, textile wall hangings, fitted toilet seat covers made of fabrics, curtain tiebacks in the nature of textile curtain holders, and textile fabrics for use in making clothing and household furnishings; textile substitute materials made from synthetic materials; linens, namely, bed linens, bath linen, table linen, household linen, linen cloth, and kitchen linens; textiles made of flannel; textile tissues, namely, textile handkerchiefs; household textile articles, namely, towels, bed sheets, dish towels, kitchen towels, fabric place mats, bath mitts, fabric table runners, and cloth coasters; handkerchiefs of textile; household textiles, namely, textile fabrics for use in making clothing and household furnishings; textiles for furnishings, namely, furnishing and upholstery fabrics. Footwear; hats; clothing, namely, shirts, jackets, pants, dresses, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, beach cover-Ups, overalls, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, cycling shorts, slacks, jeans, men'S and women'S suits, vests, undergarments, muffs, shawls, stoles, blazers, coats, robes, sleepwear, suspenders, bandanas, and loungewear; sports shirts with short sleeves; menswear, namely, blazers, trousers, suits, jackets, and shirts; casual shirts; casual trousers; leisurewear, namely, leisure suits; clothing layettes; swimming trunks; sports clothing other than golf gloves, namely, cap visors, socks, sports bras, and athletic tops and bottoms for runners, yoga, and cycling; sportswear, namely, shorts, track suits, sports bras, sweat-Absorbent underclothes, swim suits, tennis wear, jerseys; tops; coats and socks; tee-Shirts; sweatpants; socks; shorts; slipovers; blousons; long jackets; long sleeve pullovers; printed t-Shirts; shirts; loungewear; outer clothing for men, namely, coats, jackets, cloaks, ponchos, capes, and parkas; short-Sleeve shirts; short-Sleeved or long-Sleeved t-Shirts; trousers for children; children'S wear, namely, dresses, jumpers, shirts, jackets, pants, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, slacks, jeans, vests, undergarments, sweaters, blazers, coats, robes, sleepwear, and loungewear, and cloth bibs; skirt suits; gloves; collared shirts; running suits; hooded sweatshirts; hooded tops; slacks; skirts; denim jeans; sweat shirts; sweat suits; denim jackets; sun hats; peaked headwear in the nature of cap peaks; caps with visors; bonnets; children'S headwear; headwear in the nature of bonnets; headwear in the nature of sun visors; headwear in the nature of caps; footwear in the nature of pumps; football boots; footwear for men; canvas shoes; espadrilles; basketball sneakers; gym boots; children'S footwear; running shoes; training shoes; leather shoes; footwear for women; slip-On shoes; booties; slippers; shoes with hook and pile fastening tapes; sandals; infants' footwear; beach shoes; cycling shoes; leisure shoes; costumes for use in children'S dress up play and for use as halloween costumes. Fairground apparatus, namely, amusement park rides, rollercoasters, and carousels; playground apparatus, namely, sand boxes, swing sets, slides for playgrounds, and playground sports training apparatus to improve strength, toning, conditioning, balance and proprioception, namely, pitching machines, ball return machines, electronic sports training simulators for simulating defensive basketball plays and sports defense; festive decorations for christmas trees and artificial christmas trees; toys, namely, children'S multiple activity toys, dolls, puppets, plush toys, soft dolls, teddy bears, toy figures and play sets consisting of action figures, attachable articles of clothing for toys, rocking horses, bathtub toys, ride-On toys, balls for sports, yo-Yos, balls for games, playground balls, rubber balls, mah-Jong sets, marbles for games, toy vehicles, electric toy vehicles, toy scooters, toy air pistols, toy building blocks, water squirting toys, and magnetic toy figurines attachable to mobile phones; games, namely, action skill games, action target games, arcade-Type electronic education video games, board games, card games, building games, educational card games, electronic educational game machines for children, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, promotional game cards, puzzle games, and video game consoles for use with an external display screen or monitor; playthings, namely, puppet theatres, beanbags in the form of playthings, dolls' beds, dolls' clothes, dolls' houses, and dolls' rooms; novelties, namely, toy and novelty face masks, toy foam novelty items, namely, foam fingers and hands, and novelty vampire teeth; sporting articles and equipment, namely, tennis balls, footballs, soccer balls, baseballs, volleyballs, tennis rackets, table tennis rackets, paddle rackets for use in paddle ball games, badminton rackets, squash rackets, sailboards, skateboards, snowboards, skis, waterskis, roller skates, ice skates, floats for bathing and swimming, dumb-Bells, elbow guards being sport articles for athletic use, knee guards being sport articles for athletic use, archery sets, bocce ball sets comprised of bocce balls, spring boards and golf ball dispensers, golf bags, golf clubs, golf gloves, and gloves for games and sports, namely, baseball gloves, golf gloves, boxing gloves, hockey gloves, bowling gloves, and football gloves; video game apparatus, namely, video game joysticks, video game consoles, handheld units for playing video games other than those adapted for use with an external display screen or monitor, and hand-Held units for playing electronic games for use with external display screen or monitor; balloons; fabric toys, namely, stuffed and plush toys; carnival caps, namely, plastic party hats and paper party hats; face masks being playthings; children'S multiple activity toys; children'S bicycles for use other than for transport; board games; kites; toy hats, namely, toy pirate hats and toy costume hats; toy tableware; playing balls; toy sporting apparatus, namely, toy game balls, paddles for use in paddle ball games, outdoor activity game equipment sold as a unit comprising sports balls, baseball bats, bases, basketball goals, soccer goals, hockey goals, hockey sticks, for playing games; toy vehicles with transforming parts; toys simulating objects used by adults in day to day activity, namely, toy watches, toy telephones, toy cell phones, toy computers, toy television sets, toy bakeware and cookware, toy knives, toy forks, toy spoons, toy pots and pans, toy bowls, toy rolling pins, toy spatulas, toy tea sets, toy cosmetics, toy makeup, toy non-Electric shaver, toy keys, toy banks, toy drones, toy furniture, and toy jewelry; battery-Operated action toys; toy figurines, namely, modeled plastic toy figurines and attachable, wearable, magnetic toy figurines; counters for games; scale model vehicles; miniature car models in the nature of toy model cars and playthings, namely, toy model kit cars; inflatable toys; building games; sports games, namely, target games, action skill games, horseshoe games, and paddle ball games. Processed grains; starches, namely, food starch; baking preparations and yeasts, namely, yeast, baking powders, and food flavorings other than essential oils; ice, ice creams, frozen yogurts, and sorbets; coffee and coffee substitutes; teas and tea substitutes; cocoa and cocoa substitutes, namely, cocoa, cocoa powder, and cocoa mixes; bakery goods; confectioneries, namely, frozen confectioneries, chocolate confections, confectionery made of sugar, yogurt covered nuts, confectionery chips for baking, pastilles, crystal sugar pieces and jelly confections; chocolate; desserts, namely, dessert mousse, ice cream desserts, and dessert puddings; sugars and natural sweeteners; sweet coatings, namely, frosting; fillings for cakes in the nature of buttercream, caramel, chocolate, pudding, and custard; bee products in the nature of honey; salt; food seasonings; food flavorings, other than essential oils; condiments, namely, sauces, ketchup, mustard, salsas, and dipping sauces; pastries, cakes, tarts, and biscuits; chocolates; foodstuffs, namely, confectionery products containing cocoa as the main ingredient; confectionery in frozen form. Non-Alcoholic beverages, namely, carbonated beverages, mineral and aerated waters, mineral and aerated flavored waters, drinking water, bottled water, spring water, flavored waters, coconut waters, fruit drinks and fruit juices, non-Alcoholic fruit juice beverages, sparkling fruit juice beverages, non-Alcoholic cider, vegetable juices, non-Alcoholic beer, non-Alcoholic wine, non-Alcoholic cocktails; preparations for making beverages, namely, syrups, syrup substitutes for making beverages, syrups for making soft drinks, fruit-Based syrup for making fruit juices and fruit drinks, non-Alcoholic fruit extracts used in the preparation of beverages, and concentrates in tablet form for making effervescent soft drinks; juices, namely, herbal juices, fruit juices, aerated fruit juices; flavored carbonated beverages, namely, sodas, sarsaparilla soft drinks, cola drinks, cola beverages, carbonated non-Alcoholic frozen flavored beverages; energy drinks; beverages, namely, coconut milk; beverages, namely, almond milk; non-Alcoholic beverages, namely, peanut milk; rice-Based beverages, other than milk substitutes; soya-Based beverages, other than milk substitutes; other non-Alcoholic drinks, namely, energy shots, isotonic non-Alcoholic drinks, sherbet beverages and lemonades; non-Alcoholic cordials; orange squash. Publishing, namely, publishing books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; reporting, namely, photographic reporting, news syndication reporting, and editorial reporting services; education services, namely, conducting classes, on-Line classes, seminars, and workshops, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; entertainment services, namely, conducting contests, the creation, development, and production of cinematographic films, animation and animated films, and television ***programs*** for others, providing facilities for and arranging entertainment, namely, concerts, cabarets, circuses, shows featuring comedy, live musical performance, theatrical performances, exhibitions in the fields of art, education, culture, sports and entertainment, sports competitions, sporting and cultural activities, and live performances showcasing talent, live show performances, sports tournaments, games, recreation activities and cultural activities in the nature of hunting, fishing, cultural shows, and cultural dance exhibitions, all for entertainment purposes; sports services, namely, conducting sports camps, rental of sports equipment, except vehicles, and organizing sports events, namely, swimming meets, soccer competitions, baseball competitions, football competitions, volleyball competitions, golf competitions, tennis competitions, and hockey competitions; translation and interpretation services; news reporting services; news ***program*** services, namely, providing current event news via a global computer network, photographic reporting, news syndication reporting, and editorial reporting services; publishing of stories, namely, novels, short stories in printed book and electronic book form, children'S stories in printed book and electronic book form, animal stories in printed book and electronic book form, and family oriented stories which are recorded by family members and put into electronic book form to preserve their heritage; publication of printed matter; publication of the editorial content of sites accessible via a global computer network; publishing of electronic publications; providing electronic non-Downloadable publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; providing on-Line non-Downloadable electronic publications, in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of texts; on-Line publication of non-Downloadable electronic books and journals; providing online non-Downloadable comic books and graphic novels; providing on-Line non-Downloadable general feature magazines; music publishing services; music recording services, namely, production of sound and music video recordings; on-Line publishing services, namely, online electronic publishing of books and periodicals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication and editing of printed matter; publication of printed matter relating to education; publication of educational books; publication of educational teaching materials, namely, publication of educational texts, books, instruction manuals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of instructional literature, namely, publication of musical texts, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of printed matter; publication of newspapers, periodicals, catalogs, and brochures; publication of books; consultation services relating to the publication of books; publishing services for books and magazines; publication and editing of books; publication of electronic books and journals on-Line; electronic desktop publishing; publication of books relating to entertainment; electronic publishing of the text of others on cd, dvd, on-Line, and high definition digital discs, and downloadable audio and video recordings from the internet featuring animation, music, fiction and nonfiction textual works on a variety of topics, and comedy; provision of non-Downloadable electronic publications, in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of electronic magazines; entertainment, namely, live performances by a musical band; arranging of visual entertainment, namely, entertainment services in the nature of live visual performances by actors, singers, dancers, and comedians; arranging of visual and musical entertainment, namely, namely, musical, variety, news and comedy shows; organization of recreational activities, namely, organizing community festivals featuring a variety of activities, namely, art exhibitions, heritage markets, and ethnic dances; provision of recreational events, namely, organizing community festivals featuring primarily sporting events, art exhibitions, ethnic dance performances, dance performances, ice dancing performances, plays, musical performances, and magic shows and also providing flea markets, dinners, lunches, food tasting, and wine tasting; providing recreational areas in the nature of play areas for children; providing online information in the field of entertainment via the internet and via computer databases; entertainment services in the nature of an amusement park show; entertainment, namely, conducting carnivals; provision of entertainment services through the media of video-Films, namely, movie showings and planning and conducting a series of film festivals; provision of entertainment services through the media of publications, namely, magazine publishing, book publishing, music publishing, and electronic book rental via the internet; amusement centers; production of shows in the nature of operas, television shows, plays, live dance shows, and live music shows; entertainment, education and instruction services, namely, providing motivational and educational speakers; video entertainment services, namely, providing video podcasts, producing videos, filming videos, directing videos, editing videos, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; exhibition of video films, namely, movie showings and providing a website for entertainment purposes featuring on-Line non-Downloadable videos about fictional stories, computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of facilities for recreational activities in the nature of skiing, hunting, fishing, providing recreational camps for children, providing play facilities for children, providing fitness and exercise facilities, arranging and conducting canoe expeditions for recreational purposes, arranging and conducting jungle and safari expeditions for recreational purposes, providing sports facilities, providing swimming pools, and providing horseback riding facilities for recreational purposes; providing facilities for leisure activities, namely, arranging and conducting fishing tournaments, golf tournaments, music concerts, and theater shows, and providing information in the field of leisure activities, namely, hunting, fishing, swimming, surfing, and bowling; sporting and cultural activities, namely, organizing sporting events, namely, triathlons and golf tournaments; computer services, namely, providing on-Line computer games, and entertainment services in the nature of video game amusement services, namely, providing temporary use of non-Downloadable video games; providing information on-Line relating to computer games and computer enhancements for games; providing on-Line information in the field of computer gaming entertainment; television entertainment, namely, television news shows; entertainment services in the nature of an ongoing reality based television ***program***; entertainment services in the nature of an ongoing fictional television show in the field of children'S entertainment; entertainment services in the nature of an ongoing television game show; entertainment services in the nature of an ongoing animated television show featuring cartoons; providing theme park services; theatre entertainment, namely, theater productions; theatre services, in the nature of ticket reservation and booking services for recreational and leisure events, namely, music concerts, theater shows, and live dance performances; entertainment in the nature of theatre productions; adventure playground services, namely, providing amusement parks and provision of children'S playgrounds at service stations; popular entertainment services, namely, personal appearances by a movie star, sports celebrity, and fictional character; provision of online computer games; providing online non-Downloadable game software accessible by means of computer terminals and mobile telephones; provision of on-Line entertainment, namely, providing an on-Line virtual environment for trading virtual sports trading cards and tokens, providing online video games, and providing online reviews of movies, books, music, and computer games; on-Line gaming services, namely, providing online video and computer games and entertainment services, namely, providing temporary use of non-Downloadable interactive games; electronic games services provided from a computer database, namely, providing information on-Line through a computer database in the field of computer games; musical entertainment services, namely, organization of exhibitions for musical entertainment; entertainment services in the nature of live performance of music and singing by a singer and musical band; children'S adventure playground services, namely, arranging and conducting live, interactive, treasure hunt game adventures; organization of cultural events; entertainment services in the nature of organizing social entertainment events; organization of sporting competitions; organization of balls; providing non-Downloadable computer games via the internet; electronic game services, namely, provision of computer games by means of the internet; electronic game services and competitions provided by means of the internet; amusement and theme park services; organizing of shows, namely, fashion shows, circus shows, laser shows, and game shows for entertainment purposes; film distribution; cinematographic entertainment services, namely, rental of cinematographic machines and apparatus, motion picture film production, film and video production consulting services, and film editing; distribution of motion picture films; rental of motion pictures; live entertainment in the nature of live music concerts, dance performances, magic performances, and theatrical performances; cinema presentations, in the nature of planning arrangement of showing movies; electronic games services provided from a computer database, namely, providing online electronic games by means of the internet; electronic games services, namely, provision of computer games on-Line or by means of a global computer network; entertainment services in the form of ongoing television ***programs*** in the field of musical, variety, news and comedy shows; entertainment services, namely, production of motion pictures; entertainment services for producing live television shows; entertainment services in the form of cinema performances, namely, provision of cinema facilities and movie showings; provision of entertainment services through the media of audio tapes, namely, production of audio recordings; provision of entertainment services through the media of television, namely, production of television ***programs***; entertainment in the form of recorded music, namely, production of musical sound recordings; provision of entertainment services through the media of cine-Films, namely, production and distribution of movies; electronic online publication of periodicals and books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging of games, namely, arranging and conducting triathlon, cycling, walking, and running events; organization of games and sports competitions; educational services, namely, adult training in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, sports, music, film, comedy, art, general trivia, computer games, home video games, and animation; training in the field of electronic data processing; education and instruction, namely, providing classes in the field of computer literacy; arranging and conducting conferences in the field of sporting events, art exhibitions, animal exhibitions, dance performances, ice dancing performances, plays, musical performances, and magic shows; providing facilities for sports and physical fitness training; video production, production of audio recording, and photography; training in the field of electronics; provision of education courses in the field of electronics; english language education services, namely, language schools featuring the english language; arranging training courses, namely, conducting classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; education services for imparting language teaching methods, namely, providing classes in the field of language teaching skills; provision of language schools featuring french, spanish, german, finnish, swedish, english, chinese, japanese, and arabic, and provision of language courses, namely, language instruction, language translation, and language interpreting; organization of language courses, namely, conducting after-School foreign language tutoring ***programs***; provision of information on employment training; professional consultancy relating to education, namely, providing consultation concerning education options to pursue career opportunities; educational advisory services, namely, providing advice concerning education options to pursue career opportunities; organizing of educational games, namely, spelling competitions and educational card games; providing computer-Delivered educational testing and assessments; provision of day-Care educational units, namely, providing nursery schools for children; educational testing; provision of training and education, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training consultancy, namely, business training consultancy services; provision of education courses, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training and further training consultancy, namely, business training consultancy services; organization of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; development of educational materials, namely, publication of educational textbooks; dissemination of printed educational material for others, namely, educational textbooks, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging teaching ***programs***, namely, conducting educational ***programs*** in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of acting, sports, physical fitness, animation, and film production training facilities; education services relating to the development of children'S intellectual faculties, namely, teaching at elementary schools, providing classes and camps for children in the fields of animation, film production, acting, music, art, comedy, computer games, and video games; education services relating to computers, namely, providing classes in the field of computer science and computer literacy; education services relating to computer systems, namely, providing classes in the field of computer science and computer literacy; education services, namely, conducting educational courses, seminars and workshops, in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational services provided for children, namely, providing after school educational ***programs*** for children in grades k-12; educational services provided for teachers of children, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production, provided on a real-Time basis during classroom instruction; training in the operation of software systems; training in the development of software systems; training in the design of software systems; educational services, namely, training of teachers in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production and courses of instruction provided on a real-Time basis during classroom instruction at the undergraduate, graduate and post-Graduate level; teacher training services, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production provided on a real-Time basis during classroom instruction; providing classes in the field of data processing and computing; school courses relating to study assistance, namely, providing school courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training in the use of data processing ***programs***; provision of educational instruction, namely, providing classes and workshops, in the field of data processing; training services in the field of computer-Aided design; providing computer-Assisted courses of instruction, namely, providing on-Line classes and workshops in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational instruction, namely, providing training in the use of computers; educational instruction, namely, providing training in the development of computers; educational services, namely, providing classes and workshops for the provision of training in the use of computers; provision of computer related training courses, namely, providing training in the field of computer science and computer literacy; provision of education courses relating to computers, namely, providing classes in the field of computer science and computer literacy; organization of computer related training courses, namely, providing training classes in the field of computer science and computer literacy; training services relating to computers, namely, providing training in the field of computers; computer education training; training in the operation of computerized systems; educational training services in the field of computer systems; computer training, namely, training in the use of computers; computer education training services; training in the development of computer ***programs***; training in the operation of computer ***programs***; training in the design of computer ***programs***; provision of educational instruction, namely, providing classes and workshops in the field of computer ***programming***; training in the field of computer ***programming***; computerized training in the field of career counselling; training in the field of computer techniques; provision of courses of instruction in the management of information technology, namely, providing classes in the field of information technology management; training services in the field of the use of information technology; educational services relating to information technology, namely, providing classes in the field of information technology; sporting education services, namely, providing classes in the field of sports; sporting and recreational activities, namely, organizing sporting events, namely, swimming meet, soccer competition, football competition, volleyball competition, baseball competition, tennis competition, skiing competition, surfing competition, and water polo competition; tutoring services in the field of sports, personal coaching services in the field of sports, and sports instruction services; recreation and training services, namely, physical fitness training services; film production for entertainment purposes; production and distribution of motion pictures; production of entertainment in the form of television ***programs***; production of entertainment in the form of sound recordings; animation production services; animation production services in the nature of creating animated cartoons; production of animated television ***programs*** for distribution on television and cable television systems; audio, film, video and television recording services. Services for providing food and drink; providing temporary housing accommodations; providing temporary accommodation; restaurant services; cafeterias; ice cream parlor services; hotels and hostels; boarding house services; providing temporary accommodation for tourists and holiday travelers; hotels; day-Nursery services; providing day-Care centers; providing elderly care facilities; accommodation bureau services, namely, booking of temporary accommodation and providing information in the field of temporary lodging and accommodations. |  |  |  |  |  |
| Arrogance | [79-206,500] | Media Parfums S.R.L. | 10-21-16[1-23-18] | Intl. 3, 18, 25US. 1, 2, 3, 4, 6, 22, 39, 41, 50, 51, 52 | - - - - |
| Anti-Smear agents for cleaning purposes; washing conservation agents, namely, cleaning agents; laundry detergents; hair care preparations and non-Medicated hair treatments; stain removing preparations; cleaning agents for the hands; skin texturizers; seaweed for cosmetology; aloe vera preparations for cosmetic purposes; amber perfume; ammonia for cleaning purposes; fabric softeners; antiperspirants ; antiperspirants for personal use; canned pressurized air for cleaning and dusting purposes; food flavorings being essential oils; aromatic potpourris for fragrances; cake flavorings being essential oils; essential oils for flavourings for beverages; food flavorings prepared from essential oils; aromatic oils; aromatic oils for perfumes; non-Medicated body lotions; aftershave balms; non-Medicated nail conditioners; non-Medicated lip conditioners; conditioning preparations for the hair; skin conditioners; non-Medicated skin balms; bath foam; hair moisturising conditioners; non-Medicated conditioners in the form of sprays for the scalp; astringents for cosmetic purposes; oil baths for hair care; shaving balm; conditioning hair balsam; cotton balls for cosmetic purposes; cotton sticks for cosmetic purposes; sun protecting creams; cocoa butter for cosmetic purposes; body oils; javelle water for cleaning purposes; hair care lotions; tints for the hair; abrasive paper; patches containing sun screen and sun block for use on the skin; polish for furniture and flooring; depilatory wax; hair styling waxes; floor polish; hair wax; powder for make-Up; creamy face powder; cosmetic white face powder; pressed face powder; false eyelashes; artificial eyelashes; cosmetic face powders; cosmetic preparations for slimming purposes; mouthwashes, not for medical purposes; hair dye; non-Medicated mouthwash; cheek colors; under-Eye enhancers; facial concealer; incense cones; moisturising concentrates for the skin; cosmetics and cosmetic preparations; beauty care cosmetics; cosmetics for the hair; eye make-Up; wrinkle removing skin care preparations; moisturizing solutions for the skin; non-Medicated cosmetics; cosmetics for animals; skincare cosmetics; body mask cream; aftershave moisturising cream; anti-Wrinkle cream; sunscreen cream; skin cleansing cream, non-Medicated; suntan creams; creams for tanning the skin; anti-Aging creams; cuticle cream; face cream; lip cream; hand creams; cosmetic creams; cosmetic nourishing creams; cosmetic hand creams; anti-Freckle creams; self-Tanning creams; skin conditioning creams for cosmetic purposes; moisturising creams, lotions and gels for the skin; moisturising skin creams; fluid beauty creams; exfoliant creams; cosmetic creams and lotions; body washing creams; non-Medicated skin creams; depilatory creams; pre-Shave creams; night creams; night cream; day skin creams; shower creams; shaving cream; bath creams; cosmetic creams for firming skin around eyes; non-Medicated body cleansing creams; sun-Tanning creams and lotions; after-Sun creams; aftershave creams; non-Medicated facial creams; eye cream; body cream; skin care creams, other than for medical use; face creams for cosmetic use; creams for leather; cosmetic skin care creams; age spot reducing creams; creams for cellulite reduction; skin cream; non-Medicated creams for the eyes; non-Medicated creams for the body; perfumed creams; scented body creams; fair complexion creams; polishing creams; toning creams for the face; fragrance sachets; cushions impregnated with fragrant substances for use as room fragrances; sun creams; make-Up removing creams; cushions filled with perfumed substances for use as room fragrances; non-Medicated bath salts; washing soda, for cleaning; hair bleaching preparations; dentifrices; dentifrices and non-Medicated mouthwashes; toothpaste; deodorants and antiperspirants; deodorants for pets; deodorants for the feet; deodorants, for personal use in the form of sticks; deodorants for personal use; roll-On deodorants for personal use; feminine deodorant sprays; depilatories; detergents for household use; laundry detergents for household cleaning use; facial washes; skin cleansers; foam cleansers for personal use; toilet soap; cleaner for cosmetic brushes; hand cleansers; combination cleaners and deodorizers for litter trays; toilet bowl detergents; spray cleaners for use on textiles; spray cleaning preparations for household use; scale removing preparations for household purposes; dishwashing detergents; detergents for automobiles; commercial laundry detergents; upholstery cleaners; carpet cleaning preparations; shower and bath foam; reed diffusers comprised of scented oils and also including reeds and a diffuser container; detergent soap; time-Release solid drain detergent; skin emollients; hair emollients; toilet water containing snake oil; toilet water; cologne; foams for use in the shower; after-Shave emulsions; facial emulsions; flavour enhancers for food being essential oils; ethereal essences; bergamot oil; mint essence essential oils for personal use; exfoliating body scrubs for cosmetic purposes; body scrub; bath herbs; facial scrubs; non-Medicated exfoliating preparations for skin; non-Medicated exfoliating preparations for the cleansing of the skin; badian essence being an aromatic essential oil; flower essences for cosmetic purposes; eyeliner; extracts of perfumes; creamy rouges; cosmetic rouges; rouges; liners for the eyes; tissues impregnated with cosmetic lotions; make-Up removing milks; kunko fumigating incense for fragrancing rooms; face mask packs for cosmetic purposes; cleansing milk for toilet purposes; beauty milk; tanning milks; hair spray; hair permanent wave preparations; incense; non-Medicated skin moisturisers; cosmetic facial moisturisers; anti-Aging moisturizers used as cosmetics; skin moisturizers; henna cosmetic dye; facial cleansing milk; after-Sun milk; moisturizing milk; aftershave milk; almond milk for cosmetic purposes; seaweed gelatine for laundry use (Funori); glass abrasive granules for use in blasting services; sanding gloves; henna powders for cosmetic purposes; henna for cosmetic purposes; eyebrow gel; eye gels; shower and bath gel; bath and shower gels, not for medical purposes; cosmetic eye gels; age retardant gel; aloe vera gel for cosmetic purposes; sun-Tanning gels; shaving gel; bath gel; after-Shave gel; gel sprays being hair styling aids; moisturising gels for cosmetic purposes; cleansing bath gels; hair gel; styling gels; household room fragrances; tissues impregnated with dish detergent; lint for cosmetic purposes; cosmetic sun-Protecting preparations; hair fixers; creamy foundation; liquid foundation (Mizu-Oshiroi); skin foundation; fragrances for personal use; fragrances for automobiles; dry cleaning fluids; windshield cleaning liquids; cleaning fluids for typewriter type; washing-Up liquids; age retardant lotion; cleaning fluid for typewriter type; sun care lotions; non-Medicated hand lotion; cosmetic facial lotions; hair lotion; moisturising body lotion; bath lotion; milky lotions for skin care; baby lotions; beauty lotions; sunscreen lotions; self-Tanning lotions; moisturising skin lotions; body mask lotion; cleansing body lotions; bath lotions; depilatory lotions; skin care lotions body lotions; eye lotions; styling lotions; lip gloss; non-Medicated skin clarifying lotions; perfumed lotions; permanent waving lotions; lotions for strengthening the nails; colouring lotions for the hair; lotions for cosmetic purposes; perfumed body lotions; lotions for cellulite reduction; hand lotions; wave-Set lotions; teeth cleaning lotions; shaving lotion; spray floor polish; natural floor polishes; leather polishes; chrome polish; polishing preparations; hair glaze; shoe wax; boot cream; aromatic essential oils; natural essential oils; essential oils for use in air fragrancing preparations; essential oils for the care of the skin; oils for cosmetic purposes; essential oils for personal use; permanent waving preparations, namely, neutralizers; hair nourishers; sun blocking oils ; sun tanning oil; non-Medicated bath oils; bath oils for cosmetic purposes; essential oils; essential oils as perfume for laundry purposes; essential oils of lemon; emulsified essential oils; eye pencils; eyebrow pencils; skin care preparations, namely, mousse; cleansing foam for personal use; hair mousses; mousses being hair styling aids; decorative ***transfers*** for cosmetic purposes; liquid foundation; mint for perfumery; cosmetic pencils; skin masks; hand masks for skin care; foot masks for skin care; fingernail sculpturing overlays; floor stripping or cleaning preparation; cosmetic eye pencils; make-Up preparations; skin moisturizer masks; gel eye masks; body masks; mascara; cleansing beauty masks; cleaning beauty masks for the face; cosmetic masks; body mask powder; non-Medicated cosmetic oils; essential vegetable oils; massage oils, not medicated; oils for perfumes and scents; baby oils; essential oils of citron; tea-Tree oil; essential oils and aromatic extracts; scented oils used to produce aromas when heated; impregnated cloths impregnated with cosmetic lotions for cosmetic use; cuticle oil; essential oils, namely, pine oil; peppermint oil; almond oil for cosmetic use; bath pearls; pastes for razor strops; styling paste for hair; abrasive paste; skin whitening creams; nail polish remover pens; nail polish pens; pumice stones for use on the body; foot smoothing stones; shaving stones; hydrogen peroxide for cosmetic purposes; non-Medicated bath pearls; general purpose scouring powder; scouring powders; tooth powder; paint removers; body powder; dishwasher powder; false nails; potpourris; talcum powders for toilet use; polishing powders; lip balms; pomanders; powder for forming sculpted finger nail tips; artificial pumice stone; hair removal and shaving preparations; non-Medicated bath preparations; fragrance preparations; sunscreen preparations; sun blocking preparations; cleaning and fragrancing preparations for household use; leather and shoe cleaning and polishing preparations; body cleaning and beauty care preparations; hair preparations and treatments; aromatherapy preparations; bath preparations, not for medical purposes; skin whitening preparations; make-Up removing preparations; bleaching preparations for household use; hair straightening preparations; hair waving preparations; room fragrancing preparations; washing preparations for household use; anti-Aging skincare preparations; bleaching laundry preparations; de-Greasing preparations for household purposes; degreasing preparations with a solvent base for household use; descaling preparations for household purposes, namely, lime removers; laundry pre-Soak; cleaning preparations for plant leaves; floor stripping preparations; non-Medicated lip care preparations; preparations for setting hair; non-Medicated facial care preparations; cosmetic preparations for skin renewal; cosmetic nail care preparations; cleaning preparations for leather; color brightening chemicals for household purposes; colouring preparations for cosmetic purposes; decorative ***transfers*** and skin jewels for cosmetic purposes; cosmetic hair dressing preparations; cosmetic products in the form of aerosols for skincare; antistatic preparations for household purposes; skin care preparations, namely, skin peels; preparations for cleaning vehicle surfaces; cosmetic preparations for the care of mouth and teeth; non-Medicated hand washes; salt crystal removers for household purposes; non-Medicated hair treatment preparations; dry-Cleaning preparations; laundry bleach; cosmetic foot care preparations; hair care preparations, not for medical purposes; non-Medicated body care preparations; non-Medicated soaps for babies; douching preparations for personal sanitary purposes; non-Medicated, non-Veterinary animal grooming preparations in the nature of pet shampoo and conditioner; windscreen cleaning preparations; automobile cleaners; tooth cleaning preparations; shoe clean preparations; cleaning preparations for cleansing drains; shaving preparations in liquid form; nail repair products, namely, nail wraps; drain cleaning preparations; hair shampoo; sachets for perfuming linen; wallpaper cleaning preparations; adhesive removers; drain openers; laundry starch; wood treatment preparations for polishing; laundry pre-Soaking preparations; hair frosts; air fragrancing preparations; remover for spirit gum for cosmetic use; rust removing preparations; nail strengtheners; pet stain removers; wax stripping preparations; cuticle removing preparations; degreasers other than for use in manufacturing processes; leather bleaching preparations for household use; cuticle conditioners; glass cleaning preparations; floor wax removers; preparations for stripping wax from floors; color-Removing preparations; perfumes for industrial purposes; room perfumes in spray form; liquid perfumes; synthetic perfumery; perfume; degreasing preparations for engines; sun care preparations for cosmetic use; breath fresheners for animals; skin fresheners; sun care lotions; scouring solutions, namely, floor wax removers lotions for strengthening the nails; nail hardeners; lip stains and glosses; solid perfumes; perfumes for ceramics; perfumes for cardboard; abrasive rolls; jewellers' rouge; liquid rouge; breath fresheners in the form of chew sticks made from birchwood extracts; breath fresheners; laundry detergent strengtheners; powder compact refills; refill packs for hand soap dispensers; refill packs for hair care preparation dispensers; refills for electric room fragrance dispensers; breath fresheners, not for medical use; scented sachets; abrasive sand; baby wipes; impregnated cleaning pads impregnated with cosmetics; tissues impregnated with cosmetics; wipes impregnated with a skin cleanser; moist paper hand towels impregnated with a cosmetic lotion; bleaching salts; disposable wipes impregnated with cleansing compounds for use on the face; feminine hygiene cleansing towelettes; pre-Moistened cosmetic wipes; moist wipes impregnated with a cosmetic lotion; carbolic soaps for household use; antiperspirant soap; cosmetic soaps; shaving preparations, namely, shaving sticks; non-Medicated bath soaps in liquid, solid gel form; beauty soap; non-Medicated toilet soaps; non-Medicated industrial soap; liquid soap for laundry; perfumed soaps; bar soap; laundry soap; hair conditioner bars; hair shampoo bars; bath soap; almond soap; deodorant soap; pre-Moistened towelettes impregnated with a detergent for cleaning; tissues impregnated with essential oils, for cosmetic use; non-Medicated soaps for household use; paper soaps for personal uses; liquid soaps for hands and face; soaps for body care; facial soaps; baby shampoo mousse; dandruff shampoos, not for medical purposes; dandruff shampoo; skin polishing rice bran (Arai-Nuka); cosmetic foams containing sunscreens; hair mousse; styling mousse; bubble bath; hair lighteners; waterproof sunscreen; shampoos for pets; non-Medicated shampoos for curly hair; non-Medicated hair shampoos; car shampoos; shampoos for human hair; body shampoos; baby shampoo; carpet shampoo; shampoos for vehicles; dry shampoos; beauty serums; nail polish; nail polish base coat; non-Medicated skin serums; false eyebrows; nail polish remover; solvents for removing varnishes; nail varnish remover; solutions for cleaning spectacle lenses; bleaching soda; scouring solutions; cleaning solutions for dental ultrasonic sterilization apparatus; nail glitter; nail varnish for cosmetic purposes; emery cloth; spray cleaners for freshening athletic mouth guards; mineral water sprays for cosmetic purposes; furniture polishes; cleaning agents for household purposes; self-Adhesive false eyebrows; solvents for removing paints; incense spray; antistatic sprays for clothing; scouring liquids; graffiti paint removing substances; wax strips for removing body hair; teeth whitening strips impregnated with teeth whitening preparations; cloths impregnated with a detergent for cleaning; eye make-Up remover; shaving preparations in the nature of sprays; shoe polish sprays; scented fabric refresher sprays; scented body spray; scented linen sprays; abrasive strips; fragrance emitting wicks for fragrancing rooms; sponges impregnated with soaps; spf sun block sprays; body sprays; breath freshening mouth sprays, not for medical use; non-Medicated body sprays ; dusting powder; talcum powder, for toilet use; non-Medicated herbal body care salves; make-Up for the face and body; make-Up for the face; non-Medicated toiletries; cosmetic hair tonics; beauty serums for application to the body; beauty serums for application to the face; skin toners; hair tonic; non-Medicated scalp treatments creams; non-Medicated hair treatment; preparations for permanent hair waves; make-Up; beard dyes. Fur pelt; trunks and travelling bags; umbrellas and parasols; walking sticks; clothing for pets; keycases; vanity cases, not fitted; traveling trunks; sport bags; chain mesh purses; travel bags made of waterproof fabric; purses; leather travelling bag sets; tool bags sold empty; briefbags; satchels; cases of leather or leatherboard; leather straps; collars for animals; animal skins; imitation animal skin, namely, moleskin; umbrella covers; leather leashes; imitation leather; pouch baby carriers; parasols; umbrellas; curried skins; skins of chamois, other than for cleaning purposes; business card cases; music cases; wallets; haversacks; bags of leather, for packaging; beach bags; boxes of leather or leatherboard; hat boxes of leather; umbrella or parasol ribs; valises; attaché cases; garment bags for travel; backpacks; cosmetic purses sold empty; shaving bags sold empty; cosmetic cases sold empty; travel cases; souvenir bags; clutches; small purses; calling card holders; kit bags; travelling bag sets; make-Up boxes sold empty. Clothing, namely, shirts, pants, jackets; shoes; headwear; clothing of imitations of leather, namely, pants and jackets; leather clothing, namely, pants and jackets; motorcycle jackets; driving gloves; cyclists' jerseys; clothing for gymnastics, namely, unitards; gowns; robes; bathrobes; non-Slipping soles for footwear; bandanas; bibs, not of paper; caps being headwear; berets; underwear; sweat-Absorbent underwear; smocks; boas; teddies being undergarments; braces for clothing; corsets being underclothing; skull caps; footwear; training shoes; stockings; sweat-Absorbent stockings; slippers; socks; breeches; short-Sleeve shirts; shirts; stuff jackets; bodices; hats; coats; hoods; belts for clothing; money belts; tights; shoulder wraps; detachable collars; neck scarfs; ear muffs; clothing layettes; corselets; suits; beachwear; masquerade costumes; neckties; swimming caps; shower caps; headbands; pocket squares; scarves; fittings of metal for footwear in the nature of cleats; ready-Made linings being parts of clothing; gabardines; gaiters; jackets; fishermen'S jackets; garters; skirts; pinafore dresses; aprons; girdles; gloves; ski gloves; welts for footwear; raincoats; ready-To-Wear clothing, namely, dresses; paper hats for use as clothing; knitwear, namely, sweaters; jumpers; leg warmers; leggings; liveries; singlets; hosiery; swimsuits; sweaters; muffs; pelerines; mantillas; sleep masks; skorts; miters being hats; boxer shorts; bathing drawers; waistcoats; babies' pants; trousers; parkas; pelisses; furs being clothing; shirt yokes; chasubles; pyjamas; cuffs; ponchos; tips for footwear; stocking suspenders; sock suspenders; brassieres; heelpieces for footwear; heelpieces for stockings; sandals; bath sandals; espadrilles; bath slippers; gymnastic shoes; beach shoes; football boots; ski boots; shawls; sashes for wear; briefs; topcoats; knee-High stockings; petticoats; slips being undergarments; half-Boots; boots; fur stoles; footwear soles; insoles; heels; pockets for clothing; tee-Shirts; togas; footwear uppers; turbans; combinations; uniforms; veils; visors being headwear; wooden shoes. |  |  |  |  |  |
| Wycon | [79-206,888] | Wjcon S.R.L. | 2-7-17[1-23-18] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Cosmetics for treating the body, including perfumes; solid perfumes; deodorants, namely, personal deodorants; antiperspirants toiletries; eau de cologne; perfume water; bases for flower perfumes, namely, flower essences for cosmetic purposes; air fragrancing preparations; soaps, namely, perfumed soap, cosmetic soap; soaps in liquid form, namely, non-Medicated liquid soap, liquid bath soap; soap, namely, skin soap; shaving soap; soap for foot perspiration; antiperspirant soap; deodorant soap; disinfectant soap; medicated soap; soap for brightening textile; foam bath; dentifrices; breath freshening sprays; breath freshening strips; dental rinses, non-Medicated; shampoo; dry shampoos; essential oils; hair lotions; permanent waving and setting preparations for the hair; gel, namely, hair gel; hair dyes; talcum powder, for toilet use; face creams; cosmetics for eyelashes; eyebrow cosmetics; cosmetic creams; mascara; eyebrow pencils; eyelid shadow; cosmetic pencils; facial packs for toilet purposes, namely, mask pack for cosmetic purposes; lipstick; make-Up foundations; body cream; nail polish; nail strengtheners; false nails; nail art stickers; fingernail decals; adhesives for applying false nails; nail care preparations; adhesives for false eyebrows, hair and nails; adhesives for applying false nails and for applying false eyelashes; nail enamel cotton wool for cosmetic purposes; cotton sticks for cosmetic purposes; suntanning oils and lotions; depilatory wax; moustache wax; cosmetics for animals; boot cream; hair spray; cosmetic kits comprising makeup; potpourri; cosmetic sun-Tanning preparations; cosmetic preparations for baths; cosmetic plasters containing sunscreen products and total sunscreen products for the skin, namely, sunscreen preparations; douching preparations for personal sanitary or deodorant purposes being toiletries; cosmetic preparations for slimming purposes; skincare cosmetics; depilatories; bleaching preparations for laundry use and other substances for laundry use, namely, laundry detergent; cleaning, polishing, scouring and abrasive preparations; perfumery and fragrances; cosmetics; cosmetics for personal use; cuticle cream; make-Up pads of cotton wool; cosmetic pads; tissues impregnated with cosmetic lotions; mineral water sprays for cosmetic purposes, namely, mineral water body sprays; moist wipes impregnated with a cosmetic lotion; tissues impregnated with cosmetics in the nature of tissues impregnated with make-Up removing preparations; paper hand towels impregnated with cosmetics the nature of wipes impregnated with a skin cleanser; cuticle removers, namely, cuticle removing preparations; cuticle conditioners; pedicure preparations, namely, foot scrubs, non-Medicated foot soaks; non-Medicated toiletries, namely, non-Medicated toiletry preparations; cosmetic preparations for use as aids to slimming; perfumery; oral hygiene preparations, namely, toothpaste; adhesives for affixing false hair; adhesives for cosmetic purposes; cleaning and fragrancing preparations, namely, air fragrancing preparations; essential oils and aromatic extracts in the nature of aromatic oil; household fragrances, namely, room fragrances; leather and shoe cleaning and polishing preparations; vehicle cleaning preparations; colorants for toilet purposes, namely, hair colorants, coloring preparations for cosmetic purposes. Advertising services; business management; business administration services; providing office functions; providing business consultancy and assistance in the nature of business management assistance to retailers in the franchising sector; retailing and wholesaling, namely, retail store services, wholesale store services relating to cosmetic and beauty preparations, perfumery, cosmetic accessories, spectacles, jewellery, clocks and watches, in the field of clothing, bags and accessories therefor, footwear and accessories therefor; business assistance relating to the establishment of franchises, namely, offering business management assistance in the establishment and/Or operation of retail cosmetic stores; business consultation and management regarding launching of new products; retail services, namely, retail store services, online retail store services, in relation to jewellery; retail services, namely, retail store services, online retail store services, in relation to clothing; retail services, namely, retail store services, online retail store services, in relation to toiletries; retail services, namely, retail store services, online retail store services, in relation to cleaning preparations; retail services, namely, retail store services, online retail store services, in relation to hygienic implements for humans; retail services, namely, retail store services, online retail store services, in relation to beauty implements for humans; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to jewellery; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to toiletries; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to cleaning articles; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to clothing; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to hygienic implements for humans; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to beauty implements for humans; wholesale services, namely, wholesale store services, wholesale ordering services, in relation to bags; mail order retail services connected with clothing accessories; retail services, namely, retail store services, online retail store services, connected with the sale of clothing and clothing accessories; department store retail services connected with the sale of beauty products, toiletries, machines for household use, hand tools, optical goods, domestic electrical and electronic equipment. |  |  |  |  |  |
| Loloma | [79-207,341] | Purnima Singh | 1-20-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetic moisturising body lotion; gels for cosmetic purposes; non-Medicated gels for the body; oil for the body; soap free washing emulsions for the body; babies' body milks; non-Medicated body care preparations; body oil; body oil spray; body scrubs; cleaning preparations for use on the body; non-Medicated creams for the body; non-Medicated baby bath preparations; baby oil; baby lotions; non-Medicated baby skin and hair preparations; massage oils, not medicated; non-Medicated body care preparations for babies, namely, body wash and body lotion, bath gel, bubble bath, shampoo, conditioner, detangler, powders, oils, and bar soaps; natural oils for cleaning purposes; non-Medicated skin care oils; oil for cosmetic use; perfume oils; cosmetic skin care oils; cleansing oils; essential oils; hair oil; paper wipes impregnated with cosmetic preparations; wipes for toilet use impregnated with cosmetic preparations; wipes impregnated with cleaning preparations; bath soaps; beauty soaps; bar soaps; hair lotions; cosmetics; perfumery; hair care creams; cosmetic skincare preparations; baby body milks; aromatherapy oil; scented oils; bleaching preparations, detergent, blueing, and fabric softeners for laundry use; cosmetic and toiletry products, namely body powder, hair and body lotion, hair and body oil, skin cream, hair and body shampoo, hair conditioner, soaps for use on the human body, baby bath; sunscreen, sun block and after-Sun lotions, oils and creams; astringent skin toners for cosmetic purposes. Medicated skin care preparations for babies; medicated bath oils; medicated hand oils; medicated massage oils; medicated skin care oils; medicinal natural oils; medicated body care preparations; medicated body creams; medicated lotions for the body; pharmaceutical preparations for skin care; medicated perfumed body lotions; medicated pre-Moistened wipes; pre-Moistened medicated wipes; sanitizing wipes; pharmaceutical preparations for skincare; babies' diapers; babies' napkins; medicated diaper rash ointments and creams; medicated skin cream and lotion; infant formula; infant vitamins. |  |  |  |  |  |
| Antimicrobial + | [79-207,804] | Szymanski Sebastian | 1-26-16[1-23-18] | Intl. 1, 2, 3, 6, 12, 17, 37, 40US. 1, 2, 4, 5, 6, 10, 11, 12, 13, 14, 16, 19, 21, 23, 25, 26, 31, 35, 44, 46, 50, 51, 52, 100, 103, 106 | - - - - |
| Color is not claimed as a feature of the mark. "Antimicrobial". The mark consists of a shield containing a stick figure with a head and a three pointed body and arms, and the wording "Antimicrobial +" below the shield. Industrial chemicals; chemicals for use in metal treatment and chemical additives for use in plastics; nano and microsilver used as filling materials or coatings of metals and plastics, namely, nano and microsilver oxide for use as a coating for manufacture of printed circuit boards. Anticorrosive and antibacterial surfactants and material components, namely, pre-Treatment primers for metal surfaces to improve adhesion and corrosion resistance, surface primer coatings for use with antimicrobial preparations; protective products for metals and plastics, namely, rust protecting paints, clear protective coatings for vehicles. Cleaning preparations for machinery and maintenance equipment. Metal products covered by a layer of an antibacterial material, namely, industrial packaging containers of metal; metal products containing micro-Particles of an antibacterial material, namely, metal beverage cans. Public seats, in particular vehicle seats, made of plastics containing micro-Particles of an antibacterial material. Semi-Finished plastics products covered by a layer of an antibacterial material, namely, plastic laminated sheets and panels for use in the manufacture of tabletops; semi-Finished plastics products containing micro-Particles of an antibacterial material, namely, flexible plastic pipes for plumbing. Renovation of antibacterial surfaces, namely, seats and flooring in vehicles. Surface finishing of metal and plastic products with an antibacterial coating, namely, electrophoretic coating services. |  |  |  |  |  |
|  | [79-207,991] | Giorgio Armani S.P.A. | 2-8-17[1-23-18] | Intl. 3, 9, 16, 18, 25, 35US. 1, 2, 3, 4, 5, 6, 21, 22, 23, 26, 29, 36, 37, 38, 39, 41, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized gorilla with its hands and feet on the ground. the color white represents background, outlining, shading, and/Or transparent areas and is not part of the mark. Cosmetics; perfumes; make-Up; personal deodorants and antiperspirants; essential oils for personal use; soaps, namely, bath soaps; bath oils; bath foams; bath cream; shower soaps; shaving creams; beauty creams; vanishing creams; skin lotions; body bronzer; after-Shave lotions; hair lotions; body milk; sun oils, namely, sun-Tanning oil; sun milks, namely, cosmetic sun milk lotions; tissues impregnated with cosmetic lotions; eyebrow pencils; eyeliners; mascaras; face powder; lip-Sticks; cleansing milks; hair care preparations; shampoos; henna for cosmetic purposes; hair creams; hair sprays; nail polish; cosmetic kits comprised of cosmetic and make-Up for face and body; incense; joss sticks. Spectacles, sunglasses, lenses and frames therefor, contact lenses, cases for glasses and spectacles, chains and cords for glasses and spectacles, parts and replacement fittings for spectacles, sunglasses and eyewear; covers for portable multimedia players; covers for mobile phones; covers for dvds; covers for cds; covers for computer cables; covers for audio reproduction devices; covers for palmtops; covers for electronic agendas; covers for photographic cameras and covers for film cameras; cellular phones; smartphones; wireless communication devices featuring telecommunication functionality to allow the transmission of text, data, audio, image and video files; electronic monitoring devices comprised of microprocessors and accelerometers, for identifying, storing, reporting, monitoring, uploading and downloading data and information for personal physical fitness and training purposes; downloadable mobile applications and software for smart watches and mobile devices, for processing, reviewing and editing data, to enable users to control the presentation and information available from the devices; wearable sensors for personal physical fitness and training purposes to gather biometric data and also including monitors and displays sold as a unit; smartwatches; wearable activity trackers; pedometers. Blank journals; note books; writing or drawing books; pen nibs; fountain pens; ball-Point pens; pencils; felt-Tip markers; pen cases; adhesive labels of paper; ***transfers*** being decalcomanias; ***calendars***; catalogues in the field of home decorating; loose-Leaf binders; travel magazines; lifestyle and entertainment magazines; photographic prints; posters made of paper; rubber erasers; boxes of cardboard or paper; diaries; note cards; photograph albums; greeting cards; printed tickets; envelopes; books, namely, scrapbooks, address books, date books, travel books, composition books. Handbags; traveling bags; briefcases; leather briefcases; leather credit card holders; wallets; leather document briefcases; leather key cases; purses; suitcases; cosmetic bags sold empty; sports bags; evening and shoulder bags for ladies; leather shopping bags; school bags; garment bags for travel; suit carriers for travel; shoe bags for travel; beach bags; diaper bags; backpacks; boston bags; traveling trunks; duffel bags; overnight bags; carry-On bags; satchels; opera bags; vanity cases, sold empty; animal hides; cases, namely, tie cases, key cases and boxes made of leather; bags made of leather for packaging; leather straps; umbrellas; leather leashes; saddlery. Coats; jackets; trousers; skirts; tops as clothing; raincoats; overcoats; belts; braces for clothing being suspenders; suits; stuff jackets; jumpers; jeans; dresses; cloaks; parkas; shirts; t-Shirts; sweaters; underwear; baby-Dolls being pyjamas; bathrobes; bathing costumes; négligées; swim suits; dressing gowns; shawls; neckerchiefs; scarves; ties as clothing; neckties; sweat shirts; undershirts; polo shirts; body suits; shorts; combinations; wedding dresses; stockings; socks; shoes; slippers; overshoes; galoshes; wooden clogs; soles for footwear; footwear uppers; boots; ski boots; snow boots; half-Boots; esparto shoes or sandals; sandals; bath sandals; gloves; mittens; hats and caps being headwear; visors being headwear. The bringing together, for the benefit of others, of cosmetics, perfumery, spectacles, optical goods and cases for optical goods, electronic devices, telephones, smartwatches and covers for smartwatches, paper stationery, office stationery, bags, wallets, saddlery, clothing, footwear, headwear, and belts, all the aforesaid goods, excluding the transport thereof, enabling customers to conveniently view and purchase those goods. |  |  |  |  |  |
| Armani Box | [79-207,993] | Giorgio Armani S.P.A. | 2-8-17[1-23-18] | Intl. 3, 9, 16, 18, 25, 35US. 1, 2, 3, 4, 5, 6, 21, 22, 23, 26, 29, 36, 37, 38, 39, 41, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. Cosmetics; perfumes; make-Up; personal deodorants and antiperspirants; essential oils for personal use; soaps, namely, bath soaps; bath oils; bath foams; bath cream; shower soaps; shaving creams; beauty creams; vanishing creams; skin lotions; body bronzer; after-Shave lotions; hair lotions; body milk; sun oils, namely, sun-Tanning oil; sun milks, namely, cosmetic sun milk lotions; tissues impregnated with cosmetic lotions; eyebrow pencils; eyeliners; mascaras; face powder; lip-Sticks; cleansing milks; hair care preparations; shampoos; henna for cosmetic purposes; hair creams; hair sprays; nail polish; cosmetic kits comprised of cosmetic and make-Up for face and body; incense; joss sticks. Spectacles, sunglasses, lenses and frames therefor, contact lenses, cases for glasses and spectacles, chains and cords for glasses and spectacles, parts and replacement fittings for spectacles, sunglasses and eyewear; covers for portable multimedia players; covers for mobile phones; covers for dvds; covers for cds; covers for computer cables; covers for audio reproduction devices; covers for palmtops; covers for electronic agendas; covers for photographic cameras and covers for film cameras; cellular phones; smartphones; wireless communication devices featuring telecommunication functionality to allow the transmission of text, data, audio, image and video files; electronic monitoring devices comprised of microprocessors and accelerometers, for identifying, storing, reporting, monitoring, uploading and downloading data and information for personal physical fitness and training purposes; downloadable mobile applications and software for smart watches and mobile devices, for processing, reviewing and editing data, to enable users to control the presentation and information available from the devices; wearable sensors for personal physical fitness and training purposes to gather biometric data and also including monitors and displays sold as a unit; smartwatches; wearable activity trackers; pedometers. Blank journals; note books; writing or drawing books; pen nibs; fountain pens; ball-Point pens; pencils; felt-Tip markers; pen cases; adhesive labels of paper; ***transfers*** being decalcomanias; ***calendars***; catalogues in the field of home decorating; loose-Leaf binders; travel magazines; lifestyle and entertainment magazines; photographic prints; posters made of paper; rubber erasers; boxes of cardboard or paper; diaries; note cards; photograph albums; greeting cards; printed tickets; envelopes; books, namely, scrapbooks, address books, date books, travel books, composition books. Handbags; traveling bags; briefcases; leather briefcases; leather credit card holders; wallets; leather document briefcases; leather key cases; purses; suitcases; cosmetic bags sold empty; sports bags; evening and shoulder bags for ladies; leather shopping bags; school bags; garment bags for travel; suit carriers for travel; shoe bags for travel; beach bags; diaper bags; backpacks; boston bags; traveling trunks; duffel bags; overnight bags; carry-On bags; satchels; opera bags; vanity cases, sold empty; animal hides; cases, namely, tie cases, key cases and boxes made of leather; bags made of leather for packaging; leather straps; umbrellas; leather leashes; saddlery. Coats; jackets; trousers; skirts; tops as clothing; raincoats; overcoats; belts; braces for clothing being suspenders; suits; stuff jackets; jumpers; jeans; dresses; cloaks; parkas; shirts; t-Shirts; sweaters; underwear; baby-Dolls being pyjamas; bathrobes; bathing costumes; négligées; swim suits; dressing gowns; shawls; neckerchiefs; scarves; ties as clothing; neckties; sweat shirts; undershirts; polo shirts; body suits; shorts; combinations; wedding dresses; stockings; socks; shoes; slippers; overshoes; galoshes; wooden clogs; soles for footwear; footwear uppers; boots; ski boots; snow boots; half-Boots; esparto shoes or sandals; sandals; bath sandals; gloves; mittens; hats and caps being headwear; visors being headwear. The bringing together, for the benefit of others, of cosmetics, perfumery, spectacles, optical goods and cases for optical goods, electronic devices, telephones, smartwatches and covers for smartwatches, paper stationery, office stationery, bags, wallets, saddlery, clothing, footwear, headwear, and belts, all the aforesaid goods, excluding the transport thereof, enabling customers to conveniently view and purchase those goods. |  |  |  |  |  |
| Visaboost | [79-208,482] | Koninklijke Philips N.V. | 11-23-16[1-23-18] | Intl. 3, 8, 10, 11, 21, 44US. 1, 2, 4, 6, 13, 21, 23, 26, 28, 29, 30, 31, 33, 34, 39, 40, 44, 50, 51, 52, 100, 101 | - - - - |
| Skin lotions; skin soaps; skin moisturizing agents, skin masks; skin conditioners, skin creams and gels; skin cleansers, cosmetics and skincare products for the treatment of skin, namely, cosmetic skin fresheners and skin clarifiers; skin lotions, non-Medicated skin serums, non-Medicated skin care creams; cosmetic oils for the skin; cosmetic preparations for skin rejuvenation, non-Medicated anti-Aging skin care preparations; non-Medicated skin balms; bath and body soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; skin cleansers; non-Medicated skin care preparations. Electrical hand-Operated tools being scrubbers for facial cleansing. Massage apparatus, including massage sticks and foot massagers; inhalers for medical use, vaporizers for medical use. Facial vaporizers, namely, electric vaporizers for household purposes, facial saunas; ultra- violet lamps, not for medical use; apparatus for tanning the skin, namely, tanning lamps, tanning beds and tanning booths; electronic facial steamers; facial saunas for medical use. Household or kitchen utensils and containers not of precious metal or coated therewith, namely, containers for household use, kitchen containers, spatulas, turners and whisks; combs and bath, scouring, and cleaning sponges; brushes, except paint brushes, namely, cosmetic brushes; brush-Making materials; articles for cleaning purposes, namely, cleaning cloths; electric brushes, except parts of machines, namely, electric face cleaning brushes; brushes for skin care, namely, hand-Operated brushes used to clean, smooth, and exfoliate skin. Medical services; consultancy services related to skin care; hygienic and beauty care for human beings or animals. |  |  |  |  |  |
| Kotofey | [79-208,760] | Public Joint Stock Company "Egorjevsk Shoes" | 3-17-17[1-23-18] | Intl. 3, 9, 10, 16, 18, 25, 28, 35, 40, 42US. 1, 2, 3, 4, 5, 6, 21, 22, 23, 26, 29, 36, 37, 38, 39, 41, 44, 50, 51, 52, 100, 101, 102, 103, 106 | - - - - |
| The color(S) blue is/Are claimed as a feature of the mark. The mark consists of the stylized word "Kotofey" in blue.  the color white represents background and is not claimed as a feature of the mark. General purpose cleaning abrasive liquids and powders; amber perfume; descaling preparations for household purposes; antistatic preparations for household purposes; air fragrancing preparations; cake flavorings being essential oils; flavorings for beverages being essential oils; aromatics essential oils; breath freshening sprays; canned pressurized air for cleaning and dusting purposes; non-Medicated balms for use on hair, skin, lips; lip glosses; polishing stones; abrasive paper; emery paper; polishing paper; petroleum jelly for cosmetic purposes; shoe wax; shoe polish; cobblers' wax; cotton wool for cosmetic purposes; sachets for perfuming linen; drying agents for dishwashing machines; adhesives for cosmetic purposes; scented linen water; javelle water for use as a bleaching preparation for household use; lavender water; toilet water; laundry wax; non-Slipping wax for floors; depilatory wax; mustache wax; creams for leather; polish for furniture and flooring; shoemakers' wax; polishing wax; tailors' wax; massage gels, other than for medical purposes; heliotropine being essential oils; dental bleaching gels; geraniol being essential oils; make-Up; deodorants for pets; deodorants for human beings or for animals; depilatory preparations; scented wood; perfumes; non-Slipping polishing liquids for floors; windshield cleaning liquids; greases for cosmetic purposes; volcanic ash for cleaning; perfumery; decorative ***transfers*** for cosmetic purposes; ionone perfumery; shaving stones; foot smoothing stones; eyebrow pencils; cosmetic pencils; silicon carbide for use as an abrasive; carbides of metal for use as abrasives; alum stones; tripoli stone for polishing; adhesives for affixing false eyelashes; adhesives for affixing false hair; hair conditioners; quillaia bark for washing; corundum for use as an abrasive; beard dyes; hair colorants for toilet purposes; cosmetic hair dyes; laundry starch; laundry glaze; shoe cream; polishing creams; cosmetic creams; skin whitening creams; polishing rouge; incense; hair spray; nail polish; hair lotions; lotions for cosmetic purposes; after-Shave lotions; beauty masks; oils for perfumes and scents; oils for cleaning purposes; oils for cosmetic purposes; oils for cosmetic toilet purposes; essential oils; essential oils of cedarwood; essential oils of lemon; essential oils of citron; bergamot oil; essential oils, namely, gaultheria oil; jasmine oil for personal use; lavender oil; almond oil for cosmetic use; rose oil for cosmetic use; oil of turpentine for degreasing; preparations for whitening the skin; cleaning chalk; almond milk for cosmetic purposes; cleansing milk for toilet purposes; musk; cosmetic soap; deodorant soap; shaving soap; soap for brightening textile; cakes of toilet soap; antiperspirant soap; soap for foot perspiration; almond soap; mint for perfumery; cosmetic kits comprised of cosmetics; emery boards; nail art stickers; false nails; eau de cologne; essential oils for use as bases for flower perfumes; joss sticks; pastes for razor strops; dentifrices; pumice stone for personal use; lipstick cases; hydrogen peroxide for cosmetic purposes; breath freshening strips; abrasive cloth; glass cloth being abrasive cloth; lipsticks; pomades for cosmetic purposes; shaving preparations; cosmetic preparations for baths; bath preparations, not for medical purposes; hair straightening preparations; hair waving preparations; laundry soaking preparations; grinding preparations, namely, abrasive pastes; douching preparations for personal sanitary or deodorant purposes; smoothing preparations, namely, laundry starch; color stain removing preparations; leather bleaching preparations for household use; polishing preparations; denture polishes; mouthwashes, not for medical purposes; cosmetic preparations for slimming purposes; starch glaze for laundry purposes; furbishing preparations, namely, cosmetic preparations; fabric softeners for laundry use; laundry bleach; dry-Cleaning preparations; paint stripping preparations; lacquer-Removing preparations; make-Up removing preparations; floor wax removers; varnish-Removing preparations; rust removing preparations; nail care preparations; cleaning preparations; preparations for cleaning dentures; wallpaper cleaning preparations; preparations for unblocking drain pipes; laundry bleaching preparations; aloe vera preparations for cosmetic purposes; sunscreen preparations; color-Brightening chemicals for household purposes; shining preparations; make-Up powder; diamantine for use as an abrasive; stain removers; scouring solutions; false eyelashes; tissues impregnated with cosmetic lotions; tissues impregnated with make-Up removing preparations; safrol being essential oils; laundry blueing; turpentine for degreasing; potpourris; bleaching soda; washing soda, for cleaning; bath salts, not for medical purposes; bleaching salts; fumigation preparations, namely, perfumes; preservative creams for leather; ammonia for cleaning purposes; astringents for cosmetic purposes; eyebrow cosmetics; make-Up preparations; sun-Tanning preparations; hair dyes; neutralizing preparations for permanent hair waving; preparations to make the leaves of plants shiny; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetics; cosmetics for animals; mascara; detergents for household use; degreasers, other than for use in manufacturing processes; bleaching preparations for cosmetic purposes; antiperspirants; talcum powder, for toilet use; cotton sticks for cosmetic purposes; terpenes being essential oils; emery cloth; cloths impregnated with a detergent for cleaning; henna for cosmetic purposes; shampoos; shampoos for pets; dry shampoos; sandpaper; cakes of soda lye soap; extracts of flowers for use as perfume; ethereal essences; badian essence being essential oils; mint essence being essential oils. 3d spectacles; dvd players; dispensers that count or measure output for use with tickets; coin-Operated musical automata juke boxes; fire engines; answering machines; electrical adapters; accumulators, electric; accumulators, electric, for vehicles; accelerometers; actinometers; alidades; altimeters; ammeters; anemometers; anodes; antennas; anticathodes; optical apertometers; high-Frequency apparatus, namely, radio, radar detector ; testing apparatus not for medical purposes namely, apparatus for testing gas, liquids and solids; remote control apparatus for the remote control of industrial operations; electro-Dynamic apparatus for the remote control of railway points; electro-Dynamic apparatus for the remote control of signals; monitoring apparatus, electric, for monitoring flowmeters; sound recording apparatus; global positioning system gps apparatus; distillation apparatus for scientific purposes; diffraction microscope; air analysis apparatus; apparatus to check franking, namely, optical postage readers; sound transmitting apparatus; laboratory apparatus for fermentation, namely, laboratory equipment in the nature of incubators; breathing apparatus for underwater swimming; breathing apparatus, except for artificial respiration, namely, oxygen breathing units; apparatus and installations for the production of x-Rays, not for medical purposes; cash registers; electric apparatus for commutation; intercoms; stills for laboratory experiments; movie projectors; radiological apparatus for industrial purposes, namely, optical inspection apparatus for industrial purposes; x-Ray apparatus not for medical purposes; blueprinting machines; flashing safety lights and luminous signals; stereoscopes; telephone apparatus; facsimile machines; phototelegraphy apparatus; lighting apparatus, electric, for igniting at a distance, namely, keyless entry system and keyless ignition switch system for automotive vehicles comprised of a microprocessor, electronic signal receiver, and keyfob with electronic signal transponder; acid hydrometers; salinometers; acidimeters for batteries; aerometers; beacons, luminous; battery jars containing batteries; barometers; anode batteries; galvanic batteries; batteries for lighting; solar batteries; solar panels for the production of electricity; batteries, electric; balances, namely, steelyards; betatrons; binoculars; electronic tags for goods; lens hoods; magnetic tape units for computers; computer memory devices; firehose nozzles; encoded identification bracelets, magnetic; safety tarpaulins; bullet-Proof clothing; signalling buoys; life buoys; marking buoys; directional compasses; vacuum gauges; electrolysers; variometers; vernier slide caliper; scales; letter scales; weighbridges; precision balances; levelling staffs, namely, surveying instruments; camcorders; video baby monitors; blank video cassettes; video telephones; video screens; viewfinders, photographic; electric sockets, plugs, contacts and connections; micrometer screws for optical instruments; viscosimeters; circuit closers; wavemeters; voltmeters; mechanical signs; signs, luminous; switch boxes; current rectifiers; gas testing instruments; gasometers; galvanometers; hands-Free kits for telephones; heliographic apparatus; hygrometers; hydrometers; weights; peepholes magnifying lenses for doors; hologram apparatus; plotters; loudspeakers; sounding leads, namely, phone extension leads; plumb bobs; range finders; densimeters; densitometers not for medical use; optical goods, namely, optical lenses; detectors, namely, motion detectors; smoke detectors; counterfeit false coin detectors; photographic transparencies; slide projectors; photography diaphragms; dictating machines; dynamometers; light-Emitting diodes (Led); floppy disk drives; sound recording discs, namely, blank dvds; blank magnetic disks; blank optical discs; circular slide rules; disk drives for computers; juke boxes for computers; dna chips; electronic notice boards; bullet-Proof waistcoats vests; lifejackets; identification threads for electric wires; nose clips for divers and swimmers; locks, electric; electric sound alarm bells; electric door bells; signal bells; warning bells; acoustic conduits; mirrors for inspecting work; road signs, luminous or mechanical; marine depth finders; ultrasound probes for scientific purposes; electric buzzers; needles for record players; tape measures; pressure measuring apparatus; simulators for the steering and control of vehicles; electricity inverters; pressure indicators; temperature indicators; incubators for bacteria culture; measuring instruments, namely, instruments for measuring length, tool measuring instruments; cosmographic instruments, namely, telescopes; mathematical instruments, namely, calculators, graphing calculators; levelling instruments, namely, levelling rods, bubble levels; instruments containing eyepieces, namely, astrophotography cameras and microscopes; surveying instruments; azimuth instruments, namely, surveying instruments; interfaces for computers; ionization apparatus for scientific or laboratory use, not for the treatment of air or water; spark-Guards, namely, electrical surge arresters; coaxial cables; fiber optic cables; cables, electric; pocket calipers for measuring; slide calipers; screw-Tapping gauges; calculating machines; pocket calculators; decompression chambers; cinematographic cameras; life-Saving capsules for natural disasters; electronic pens for use with visual display units; holders for electric coils; identity cards, magnetic; video game cartridges; toner cartridges, unfilled, for printers and photocopiers; memory cards for video game machines; encoded magnetic identity cards; riding helmets; protective helmets; carriers for dark plates photography, namely, photography darkroom lamps; automated teller machines (Atm); cathodes; choking coils for use in electrical apparatus; spools for cameras; coils, electric; electromagnetic coils; cinematographic film, exposed; computer keyboards; solenoid valves being electromagnetic switches; wire connectors; encoded key cards; electronic book readers; electronic agendas; push buttons for warning bells; mouse pads; magnetic encoders; anti-Glare motorcycle visors; collectors, electric, namely, electronic monitors to collect operational data and settings, including temperature data and settings, from hvac equipment to ensure proper functioning, calibrated rainwater collection containers for scientific purposes, mobile computing and operating platforms consisting of data transceivers, wireless networks and gateways for collection and management of data; calibrating rings for calibrating optical emission spectrometers, luminous signs, pressure gauges, commutators, electronic switches for timers, signal bells, sirens, variometers for the aforesaid goods; thermostat valves for vehicle thermostats; blank magnetic data carriers; dosage dispensers, namely, machines for dispensing pre-Determined dosages of medication, remote control apparatus, namely, remote controls for radios, televisions, stereos, boilers, electronic thermostatic heads; operating apparatus and installations for technical building equipment, namely, building management systems comprising sensors for wireless temperature measurement and flow measurement; protective suits for aviators; commutators; audio-Video compact discs featuring music and movies; compact discs read-Only memory featuring music and movies; comparators; marine compasses; computers; laptop computers; tablet computers; notebook computers; condensers being capacitors; contacts, electric; wind socks for indicating wind direction; traffic safety cones; electrical branch connection boxes; distribution boxes; junction boxes; battery boxes; cabinets for loudspeakers; diving suits; galena crystals detectors for use in electronics; reflecting discs for wear, for the prevention of traffic accidents; covers for electric outlets; logs measuring instruments, namely, calipers for measuring logs; lasers, not for medical purposes; lactodensimeters; lactometers; vacuum tubes for radios; flashlights for photography; darkroom lamps for photography; thermionic tubes; amplifying vacuum tubes for radios; head cleaning tapes for video records; blank magnetic tapes; blank videotapes; surveying chains; safety fire escape ladders; graduated rulers; slide-Rules; opticalcondensers; contact lenses; correcting optical lenses; optical lenses; electricity conduits; sounding lines, namely, depth gauges and marine depth finders; measuring spoons; magnifying glasses; thread counters; magnets; decorative magnets; close-Up lenses; crash test dummies; resuscitation mannequins of use as teaching apparatus; mouse computer peripheral; pressure gauges; divers' masks; solderers' helmets; protecting masks; electricity wires and cables; voting machines; money counting and sorting machines; electronic apparatus for testing compression, strength, hardness and tensile characteristics of industrial materials; furniture especially made for laboratories; megaphones; portable media players; diaphragms acoustics; diaphragms for scientific apparatus; metal detectors for industrial or military purposes; metronomes; carpenters' rules; measuring rules ; dressmakers' measures, namely, seam gauges; mechanisms for coin-Operated apparatus; mechanisms for money counting apparatus; coin-Operated mechanisms for television sets; shutter releases for cameras; micrometers; microprocessors; microscopes; microtomes; microphones; modems; lightning conducting rods; computer monitors; computer software ***programs*** for monitoring personal health; computer terminals; junction sleeves for electric cables; teeth protectors for dental purposes; temperature indicator labels, not for medical purposes; knee-Pads for workers; headphones; surveyors' levels; sound recording carriers, namely, blank magnetic data carriers; magnetic data media, namely, disk drives; optical data media, namely, blank optical data carriers; sheaths for electric cables; identification sheaths for electric wires; weighing machines; computer hardware; punched card machines for offices; life-Saving apparatus and equipment, namely, life-Saving rafts; shoes for protection against accidents, irradiation and fire; lenses for astrophotography; objectives optical lenses; egg-Candlers; fire extinguishers; electrified fences; electricity limiters; clothing for protection against accidents, irradiation and fire; clothing for protection against fire; asbestos clothing for protection against fire; protective clothing especially made for use in laboratories; ozonisers being ozonators; octants; eyepieces, namely, microscopes; ohmmeters; wrist rests for use with computers; eyeglass frames; oscillographs; plumb lines; scientific and technical apparatus, namely, optical mirrors; eyeglasses; sunglasses; goggles for sports; signaling signs, luminous and mechanical; radio pagers; pince-Nez; electronic pocket translators; telecommunications transmitters; telephone transmitters; transmitters of electronic signals; switches, electric; periscopes; gloves for divers; gloves for protection against accidents; gloves for protection against x-Rays for industrial purposes; asbestos gloves for protection against accidents; furnaces for laboratory use; pipettes; pyrometers; planimeters; plane tables being surveying instruments; plates for batteries; wafers for integrated circuits; printed circuit boards; compact disc players; cassette players; sound recording strips in the nature of sound recording apparatus and instruments; x-Ray films, exposed; photographic films, exposed; life-Saving rafts; laboratory trays; digital signs; semi-Conductors; polarimeters; fire pumps; measuring glassware; life belts; fuses; circuit breakers; converters, electric; telerupters , namely, remote circuit breaker control switch operators; food analysis apparatus, namely, luminometer for testing food; diagnostic apparatus, not for medical purposes, namely, diagnostic apparatus for testing electrical systems function, quantity and quality of output; distance recording apparatus, namely, pedometers; distance measuring apparatus; speed measuring apparatus photography, namely, speedometers; appliances for measuring the thickness of leather; apparatus for measuring the thickness of animal skins; speed checking apparatus for vehicles, namely, speed monitors, speed controllers, speed detectors, and speed indicators, namely, speedometers, tachometers; teaching apparatus, namely, film projector, slide projector; time recording apparatus; hemline markers, namely, graduated rulers; measuring apparatus, namely, bevels; measuring devices, electric, namely, fluorometers; apparatus and instruments for astronomy, namely, telescopes; surveying apparatus and instruments, namely, echo sounders and side scan sonar equipment; weighing apparatus and instruments; nautical apparatus and instruments, namely, navigation apparatus for boats and vehicles in the nature of on-Board computers; electric navigational instruments; optical apparatus and instruments, namely, optical inspection apparatus; chemistry apparatus and instruments, namely, flasks for laboratory use, gas mixers for laboratory use, laboratory chemical reactors; apparatus and instruments for physics, namely, scales, spectrometers; boiler control instruments; meteorological instruments; naval signaling apparatus, namely, buoys and flares and decoys, all for signaling purposes; observation instruments, namely, telescopes; navigation apparatus for vehicles in the nature of on-Board computers; satellite navigational apparatus, namely, global positioning system; electric voltage regulators; precision measuring apparatus, namely, precision theodolites, precision balances ; audio- and video-Receivers; prisms; computer software applications, downloadable, namely, industrial process control software; document printers for use with computers; retorts' stands , namely, stands for laboratory glassware; apparatus for changing record player needles, namely, tone arms for record players; drainers for use in photography, namely, drying apparatus for photography prints; cleaning apparatus for sound recording discs, namely, magnetic head cleaners; fire beaters, namely, fire blankets and fire extinguishers; telescopic sights for firearms; telescopic sights for artillery; laboratory equipment and supplies, namely, test tubes; pressure indicator plugs for valves; magnetic wires; telegraph wires; telephone wires; wires, electric; conductors, electric; copper wire, insulated; fuse wire; computer ***programs***, recorded, namely, industrial process control software; computer game software; computer ***programs***, namely, downloadable industrial process control software; computer operating ***programs***, recorded; record players; processors central processing units; rods for water diviners; electronic publications, downloadable, namely, magazines and books in the field of general consumer merchandise; electricity distribution consoles; electricity control panels; radar apparatus; masts for wireless aerials; transmitting sets comprised of telecommunication transmitters; radios; vehicle radios; sprinkler systems for fire protection; frames for photographic transparencies; projection screens for photoengraving; walkie-Talkies; voltage surge protectors; voltage regulators for vehicles; stage lighting regulators; electric light dimmers; speed regulators for record players; cell switches for electricity; washing trays photography; marking gauges for joinery purposes; time switches, automatic; relays, electric; safety restraints, other than for vehicle seats and sports equipment, namely, safety harnesses other than for vehicles or sports purposes; x-Ray photographs, other than for medical purposes; rheostats; respirators for filtering air, not for artificial respiration; retorts for use in high temperature chemical reactions; refractometers; refractors in the nature of refractometers; grids for batteries; speaking tubes; horns for loudspeakers; saccharometers; optical fibers; light conducting filaments; traffic-Light apparatus being signaling devices; dog whistles; signalling whistles; sextants; electric inductors; safety nets; nets for protection against accidents; fire alarms; vehicle traffic signals, luminous or mechanical; sirens; scanners for use as data processing equipment; blank integrated circuit cards; blank smartcards; smartphones; connections for electric lines; couplings, electric; electric connectors; sonars; sound locating instruments, namely, sound level meters; lighting ballasts; resistances, electric; spectrograph apparatus; spectroscopes; speed indicators; alcoholmeters; satellites for scientific purposes; protection devices for personal use against accidents, namely, nets for protection against accidents, gloves for protection against accidents; audiovisual teaching apparatus, namely, audiovisual receivers; radiotelegraphy sets; radiotelephony sets; spectacle lenses; anti-Glare glasses; optical lenses made from glass; personal stereos; stereoscopes; stands for photographic apparatus; stroboscopes; fire boats; sulfitometers; bags adapted for laptops; drying racks photography; spherometers; integrated circuits; printed circuits; geiger counters; parking meters; kilometer recorders for vehicles, namely, onboard computers for recording mileage; revolution counters, namely, tachometers; abacuses; egg timers being sandglasses; taximeters; ear plugs for divers; tachometers; televisions; automatic telegraphs apparatus; telescopes; teleprompters; teleprinters; cordless telephones; cellular phones; theodolites; thermometers, not for medical purposes; thermostats; thermostats for vehicles; crucibles for laboratory use; tone arms for record players; totalizators, namely, adding machines; transistors; transponders; protractors;Step-Up transformers; transformers; vehicle breakdown warning triangles; triodes; battery starter cables for motors; discharge tubes, electric, other than for lighting; capillary tubes , namely, laboratory glassware; neon signs; pitot tubes; x-Ray tubes not for medical purposes; telephone receivers; gauges, namely, speedometers, fuel gauges, and temperature gauges; quantity indicators, namely, temperature indicators, water level indicators, speed indicators; automatic indicators of low pressure in vehicle tires; gasoline gauges; water level indicators; electric loss indicators, namely, electronic monitors and monitor modules for monitoring electric current and electrical signals; light-Emitting electronic laser pointers; slope indicators; levels instruments for determining the horizontal; mercury plumb levels; spirit levels; urinometers; amplifiers; particle accelerators; electric installations for the remote control of industrial operations; baby monitors; steering apparatus, namely, simulators for the automatic steering of vehicles; balancing apparatus, namely, balances for steelyards, precision balances; video recorders; sound reproduction apparatus; invoicing machines, namely, cash registers and credit card readers; tape recorders; gloves for protection against x-Rays for industrial purposes; railway traffic safety appliances, namely, railway signals, electro-Dynamic apparatus for the remote control of railway points; data processing apparatus; oxygen masks for non-Medical use; theft prevention installations, electric, , namely, alarm sensors, electronic door alarms; film cutting apparatus, namely, editing machines for cinematographic films; drying apparatus for photographic prints; optical character readers; centering frames for photographic transparencies; machines for dispensing pre-Determined dosages of medicine; battery chargers; chargers for electric batteries; acoustic alarms; sounding apparatus and machines, namely, sound recording apparatus; editing appliances for cinematographic films; cathodic anti-Corrosion apparatus, namely, apparatus for coating of metal in the nature of anodes and cathodes; couplers being data processing equipment; anti-Theft warning apparatus, not for vehicles; computer peripheral devices; anti-Interference devices, namely, filters for radio interference suppression; demagnetizing apparatus for magnetic tapes; acoustic couplers; acoustic alarms; fog signals, non-Explosive; whistle alarms; adding machines; optical readers being data processing equipment; bar code readers; heat regulating apparatus, namely, control valves for regulating the flow of gases and liquids; photographic, electrostatic and thermic photocopiers; downloadable ring tones for mobile phones; downloadable image files containing artwork, text, audio, video, games and internet web links relating to sporting and cultural activities; downloadable music files; video discs and video tapes with recorded animated cartoons; filters for non-Medical respiratory masks; filters for ultraviolet rays, for photography; filters for ultra violet rays for photography; blank usb flash drives; magic lanterns; signal lanterns in the nature of rotating lights; optical lamps; cameras for photography; portable photography equipment, namely, glazing apparatus for photographic prints; camera and lens shutters for photography; photography darkroom lamps; photometers; photographic flash-Bulbs; digital photo frames; photography enlarging apparatus, namely, magnifying lenses; photovoltaic cells; containers for contact lenses; eyeglass cases; containers specially adapted for microscope slides; cases especially made for photographic apparatus and instruments; chromatography apparatus for laboratory use; chronographs for use as specialized time recording apparatus; laboratory centrifuges; eyeglass chains; cyclotrons; compasses for measuring; frequency meters; time clocks being time recording devices; petri dishes; sleeves for laptops; fire blankets; chips, namely, integrated circuits; jigs being measuring instruments; pedometers; meteorological balloons; electrified conductor rails for mounting spot lights; asbestos protection screens for firemen; fire hose; protective helmets for sports; cell phone straps; eyeglass cords; tripods for cameras; switchboards; distribution transformer boards for electricity; workmen'S protective face-Shields; projection screens; radiology protection screens for industrial purposes; fluorescent screens; projection screens for photography; photographic exposure meters; electrical ducts; galvanic cells; epidiascopes; ergometers not for medical purposes; armatures for use in electrical apparatus. Blood testing apparatus; anesthetic delivery apparatus; galvanic therapeutic appliances, namely, exercise machines for therapeutic purposes, massage apparatus, electrical stimulation apparatus for muscles for physical therapy; apparatus for artificial respiration; apparatus for the treatment of deafness, namely, hearing aids; testing apparatus for medical purposes, namely, blood testing apparatus, skin allergy testing apparatus; physical exercise apparatus for medical purposes; body rehabilitation apparatus for medical purposes; dental apparatus and instruments, namely, surgical apparatus and instruments for dental use; surgical apparatus and instruments; resuscitation apparatus; dental apparatus, electric, namely, ultrasound apparatus for dental imaging, polymerisation apparatus for dental purposes ; physiotherapy apparatus, namely, physical exercise apparatus for medical purposes, electrotherapy devices for providing transcutaneous electrical nerve stimulation, infrared heat and compression; bed vibrators; hot air therapeutic apparatus, namely, humidifiers for medical use; diagnostic apparatus for medical purposes, namely, ultrasound diagnostic apparatus; traction apparatus for medical purposes; radiotherapy apparatus; microdermabrasion apparatus; fumigation apparatus for medical purposes; apparatus and installations for the production of x-Rays, for medical purposes; radiological apparatus for medical purposes; x-Ray apparatus for medical purposes; hearing aids; trusses; maternity support belts for medical purposes; bandages, elastic; cupping glasses; dental burs; feeding bottles; air cushions for medical purposes; hot air vibrators for medical purposes; vibromassage apparatus; gastroscopes; hemocytometers for counting blood cells for medical use; lice combs; surgical sponges; defibrillators; dialyzers; containers especially made for medical waste; clips, surgical; mirrors for dentists; mirrors for surgeons; probes for medical purposes; urethral probes; artificial teeth; acupuncture needles; suture needles; needles for medical purposes; orthopedic articles, namely, orthopedic footwear, orthopedic soles, ; surgical implants comprised of artificial materials; inhalers for medical use; medical fluid injectors; incubators for medical purposes; incubators for babies; obstetric apparatus, namely, real-Time ultrasound scanners, ultrasound doppler; obstetric apparatus for cattle; electric acupuncture instruments; surgical cutlery; insufflators for delivery of drugs; endoscopy cameras for medical purposes; cannulae; droppers for administering medication, sold empty; dropper bottles for administering medication, sold empty; heart pacemakers; heart rate monitoring apparatus; catheters; catgut; draw-Sheets for sick beds; enema apparatus for medical purposes; artificial skin for surgical purposes; teething rings; surgicalcompressors; thermo-Electric surgical compresses; abdominal corsets; corsets for medical purposes; crutches; dentists' armchairs; armchairs for medical procedure or dental purposes; beds specially made for medical purposes; feeding bottle valves; love dolls; lasers for medical purposes; ultraviolet lamps for medical purposes; quartz lamps for medical purposes; ultraviolet ray lamps for medical purposes; lancets; intraocular prostheses in the nature of lenses for surgical implantation; spoons for administering medicine; masks for use by medical personnel; anaesthetic masks; suture materials; childbirth support mattresses for medical use; air mattresses for medical purposes; hydrostatic beds for medical purposes; furniture especially made for medical purposes; water bags for medical purposes; douche bags; breast pumps; urinals for medical purposes; temperature indicator labels for medical purposes; knee bandages, orthopaedic; tips for crutches; finger guards for medical purposes; medical guidewires; vacuum pumps for medical purposes; thread, surgical; knives for surgical purposes; scissors for surgery; ambulance stretchers; stretchers, wheeled; boots for medical purposes; orthopaedic footwear; clothing especially for operating rooms, namely, surgical scrub tops and scrub pants; compression garments; blankets, electric, for medical purposes; orthopedic supports for flat feet; ophthalmometers; ophthalmoscopes; slings; gloves for massage; gloves for medical purposes; pessaries; saws for surgical purposes; ear picks; spittoons for medical purposes; plaster support bandages for orthopaedic purposes; supportive bandages; suspensory bandages; abdominal pads; heating cushions, electric, for medical purposes; air cushions for medical purposes; pads for preventing pressure sores on patient bodies; air pillows for medical purposes; soporific pillows for insomnia; abdominal belts; galvanic belts for medical purposes; hypogastric belts for medical purposes; belts for medical purposes; orthopaedic belts; umbilical belts; belts, electric, for medical purposes; condoms; aerosol dispensers for medical purposes; sphygmomanometers; pulse meters; esthetic massage apparatus; massage apparatus; veterinary apparatus and instruments, namely, bioelectrical impedance measuring and recording apparatus and instruments for estimating the composition of living matter; medical apparatus and instruments, namely, medical ultrasound imaging system comprised of ultrasound imaging apparatus, scanners and needle guides, and parts and fittings therefor; urological apparatus and instruments, namely, lasers and optical devices for endoscopy; orthodontic appliances; nursing appliances, namely, medical intubation equipment; brushes for cleaning body cavities; invalids' hoists; appliances for washing body cavities; corn knives for medical purposes; incontinence sheets; sterile sheets, surgical; surgical drapes; hair prostheses; artificial eyes; artificial breasts; dentures; artificial limbs; artificial jaws; ice bags for medical purposes; surgical bougies; x-Ray photographs for medical purposes; respirators for artificial respiration; ear trumpets; strait jackets; sex toys; scalpels; tongue scrapers; feeding bottle teats; babies' pacifiers; receptacles for applying medicines, namely, medical fluid injectors; spirometers; vaginal syringes; hearing protectors without the ability to reproduce or transmit sound; contraceptive apparatus; orthopaedic soles; stents; stethoscopes; operating tables; commode chairs; basins for medical purposes; bed pans; fitted medical instrument cases for use by doctors; arch supports for footwear; ear plugs for medical purposes; thermal packs for first aid purposes; thermometers for medical purposes; tomographs for medical purposes; trocars; drainage tubes for medical purposes; x-Ray tubes for medical purposes; radium tubes, namely, medical radiation apparatus; balling guns for administering capsules to animals; protection devices against x-Rays, for medical purposes; apparatus for acne treatment; filters for ultraviolet rays, for medical purposes; quad canes for medical purposes; walking frames for disabled persons; cases fitted for medical instruments; compression stockings for varices; elastic stockings for surgical purposes; splints, surgical; syringes for injections; syringes for medical purposes; hypodermic syringes; uterine syringes; urethral syringes; pins for artificial teeth; forceps; castrating pincers; radiology screens for medical purposes, namely, radiation shields for protection against x-Rays for medical purposes; electrodes for medical use; electrocardiographs. Fountain pens; aquarelles; photo albums; almanacs; document laminators for office use; mimeograph apparatus and machines; atlases; posters; paper bows; table linen of paper; printed tickets; forms, printed; announcement cards; note books; drawing pads; writing paper pads; loose-Leaf binders; wristbands for the retention of writing instruments; pamphlets in the field of general human interests; booklets in the field of general human interests; paper; paper sheets for use as stationery; waxed paper; paper for recording machines; paper for radiograms; electrocardiograph paper; drawer liners of paper, perfumed or not; wood pulp paper; carbon paper; copying paper; parchment paper; writing paper; luminous paper; xuan paper for chinese painting and calligraphy; toilet paper; wrapping paper; filter paper; blotters; newsletters in the field of general human interests; rollers for typewriters; house painters' rollers; composing sticks for printing;Modelling wax, not for dental purposes; signboards of paper or cardboard; sewing patterns; newspapers; electrotypes; hectographs; modelling clay; polymer modelling clay; terrestrial globes; drawing sets comprised of drawing pencils, drawing pens, drawing paper, drawing pads; print engravings; slate pencils; pencil leads; document holders; pencil holders; chalk holders; holders for checks, namely, checkbooks; holders for stamps, namely, seals; page holders; diagrams for digital marketing, and printed graphs; engraving plates; writing slates; blackboards; printers' galley racks; drawing boards; advertisement boards of paper or cardboard; rotary duplicators; hand operated punches being office requisites; cream folders of paper; magazines in the field of general human interests; money clips; tags for index cards; pen clips; bookmarkers; etching needles; tracing needles for drawing purposes; periodicals in the field of general human interests; printed publications, namely, books, magazines in the field of general human interests; paper shredders for office use; graphic representations; credit card imprinters, non-Electric; graining combs; drawing instruments; ***calendars***; tracing paper; tracing cloth; tracing patterns; gums, namely, adhesives for stationery or household purposes; lithographic stones; ink stones; pencils; pencil lead holders; charcoal pencils; pictures; ***transfers***; paintings, framed or unframed; cardboard; wood pulp board for use as stationery; hat boxes of cardboard; card files; note cards; index cards; geographical maps; paper tapes and cards for the recordal of computer ***programmes***; trading cards, other than for games; perforated cards for jacquard looms; catalogues in the field of footwear; spools for inking ribbons; covers of paper for flower pots; painters' brushes; writing brushes; typewriter keys; glue for stationery or household purposes; gluten, namely, glue for stationery or household purposes; isinglass in the nature of glue for stationery or household purposes; starch paste for stationery or household purposes; printing blocks; story books; manifold paper; comic books; drawing pins; cigar bands; envelopes; cases for stamps, namely, seals; paint boxes; correcting fluids for type; stencils; french curves; paper ribbons; typewriter ribbons; adhesive bands for stationery or household purposes; gummed tape for stationery purposes; correcting tapes; inking ribbons; inking ribbons for computer printers; adhesive tapes for stationery or household purposes; self-Adhesive tapes for stationery or household purposes; drawing rulers; square rulers for drawing; absorbent sheets of paper or plastic for foodstuff packaging; humidity control sheets of paper or plastic for foodstuff packaging; viscose sheets for wrapping; sheets of reclaimed cellulose for wrapping; plastic bubble packs for wrapping or packaging; steel letters, namely, printing; printers' type; lithographs; paint trays; architects' models; postage stamps; plastics for modelling; graphic prints; modelling materials for use by children; printed teaching materials in the field of foowear manufacturing; sealing compounds for stationery purposes; adhesives for stationery or household purposes; stuffing of paper or cardboard; bookbinding material; packaging material made of starches; packing materials of paper or cardboard; filter paper; addressing machines; pencil sharpening machines, electric or non-Electric; bookbinding apparatus and machines for office use; typewriters, electric or non-Electric; folders; franking machines for office use; chalk for lithography; writing chalk; tailors' chalk; marking chalk; garbage bags of paper or of plastics; bags of paper or plastics, for packaging;Painters' easels; hand-Rests being parts of easels for painters; portable printing sets comprised of writing instruments and writing paper; bibs of paper; stickers; finger-Stalls; writing cases, namely, stationery cases; cords for bookbinding; paper knives; numbering apparatus, namely, numbering machines; bottle envelopes of paper or cardboard; sealing wafers, namely, seals; passport holders; passport covers; plastic cling film, extensible, for palletization; embroidery design patterns; handwriting specimens for copying, namely, stencils; oleographs; musical greeting cards; greeting cards; postcards; etchings; conical paper bags; bags for microwave cooking; palettes for painters; ink sticks; pantographs; folders for papers; papier mâché; pastels; modelling paste; pen cases; pen wipers, namely, ink erasers; office perforators; pens; pen nibs of gold; pen nibs; steel pens; drawing pens; song books; sealing stamps; seals; clipboards; address plates for addressing machines; handkerchiefs of paper; plastic film for wrapping; desk mats; letter trays; trays for sorting and counting money; coasters of paper; bookends; stamp stands; mats for beer glasses; stands for pens and pencils; photograph stands; obliterating ink stamps; inking pads; stamp pads; binding strips; towels of paper; inking sheets for document reproducing machines; inking sheets for duplicators; bookbinding cloth; gummed adhesive cloth for stationery purposes; printers' blankets, not of textile; portraits; paperweights; writing implement cases; inkstands; office requisites, except furniture, namely, staplers, staple removers, punches, rubber bands, adhesive tape dispensers, note papers, memo pads, file folders, envelopes, envelope papers, ball pens, document covers, document files, ink stamps, letter paper; writing materials, namely, writing paper, pencils, envelopes, art paper, paints, paint brushes, paint palettes; writing instruments; drawing materials namely, drawing paper, pencils, envelopes, art paper, paints, paint brushes, paint palettes; school supplies namely, school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue and book marks; adhesive tape dispensers; hand labelling appliances; printed matter, namely, newspapers, photographs, magazines, books, printed periodicals, newsletters, and brochures all in the fields of general human interests; lithographic works of art; prospectuses namely, brochures in the field of general human interests; printed timetables; ledger books; printers' reglets; telephone indexes; rubber erasers; elastic bands for offices; t-Squares for drawing; graphic art reproductions; marking pens; penholders; tissues of paper for removing make-Up; face towels of paper; table napkins of paper; place mats of paper; tablemats of paper; tablecloths of paper; paper clamps for holding paper; document files; erasers for offices; paper-Clips; staples for offices; erasing products namely, ink erasers, rubber erasers, chalk erasers; biological samples for use in microscopy for teaching purposes; histological sections for teaching purposes; steatite tailor'S chalk; writing board erasers; composing framesfor use in printing; sealing wax; printed arithmetical tables; placards of paper or cardboard; writing or drawing books; fabrics for bookbinding; stationery; pencil sharpeners, electric or non-Electric; paper and plastic transparencies; stencil plates; cardboard tubes; indian inks; moisteners in the nature of hand held devices for wetting stamps, envelopes and gummed paper surfaces; square rulers for drawing; chart pointers, non-Electronic; bottle wrappers of paper or cardboard; envelope sealing machines for offices; sealing machines for offices; vignetting apparatus, namely, sets of fiber-Tip pens, and sets of stamp markers, stencils; mounting devices for photographic equipment; stapling presses; figurines of papier mâché; paper coffee filters; flags of paper; silver paper; molds for modelling clays; photo-Engravings; photographs; stencil cases; canvas for painting; chromolithographs; compasses for drawing; paper numbers for use in making posters; artists' watercolor saucers; writing ink; correcting ink; inkwells; blueprints; stencils; erasing drawing shields; balls for ball-Point pens; cabinets for stationery; printing type; address stamps; stamps, namely, seals; shields, namely, paper seals; prints; labels of paper or cardboard. Mountaineering sticks; slings for carrying infants; pocket wallets; credit card cases; business card cases; reins; harness fittings; parts of rubber for stirrups; chamois leather, other than for cleaning purposes; umbrellas; parasols; saddlery; frames for umbrellas or parasols; handbag frames; card notecard carrying cases; cases of leather or leatherboard; valves of leather, namely, unworked leather; whips; imitation leather; leather, unworked or semi-Worked; leatherboard; casings, of leather, for springs, namely, spring retaining boxes for luggage; umbrella rings; hat boxes of leather; boxes of leather or leatherboard; boxes of vulcanised fibre; purses; chain mesh purses; butts, namely, animal hide pieces; fastenings for saddles; saddle trees; bags of leather, for packaging; imitation leather moleskin; leather travelling cases; knee-Pads for horses; muzzles; horse halters; vanity cases, not fitted; leather thread; furniture coverings of leather; clothing for pets; trimmings of leather for furniture; collars for animals; music cases; goldbeaters' skin; cat o' nine tails; leather leashes; pads for horse saddles; horseshoes; girths of leather; horse blankets; garment bags for travel; shoulder belts of leather; briefcases; harness traces; fur pelts; artificial fur; haversacks; leather straps; leather straps for soldiers' equipment; harness straps; straps for skates; straps of leather, namely, saddlery; leather chin straps; stirrup leathers in the nature of leather straps; umbrella handles; walking stick handles; suitcase handles; rucksacks; travelling bags; riding saddles; mesh bags for shopping; umbrella or parasol ribs; stirrups; bags, namely, travelling bags, leather bags, overnight bags; bags for climbers in the nature of all purpose carrying bags; pouch baby carriers; bags for campers in the nature of all purpose carrying bags; handbags; tool bags, empty; beach bags; bags for sports; shopping bags; wheeled shopping bags; school satchels; travelling trunks; feed bags for animals; bridoons; walking sticks; umbrella sticks; walking stick seats; bits for animals; bridles; harness for animals; key cases; horse collars; suitcases; trunks; valises; attache cases; covers for horse saddles; umbrella covers; kid leather; curried skins; animal skins; cattle skins; leather laces; blinkers for horses; hunters' game bags. Wimples; bandanas; underwear; sweat-Absorbent underwear; berets; overalls; boas; teddies for underclothing; boxer shorts; boots; ski boots; boots for sports; breeches for wear; trousers; football boots; brassieres; valenki; collars; detachable collars; shirt yokes; veils; gabardines; galoshes; neckties; ascots; leg warmers; gaiters; boot uppers; corselets; jerseys; vests; sports jerseys; hosiery; heels; hoods; hat frames; pockets for clothing; neck scarfs mufflers; visors being headwear; cap peaks; tights; slips being underclothing; wet suits for water-Skiing; combinations; bodices; corsets being underclothing; suits; bathing suits; masquerade costumes; beach clothes, namely, swimsuits; stuff jackets; jackets; fishing vests; leggings; liveries; camisoles; sports singlets; cuffs; short-Sleeve shirts; mantillas; coats; sleep masks; furs being clothing; mittens; miters being hats; footmuffs being clothing, not electrically heated; muffs; heelpieces for footwear; bibs, not of paper; fur stoles; ear muffs; socks; footwear; beach shoes; sports shoes; clothing, namely, tops and bottoms; paper clothing, namely, paper hats for use as clothing items; outerclothing, namely, jackets; ready-Made clothing, namely, scarfs, shawls, shirts, short-Sleeve shirts, skirts, skorts, smocks, socks, suits, bathing suits, sweat-Absorbent underclothing, teddies being underclothing, tee-Shirts, tights, trousers, underclothing, underpants, ties; motorists' clothing, namely, shirts, pants, jackets, t-Shirts, tops, neck scarves, sweatshirts, polo shirt, skull caps and hoods; cyclists' clothing, namely, shirts, pants, jackets, t-Shirts, tops, neck scarves, sweatshirts, polo shirt, skull caps and hoods; clothing for gymnastics, namely, shoes, leotards and tights for women, men and children of nylon, cotton or other textile fibers; clothing of imitations of leather, namely, belts, skirts, pants, coats; clothing of leather, namely, belts, skirts, pants, coats; waterproof clothing, namely, jackets and pants; uniforms; fittings of metal for japanese style wooden clogs; maniples; overcoats; panties; parkas; pelerines; ski gloves; gloves; pajamas; bathing trunks; shirt fronts; scarfs; pocket squares; dresses; headbands; garters; sock suspenders; stocking suspenders; ready-Made linings being parts of clothing; dress shields; soles for footwear; suspenders; half-Boots; ponchos; girdles; money belts; belts; clothing layettes; non-Slipping soles for footwear; heelpieces for stockings; welts for footwear; chasubles; shirts; wooden shoes; sandals; bath sandals; jumper dresses; saris; sarongs; sweaters; footwear uppers; inner soles; albs; bath slippers; togas; knitwear, namely, shirts, dresses, sweaters, suits, trousers, coats, pants; underpants; shoes; gymnastic shoes; slippers; skull caps; turbans; headgear for wear, namely, hats and caps being headwear; aprons; tee-Shirts; dressing gowns; bath robes; top hats; tips for footwear; stockings; sweat-Absorbent stockings; shawls; paper hats; caps being headwear; shower caps; bathing caps; sashes for wear; studs for football boots; hats; babies' pants; trouser straps; pelisses; esparto shoes or sandals; skirts; petticoats; skorts. Arcade video game machines; video game machines; gaming machines for gambling; amusement machines, automatic and coin-Operated; toy vehicles; play swimming pools; trampolines; novelty party favors in the nature of small toys and paper party favors for parties and dances; scratch cards for playing lottery games; starting blocks for sports; bodyboards; skating boots with skates attached; dolls' feeding bottles; stationary exercise bicycles; fishing creels; shuttlecocks; spinning tops; dumb-Bells; jigsaw puzzles; clay pigeons; punching bags; bite sensors; hang gliders; flying discs; discuses for sports; dolls' houses; dominoes; swimming kick boards; surfboards; spring boards; skateboards; sailboards; chessboards; checkerboards; darts; christmas trees of synthetic material; cups for dice; swimming jackets; ascenders being mountaineering equipment; kites; toys, namely,Infant toys; toys for pets; stuffed toys; plush toys; toy mobiles; practical joke novelties, namely, whoopee cushions; parlor games; building games; board games; ring games; kaleidoscopes; bladders of balls for games; rosin used by athletes; edges of skis; bingo cards; playing cards; fairground amusement park rides; reels for fishing; rocking horses; swings; skittles; skittles; billiard cues; golf clubs; hockey sticks; seal skins being coverings for skis; bells for christmas trees; dolls' rooms; controllers for game consoles; controllers for toy cars; confetti; explosive bonbons, namely, christmas crackers; ice skates; roller skates; in-Line roller skates; dice; paintball guns; ski bindings; dolls' beds; roulette wheels; fish hooks; toy building blocks; dolls; flippers for swimming; fishing lines; gut for fishing; bows for archery; skis; waterskis; surf skis; mah-Jong; hunting game calls; puppets; toy masks; carnival masks; theatrical masks; fencing masks; matryoshka dolls; masts for sailboards; ball pitching machines; teddy bears; chalk for billiard cues; targets; electronic targets for games and sports; toy models; scale model kits; scale model vehicles; kite reels; balls for games; artificial fishing bait; billiard table cushions; knee guards for athletic use; billiard cue tips; elbow guards for athletic use; backgammon games; dolls' clothes; fencing weapons; twirling batons; paragliders; pachinkos; baseball gloves; boxing gloves; golf gloves; gloves for games, namely, batting gloves, boxing gloves, football gloves, golf gloves; batting gloves; fencing gauntlets; pinatas; toy pistols; toy air pistols; caps for pistols; toys, namely, percussion caps; baby rattles; horseshoe games; candle holders for christmas trees; christmas tree stands; sole coverings for skis; water wings; floats for fishing; portable games with liquid crystal displays; swimming belts; decoys for hunting or fishing; scent lures for hunting or fishing; archery implements; soap bubble making wand and solution set; golf divot repair tools; billiard markers; protective paddings for playing basketball, tennis, badminton, weightlifting, running; rackets; surfboard leashes; harness for sailboards; weight lifting belts; sling shots; rollers for stationary exercise bicycles; scuba equipment, namely, spearfishing harpoon guns; toy scooters; bob-Sleighs; sleds; butterfly nets; landing nets for anglers; nets for sports; tennis nets; bite indicators; slot machines; appliances for gymnastics; quoits; bar-Bells; climbers' harness; fishing tackle; artificial snow for christmas trees; snowshoes; snowboards; clay pigeon traps; billiard tables; coin-Operated billiard tables; tables for table tennis; strings for rackets; gut for rackets; cricket bags especially designed for holding cricket equipment; golf bags, with or without wheels; golf bag carts; playground slides; remote-Controlled toy vehicles; body-Building apparatus; exercises machines; men'S athletic supporters; rods for fishing; ornaments for christmas trees, except illumination articles and confectionery; tennis ball throwing apparatus; conjuring apparatus, namely, play wands; bowling apparatus and machinery; toy figures; chips for gambling; counters for games; foosball tables; bags especially designed for skis and surfboards; marbles for games; billiard balls; playing balls; play balloons; paintballs; snow globes; chess games; checkers; poles for pole vaulting; paper party hats; shin guards for athletic use; camouflage screens; chest expanders. Arranging subscriptions to telecommunication services for others; import-Export agency services; commercial information agency services; advertising agency services; cost price analysis; rental of advertising space; business auditing; employment agency services; computerized file management; bookkeeping; outsourced business administrative management for companies; invoicing; demonstration of goods; transcription of written communications; market opinion polling; conducting marketing studies; business information; commercial information and advice for consumers; business investigations; business research; marketing research; personnel recruitment; business management and organization consultancy; business organization consultancy; business management consultancy; personnel management consultancy; professional business consultancy; layout services for advertising purposes; marketing services; business management of performing artists; business management of sports people; writing of résumés for others; news clipping services; updating and maintenance of data in computer databases; updating of advertising material; word processing; organization of exhibitions for commercial or advertising purposes; arranging newspaper subscriptions for others; organization of fashion shows for promotional purposes; organization of trade fairs for commercial or advertising purposes; shop window dressing; design of advertising materials; business appraisals; payroll preparation; data search in computer files for others, namely, data processing; sponsorship search; business management assistance; commercial and industrial management assistance; commercial intermediation services in the nature of matching of potential private investors with entrepreneurs needing funding; providing business information via a web site; provision of commercial and business contact information; provision of an on-Line marketplace for buyers and sellers of goods and services; presentation of goods on communication media, for retail purposes, namely, providing television home shopping services in the field of general consumer merchandise; economic forecasting; auctioneering; retail and wholesale store services for pharmaceutical, veterinary and sanitary preparations and medical supplies; sales promotion for others; wholesale and retail store services featuring footwear, clothing and general consumer merchandise ; wholesale and retail online store services featuring footwear, clothing and general consumer merchandise; production of advertising films; rental of office machines and equipment; rental of advertising time on communication media; publicity material rental; rental of vending machines; rental of sales stands; rental of photocopying machines; publication of publicity texts; radio advertising; bill-Posting; distribution of samples; dissemination of advertising matter; direct mail advertising services; writing of publicity texts; advertising services; on-Line advertising on a computer network; advertising by mail order; television advertising; document reproduction; compilation of information into computer databases; compilation of statistics; business inquiries; systemization of information into computer databases; advisory services for business management; negotiation and conclusion of commercial transactions for third parties; tax preparation; drawing up of statements of accounts, namely, preparation of financial statements; telemarketing services; psychological testing for the selection of personnel; business management of hotels; business management for freelance service providers; business project management services for construction projects; commercial administration of the licensing of the goods and services of others; business management of reimbursement ***programs*** for others; administrative processing of purchase orders; public relations; modelling for advertising or sales promotion; typing; web site traffic optimization; relocation services for businesses; tax filing services; search engine optimization for sales promotion; price comparison services; pay per click advertising; secretarial services; procurement services for others, namely, procuring of contracts for others for the purchase of goods and labor contracting services; shorthand services; outsourcing services; telephone answering for unavailable subscribers; photocopying services; business efficiency expert services. Paper finishing; applying finishes to textiles; upcycling in the nature of waste recycling; vulcanization; animal skin dressing services; fruit crushing; embroidering; galvanizing services; electroplating; engraving; decontamination of hazardous materials; air deodorising; tanning; metal tempering; freezing of foods; gilding; gold plating; providing material treatment information; cadmium plating; permanent-Press treatment of fabrics; food and drink preservation services; food smoking; leather staining; fur dyeing; shoe staining; textile dyeing; cloth dyeing; laminating of metal plates, plastic sheets; lithographic printing; metal casting; fur glossing; tin plating; boilermaking; taxidermy; magnetization, namely, applying magnetic coatings by means of galvanization; nickel plating; burnishing by abrasion; paper treating; water treating; woodworking; processing of cinematographic films; leather working; cloth edging services; metal treating; fur conditioning; fur mothproofing; waste treatment; textile mothproofing; fabric waterproofing; crease-Resistant treatment for clothing; cloth fireproofing; textile treating in the nature of mothproofing; wool treating; framing of works of art; window tinting treatment services for automobiles, residential buildings; air freshening; fabric bleaching; air purification; soldering; custom clothing alteration; recycling of waste and trash; processing of oil; pattern printing; photographic printing; offset printing; metal plating; printing; burnishing by abrasion; flour milling; dressmaking; rental of heating boilers; knitting machine rental; rental of electricity generators; rental of air-Conditioning apparatus; rental of space heating apparatus; photographic film development; pottery firing; blacksmithing; custom assembling of materials for others, namely, custom tailoring; bookbinding; welding services; glass-Blowing; saddlery working; grinding; cloth cutting; sawing of materials, namely, woodworking; oil refinery services; timber felling and processing; treatment of fur, namely, fur satining; silver plating; incineration of waste and trash; laser scribing of plastic, paper, cardboard and glass materials for others; textile warping; sorting of waste and recyclable material; photocomposing services; custom quilting; sawmill planing of materials; fulling of cloth; slaughtering of animals; destruction of waste and trash; cloth pre-Shrinking; services of a dental technician; cryopreservation services; key cutting; cloth dyeing services; sandblasting services; custom tailoring; production of energy; custom tailoring of fur; photogravure; millworking; chromium plating; colour separation services; silkscreen printing; optical glass grinding. Water analysis; computer system analysis; handwriting analysis; chemical analysis; energy auditing; recovery of computer data; industrial design; graphic arts design; computer virus protection services; oil-Field surveys; geological surveys; engineering; installation of computer software; meteorological information; conducting clinical trials for others; material testing; textile testing; bacteriological research; biological research; geological research; research in the field of environmental protection; cosmetics research; mechanical research; chemical research; research and development of new products for others; scientific research; analysis for oil-Field exploitation; underwater exploration; technical research in the field of tools and machines; calibration services; web site design consultancy; information technology consultancy; consultancy in the design and development of computer hardware; architectural consultancy; computer software consultancy; technological consultancy in the field of alternative energy generation; oil-Well testing; quality control for others; vehicle roadworthiness testing; land surveying; dress designing; updating of computer software; monitoring of computer systems by remote access to detect breakdowns; software as a service saas namely, hosting software for use by others for use in database management; maintenance of computer software; authenticating works of art; design of interior decor; quality evaluation of standing timber; quality evaluation of wool; digitization of documents; conversion of data or documents from physical to electronic media; urban planning; providing information on computer technology and ***programming*** via a web site; provision of scientific information, advice and consultancy in relation to carbon offsetting; providing search engines for the internet; conversion of computer ***programs*** and data, other than physical conversion; conducting technical feasibility studies; computer system design services; rental of web servers; computer rental; rental of computer software; geological prospecting; oil prospecting; hosting the web sites of others on a computer server for a global computer network; server hosting; duplication of computer ***programs***; construction drafting; computer software design; cloud seeding; consulting services in the fields of energy measurement to improve energy efficiency; creating and maintaining web sites for others; computer ***programming***; architectural services; outsource service providers in the field of information technology; chemistry services, namely, research in the field of chemistry; packaging design; off-Site data backup; computer technology consultancy; telecommunications technology consultancy; scientific laboratory services; cloud computing featuring software for use in database management; weather forecasting; industrial design; cartography services; physics research; electronic data storage; surveying. |  |  |  |  |  |
| Karl Buck | [79-208,878] | Buck Group | 2-23-17[1-23-18] | Intl. 3, 5, 35, 39, 42US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101, 102, 105 | - - - - |
| The color(S) red is/Are claimed as a feature of the mark. The mark consists of the language "Karl buck" in red. Cleaning preparations, namely, drain cleaning preparations, laundry detergent tablets, cleaning preparations for toilet water tanks, dish detergents, machine cleaners, namely, laundry detergent for use when washing clothes in a machine and curtain cleaning preparations; detergents tablets for household use and other than for use in manufacturing operations and for medical use, scale removing preparations for household and toilet cleaning purposes, especially scale moving tablets and powder aroma scenting preparations for household use; stain removers; toilet blocks, namely, cleansing preparations; scouring powder, aroma scenting preparations, namely, air refresher being air fragrancing preparations, aroma stones being scented ceramic stones, dispensers and sprays in the nature of scented room sprays, cleaning agents for textiles; refill and dosing systems for cleaning agents, namely, laundry detergent refills containing a specific amount of detergent for laundry detergent dispensers; laundry detergent preparations; laundry detergents for household cleansing use; laundry detergent liquids; detergents for automobiles; washing agents for textiles; carpet cleaning preparations; destainers being stain removers; laundry bleach; automobile cleaners; fabric softeners. Disinfectants; air purifying preparations; biocides. Retail store services and whole sale store services featuring cleaning preparations, scenting preparations, disinfectants, air purifying, preparations and biocides; advertising; marketing; sales promotion; agency business services, namely, adverting agency services, business administration and management services; import-Export agencies. Filling of goods in the nature of bottling services for others. Scientific and technological research in the field of new product devolpment and and design of new products for others relating thereto; chemical and technical research in the field of cleaning preparations; research and development of new products for others. The name "Karl buck", shown in the mark does not identify a particular living individual. |  |  |  |  |  |
|  | [79-209,070] | Rovio Animation | 8-16-16[1-23-18] | Intl. 3, 9, 14, 16, 18, 21, 24, 25, 28, 30, 32, 41, 43US. 1, 2, 3, 4, 5, 6, 13, 21, 22, 23, 26, 27, 28, 29, 30, 33, 36, 37, 38, 39, 40, 41, 42, 45, 46, 48, 50, 51, 52, 100, 101, 107 | - - - - |
| The color(S) white, orange, dark brown, black and dark purple is/Are claimed as a feature of the mark. The mark consists of a design of a stylized eagle with dark brown and white feathers, with an orange beak and orange feet with brown claws, white, black and dark purple hooded eyes and black eyebrows. Essential oils and aromatic extracts in the nature of perfumes; non-Medicated toiletries; perfumery and fragrances; oral hygiene preparations, namely, dentifrices, toothpaste, and non-Medicated mouthwash; body cleaning and beauty care preparations, namely, non-Medicated soap, shower gels, facial and body scrubs, facial and body cleansers, skin cleansers, non-Medicated body soaks, non-Medicated exfoliating preparations for skin, perfumed body powders, body creams and lotions, face creams and lotions, after-Shave lotions, antiperspirants, deodorants for personal use, non-Medicated sun care preparations, hair shampoo, hair conditioners, hair gels, hair creams, cosmetics, lotions for cosmetic purposes, nail polishes, nail varnishes, nail enamel, nail gel, nail glitter, false nails, adhesives for artificial nails, decorative fingernail decals for cosmetic purposes, nail cream, false eyelashes, hair dyes, hair spray, beauty masks, make-Up, makeup powder, make-Up preparations, make-Up removing preparations, baby oil, baby powder, baby bath gel and baby lotion, lip gloss, and non-Medicated lip balm; cleaning preparations; fragrancing preparations, namely, perfuming sachets, air fragrancing preparations, and room fragrancing preparations. Animated cartoons recorded on pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings; audio recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; audio visual recordings featuring music, images, motion picture films, animated cartoons, music videos, and computer games; digital music downloadable from a computer database or the internet; downloadable electronic publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; instruction manuals in downloadable electronic format; exposed cinematographic films; pre-Recorded audio tapes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; exposed film, namely, exposed camera film, exposed photographic film, and exposed slide films; digital music downloadable provided from mp3 internet web sites, namely, downloadable mp3 files and mp3 recordings from the internet and featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; holographic images, holographic displays, and holograms, all, namely, photographic recordings of a light field used to reconstruct and display a fully three-Dimensional image of a subject or scene in space with coherent light, featuring animated cartoons; digital music downloadable from the internet; weekly publications downloaded in electronic form from the internet in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, satire, art, general trivia, computer games, home video games, and animation; recorded discs bearing images featuring animated cartoons; downloadable graphics for mobile phones; downloadable musical sound recordings; downloadable music files; musical video recordings; talking books in the nature of audio books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; phonograph records in the nature of sound recordings featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; recorded discs bearing sound, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, and cd-Rom discs featuring music, images, motion picture films, animated cartoons, music videos, and computer games; musical sound recordings; pre-Recorded cd'S featuring musical recordings; pre-Recorded videos, namely, pre-Recorded video cassettes and digital media, namely, dvds, digital video discs, digital versatile discs, high definition digital discs, cd-Rom discs, and downloadable audio and video recordings featuring music, images, motion picture films, animated cartoons, music videos, and computer games; pre-Recorded tape recordings, namely, audio tapes featuring music; downloadable electronic publications in machine-Readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable electronic publications in optically recorded format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; downloadable electronic publications, namely previously printed publications, that are now in electronically readable format, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; cinematographic films featuring animated cartoons; downloadable podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer documentation in electronic form, namely, downloadable documents in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation provided via a website; electronic publications, namely, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; training manuals in the form of a computer ***program***, namely, computer software comprising a training manual used for training purposes; exposed sensitized films, namely, sensitized cinematographic film, sensitized photographic film, and sensitized x-Ray film; exposed photosensitive media films, namely, exposed slide film, exposed camera film, exposed cinematographic film, and exposed photographic film; exposed cinematographic film; video recordings, namely, musical video recordings and audiovisual video recordings featuring music, images, motion picture films, animation, and music videos; recorded data files, namely, downloadable electronic data files featuring audio, video, text, binary, still images, graphics and multimedia files; computer game software; computer software for computer games, video games and processing digital images; electronic databases in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation recorded on computer media; computer game software downloadable via the internet; downloadable electronic game ***programs***; downloadable computer game ***programs***; computer game software, namely, downloadable video game ***programs***; computer software ***programs*** for video games; computer video game software contained on cartridges for personal computers, home video game consoles, arcade-Based video game consoles, slot machines, and video lottery terminals; recorded computer game ***programs***; computer games, namely, computer game ***programs***, computer ***programs*** for pre-Recorded games, computer game software for use on mobile and cellular phones, interactive multimedia computer game ***programs***, computer game software downloadable from a global computer network, the internet, and wireless devices; interactive video game ***programs***; computer ***programs*** stored in digital form, namely, computer ***programs*** for using the internet and the world wide web; computer software for electronic publishing; personal computer application software for managing document control systems; computer software downloaded from the internet for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; interactive computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; interactive multimedia computer ***programs*** for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software that permits games to be played; computer application software for mobile phones, portable media players, handheld computers, portable computers, and tablets, namely, software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software; computer software for education featuring instruction in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; computer software for games for mobile devices, games for personal computers, games for consoles, games for tablets, electronic game ***programs***, downloadable electronic game ***programs***, downloadable computer game ***programs***, interactive game ***programs***, and interactive game software downloadable from global computer information networks; children'S educational software; data recorded electronically, namely, computer ***programs*** recorded on data media designed for recreational game playing purposes; audio cassettes, namely, pre-Recorded cassettes featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; dvds, namely, pre-Recorded dvds featuring music, images, motion picture films, animated cartoons, music videos, and computer games; electronic data carriers, namely, secure digital memory cards, flash drives, usb flash drives, usb cards featuring computer game software and computer game ***programs***; pre-Recorded compact discs featuring music, fiction and nonfiction textual works, comedy, and recorded podcasts in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; information technology equipment, namely, computers and audiovisual equipment, namely, cameras and flashes for cameras, cases for cameras and photographic equipment, movie projectors, multimedia projectors, picture projectors, sound-Reproducing apparatus, high definition televisions, and transmitting and receiving apparatus for radio and television broadcasting and for long-Distance transmission; computer operating systems. Jewels; jewelry boxes and presentation boxes for watches; gemstones, pearls, and precious metals, and imitations thereof; ornaments in the nature of jewelry, ornamental lapel pins, personal ornaments in the nature of jewelry, holiday ornaments not tree ornaments, shoe jewelry, and hat jewelry made of or coated with precious or semi-Precious metals or stones, or imitations thereof; statutes and figurines made of or coated with precious or semi-Precious metals or stones, or imitations thereof; trinkets or fobs in the nature of key rings; trinkets coated with precious metals, namely, rings and key rings; key fob rings coated with precious metals. Disposable paper products, namely, paper cartons for delivering goods, paper lunch bags, advertising signs of paper, advertising signs of cardboard, art paper, bibs of paper, blank or partially printed paper labels, blank paper notebooks, lined and unlined writing pads, memo pads, notepads, book cover paper, business card paper, ***calendared*** paper, gift-Wrapping paper, blister cards paper towels, notebook paper, paper folders, paper envelopes for packaging, table cloths of paper, table linens of paper, paper napkins, toilet paper, boxes of cardboard or paper, gift boxes made of cardboard, cardboard cartons, cardboard containers, paper handkerchiefs, paper napkins for removing make-Up, paper flags, paper banners, protective covers for notebooks, place mats and coasters of paper and cardboard, and disposable paper sheets for personal hygienic use in the nature of disposable headrest covers not for medical use; decoration materials, namely, paper party decorations, paper cake decorations, decorations of paper for lunch boxes and foodstuffs, decorative paper centerpieces, and party ornaments of paper; art materials, namely, paint brushes, water colors, drawing ink, pastels, crayons, pencils, pens, chalk, artists' watercolor saucers, molds for modeling clays, blackboards, drawing boards, easels, and canvas for painting; media, namely, arts and crafts clay kits, arts and craft paint kits, coloring books, stencils for face painting, rubber marking stamps, temporary tattoo ***transfers*** similar to decals, stickers and sticker albums, blackboards and scrap books; pastes and adhesives for stationery or household purposes; printed matter, namely, note cards, greeting cards, books, booklets, printed periodicals, magazines including gaming magazines, manuals, newspapers, newsletters, journals, children'S books, baby books, comic books, coloring and children'S activity books, instructional and teaching materials, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; paper and cardboard; books in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; stationery; educational supplies, namely, two-Ring and three-Ring binders, desk pencil holders, desk pencil stands, paper folders, ***calendars***, paperweights, pencil sharpeners, electric pencil sharpeners, paper clips, thumb tacks or push pins, document folders, index cards, and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue for stationery or household purposes and book marks; works of art made of paper and cardboard; figurines of paper and cardboard, namely, papier-Mâché figurines, and architects' models; bags, namely, paper bags, merchandise bags, grocery bags, paper party bags, party goodie bags of paper or plastic, plastic or paper bags for household use; articles for packaging made of paper, cardboard, or plastics, namely, cardboard boxes for packaging, paper bags for packaging, paper pouches for packaging, paper roll stock for packaging, padded paper envelopes for mailing or packaging, paper for wrapping and packaging, and storage containers and packaging containers made of paper or cardboard; articles for wrapping made of paper, cardboard, or plastic, namely, gift-Wrapping paper, paper gift wrap bows, paper and plastic gift wrapping ribbons, food wrapping plastic film, sheets of cellophane paper for wrapping, and plastic packaging wrap for commercial or industrial use; articles for storage made of paper, cardboard, or plastics, namely, plastic food storage bags for household use and containers for storage or transport made of paper or cardboard; drawing materials, namely, pencils, pastels, crayons, ink for writing instruments, color pencils, markers, dry erase markers, permanent markers, and highlighting markers; drawing paper; arts and crafts equipment, namely, arts and crafts clay kits, colored craft and art sand, children'S arts and crafts paper kits, and arts and craft paint kits; modelling equipment, namely, molds for modeling clays, modeling clay, and modeling clay for children. Walking sticks; luggage; bags in the nature of handbags, purses, fabric and leather pouches, coin purses, and cosmetic purses sold empty; wallets; other carriers, namely, duffel bags, beach bags, backpacks, sports bags, diaper bags, briefcases, leather and canvas shopping bags, business card holders in the nature of card cases, leather portfolios, carry-All school bags, and tool bags of leather or imitations of leather sold empty; umbrellas; parasols. Cosmetic utensils, namely, cosmetic brushes, make up applicators in the nature of applicator sticks for applying make-Up and make up brushes, shaving brushes, stands for shaving brushes, hair brushes and combs; toilet utensils, namely, toilet brushes and toilet sponges; bathroom articles, namely, bathroom pails, toilet paper holders, stands specially adapted for toothbrushes, and toothbrush cases; brushes, namely, brushes for cleaning footwear, cleaning brushes for household use, toothbrushes, nail brushes, and brushes for pets; brush-Making materials; statues, figurines, plaques, and works of art made of porcelain, terra-Cotta, or glass; tableware, namely, tea services and coffees services; cookware, namely, cooking pots and pans, glass dishes; containers for household or kitchen use; glasses, namely, drinking glasses and beverage glassware; drinking vessels; barware, namely, seltzer bottles, cocktail shakers, beverage glassware, coffee mugs, beer mugs, and earthenware mugs; serving dishes; household utensils, namely, dishes. Fabrics for textile use; textile goods, namely, textile table linens, bedcovers and plastic table covers, bed canopies, individual place mats made of textile, tapestries of textiles, gift wrap of textile, textile wall hangings, fitted toilet seat covers made of fabrics, curtain tiebacks in the nature of textile curtain holders, and textile fabrics for use in making clothing and household furnishings; textile substitute materials made from synthetic materials; linens, namely, bed linens, bath linen, table linen, household linen, linen cloth, and kitchen linens; textiles made of flannel; textile tissues, namely, textile handkerchiefs; household textile articles, namely, towels, bed sheets, oven mitts, dish towels, kitchen towels, fabric place mats, bath mitts, fabric table runners, potholders, and cloth coasters; handkerchiefs of textile; household textiles, namely, textile fabrics for use in making clothing and household furnishings; textiles for furnishings, namely, furnishing and upholstery fabrics. Footwear; hats; clothing, namely, shirts, jackets, pants, dresses, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, beach cover-Ups, overalls, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, cycling shorts, slacks, jeans, men'S and women'S suits, vests, undergarments, muffs, shawls, stoles, blazers, coats, robes, sleepwear, suspenders, bandanas, and loungewear; sports shirts with short sleeves; menswear, namely, blazers, trousers, suits, jackets, and shirts; casual shirts; casual trousers; leisurewear, namely, leisure suits; clothing layettes; swimming trunks; sports clothing other than golf gloves, namely, cap visors, socks, sports bras, and athletic tops and bottoms for runners, yoga, and cycling; sportswear, namely, shorts, track suits, sports bras, sweat-Absorbent underclothes, swim suits, tennis wear, jerseys; tops; coats and socks; tee-Shirts; sweatpants; socks; shorts; slipovers; blousons; long jackets; long sleeve pullovers; printed t-Shirts; shirts; loungewear; outer clothing for men, namely, coats, jackets, cloaks, ponchos, capes, and parkas; short-Sleeve shirts; short-Sleeved or long-Sleeved t-Shirts; trousers for children; children'S wear, namely, dresses, jumpers, shirts, jackets, pants, shorts, t-Shirts, tank tops, jerseys, tights, stockings, leotards, unitards, body suits, leg warmers, leggings, socks, gloves, athletic uniforms, parkas, ponchos, swimwear, sweaters, sweat shirts with hoods, fleece pullovers, sweat suits, jogging suits, rain suits, ski wear, slacks, jeans, vests, undergarments, sweaters, blazers, coats, robes, sleepwear, and loungewear, and cloth bibs; skirt suits; gloves; collared shirts; running suits; hooded sweatshirts; hooded tops; slacks; skirts; denim jeans; sweat shirts; sweat suits; denim jackets; sun hats; peaked headwear in the nature of cap peaks; caps with visors; bonnets; children'S headwear; headwear in the nature of bonnets; headwear in the nature of sun visors; headwear in the nature of caps; footwear in the nature of pumps; football boots; footwear for men; canvas shoes; espadrilles; basketball sneakers; gym boots; children'S footwear; running shoes; training shoes; leather shoes; footwear for women; slip-On shoes; booties; slippers; shoes with hook and pile fastening tapes; sandals; infants' footwear; beach shoes; cycling shoes; leisure shoes; costumes for use in children'S dress up play and for use as halloween costumes. Fairground apparatus, namely, amusement park rides, rollercoasters, and carousels; playground apparatus, namely, sand boxes, swing sets, slides for playgrounds, and playground sports training apparatus to improve strength, toning, conditioning, balance and proprioception; festive decorations for christmas trees and artificial christmas trees; toys, namely, children'S multiple activity toys, dolls, puppets, plush toys, soft dolls, teddy bears, toy figures and play sets consisting of action figures, attachable articles of clothing for toys, rocking horses, bathtub toys, ride-On toys, balls for sports, yo-Yos, balls for games, playground balls, rubber balls, mah-Jong sets, marbles for games, toy vehicles, electric toy vehicles, toy scooters, toy air pistols, toy building blocks, water squirting toys, and magnetic toy figures attachable to mobile phones; games, namely, action skill games, action target games, arcade-Type electronic education video games, board games, card games, building games, educational card games, electronic educational game machines for children, hand held units for playing electronic games other than those adapted for use with an external display screen or monitor, promotional game cards, puzzle games, and video game consoles for use with an external display screen or monitor; playthings, namely, puppet theatres, beanbags in the form of playthings, dolls' beds, dolls' clothes, dolls' houses, and dolls' rooms; novelties, namely, toy and novelty face masks, toy foam novelty items such as foam fingers and hands, and novelty vampire teeth; sporting articles and equipment, namely, tennis balls, footballs, soccer balls, baseballs, volleyballs, tennis rackets, table tennis rackets, paddle rackets for use in paddle ball games, badminton rackets, squash rackets, sailboards, skateboards, snowboards, skis, waterskis, roller skates, ice skates, floats for bathing and swimming, dumb-Bells, elbow guards being sport articles for athletic use, knee guards being sport articles for athletic use, archery sets, bocce ball sets, spring boards and golf ball dispensers, golf bags, golf clubs, golf gloves, and gloves for games and sports, namely, baseball gloves, golf gloves, boxing gloves, hockey gloves, bowling gloves, and football gloves; video game apparatus, namely, video game joysticks, video game consoles, handheld units for playing video games other than those adapted for use with an external display screen or monitor, and hand-Held units for playing electronic games for use with external display screen or monitor; balloons; fabric toys, namely, stuffed and plush toys; carnival caps, namely, plastic party hats and paper party hats; face masks being playthings; children'S multiple activity toys; children'S bicycles for use other than for transport; board games; kites; toy hats, namely, toy pirate hats and toy costume hats; toy tableware; playing balls; toy sporting apparatus, namely, toy game balls, paddles for use in paddle ball games, outdoor activity game equipment sold as a unit comprising sports balls, baseball bats, bases, basketball goals, soccer goals, hockey goals, hockey sticks, for playing games; toy vehicles with transforming parts; toys simulating objects used by adults in day to day activity, namely, toy watches, toy telephones, toy cell phones, toy computers, toy television sets, toy bakeware and cookware, toy knives, toy forks, toy spoons, toy pots and pans, toy bowls, toy rolling pins, toy spatulas, toy tea sets, toy cosmetics, toy makeup, toy non-Electric shaver, toy keys, toy banks, toy drones, toy furniture, and toy jewelry; battery-Operated action toys; toy figurines, namely, modeled plastic toy figurines and attachable, wearable, magnetic toy figurines; counters for games; scale model vehicles; miniature car models in the nature of toy model cars and playthings, namely, toy model kit cars; inflatable toys; building games; sports games, namely, target games, action skill games, horseshoe games, and paddle ball games. Processed grains; starches, namely, food starch; baking preparations and yeasts, namely, yeast, baking powders, and food flavorings other than essential oils; ice, ice creams, frozen yogurts, and sorbets; coffee and coffee substitutes; teas and tea substitutes; cocoa and cocoa substitutes, namely, cocoa, cocoa powder, and cocoa mixes; bakery goods; confectioneries, namely, frozen confectioneries, chocolate confections, confectionery made of sugar, yogurt covered nuts, confectionery chips for baking, pastilles, crystal sugar pieces and jelly confections; chocolate; desserts, namely, dessert mousse, ice cream desserts, and dessert puddings; sugars and natural sweeteners; sweet coatings, namely, frosting; fillings in the nature of buttercream, caramel, chocolate, pudding, and custard fillings for cakes; bee products in the nature of honey; salt; food seasonings; food flavorings, other than essential oils; condiments, namely, sauces, ketchup, mustard, salsas, and dipping sauces; pastries, cakes, tarts, and biscuits; chocolates; foodstuffs, namely, confectionery products containing cocoa as the main ingredient; confectionery in frozen form. Non-Alcoholic beverages, namely, carbonated beverages, mineral and aerated waters, mineral and aerated flavored waters, drinking water, bottled water, spring water, flavored waters, coconut waters, fruit drinks and fruit juices, non-Alcoholic fruit juice beverages, sparkling fruit juice beverages, non-Alcoholic cider, vegetable juices, non-Alcoholic beer, non-Alcoholic wine, non-Alcoholic cocktails; preparations for making beverages, namely, syrups, syrup substitutes for making beverages, syrups for making soft drinks, fruit-Based syrup for making fruit juices and fruit drinks, non-Alcoholic fruit extracts used in the preparation of beverages, and concentrates in tablet form for making effervescent soft drinks; juices, namely, herbal juices, fruit juices, aerated fruit juices; flavored carbonated beverages, namely, sodas, sarsaparilla soft drinks, cola drinks, cola beverages, carbonated non-Alcoholic frozen flavored beverages; energy drinks; beverages, namely, coconut milk; beverages, namely, almond milk; non-Alcoholic beverages, namely, peanut milk; rice-Based beverages, other than milk substitutes; soya-Based beverages, other than milk substitutes; other non-Alcoholic drinks, namely, energy shots, isotonic non-Alcoholic drinks, sherbet beverages and lemonades; non-Alcoholic cordials; orange squash. Publishing, namely, publishing books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; reporting, namely, photographic reporting, news syndication reporting, and editorial reporting services; education services, namely, conducting classes, on-Line classes, seminars, and workshops, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; entertainment services, namely, conducting contests, the creation, development, and production of cinematographic films, animation and animated films, and television ***programs*** for others, providing facilities for and arranging entertainment, namely, concerts, cabarets, circuses, shows featuring comedy, live musical performance, theatrical performances, exhibitions in the fields of art, education, culture, sports and entertainment, sports competitions, sporting and cultural activities, and live performances showcasing talent, live show performances, sports tournaments, games, recreation activities, and cultural activities, all for entertainment purposes; sports services, namely, conducting sports camps, rental of sports equipment, except vehicles, and organizing sports events, namely, swimming meets, soccer competitions, baseball competitions, football competitions, volleyball competitions, golf competitions, tennis competitions, and hockey competitions; translation and interpretation services; news reporting services; news ***program*** services, namely, providing current event news via a global computer network, photographic reporting, news syndication reporting, and editorial reporting services; publishing of stories, namely, novels, short stories, children'S stories, animal stories, and family stories recorded by family members to preserve their heritage; publication of printed matter; publication of the editorial content of sites accessible via a global computer network; publishing of electronic publications; providing electronic non-Downloadable publications in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; providing on-Line non-Downloadable electronic publications, in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of texts; on-Line publication of non-Downloadable electronic books and journals; providing online non-Downloadable comic books and graphic novels; providing on-Line non-Downloadable general feature magazines; music publishing services; music recording services, namely, production of sound and music video recordings; on-Line publishing services, namely, online electronic publishing of books and periodicals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication and editing of printed matter; publication of printed matter relating to education; publication of educational books; publication of educational teaching materials, namely, publication of educational texts, books, instruction manuals, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of instructional literature, namely, publication of musical texts, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets; publication of printed matter; publication of newspapers, periodicals, catalogs, and brochures; publication of books; consultation services relating to the publication of books; publishing services for books and magazines; publication and editing of books; publication of electronic books and journals on-Line; electronic desktop publishing; publication of books relating to entertainment; electronic publishing of the text of others on cd, dvd, on-Line, and high definition digital discs, and downloadable audio and video recordings from the internet featuring animation, music, fiction and nonfiction textual works on a variety of topics, and comedy; provision of non-Downloadable electronic publications, in the nature of books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; publication of electronic magazines; entertainment, namely, live performances by a musical band; arranging of visual entertainment, namely, entertainment services in the nature of live visual performances by actors, singers, dancers, and comedians; arranging of visual and musical entertainment, namely, namely, musical, variety, news and comedy shows; organization of recreational activities, namely, organizing community festivals featuring a variety of activities, namely, art exhibitions, heritage markets, ethnic dances, and the like; provision of recreational events, namely, organizing community festivals featuring primarily sporting events, art exhibitions, ethnic dance performances, dance performances, ice dancing performances, plays, musical performances, and magic shows and also providing flea markets, dinners, lunches, food tasting, and wine tasting; providing recreational areas in the nature of play areas for children; providing online information in the field of entertainment via the internet and via computer databases; entertainment services in the nature of an amusement park show; entertainment, namely, conducting carnivals; provision of entertainment services through the media of video-Films, namely, movie showings and planning and conducting a series of film festivals; provision of entertainment services through the media of publications, namely, magazine publishing, book publishing, music publishing, and electronic book rental via the internet; amusement centers; production of shows in the nature of operas, television shows, plays, live dance shows, and live music shows; entertainment, education and instruction services, namely, providing motivational and educational speakers; video entertainment services, namely, providing video podcasts, producing videos, filming videos, directing videos, editing videos, all in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; exhibition of video films, namely, movie showings and providing a website for entertainment purposes featuring on-Line non-Downloadable videos about fictional stories, computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of facilities for recreational activities in the nature of skiing, hunting, fishing, providing recreational camps for children, providing play facilities for children, providing fitness and exercise facilities, arranging and conducting canoe expeditions for recreational purposes, arranging and conducting jungle and safari expeditions for recreational purposes, providing sports facilities, providing swimming pools, and providing horseback riding facilities for recreational purposes; providing facilities for leisure activities, namely, arranging and conducting fishing tournaments, golf tournaments, music concerts, and theater shows, and providing information in the field of leisure activities, namely, hunting, fishing, swimming, surfing, and bowling; sporting and cultural activities, namely, organizing sporting events, namely, triathlons and golf tournaments; computer services, namely, providing on-Line computer games, and entertainment services in the nature of video game amusement services, namely, providing temporary use of non-Downloadable video games; providing information on-Line relating to computer games and computer enhancements for games; providing on-Line information in the field of computer gaming entertainment; television entertainment, namely, television news shows, animated cartoon shows, fictional television shows for children, game shows, and reality shows; providing theme park services; theatre entertainment, namely, theater productions; theatre services, in the nature of ticket reservation and booking services for recreational and leisure events, namely, music concerts, theater shows, and live dance performances; entertainment in the nature of theatre productions; adventure playground services, namely, providing amusement parks and provision of children'S playgrounds at service stations; popular entertainment services, namely, personal appearances by a movie star, sports celebrity, and fictional character; provision of online computer games; providing online non-Downloadable game software accessible by means of computer terminals and mobile telephones; provision of on-Line entertainment, namely, providing an on-Line virtual environment for trading virtual sports trading cards and tokens, providing online video games, and providing online reviews of movies, books, music, and computer games; on-Line gaming services, namely, providing online video and computer games and providing temporary use of non-Downloadable interactive games; electronic games services provided from a computer database, namely, providing information on-Line through a computer database in the field of computer games; musical entertainment services, namely, organization of exhibitions for musical entertainment; entertainment services in the nature of live performance of music and singing by a singer and musical band; children'S adventure playground services, namely, arranging and conducting live, interactive, treasure hunt game adventures; organization of cultural events; entertainment services in the nature of organizing social entertainment events; organization of sporting competitions; organization of balls; providing non-Downloadable computer games via the internet; electronic game services, namely provision of computer games by means of the internet; electronic game services and competitions provided by means of the internet; amusement and theme park services; organizing of shows, namely, fashion shows, circus shows, laser shows, and game shows for entertainment purposes; film distribution; cinematographic entertainment services, namely, rental of cinematographic machines and apparatus, motion picture film production, film and video production consulting services, and film editing; distribution of motion picture films; rental of motion pictures; live entertainment in the nature of live music concerts, dance performances, magic performances, and theatrical performances; cinema presentations, in the nature of planning arrangement of showing movies; electronic games services provided from a computer database, namely, providing online electronic games by means of the internet; electronic games services, namely, provision of computer games on-Line or by means of a global computer network; entertainment services in the form of ongoing television ***programs*** in the field of musical, variety, news and comedy shows; entertainment services, namely, production of motion pictures; entertainment services for producing live television shows; entertainment services in the form of cinema performances, namely, provision of cinema facilities and movie showings; provision of entertainment services through the media of audio tapes, namely, production of audio recordings; provision of entertainment services through the media of television, namely, production of television ***programs***; entertainment in the form of recorded music, namely, production of musical sound recordings; provision of entertainment services through the media of cine-Films, namely, production and distribution of movies; electronic online publication of periodicals and books in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging of games, namely, arranging and conducting triathlon, cycling, walking, and running events; organization of games and sports competitions; educational services, namely, adult training in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, sports, music, film, comedy, art, general trivia, computer games, home video games, and animation; training in the field of electronic data processing; education and instruction, namely, providing classes in the field of computer literacy arranging and conducting conferences in the field of sporting events, art exhibitions, animal exhibitions, dance performances, ice dancing performances, plays, musical performances, and magic shows; providing facilities for sports and physical fitness training; video production, production of audio recording, and photography; training in the field of electronics; provision of education courses in the field of electronics; english language education services, namely, language schools featuring the english language; arranging training courses, namely, conducting classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; education services for imparting language teaching methods, namely, providing classes in the field of language teaching skills; provision of language schools and language courses, namely, language instruction, language translation, and language interpreting; organization of language courses, namely, conducting after-School foreign language tutoring ***programs***; provision of information on employment training; professional consultancy relating to education, namely, providing consultation concerning education options to pursue career opportunities; educational advisory services, namely, providing advice concerning education options to pursue career opportunities; organizing of educational games, namely, spelling competitions and educational card games; providing computer-Delivered educational testing and assessments; provision of day-Care educational units, namely, providing nursery schools for children; educational testing; provision of training and education, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training consultancy, namely, business training consultancy services; provision of education courses, namely, providing classes in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training and further training consultancy, namely, business training consultancy services; organization of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of training courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; development of educational materials, namely, publication of educational textbooks; dissemination of printed educational material for others, namely, educational textbooks, books, magazines, journals, articles, comic books, cartoon strips, newsletters, and pamphlets in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; arranging teaching ***programs***, namely, conducting educational ***programs*** in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; provision of acting, sports, physical fitness, animation, and film production training facilities; education services relating to the development of children'S intellectual faculties, namely, teaching at elementary schools, providing classes and camps for children in the fields of animation, film production, acting, music, art, comedy, computer games, and video games; education services relating to computers, namely, providing classes in the field of computer science and computer literacy; education services relating to computer systems, namely, providing classes in the field of computer science and computer literacy; education services, namely, conducting educational courses, seminars and workshops, in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational services provided for children, namely, providing after school educational ***programs*** for children in grades k-12; educational services provided for teachers of children, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production, provided on a real-Time basis during classroom instruction; training in the operation of software systems; training in the development of software systems; training in the design of software systems; educational services, namely, training of teachers in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production and courses of instruction provided on a real-Time basis during classroom instruction at the undergraduate, graduate and post-Graduate level; teacher training services, namely, teacher training in the field of teaching methods, class room conflict resolution, animation, computer game ***programs***, and film production provided on a real-Time basis during classroom instruction; providing classes in the field of data processing and computing; school courses relating to study assistance, namely, providing school courses in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; training in the use of data processing ***programs***; provision of educational instruction, namely, providing classes and workshops, in the field of data processing; training services in the field of computer-Aided design; providing computer-Assisted courses of instruction, namely, providing on-Line classes and workshops in the fields of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, music, film, comedy, art, general trivia, computer games, home video games, and animation; educational instruction, namely, providing training in the use of computers; educational instruction, namely, providing training in the development of computers; educational services, namely, providing classes and workshops for the provision of training in the use of computers; provision of computer related training courses, namely, providing training in the field of computer science and computer literacy; provision of education courses relating to computers, namely, providing classes in the field of computer science and computer literacy; organization of computer related training courses, namely, providing training classes in the field of computer science and computer literacy; training services relating to computers, namely, providing training in the field of computers; computer education training; training in the operation of computerized systems; educational training services in the field of computer systems; computer training, namely, training in the use of computers; computer education training services; training in the development of computer ***programs***; training in the operation of computer ***programs***; training in the design of computer ***programs***; provision of educational instruction, namely, providing classes and workshops in the field of computer ***programming***; training in the field of computer ***programming***; computerized training in the field of career counselling; training in the field of computer techniques; provision of courses of instruction in the management of information technology, namely, providing classes in the field of information technology management; training services in the field of the use of information technology; educational services relating to information technology, namely, providing classes in the field of information technology; sporting education services, namely, providing classes in the field of sports; sporting and recreational activities, namely, organizing sporting events, namely, swimming meet, soccer competition, football competition, volleyball competition, baseball competition, tennis competition, skiing competition, surfing competition, and water polo competition; tutoring services in the field of sports, personal coaching services in the field of sports, and sports instruction services; recreation and training services, namely, physical fitness training services; film production for entertainment purposes; production and distribution of motion pictures; production of entertainment in the form of television ***programs***; production of entertainment in the form of sound recordings; animation production services; animation production services in the nature of creating animated cartoons; production of animated television ***programs*** for distribution on television and cable television systems; audio, film, video and television recording services. Services for providing food and drink; providing temporary housing accommodations; providing temporary accommodation; restaurant services; cafeterias; ice cream parlor services; hotels and hostels; boarding house services; providing temporary accommodation for tourists and holiday travelers; hotels; day-Nursery services; providing day-Care centers; providing elderly care facilities; accommodation bureau services, namely, booking of temporary accommodation and providing information in the field of temporary lodging and accommodations. |  |  |  |  |  |
| Orania | [79-210,052] | Dietrich Von Boetticher | 2-10-17[1-23-18] | Intl. 3, 18, 25, 39, 43, 44US. 1, 2, 3, 4, 6, 22, 39, 41, 50, 51, 52, 100, 101, 105 | - - - - |
| Skin soap; perfumes; ethereal oils; cosmetics for body and beauty care; hair lotions; dentifrices, in particular ethereal essences and oils; cosmetic preparations for baths; balms other than for medical purposes for use on hair, skin and lips; bleaching preparations as decolorants for cosmetic purposes; deodorants for human beings; scented wood; perfume water; hair coloring; hairspray; shampoos non-Medicated skin care preparations; cosmetic pencils; lavender oil; lipsticks; lotions for cosmetic purposes; air fragrancing preparations; make-Up preparations; massage gels other than for medical purposes; dental rinses, non medicated; nail varnish; nail care preparations; oils for toilet purposes, namely, cosmetic oils, shaving preparations; after-Shave lotions; cleansing milk for toilet purposes; hair wash preparations; sunscreen preparations; mascara; dentifrices. Leather and imitation leather as well as products made thereof, namely, wallets, attaché cases, purses, suitcases, handbags, hat boxes of leather, hunting bags, boxes of leather or leather board, unfitted vanity cases, travelling trunks, travelling sets comprised of garment bags for travel and travel cases, travelling bags, rucksacks, key cases, bags as envelopes and pouches of leather, for packaging, business card cases. Clothing, namely, belts, manties, jerseys, hoodies, jackets, shirts, sport shirts, t-Shirts, trousers, suits, ties, blazers, blouses, tops, socks, shorts, jeans, skirts, dresses; footwear, hats. Transport reservation; travel arrangement, in particular car rental, motor coach rental; transport of passengers; taxi transport; vehicle and boat rental; chauffeur services; porterage; booking of seats for travel, escorting of travellers; travel ticket reservation; providing transport for sightseeing; arranging of transportation for travel tours. Services for providing food and drink and temporary accommodation, in particular hotel, restaurant, bar and café services; cafés, cafeterias and restaurants; catering services; rental of meeting rooms; room reservation for hotels; accommodation bureaus for hotels, namely, hotel accommodation services. Hygienic and beauty care for human beings and animals, in particular aroma therapy services; sauna services, solaria, namely, skin tanning for humans for cosmetic purposes, bath houses and turkish baths; hairdressing salons; beauty salon services; massages; manicure services; wellness services, namely, wellness ***programs***; health counseling. The wording "Orania" has no meaning. |  |  |  |  |  |
| Seyo | [79-210,747] | Meddrop Technology | 12-17-16[1-23-18] | Intl. 3, 5, 10, 21US. 1, 2, 4, 6, 13, 18, 23, 26, 29, 30, 33, 39, 40, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of four geometric triangular images that comprise geometric diamond images, all above the wording "Seyo". Washing and cleaning preparations, washing creams in the nature of cold cream; toiletries in the nature of douching preparations for personal sanitary or deodorant purposes, cosmetic body care preparations in the nature of cosmetic preparations for body care; body cleaning preparations in the nature of body wash, preparations for baths and showers in the nature of non-Medicated bath preparations, shower and bath gel, shower and bath foam, bath creams, not for medical purposes, bath foam for babies; perfumery and fragrances; body sprays, non-Medicated; cleaning and fragrancing preparations in the nature of air fragrancing preparations; essential oils and aromatic extracts in the nature of perfumed extracts for tissues and perfumes; deodorants and antiperspirants; oral hygiene preparations in the nature of mouthwashes, not for medical purposes; hair preparations and treatments in the nature of hair styling preparations; skin care preparations, namely, body balm; shaving soaps and gels; gel eye masks; serums for cosmetic purposes, namely, non-Medicated hair serums; tissues impregnated with make-Up removing preparations; beauty preparations, not for medical purposes in the nature of beauty soap, cosmetics in the form of creams, beauty serums, beauty care cosmetics, beauty milk, beauty balm creams; cosmetics and cosmetic preparations; non-Medicated cosmetic kits comprised of lipstick and lip gloss; non-Medicated cosmetic kits comprised of body wash and body cream; non-Medicated cosmetic kits comprised of cosmetic preparations for body wash and preparations for hair wash; non-Medicated cosmetic kits comprised of two cosmetic beauty products selected from beauty fluid in the nature of beauty gels, beauty cream, beauty serum, beauty milk; non-Medicated cosmetic kits comprised of products for body creaming in the nature of body mask creams and products for feet creaming in the nature of non-Medicated foot cream; non-Medicated cosmetic kits comprised of cosmetic preparations for body creaming care and applicators for application of such preparations; cosmetic preparations for body care; cosmetic preparations for nail drying; cosmetics, not for medical purposes, cosmetics in the form of oils, ointments for cosmetic purposes in the nature of hair pomades; scalp treatments creams, non-Medicated; cosmetics for personal use. Sanitary sterilizing preparations and sanitary articles in the nature of sanitary napkins, sanitary preparations for veterinary purposes; medical and veterinary bacteriological preparations for medical and veterinary use and articles in the nature of pain relief medication; pharmaceuticals, namely, anti-Infectives and natural remedies, namely, anti-Microbial clays; medicines in the nature of diagnostic preparations for veterinary purposes; intravenous fluids used for rehydration, nutrition and the delivery of pharmaceutical preparations; injectable dermal filler; medicated lotions for veterinary purposes, namely, for treating dermatological conditions; microbicides for medical use, antibiotics preparations for veterinary use, anaesthetics, antiallergics medicines, anti-Bacterial preparations in the nature of anti-Bacterial soap, antibiotics, antifungal creams for medical purposes, antihistamines, antimicrobial hand-Sanitizing preparations, antimicrobials for dermatologic use, antifungal preparations; anticoagulants, anticonvulsants; medicines for dental purposes; autonomic drugs for medical purposes in the nature of central nervous systems stimulants; allergy relief medication; medicinal creams for the protection of the skin; pharmaceutical preparations acting on the central nervous system; eye lotions in the nature of collyrium for medical use; balms for pharmaceutical purposes, balsamic preparations in the nature of gurjun balsam for medical purposes; medicated creams for dermatological use, namely, for treating dermatological conditions, anti-Itch creams; anti-Inflammatory preparations, anti-Inflammatory ointments; topical gels for medical and therapeutic use, namely, ultrasound gel, gels for dermatological use; anti-Infective products for veterinary use; injectable pharmaceuticals for treatment of anaphylactic reactions; lotions for pharmaceutical purposes in the nature of barrier lotion for protection from toxic oils of poisonous plants; medicated creams for treating dermatological conditions, medicated sunburn lotions, medicated ointments for application to the skin for treating dermatological conditions; nervines in the nature of pharmaceutical preparations acting on the central nervous system, pharmaceutical medicines, namely, pepsins; pharmaceutical creams in the nature of cream of tartar for pharmaceutical purposes, tissue-Regenerative pharmaceutical preparations, pharmaceutical antiallergic preparations and substances; ferments for pharmaceuticals, pharmaceutical products and pharmaceutical preparations to prevent swelling in the legs, pharmaceutical preparations for treating skin disorders, pharmaceutical products for the treatment of infectious diseases, pharmaceutical products for the treatment of bone diseases, pharmaceutical preparations for the treatment of musculo-Skeletal disorders, pharmaceutical compositions in the nature of capsules made from gelatin sold empty for pharmaceuticals; pharmaceutical preparations, namely, antivirals, pharmaceutical preparations for peripheral nervous system, pharmaceutical preparations for the treatment of viral diseases, pharmaceutical preparations for treating sports related injuries in the nature of tendon and muscle related injuries and disorders; pain relief preparations; oxygen for medical purposes; ointments for pharmaceutical purposes in the nature of mentholated ointment for medical use. Medical and veterinary apparatus and instruments in the nature of surgical apparatus and instruments for medical and veterinary use; respiratory therapy instruments in the nature of sterile disposable oxygen humidifiers and nebulizers for respiratory therapy sold pre-Filled with water; apparatus for use in vein puncture in the nature of blood drawing apparatus; aerosol dispensers for medical purposes; apparatus for the treatment of breathing difficulties in the nature of respiratory masks for artificial respiration; applicators for medications in the nature of medical syringes; applicators for medications in the nature of atomizer applicators sold empty for medical use in connection with pharmaceutical preparations, namely, antibacterial, anti-Infective, analgesic; applicators for medications in the nature of applicators sold empty for medical use for topical applications, namely, topical first aid gel; apparatus for the treatment of leg ulcers, namely, compression bandages; apparatus for producing oxygen for medical use in the nature of oxygen inhalators. Aerosol dispensers, not for medical purposes. The wording "Seyo" has no meaning. |  |  |  |  |  |
| Teoxane | [79-211,551] | Teoxane Sa | 12-22-16[1-23-18] | Intl. 3, 5, 10US. 1, 4, 6, 18, 26, 39, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the word "Teoxane" underneath a liquid drop with a horizontal line on top of the drop. Cleaning preparations for cosmetic purposes, namely skin cleansers; soaps; perfumery, essential oils, cosmetics, hair lotions; anti-Wrinkle cosmetics; dentifrices; non-Medicated mouthwashes. Pharmaceutical and veterinary preparations for the treatment and prevention of the alteration of the skin, the dermis, the mucous membranes or the joints and for the enhancement of the quality of the skin, the dermis and the mucous membranes or the joints; dermatological products injected into or under the skin, into or under mucous membranes for filling, remodeling, giving volume to any part of the human body, for skin moisturizing; disinfectants for medical or sanitary use; wound healing products for medical or sanitary use namely, medical adhesive tape, medicated healing cream, medical dressings. Surgical, medical, dental and veterinary apparatus and instruments for use in aesthetic surgery and aesthetic medicine, artificial limbs, eyes and teeth; syringes for injection of dermatological products; orthopedic articles, namely devices for diagnostic and therapeutic use; suture material. |  |  |  |  |  |
| Teoxane The Excellence Of Swiss Science | [79-211,552] | Teoxane Sa | 12-22-16[1-23-18] | Intl. 3, 5, 10US. 1, 4, 6, 18, 26, 39, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the stylized word "Teoxane" above the stylized wording "The excellence of swiss science". Cleaning preparations for cosmetic purposes, namely skin cleansers; soaps; perfumery, essential oils, cosmetics, hair lotions; anti-Wrinkle cosmetics; dentifrices; non-Medicated mouthwashes. Pharmaceutical and veterinary preparations for the treatment and prevention of the alteration of the skin, the dermis, the mucous membranes or the joints and for the enhancement of the quality of the skin, the dermis and the mucous membranes or the joints; dermatological products injected into or under the skin, into or under mucous membranes for filling, remodeling, giving volume to any part of the human body, for skin moisturizing; disinfectants for medical or sanitary use; wound healing products for medical or sanitary use namely, medical adhesive tape, medicated healing cream, medical dressings. Surgical, medical, dental and veterinary apparatus and instruments for use in aesthetic surgery and aesthetic medicine, artificial limbs, eyes and teeth; syringes for injection of dermatological products; orthopedic articles, namely devices for diagnostic and therapeutic use; suture material. |  |  |  |  |  |
| Lumior By Ahava | [79-213,333] | Ahava-Dead Sea Laboratories | 5-8-17[1-23-18] | Intl. 3, 35, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Cosmetics; toiletries, namely, non-Medicated toiletries preparations; perfumeries; massaging oils; essential oils; non-Medicated hair, skin and nail care preparations, creams and gels; non-Medicated cosmetic preparations, creams and gels for cleansing and care of the teeth and the gums; dentifrices; non-Medicated bath salts; non-Medicated soaps; home fragrance products, namely, air fragrancing preparations, fragrance emitting wicks for room fragrance, fragrance sachets and room fragrances. Retail store services and online retail store services featuring cosmetics, toiletry, perfumery, massaging oils, essential oils, personal care products, preparations for cleansing, treatment and care of the skin, the nails, the hair, of the teeth and the gums, bath salts, soaps, home fragrance products, scented candles, air fragrancing preparations, fragrance emitting wicks for room fragrance, fragrance sachets and room fragrances. Spa services, namely, cosmetic skin care services, cosmetic body care services, facials being cosmetic skin care services, nail care services and hair care services; beauty salons; sauna and solarium services; massage services; providing advice and information in the field of health and beauty. The english translation of "Ahava" in the mark is "Love". |  |  |  |  |  |
| Rolfhech | [79-214,501] | Rolf Heidrich | 6-1-17[1-23-18] | Intl. 3, 5, 32US. 1, 4, 6, 18, 44, 45, 46, 48, 50, 51, 52 | - - - - |
| Non-Medicated soaps; perfumery; essential oils; cosmetics; hair lotions. Dietetic foods adapted for medical use; dietetic foods and beverages containing proteins, amino acids, vitamins, minerals and extracts of herb, enzymes and plants, but also using hyaluron and collagen, or blends thereof in form of powders, tablets or capsules, all adapted for medical purposes. Mineral waters; aerated waters; non-Alcoholic drinks, namely, water-Based beverages containing herb, collagen hydrolysate, whey and protein or hyaluronic acid, beverages prepared from nutrient-Enhanced waters and concentrates with amino acids, vitamins, minerals and extracts of herbs and plants; fruit drinks; fruit juices; syrups for making beverages; preparations for making beverages, namely, sports drinks and wellness drinks in the nature of isotonic drinks, whey isolate drinks being isotonic beverages, and other non-Alcoholic water-Based beverages containing herb, collagen hydrolysate, whey and protein or hyaluronic acid. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Incantesimo | [79-215,028] | Cavallino Bianco Family Spa Grand Hotel | 6-8-17[1-23-18] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| Soaps, namely, bar soap, beauty soap; perfumery, scents, namely, scented oils, oils for scents; essential oils, cosmetics, hair lotions, dentifrices, oils for toilet purposes, namely, lavender oils, essential oils; non-Medicated preparations for skin and hair care, nail care preparations, cosmetic preparations for baths. Hygienic and beauty care for human beings, namely, beauty consultancy in the field of cosmetics, curative treatments in the nature of physical therapy, and cosmetic treatments; medical services in relation to physical exercises, nutrition, personal care, massage and aromatherapy; hygienic and beauty care for human beings and animals, namely, medical services in the wellness sector and the fitness and nutrition sector; body and facial treatments, namely, health spa services in the nature of body wraps and mud treatments, cosmetic peels; medical services in the field of naturopathy. The english translation of "Incantesimo" in the mark is "Enchantment". |  |  |  |  |  |
| Maxxroyal | [79-216,261] | Voyag Turizm Otelcilik Isletmesi Ve Insaat Sanayi Ticaret Anonim Sirketi | 6-30-17[1-23-18] | Intl. 3, 35, 39, 41, 43, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102, 105, 107 | - - - - |
| Color is not claimed as a feature of the mark. Bleaching preparations for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps in the nature of bath soap, cosmetic soap and non-Medicated hand soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices. Advertising; business management; business administration; office functions; providing television home shopping services featuring bleaching preparations for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions and dentifrices; catalog ordering services featuring bleaching preparations for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions and dentifrices; wholesale ordering services featuring bleaching preparations for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions and dentifrices; promoting the services of others in the fields of transport, packaging and storage of goods, travel arrangement, education, providing of training, entertainment, sporting and cultural activities, services for providing food and drink, temporary accommodation, medical services, veterinary services, hygienic and beauty care for human beings or animals, ***agriculture***, horticulture and forestry services. Transport, namely, boat transport and air transport; packaging and storage of goods; coordinating travel arrangements for individuals and for groups. Education, namely, providing classes, seminars and workshops for professional development, career planning and environmental impact; providing training in the fields of human resources, environmental impact, children'S rights, and regional awareness; entertainment, namely, arranging and conducting of live concerts and nightclub parties; organizing community sporting and cultural activities. Providing of food and drink; providing temporary accommodation. Medical services; veterinary services; hygienic and beauty care for human beings or animals; ***agriculture*** services, namely, compost spreading; horticulture services; forestry services, namely, insecticide spraying and pest control. Max royal. |  |  |  |  |  |
| Aquablade | [79-216,627] | Jacques Beij | 5-9-17[1-23-18] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| Washing and bleaching preparations for household and kitchen use; preparations for cleaning and polishing; degreasers for household and kitchen use; abrasive preparations for household and kitchen use. Utensils and containers for household and kitchen use, in particular window and floor squeegees; combs and sponges for household purposes; brushes except for painting, namely, brushes for washing up; brush-Making materials; cleaning utensils, namely, mops, buckets, wiping cloths and squeegees for cleaning of floors, windows, cars, furniture and other household items; steel wool. Aqua blade. |  |  |  |  |  |
| Ella Moss | [86-593,655] | Mo Industries Seven For All Mankind International | 4-10-15[1-23-18] | Intl. 3, 9, 24US. 1, 4, 6, 21, 23, 26, 36, 38, 42, 50, 51, 52 | - - - - |
| Perfume; cologne; cosmetics; mascara; skin bronzer; blush highlighter; eye liner; eye make-Up; eye-Shadow; eye make-Up remover; lip gloss; lipstick; blush; nail polish; nail polish remover; face powder; skin moisturizers and illuminizers, namely, a cream or powder makeup containing particles that reflect light; facial cleansers; astringents for cosmetic purposes; bath gel; bath oil; bath powder; bubble bath; body lotion. Sunglasses; eyeglasses; cases for eyeglasses and sunglasses; frames for sunglasses and eyeglasses. Bed linens; bed sheets; bed skirts; bed spreads; shams; pillow cases; pillow covers; bed blankets; blanket throws; towels; table linens. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Grooming Artillery For Men | [86-697,797] | Kamikaze Angel | 7-20-15[1-23-18] | Intl. 3, 4, 5, 10US. 1, 4, 6, 15, 18, 26, 39, 44, 46, 50, 51, 52 | - - - - |
| "Grooming" and "For men". Massage oils, not medicated; non-Medicated massage preparations, namely, massage creams, massage gels, massage lotions; non-Medicated bath and shower products and preparations and ingredients, namely, shower and bath gels and salts, shower and bath foam; bath salts not for medical purposes; non-Medicated creams for the lips; lip balms; body moisturisers; facial mist; cleaning agents and preparations for the hands; cleaning preparations having anti-Bacterial properties, namely, antibacterial skin soaps, antibacterial soap; non-Medicated skin care products and preparations, namely, skin serum; skin and body cleansing preparations, namely, skin cleansing cream, skin cleansing lotion. Candles; fragranced candles; perfumed candles; scented candles; night lights in the nature of candles; wicks for candles. Personal sexual lubricants; sexual stimulant gels, liquids and creams, namely, sexual stimulant sprays, herbal sexual stimulant creams; preparations for facilitating sexual coupling, sexual health and enhancing sexual performance, namely, sexual stimulant sprays, topical creams for enhancing sexual arousal; disinfectants for use in the area of the vagina, penis and anus for hygiene purposes; anaesthetics for topical application; spermicides; chemical contraceptives; disinfectants for hygienic purposes; medicated bath and toilet preparations; cleaning preparations having anti-Bacterial properties, namely, antibacterial alcohol skin sanitizer gel, antibacterial cleaners. Condoms; sex aids, namely, artificial penises, vibrators; massage apparatus, instruments and appliances, namely, electric vibrating massager; body massagers in the nature of massage apparatus, electromechanical massage mechanism for chairs; massagers in the nature of massage apparatus; gloves for massage; thermal massage pads, namely, heating pads for medical purposes; battery-Operated massage apparatus, instruments and appliances, namely, electric vibrating massager; battery-Operated body massagers in the nature of massage apparatus, electromechanical massage mechanism for chairs; vibrators; penis rings; penis enlargers, being sex aids; artificial penises being sex aids; marital aids, namely, artificial penises, vibrators; parts and fittings for all of the aforesaid goods. |  |  |  |  |  |
| Bend | [86-790,484] | Bend Beauty St. Onge, Marc | 10-16-15[1-23-18] | Intl. 3, 5, 35US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101, 102 | - - - - |
| Non-Medicated skin care preparations. Medicated skin care preparations; dietary and nutritional supplements for general health and well being; dietary and nutritional supplements for skin care. Online retail store services featuring skin care preparations, dietary and nutritional supplements for general health and well-Being, and dietary and nutritional supplements for skin care. |  |  |  |  |  |
| Nct | [86-918,267] | S.M. Entertainment Co. | 2-24-16[1-23-18] | Intl. 3, 9, 16, 25, 26, 35US. 1, 2, 4, 5, 6, 21, 22, 23, 26, 29, 36, 37, 38, 39, 40, 42, 50, 51, 52, 100, 101, 102 | - - - - |
| Fabric softeners for laundry use; cosmetics; perfumes; oils for perfumes and scents; aromatics, namely, aromatic potpourris, aromatic oils for household purposes; cotton wool for cosmetic purposes; false nails; skin masks for cosmetic use; cosmetic soaps; bath soap; shampoos; hair rinses, namely, shampoo-Conditioners; dentifrices; cosmetics for animals; laundry preparations, namely, laundry detergent; non- medicated toiletries; essential oils; adhesive for false eyelashes, hair and nails. Video disks and video tapes with recorded animated cartoons; downloadable electronic books in the field of entertainment; cases for smartphones; sunglasses; contact lenses; ear plugs for divers; swim goggles; musical juke boxes; video game cartridges; downloadable mobile consumer coupons; downloadable digital photographs; downloadable ring tones for mobile phones; dvd featuring music and music performances; protective helmets for sports; electronic diaries; notebook computer carrying cases; software for smart tv applications, namely, software for providing information on entertainment, karaoke rooms, social network service (Sns), electronic games; smart phone application software, namely, software for providing information on entertainment, karaoke rooms, social network service (Sns), electronic games; headsets for cellular phones; cellphone straps. Industrial packaging containers of paper; glue for stationery or household purposes; stickers; printed matter, namely, written articles in the field of entertainment; tissues of paper; stationery; office requisites, namely, notebooks, pens, erasers, and adhesive notepads; school stationery supplies, namely, notebooks, pens, erasers, and adhesive notepads; passport holders; table decorations of paper; picture postcards; posters; ***calendars***; bromide photograph; books in the field of entertainment and celebrities; magazines in the field of entertainment and celebrities; printed publications, namely, journals in the field of entertainment and celebrities; boxes made of paper; paper sacks for wrapping; stickers and sticker albums; pictorial magazine in the field of entertainment and celebrities; composition books; modeling clay. Money belts; footwear; sports jackets; bathing suits; training suits; blue jeans; jackets; underclothing; beachwear; neckties; stockings; socks; scarves; mufflers; winter gloves of leather; caps; winter face masks, namely, ski masks, knit face masks; leather belts; suspenders; belts made of leather; rain suits; anoraks; leotards and tights; uniforms; clothing, namely, shirts, pants, jackets, sweaters, t-Shirts. Electric hair rollers; non-Electric hair rollers; electric hair curlers, other than hand implements; false hair; hair extensions; needle cushions; rug hooks; shoe ornaments; hair ornaments not of precious metal; belt ornaments not of precious metal; buckles, namely, shoe buckles, belt buckles, hair buckles; trimming for clothing, namely, lace trimming; decorative ribbons; hair bands; artificial flowers; artificial fruit; laces and embroidery; needles; appliques. Arranging of fashion shows for promotional purposes; sales promotion for others; business management of performing artists; commercial administration of the licensing of the goods and services of others; talent agency services; import-Export agencies; wholesale store services featuring downloadable ring tones for mobile phones. |  |  |  |  |  |
| Learnster | [87-090,461] | Learnster International | 6-30-16[1-23-18] | Intl. 3, 9, 14, 16, 25, 26, 35, 38, 41US. 1, 2, 4, 5, 6, 21, 22, 23, 26, 27, 28, 29, 36, 37, 38, 39, 40, 42, 50, 51, 52, 100, 101, 102, 104, 107 | - - - - |
| Perfumery; essential oils; cosmetics; make-Up; eye make-Up; eyeliners; blushers; lipsticks; hair lotions; soaps. Computer hardware; computer software for processing digital music files, for processing digital images, for creating digital animation and special effects of images, for manipulating digital audio information for use in audio media applications, and to enhance the audio-Visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving picture, for wireless content delivery, for controlling and managing access server applications, for monitoring and controlling communication between computers and automated machine systems, for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information, and software that provides real-Time, integrated business management intelligence by combining information from various databases and presenting it in an easy-To-Understand user, for providing access to the internet; computer peripheral apparatus; computer peripheral equipment; computer peripheral devices; cash registers, calculating machines and data processing equipment and computers; computer networking and data communications equipment, namely, electronic communications systems comprised of computer hardware for the transmission of data between two points, computer network adapters, switches, routers, and hubs; computer components and parts, namely, electronic components for computers; electronic memory devices, namely, memory boards, cards, and modules; electronic circuits; electronic control apparatus, namely, electronic controllers for computer hardware and peripherals; wires for communication, namely, telephone wires and telegraph wires; electrodes; telephones; aerials; batteries; micro processors; keyboards; video films, namely, video recordings featuring music and artistic performances, education, entertainment, fashion, sports and culture. Precious metals; jewellery; precious stones; chronometric instruments. Paper; cardboard; printed publications, namely, books, manuals, and instructional materials in the fields of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest and film production; printed matter, namely, books, manuals, and instructional materials in the fields of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest and film production; inking ribbons for computer printers; bookbinding materials; books in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest and film production; adhesives for stationery or household purposes; artists' paint brushes; music sheets; printed music scores on sheets; periodical magazines in the field of art, music and artistic performances, entertainment, fashion, sports, culture, general human interest and film production; photographs; stationery and educational supplies, namely, blank note books and school supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue for stationery or household use and book marks; typewriters; printed instructional and teaching material, except apparatus, namely, in the field of art, music and artistic performances, education, entertainment, fashion, sports, culture, general human interest and film production; plastic film for packaging for general use; printing blocks. Clothing, namely, shirts, pants, coats, dresses, tops and bottoms; footwear; headwear; swimwear; sportswear, namely, athletic shorts, athletic pants, athletic shirts, athletic uniforms; leisurewear, namely, robes, night gowns, leisure suits, leisure shoes, loungewear. Lace; embroidery; ribbons; braids; buttons; hooks and eyes; pins, namely, hair pins, sewing pins, hat pins, curling pins; needles; artificial flowers. Provision of information and advice to consumers regarding the selection of products and items to be purchased; provision of business information and commercial sales information; business consultancy services; assistance and advice regarding business organization and management; advertising; advertising particularly services for the promotion of goods; arranging of contracts for the purchase and sale of goods and services for others; market research and conducting marketing studies; compilation of information into computer databases; office functions; retail store services featuring furniture; retail store services featuring clothing and clothing accessories; online retail store services featuring clothing. Telecommunication services, namely, telecommunication access and telecommunications gateway services, digital network telecommunications services, transmission of webcasts and podcasts, providing electronic message alerts via the internet, personal communication services and, providing multiple-User access to a global computer network, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the internet; communication services, namely, the electronic transmission of voices; electronic transmission of data; electronic transmission of images, photographs, graphic images and illustrations over a global computer network; electronic transmission of data, audio, video and multimedia files; simulcasting television broadcasting over global communication networks, the internet and wireless networks; provision of telecommunication access to video and audio content provided via an online video-On-Demand service; satellite communication services; telecommunications gateway services. Production of radio and television ***programmes***; film production services; education, teaching and training, namely, providing classes, seminars, workshops in the fields of music and artistic performances; entertainment services, namely, multimedia production services, organizing, arranging, and hosting social entertainment events, presenting live musical performances; presentation of movies, namely, movie theaters; film distribution; provision of non-Downloadable films and television ***programs*** via a video-On-Demand service; educational services, namely, arranging and conducting of workshops and seminars in the field of music and artistic performances, entertainment, fashion, sports, culture and film production; arranging and conducting of educational congresses; organization of exhibitions for cultural and educational purposes; publication of on-Line books and journals. |  |  |  |  |  |
| Infinitus | [87-230,144] | Lkk Health Products Group | 11-8-16[1-23-18] | Intl. 3, 5, 30, 32US. 1, 4, 6, 18, 44, 45, 46, 48, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of geometric figures consisting of three chevrons pointing toward the bottom center and a long oval centered behind each respective chevron the stylized wording "Infinitus", and three traditional chinese characters. Bar soap; shampoos; hair conditioners; facial cleansers; bath lotion; hand cleaners, hand cleaning preparations; washing powder; scale removing preparations for household purposes; toilet bowl detergents; glass cleaning preparations; stain removers; detergents for household use; cosmetics; dentifrices; air fragrancing preparations. Herb teas for medicinal purposes; dietetic foods, namely, pasta and crackers adapted for medical use; food for babies; health food supplements; by-Products of the processing of cereals for medical purposes; pharmaceutical preparations for skin care; nutritional supplements; mineral food supplements; dietary fiber to aid digestion; nutritional food additives for medical purposes in the nature of natural food extracts derived from vegetables. Tea-Based beverages; cocoa beverages with milk; sweets, candy; flavored, sweetened gelatin desserts; herbal tea for food purposes; rice-Based snack foods; farinaceous food pastes for human consumption; processed cereal-Based food to be used as a breakfast food, snack food or ingredients for making other foods. Vegetable juice; non-Alcoholic fruit juice beverages; smoothies; unfermented must; vegetable drinks; vegetable-Fruit juices; ginger ale; fruit juice concentrates; syrups for beverages. The first chinese character transliterates into "Wu", and it means "Nothing" in chinese. the second chinese character transliterates into "Xian", and it means "Limit" in chinese. the third chinese character transliterates into "Ji", and it means "Extreme". however, the combination of these three traditional chinese characters as a whole has no meaning in a foreign language. The english translation of "Infinitus" in the mark is "Infinite". |  |  |  |  |  |
| The Company Of Animals | [87-233,654] | The Company Of Animals | 11-11-16[1-23-18] | Intl. 3, 5, 7, 9, 12, 16, 18, 20, 21, 24, 27, 28, 31, 35, 41, 44US. 1, 2, 3, 4, 5, 6, 13, 18, 19, 20, 21, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 44, 46, 50, 51, 52, 100, 101, 102, 107 | - - - - |
| Bath soap; perfumery; essential oils; cosmetics; hair lotions; grooming preparations, namely, shampoos and hair conditioners, hair cream, hair mousses, hair detanglers, hair spray; deodorants for personal use; detergent soap; mouthwash; pre-Moistened wipes for cosmetic purposes; pre-Moistened wipes impregnated with a cosmetic lotion; pre-Moistened cosmetic wipes; wipes impregnated with a skin cleanser; wipes incorporating cleaning preparation; odor removers for pets; stain removers; dentifrices; skin care products, namely, lotions, conditioners and cleansers; all of the aforesaid goods intended for use with or by animals. Sanitary preparations for medical purposes; pre-Moistened wipes for sanitary purposes; dietetic food and substances adapted for medical or veterinary use; dietary supplements; vitamin and mineral supplements; plasters for medical purposes; disinfectants; preparations for destroying vermin; fungicides, herbicides; pesticides; preparations for the neutralizing of odors for general use on various surfaces; odor absorbing preparations for general use on various surfaces; household deodorizers and air purifying preparations; medicated skin care and hair care products, namely, hair shampoos, hair lotions; herbal sore skin ointments for pets; herbal anti-Itch ointments for pets; additives for animal food for use as a nutritional supplement for medical purposes; flea powders; sprays for veterinary purposes, namely, dental sprays and flea sprays; antiparasitic collars for animals; flea collars; pharmaceutical preparations for the treatment of worms in animals; medicated mouthwashes; medicated breath fresheners; towels, cloths and wipes impregnated with antiseptics; towels, cloths and wipes impregnated with medicated preparations; pre-Moistened towels, cloths, wipes impregnated with a pharmaceutical lotion; sanitizing towels, cloths, wipes; wipes for medical use; disinfectant soap; medicated shampoos and detergent soap; all of the aforesaid goods intended for use with or by animals or household pets. Automatic pet appliances, namely, apparatus and devices for holding and dispensing food and beverages for animals; automated pet appliances, namely, electronic pet feeders; timed food and treat dispensers. Apparatus and devices for use in training animals, namely, electronic collars and electronic remotes; apparatus and devices for use in modifying the behavior of animals, namely, electronic animal training systems comprised of a hand-Held transmitter and an animal collar with receiver attached, which provides a method of stimulation or correction to animals; apparatus and devices for use in deterring or repelling animals, namely, utilizing light or sound; electronic apparatus which makes a noise, for use in training animals; apparatus using compressed gas to emit a sound for use in training animals; apparatus for use in training a dog not to bark by means of sound or gas; clickers for training pets; bark control devices for training dogs; electronic collars to train animals; life jackets for animals; safety wear for animals, namely, vests; safety clothing with reflective and illuminated surfaces for protection against accident or injury; reflective safety clothing for animals; downloadable electronic publications and media, namely, books, magazines, reviews, newsletters, reports, articles, podcasts, audio books, video clips, interviews, editorials, spoken word recordings in the field of the care, wellbeing and training of animals; electronic databases in the field of the care, wellbeing and training of animals, recorded on computer media; downloadable multimedia file containing audio, video and text relating to the care, wellbeing and training of animals; software for training and education in the field of the care, wellbeing and training of animals; computer software for training and education in the field of the care, wellbeing and training of animals; downloadable software applications for training and education in the field of with the care, wellbeing and training of animals; computer application software for training and education in the field of the care, wellbeing and training of animals, for mobile phones, smart phones, desktop computers, laptops and tablet computers; computer software and computer application software for use in softuploading, downloading, storage, posting, displaying and electronically transmitting of data, publications, documentation and information; computer multimedia products, namely, interactive compact discs featuring information relating to the care, wellbeing and training of animals; digital media, namely, pre-Recorded cds, dvds, downloadable audio and video recordings featuring information relating to the care, wellbeing and training of animals; pre-Recorded cds and dvds featuring information relating to the care, wellbeing and training of animals; downloadable computer game ***programs***, video game ***programs***, interactive game ***programs***; mouse mats; protective cases, covers and sleeves for electronic devices, namely, laptops and tablet computers, electronic books, cd and dvd players and mp3 players; encoded plastic cards, tickets and passes for access to animal related events; magnetic encoded tickets, cards and passes for access to animal related events; magnetic strip cards, tickets and passes for access to animal related events; decorative refrigerator magnets; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Safety belts for use in land, air and water vehicle seats; seat belts for use in land, air and water vehicle seats; seat safety harnesses for use in land, air and water vehicles; safety seats for animals for use in land, air and water vehicles; cages for animals specifically adapted for use in land, air and water vehicles; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Printed matter, namely, paper signs, books and manuals in the field of the care, wellbeing and training of animals; printed publications, namely, brochures, booklets, teaching materials in the field of animals; magazines in the field of the care, wellbeing and training of animals; printed periodical publications in the field of the care, wellbeing and training of animals; printed books and booklets in the field of the care, wellbeing and training of animals; printed information books featuring information relating to the care, wellbeing and training of animals; promotional, marketing and advertising materials in printed form, namely, brochures, booklets, posters, magazines; training aids and instructional materials in printed form in the field of animals; event ***programs***; printed informational flyers featuring information relating to the care, wellbeing and training of animals; printed leaflets about the care, wellbeing and training of animals animals; printed tickets; printed passes for access to animal related events; wristbands made of paper or cardboard; printed tickets for entertainment events, exhibitions, television shows, films, lectures, cultural events, educational events, artistic events, live events, photographs; mounted and unmounted photographs; photo albums; photograph and collectors' albums; prints of photographs, paintings, artwork; printed posters, banners and wall hangings; stickers; stationery, note books, folders; greetings cards and postcards; ***calendars*** and diaries; coasters made of paper or cardboard; id cards made of paper or cardboard; business cards; printed certificates, printed awards; framed printed certificates and awards; printed invitations; plastic bags for disposing of animal waste; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Leather and imitations of leather; animal skins and hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; leads for animals; leads of leather or imitation leather; animal leashes; retractable leads and leashes for animals; head collars for animals; head collars for pets; collars for animals; collars for pets; horse halters; muzzles; collars bearing medical information for animals; collars bearing medical information for pets; leather and overnight bags; luggage; saddle belts; wallets; passport holders of leather; pet-Carrying bags; pet travel bags for the purpose of carrying a pet while traveling; training leads for animals; training sticks for animals; clothing for animals; garments for animals; garments use to reduce fear and anxiety in animals; blankets for animals; safety belts and safety seats for animals other than for use in vehicles; treat bags for animals; feed bags for animals; nose bags for animals; travel bags; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Furniture, mirrors, picture frames; furniture for animals; nesting boxes for animals or birds; portable kennels; beehives; bee houses in the nature of bee hives; tubes and tunnels for use in an animal'S habitat; scratching posts; beds for household animals; portable beds for animals; non-Metal safety gates for pets; cushions; bird houses; bird nests being bird houses; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Animal activated animal feeders; household and kitchen utensils, namely, plastic storage containers for domestic use; disposable scoops made of card for the disposal of animal excrement; grooming accessories, namely, combs and brushes; sponges, namely, scrub sponges; brushes, namely, brushes for hair; brushes and combs for animals; brushes and combs for removing animal hair and fur; electric animal brushes; cleaning cloths for animals; pre-Moistened cloths for cleaning; feeding vessels for animals; animal feeding dishes; plastic containers for dispensing food to animals; plastic containers for dispensing drink to animals; animal treat jars; cages for household animals; wire cages for household animals; litter trays for household animals; scoops for the disposal of animal waste and excrement; mugs; tumblers for drinking; reusable plastics, glass, and stainless steel water bottles sold empty; lunch boxes; bird feeding tables; bird feeders; bird baths being bowls for birds to bathe in; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Textiles and substitutes for textiles made from synthetic materials, namely, bed covers, bed blankets, bed sheets, and towels made from textiles and substitutes for textiles made from synthetic materials; plastic table covers; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Carpets, rugs, pet feeding mats and matting, linoleum and textiles for covering existing floors; non-Textile wall hangings; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. Dog toys; games and playthings being gymnastic and sporting articles, namely, balls, boomerangs and throwable, bitable or chewable objects for animals; decorations for christmas trees; pet toys containing treats; pet toys; chewable pet toys; bitable pet toys; throwable pet toys; pet board games; soft sculpture pet toys; plush pet toys; toy miniature cars; bean bags being toys; playing cards; toy whistles; structural parts and fittings for any of the aforesaid goods; all of the aforesaid goods intended for use with or by animals or household pets. ***Agricultural***, horticultural and forestry products, namely, raw and unprocessed edible grains and seeds; live pet animals, namely, dogs and cats; pet live birds; foodstuffs for animals; pet foods; pet treats; animal beverages; foodstuffs including edible treats for use in training animals; beverages for animals; edible chewing bones and sticks for animals; lickable, chewable and bitable foodstuffs and treats for animals; animal foods in the form of chews; animal treats in the nature of bully sticks; all of the aforesaid goods intended for use with or by animals or household pets. Business management; business administration services; office functions relating to the operational running of an animal behavioural centre; advertising services; marketing and promotion services; digital advertising and marketing services; online advertising and marketing services; retail store services and on-Line retail store services featuring products intended for the care, wellbeing, stimulation, training, behavior modification and behavior control of animals; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from an internet web site specializing in the marketing of goods and services intended for the care, wellbeing, stimulation, training, behavior modification and behavior control of animals; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a general merchandise catalogue by mail order, phone or online, from a retailer specializing in the marketing of goods and services intended for the care, wellbeing, stimulation, training, behavior modification and behavior control of animals; all of the aforesaid services intended for household pets. Educational services, namely, providing training in the field of the care, wellbeing, stimulation, behavior modification and behavior control of animals; providing information relating to organizing community sporting and cultural activities; educational services, namely, providing exhibitions, courses, lectures and symposiums relating to the care, wellbeing and training of animals; publishing of information in the form of information books, magazines, brochures, booklets, leaflets, manuals and teaching materials relating to the care, wellbeing, stimulation, behavior modification and behavior control of animals; online electronic publishing of information in the form of information books, magazines, brochures, booklets, leaflets, manuals and teaching materials relating to the care, wellbeing and training of animals; organization and provision of seminars, workshops, courses, symposia, and educational exhibitions in the field of the care, wellbeing and training of animals; provision and organization of recreation facilities, sporting events, athletic contests, and competitions in the fields of entertainment, education, and sports, training events, and training camps for animals and their owners and instruction and coaching relating to the aforesaid; electronic publishing services, namely, publication of text on-Line featuring the care, wellbeing and training of animals; providing a website featuring electronic publications and non-Downloadable media including books, magazines, reviews, newsletters, reports, articles, podcasts, audio books, video clips, interviews, editorials, spoken word recordings in the field of the care, wellbeing and training of animals; animal behavior training; all of the aforesaid services intended for household pets. Animal behavior consultancy; advisory services relating to the care and behavior training of animals; charitable services in the nature of organizing of charitable events, namely, events in the field of the care, wellbeing and training of animals; animal behavior therapy services; veterinary services; animal welfare services, namely, services for the care of sick, recovering and abandoned animals; animal psychiatry services; grooming of pets; pet bathing services; providing information and advice relating to health and wellbeing of pets and other animals; providing online information and news relating to the care and wellbeing of animals; pet hospital services; tattooing of pets for identification purposes; implantation of subcutaneous microchips into pets for purposes of tracking and identification; all of the aforesaid services intended for household pets. |  |  |  |  |  |
| Master Plumber Est. 1948 | [87-239,949] | True Value Company | 11-17-16[1-23-18] | Intl. 1, 3, 4, 6, 7, 8, 9, 11, 17, 20, 21US. 1, 2, 4, 5, 6, 10, 12, 13, 14, 15, 19, 21, 22, 23, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 44, 46, 50, 51, 52 | - - - - |
| The color(S) silver and black is/Are claimed as a feature of the mark. "Est. 1948". The mark consists of a silver and black plaque design containing a silver water drop left of the silver wording "Master plumber est. 1948" where "Master" appears in a larger font with "Plumber" below the letters "Ter", and "Est. 1948" appears in a vertical orientation right of the "R" in "Master". Solvent-Type adhesives, pipe cements and solvents, namely, for use in connection with home and industrial pvc pipe installation and repair. Plumbing chemicals, namely, drain openers; sandpaper, namely, plumber'S abrasive sand cloth used for cleaning, polishing, and for preparation of joints for soldering. Heat proof grease, namely, grease for lubricating valves, ballcocks, screws, o-Rings, gaskets and hinges; pipe threader; cutting oil; lubricant for faucets, namely, silicone lubricating grease. Toilet screws of metal; toilet bolts of metal; toilet screw sets comprised of metal toilet bolts, metal toilet screws, and metal toilet bolt caps for covering toilet securing bolts; shower rod holders, namely, metal bolts for installing shower rods and splash guards; metal clamps for repairing pipe leaks; deep flanges made of metal; shallow pipe covers with a chrome metal finish, namely, escutcheons; hardware mounting system comprised of metal brackets for mounting shower heads, handheld shower heads, shower arms, and shower swivel connectors; metal building material, namely, rod assemblies; metal hinges for toilet seats. Sump pumps; utility pumps, namely, centrifugal pumps, electric pumps, oil drain pumps, pneumatic pumps, water pumps for spas, baths, whirlpools, swimming pools, aquariums, water filtering units, suction pumps; disposals, namely, food waste disposals and garbage disposals. Hand tools, namely, wrenches, cutting tools in the nature of a faucet reseater for resealing faucet valves; flaring tools, and tube cutters; hand tools, namely, rigid and rod hand benders for use on pipes; hand tools, namely, lever-Style, hand tube benders for use on pipes and conduits; hand tools, namely, stainless steel cable saws for cutting through plastic pipe; hand-Operated drill pumps. Replacement electric switches for column sump pump machines; gas leak detectors in liquid form, namely, leak detectors for use in detecting leaks in piping applications; electric switches in the nature of tethered universal float switches for sump pumps and submersible vertical pump switches for sump pumps. Plumbing products, namely, pop-Up drains and sill cocks; sink repair parts, namely, kitchen sink sprayers; plumbing fittings, namely, sink strainers; plumbing fixtures, namely, sink traps, sink sprayers; shower faucet extensions, faucet sprayers; drain repair parts, namely, strainers for plumbing drains; toilet repair parts, namely, toilet tank balls, toilet tank flappers; flush tank floats, tank floats and tank flush handles; plumbing and heating equipment, namely, washers for water taps, crumb cups, ball cocks, float rods, trip levers in the nature of flush levers, toilet tank balls, toilet bumpers, drum tap covers, vent keys, saddle valves, saddle tees, couplers, reducer adapters, flex drains, shower heads, tubes, valves, fittings, plungers, couplings, flush elbows, flexible connectors, escutcheons, tubes, sinks, j-Bends, strainers, traps, faucet repair kits comprising washers and fittings for repair of faucets, washer less faucet o rings, beaded toilet chains, toilet lower lift wires, non-Coin operated ice maker kits comprising metal tubing fittings for connecting refrigerator ice maker to water supply, bathtub spout and shower tube water diverters, waste and overflow fitting, and lavatory drain and overflow aperture; faucet repair parts, namely, water faucet spout; plumbing fixtures and fittings, namely, sewage check valves, chrome-Plated metal connectors for shower swivels, manually-Operated chrome shower flow valves, faucet stems, chrome-Plated compression fittings consisting of nuts and sleeves, chrome-Plated straight compression fittings, chrome-Plated compression nuts and sleeves, chrome-Plated angled compression fittings, faucet adapters, snap-On stainless steel drain covers, top assembly anti-Siphon fill valve replacement caps, plastic flush valve with rubber flappers, and flush valves in the nature of handle assemblies made of metal; plumbing fixtures, namely, sink spray hose guide with plastic chrome finish; chrome or powder-Coated steel sink hole covers with bolts and wing nuts for installation; plumbing fixtures, namely, toilet fill valve repair kit consisting of plunger washers and thumb screws; plumbing fittings, namely, toilet fill valve repair kit for replacing ballcock assemblies; plumbing fittings, namely, anti-Siphon toilet fill valves; plumbing fixtures, namely, toilet fill valve repair kits consisting of a combination of o-Rings or diaphragms, plastic plunger assemblies, plastic seats, and screws; plumbing fixtures, namely, flush valve seals made of rubber; plumbing fittings, namely, stainless steel toilet flapper chains with hooks; plumbing fittings, namely, pipe strappings made of copper and steel; plumbing fixtures, namely, shower arm ball adapters; plumbing fixtures, namely, relief valves made of plastic; plumbing fixtures, namely, water saver valve assemblies for siphon jet toilets and water closets; plumbing supplies, namely, snap-In sink hole covers made of chrome; chrome nut kits for plumbing purposes consisting of slip joint nuts, washers, and brass friction rings; faucet shank nut kit for plumbing purposes consisting of metal faucet shank nut, cone washer, and brass friction ring; toilet tank repair kits comprised of fill valves, refill tubes, clips, floats, flappers, float rods, chains, lock nuts, and coupling nuts; water saver toilet repair kits comprised of anti-Siphon fill valves, adjustable water saver flappers, floats, float rods, refill tubes, cone washers, lock nuts, and coupling nuts; toilet repair kits comprised of plastic bullock nuts, cone washers, and brass rings for connecting the water supply line to the tank; plumbing fixtures in the nature of toilet flappers, namely, replacement flush valve actuator with metal chains; plumbing fixtures in the nature of toilet flush valve and actuating units comprised of metal chains, metal y hooks, rubber snap on seat discs, and rubber washers to connect tank to bowl; metal log lighter keys, namely, devices for controlling gas delivery systems in gas fireplaces; plumbing fixtures, namely, shower arms and adjustable shower arms made of chrome or brass; plumbing fixtures in the nature of toilet/Urinal top fill valve assembly made of plastic; plumbing fixtures in the nature of shower couplings with mounting arms, used for mounting handheld shower heads, shower heads, shower arms, and shower swivel connectors. Bowl rings, ptfe (Polytetrafluoroethylene) thread seal tape, pipe thread compound, pipe thread compound in the nature of a paste, soil pipe sealant, plumber'S putty, ptfe (Polytetrafluoroethylene) string for gaskets and packing valves, bowl gaskets, tub and shower caulk, pipe thread ttick and pipe insulating tape; dryer vent kits, namely, plastic tubing and clamps, pipe, hoses, shower hoses; plastic hoses for plumbing use, namely, washer hoses; plastic tubes for plumbing use, namely, plastic tubing for sink and washer discharge; outdoor faucet protectors, namely, foam insulation for outdoor faucets; pipe plug kits for use in plumbing consisting of sealing plugs made primarily from rubber; washers of rubber for use as flush valve discs for plumbing uses; flush valve shank washers of rubber for plumbing purposes; soldering shields, namely, fiberglass sheets used to cover and protect objects from heat while soldering; sump pump accessories, namely, nonmetal gas suction and discharge hoses for use with engine driven sump pumps. Non-Metal hinges for toilets. Toilet plungers; drain stoppers for sinks; wire brushes, not being machine parts, for use as tube cleaning brushes for cleaning the inside or outside of tubes; chrome-Finish liquid soap dispenser. Master plumber established nineteen forty eight. As to "Master plumber". |  |  |  |  |  |
|  | [87-275,081] | Entegris | 12-20-16[1-23-18] | Intl. 1, 3, 6, 7, 9, 11, 16, 17, 20, 21, 22, 25, 35, 37, 40, 42US. 1, 2, 4, 5, 6, 7, 10, 12, 13, 14, 19, 21, 22, 23, 25, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 46, 50, 51, 52, 100, 101, 102, 103, 106 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of two intersecting circles. Adsorbed gas for use in the manufacture of semi-Conductors and microelectronic products, as provided in a gas supply container holding adsorbent material; absorbing carbons for general industrial use; chemical compositions for use in removing microelectronics manufacturing fabrication materials from microelectronic products such as wafers and microelectronic devices that are recycled following the removal of such materials; chemical gases sold with gas supply equipment for storing gases and dispensing such gases on demand, namely, chemical gases sold in a metal vessel holding the gas in a pressurized or liquid form, with a pressure regulator within said vessel and a flow control valve for on-Demand dispensing of such gas for use in semiconductor manufacturing; chemical products, namely, chemical compositions for use in vapor deposition processes; chemical compositions, namely, reagents for use in the manufacture of semiconductors in the electronics and semiconductor manufacturing industry; chemical compositions, namely, reagents, namely, epitaxial thin film materials, organometallic source reagent compounds and complexes, and ion implantation materials, all for use in the electronics and semiconductor manufacturing industry; chemical source material in the nature of chemical compositions for depositing films on substrates in the manufacture of semiconductors, flat panel displays, and solar panels; chemical source material in the nature of chemical compositions for the deposition of thin films on semiconductor wafers for the manufacture of semiconductors; chemicals for treating hazardous gases in semiconductor applications; chemicals for use in chemical reagent delivery systems for use in the manufacture of semiconductors; chemicals for use in manufacture of semiconductors, integrated circuits, flat-Panel displays, solar panels, and photovoltaic products; chemicals for vapor deposition metallization; composite materials, namely, composites comprised of polymers and carbon nanotubes for use in the further manufacture of molded articles; gas provided in a gas supply container holding adsorbent material for use in the manufacture of semiconductors and for use in other industrial processes; gases for use in the manufacture semiconductors, microelectronics, solar panels, and flat panel displays, as provided in gas supply vessels and for on-Demand dispensing of such gas for use in such manufacturing; processing gases for use in the manufacture of semiconductors, flat panel displays, compact discs and recording media; chemical compositions, namely, semiconductor manufacturing chemical reagents; sub-Atmospheric pressure gas sources, namely, gases adsorbed on adsorbents in gas supply containers for use in the manufacture of semiconductors, microelectronics, solar panels and flat panel displays; sub-Atmospheric pressure gas storage and dispensing systems for gases for manufacturing semiconductors, solar panels, and flat panel displays, comprised of adsorbents with gases for manufacturing semiconductors, solar panels, and flat panel displays adsorbed thereon, not including natural gas or natural gas dehydration or purification machines; sub-Atmospheric pressure gas, namely, gases for manufacturing semiconductors, solar panels, and flat panel displays, not including natural gas; sub-Atmospheric pressure gases for ion implantation and chemical vapor deposition. Cleaning compositions in the nature of cleaning preparations for rejected microelectronic products to enable their recycling. Carriers, made primarily of metal, used in the manufacture, storage and transport of semiconductor wafers; clamps made primarily or exclusively of metal for securing together plastic fittings, tubing supports and plastic valves used for plastic tubing and pipe; gas supply equipment for storing gases and dispensing such gases on demand, namely, a metal vessel holding the gas in a pressurized or liquid form, with a flow control valve and regulator, for on-Demand dispensing of such gas; manually operated, metal inlet and outlet valves; manually operated, metal manifolds for ***transferring*** chemicals; metal chemical delivery cabinets for housing metal containers, valves, manifolds and pipes of metal; metal containers with inlet and outlet valves, for storage and delivery of chemicals; metal gas supply containers holding adsorbent material for use in storing adsorbed gas and from which gas can be desorbed for dispensing from the container; metal gas vessels holding gases for manufacturing semiconductors, solar panels, and flat panel displays; metal manifolds for use in chemical delivery systems for ***transferring*** chemicals; metal supports and hangers for plastic tubing and pipe for carrying fluids including gasses, liquids and slurries; pipes and tubes of metal for ***transferring*** chemicals; sub-Atmospheric pressure gas storage and dispensing systems for gases for manufacturing semiconductors, solar panels, and flat panel displays, comprised of empty metal gas supply containers used for holding adsorbents with gases for manufacturing semiconductors, solar panels, and flat panel displays adsorbed thereon; sub-Atmospheric pressure storage and dispensing systems for industrial gases, comprised of metal gas supply containers holding adsorbents with industrial gases adsorbed thereon. Work piece holder used to retain wafers in semiconductor manufacturing tools; chemical processing machines; chemical-Mechanical planarization pad conditioners; dispensing pumps for fluids in the microelectronics industry; electric welding machines for welding plastic tubing and fittings and machines for primarily washing, and secondarily drying semiconductor and magnetic disk carriers, boxes and shipping containers; filters for machines for manufacturing microelectronics, and for filtration of water and liquid chemicals; filters for semiconductor manufacturing machines and machine systems used for removing contaminants , particulate matter, particles, impurities, molecular contaminants; gas filters and purifiers for semiconductor manufacturing tools; gas filters, namely, filters for machines having traps for obtaining a sample of a gas-Phase contaminant from a gas, gas filtering systems comprising gas filters for machines and housings and fittings therefore, and sampling devices for obtaining a sample of a gas contaminant from a gas for use in connection with industrial installations, semiconductor processing systems, and semiconductor processing tools used in the manufacture of semiconductors; high viscosity fluid dispensing systems comprised of pumps, filters and related electronics for use in the microelectronics industry; housing for disposable liquid filter cartridges for use in the microelectronics industry; industrial machinery and parts therefore, namely, integrated filtration-Liquid chemical dispense systems comprising pumps, filters and related electronics for low and high viscosity fluids including photochemicals, dielectrics, slurries, polyimides and epoxies; industrial machinery and parts therefore, namely, filter manifolds; re-Usable filter housings for machines; gas, vacuum and liquid valves, namely, motor controlled gas, vacuum and liquid valve machines; liquid filtration and purification subsystems composed of filters and housings to remove undesirable particles, gels and other contaminants from wet chemicals in semiconductor manufacturing applications; machine parts for semiconductor machinery, namely, brush rollers for removing detritus from polished surfaces of silicon wafers after planarization; machines and machine parts, namely, devices for removing contaminants from gas, namely, gas filters, gas filtering systems and gas monitoring systems being parts of machines for use in connection with the gas industry, semiconductor processing systems, and semiconductor processing tools; machines for manufacturing embossed carrier tape and cover tape; machines for packaging semiconductor components in embossed carrier tape and cover tape. Controllers in the nature of analog and digital mass flow controllers for industrial gases; vapor controllers; articles used in laboratories, in the pharmaceutical, biotechnology, food, and chemical processing industries, and in industrial manufacturing plants namely, carriers for semiconductor wafers and substrates and handles therefor, storage boxes and covers for semiconductor wafers and substrates, shipping container and handling trays for semiconductor wafers, substrates, and photoplates; automated gas flow controllers and gas flow monitors; automatic valve assemblies; bioprocessing systems primarily comprised of mixing hardware, plastic or synthetic bioreactor containers for cell culturing of bioprocess materials and structural parts thereof in the nature of supports and mounting assemblies specially adapted for these containers for manufacturing or laboratory use; carriers, made primarily of plastic, used in the manufacture, storage, and transport of devices, namely, semiconductor wafers, flat panel displays and flat panel display screens; chemical refill and delivery systems in the nature of fluid flow circuitry joined to chemical storage containers for semiconductor manufacturing; chemical resistant sensors, probes and connecting cables, detection apparatus for the presence or absence of fluids in processing environments; chip trays for circuit chips being processed during manufacture and use; computer hardware and software for simulation, benchmarking and assessment of other software, all for use in facilitating the development of software for integrated circuits, integrated circuitry core architecture, and electronic systems and subsystems; computer software for the design, testing, fabrication, or control of gas filtering apparatus and instruments, gas sampling devices, gas monitoring apparatus and instruments, and gas control apparatus and instruments; controllers for dispense pumps, for use in the microelectronics manufacturing industry; controllers for measuring gas mass flow; copper anodes used to plate semiconductors; dispense pump controllers; electric or electronic optically-Based sensors for monitoring and controlling concentrations of liquid chemicals used in semiconductor manufacturing; filters for laboratory use; flow meters; fluid dispensing systems allowing for the communication of filter information to the pump, comprised of electronic controls, dispensing pumps and associated filters, sold as a unit, for use in the microelectronics industry; gas flow controllers and gas flow monitors; graphical user interface software; gas pressure gauges; gas pressure switches; gas pressure transducers; laboratory equipment namely, graduated measuring containers, breakers, liquid storing pans, vacuum probes, gauge protectors and solenoid valves; liquid crystal display screens; measurement instruments for the semiconductor, flat panel, lithium ion battery, and pharmaceutical industries, namely, pressure transducers, pressure sensors, pressure transmitters, flow controllers, flow meters, level transducers, level sensors, level transmitters, temperature transducers, temperature sensors and temperature transmitters; electric or electronic, differential pressure or optically-Based chemical and fluid monitoring and measurement sensors namely, concentration monitors, concentration analyzers, concentration sensors, pressure transducers, pressure sensors, pressure transmitters, flow controllers, flow meters, level transducers, level sensors, level transmitters, temperature transducers, temperature sensors, temperature transmitters, density correctors, viscosity meters, viscosity analyzers, valves, manifolds and regulators, with graphical user interface software for monitoring, blending and controlling concentrations of liquid chemicals used in semiconductor, pharmaceutical, water treatment, lithium ion battery flat panel display and chemical manufacturing applications; microprocessor-Based pressure control units; non-Destructive analyzers for semiconductor materials and semiconductor manufacturing processes; plastic boxes, carriers and trays for ***transferring***, shipping and storing memory disks; probes which detect, measure the presence of, and permit the dispensing of liquid chemicals, sold as components of bag-In-Bottle container systems for dispensing liquid chemicals, all for commercial and industrial uses; pump controllers for high viscosity fluid dispensing systems for use in the microelectronics industry; sensors for measuring chemical levels; radio frequency identification system comprised of readers, tags and software for identifying and tracking liquid chemical containers and dispensers; readout boxes for flow measurement; recovery systems, namely, ultrasonic devices for use in breaking up and removing select particulates from slurries; reticle carriers, namely, boxes for securing reticles for semiconductor manufacturing, reticle carrier stockers, namely, storage systems for reticle carriers, bare reticle stockers, namely, storage systems for reticles, reticle carrier side scanner racks, namely, purge systems for reticle carriers, reticle carrier libraries, namely, systems for storing small quantities of reticle carriers in semiconductor process tools; scientific and laboratory ware made of plastic; semiconductor wafer, chip and photoplate identifying materials, namely, clip-On identification tags and identification tags for trays, carrier holding trays, photoplate carriers, adjustable carriers, carriers for magnetic storage disks, storage boxes and covers and shipping containers for magnetic storage disks; sensors and analyzers for semiconductor manufacturing process monitoring; static protective material handling products, namely, wafer carriers, storage boxes, mask packages and chip trays specifically designed for use with electronic parts; sub-Atmospheric pressure storage and dispensing systems for industrial gases, comprised of gas supply containers holding adsorbents with industrial gases adsorbed theron; subatmospheric pressure storage and dispensing systems for industrial gases in the nature of fluid flow circuitry joined to chemical storage containers for semiconductor manufacturing; trays for holding electronic components; wafers and epitaxial thin films sold as a component of micro-Electronic substrates. Apparatus, namely, gas filtering systems, comprised of reservoirs, pumps, filters, cleaners, degassers, extractors, scrubbers, strippers; polymeric and metallic membranes and cartridges for filtering or purifying liquids and associated manifolds; polymeric and metallic membranes and cartridges for filtering or purifying gases; metallic and organic media and cartridges for filtering or purifying liquids, gas filters, gas monitoring systems comprised of manifolds, valves, regulators, flow controllers, and piping systems, and gas control systems comprised of valves, regulators, flow controllers, and piping systems for use in the gas, semiconductor, electronics, photolithography, integrated circuit, and integrated optical systems industries, and parts, fittings and components for the aforesaid goods; devices for removing metallic ion contaminants from liquid process streams used to manufacture semiconductors, namely, purifiers for removing metallic ion contaminants and combination purifier/Filters for removing metallic ion and particulate contaminants; filter system composed of a water, chemical or slurry filtration cartridge and distribution manifold for industrial use, namely, in the filtration and purification of chemicals, water and slurries; filtering units for filtration of particulate matter from water and liquid chemicals, for use in manufacturing semiconductors; filters and purifiers for removing particulate and molecular contaminants from air for industrial use; filters for liquids in the microelectronics industry; filters for removing large particulate matter; filters for slurries for use in the microelectronics industry; filters and purifiers for industrial applications for the filtration and purification of photochemical solvent; filters for filtration of liquid process chemicals, for industrial use; fluid filters and associated manifolds for use in connecting and disconnecting the filters and the filter housing, used in the microelectronics industry; fluid filtration units for industrial use, and parts therefor; gas and liquid membrane contactors for purifying, concentrating, and degassing liquids; gas and liquid purification or filtration, contacting and delivery equipment and technology for commercial and industrial use, namely, gas and liquid purification and delivery systems comprising, reservoirs, pumps, filters, cleaners, degassers, extractors, scrubbers, strippers; gas diffusers for use with process chambers; gas diffusers; gas filters and purifiers for industrial installations; gas purifier and delivery systems, namely, gas manifolds, valves, regulators, flow controllers, and piping systems; heat exchangers for high purity fluids; industrial gas purification units; liquid chemical filter cartridge manifold for industrial use, namely, for use with pumps for any liquid-Chemical carrying pipe or tube; liquid filters for use in the semiconductor industry; metallic and organic media and cartridges for filtering or purifying liquids and gases including air; polymeric and metallic membranes and cartridges for filtering or purifying gases; polymeric and metallic membranes and cartridges for filtering or purifying liquids and associated manifolds; purifiers and filters for removing contaminants from slurries; purge gas purifiers, purge gas filters, air filters for removing chemical and molecular contaminants, air filters for removing particulate contaminants, air and gas purifiers for use in reticle carriers, air and gas purifiers for use in reticle carrier related articles, namely, stockers, side scanner racks and libraries, air and gas filters for use in reticle carriers, air and gas filters for use in reticle carrier accessories, namely, storage systems and purge systems; purification products and parts therefore, namely, polymeric membranes and cartridges for filtering/Purifying liquids; purification unit for removal of dissolved contaminants from gases for use in the semi-Conductor industry; purifiers and filters for removing contaminants from slurries; ultrapure water purification units for use in the microelectronics industry; water filters for ultra-Pure water systems; water filters for use in microelectronics manufacturing. Plastic and synthetic bags for material containment and ***transfer***, which may be used by attaching the bags to clamps and connectors on various items. Adhesive tape for industrial and commercial use, namely, embossed carrier tape, cover tape, and reels for packaging semiconductor components during shipping and storage; fluid dispensing devices, namely, plastic fluid dispense heads, for attachment to a drum to dispense fluid chemicals, all for use in the semiconductor manufacturing industry; plastic pipe and pipe fittings; plastic coupling with threaded coupling nut and split ring keeper for plastic tubing; plastic fitting for attachment to plastic tubing for use in laboratories and industrial installations requiring chemical resistance to and purity of conveyed liquids; plastic in bars, blocks, pellets, rods, and sheets for further manufacture for general industrial use, manufacturing, molding and general industrial use; plastic pipes for transporting or delivering natural gas, plastic plumbing fitting for attachment to plastic tubing; plastic tubing and plastic pipe for carrying fluids including gasses, liquids and slurries; plastic tubing for use in laboratory and industrial use; rod stock and billets formed of fluoropolymer plastics for general industrial use. Carriers, containers, and storage boxes made primarily of plastic, and parts therefor, for the manufacture, storage, processing, transport, and protection of disks used for computer hard drives, substrates, silicon wafers, semiconductor wafers, electronic components, masks and memory disks; non-Metal clamps for securing together plastic fittings, tubing supports and plastic valves used for plastic tubing and pipe; non-Metallic containers for chemical fluids and fluid dispensers connectable to such containers for use therewith to dispense chemical fluids from such containers all for industrial use; plastic containers for liquid chemicals and dispensers for use therewith all for commercial use; plastic drums, barrels and containers for commercial use; plastic plug valves, being other than machine parts, for chemical sampling and process monitoring; plastic spray nozzles and plastic fasteners namely, screws, nuts, and bolts; manually operated plastic valves, plastic barrels for storing and dispensing chemicals, plastic liners for barrels for storing and dispensing chemicals, plastic spring operated check valves, and plastic pneumatically operated valves; plastic valves being other than machine parts; plastic valves for use in semiconductor processing operations and pharmaceutical manufacturing operations and plastic manifolds for mounting plastic valves; polymer containers for packaging memory disk substrates and silicon wafers; polymer containers for packaging silicon wafers. Electronic capacitance-Type sensors; electronic control modules for controlling fluids namely liquid chemicals; electronic leak well adaptor; electronic proximity adaptor detecting presence of liquid or solid target; electronic sensor probe and cable assembly; electronic tank level adaptor; electronic tube ring adaptor detecting presence or absence of conductive media in a tube. Plastic and synthetic bags for containment, ***transfer*** and/Or mixing of medical, pharmaceutical, biopharmaceutical or bioprocessing materials. Clothing, namely, shirts, jackets, vests, sweatshirts, headwear. Computerized on-Line ordering services featuring fluid purification and control products directed to manufacturers of integrated circuits, semiconductors, microelectronics components, flat panel displays, fiber optic cables and components, optical memory devices and solar cells, and to manufacturers of tools used by such manufacturers; retail store services featuring extended warranties for equipment used in the manufacture of semiconductor and micro-Electronic devices; business consulting services relating to the distribution of semiconductors and microelectronic devices. Repair and rebuilding services for dispense systems, flow controllers, pressure sensors, and vacuum valves and controllers in the field of semiconductors. Polymeric and non-Polymeric coating services that provide additional chemical, electrical, and/Or protective characteristics to a part or substrate, namely, applying carbon based polymeric coatings and ceramic, inorganic, and metallic non-Polymeric coatings for use as purifiers or filters, for use in high temperature applications in aerospace and defense industries, for use to create highly polished surfaces in the aerospace industry, for use in minimizing contaminants or providing desired electrical conductivity in the semiconductor, flat panel and microelectronics industries; polymeric and non-Polymeric coating services that provide additional chemical, electrical, and/Or protective characteristics to a part or substrate, namely, membranes and metals for use as purifiers or filters, for use in high temperature applications in aerospace and defense industries, for use to create highly polished surfaces in the aerospace industry, for use in minimizing contaminants or providing desired electrical conductivity in the semiconductor, flat panel and microelectronics industries; custom manufacturing of wafers and coatings sold as a component of electrical/Electronic substrates, for use in manufacturing. Engineering and technical consultation in the field of semiconductor, microelectronics and flat panel display; and manufacturing and process improvement in the field of contamination identification, measurement, and control; scientific and technical consulting and research services in the field of reticle carrier work environments in a semiconductor manufacturing facility, namely, contamination monitoring and control, process reaction, and process improvement; technical consultation and support services in the nature of troubleshooting by providing engineering design and product information in the field of advanced materials and chemical precursors and products thereof, namely, thin film materials, organometallic source reagent compounds, chemical vapor deposition equipment, and chemical reagent delivery systems for chemical vapor deposition, semiconductor and chemical reagents, in the field of computer hardware and software for the development of software for integrated circuits, integrated circuits, integrated circuitry core architecture, electronic systems and subsystems, encoded integrated circuit cards and smart cards, equipment and software for the non-Destructive analysis of materials, equipment and software for monitoring fluids and fluid streams to determine the presence, characteristics and concentration of specific parts therefore, analytical monitoring and process control equipment, and piezoelectric chemical analysis equipment; technical consultation in the fields of transportation, processing, storage, and packaging of semiconductor wafers and electronic components; technical consultation in the fields of the use, cleaning, and recycling of carriers and containers for semiconductor wafers and electronic components. |  |  |  |  |  |
| Reveel By Medskin Solutions | [87-277,058] | Medskin Solutions Dr. Suwelack | 12-21-16[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Solutions". The mark consists of "Reveel" in large letters above "By medskin solutions" in smaller letters, with "By" italicized. Beauty care preparations, namely, beauty masks, beauty masks in the form of sheets, beauty serums, beauty serums, namely beauty emulsions for the face, body emulsions, namely beauty emulsions for the body, and beauty gels; and body care preparations, namely, body masks, body sprays, massage creams, massage oils, massage lotions, and body emulsions. Medicated dermatological preparations and medicated skin care preparations; wound dressings; mustard plasters for the treatment and care of acute wounds. Reveel by med skin solutions. |  |  |  |  |  |
| Coslino | [87-284,407] | Nilo Solutions Vennootschap Onder Firma | 12-29-16[1-23-18] | Intl. 3, 14, 18, 25, 35US. 1, 2, 3, 4, 6, 22, 27, 28, 39, 41, 50, 51, 52, 100, 101, 102 | - - - - |
| (Based on intent to use) skin soap; perfumery, essential oils, cosmetic preparations, hair lotions; dentifrices. (Based on 44(E)) precious metals and their alloys and products made from the aforesaid materials or coated therewith, namely, ornaments of precious metal in the nature of jewelry, jewellery, and precious stones; horological and chronological instruments in the nature of chronometers. (Based on 44(E)) luggage; all-Purpose carrying bags; haversacks; ruck sacks; leather bags; shoulder belts in the nature of straps of leather and imitations of leather for luggage; trunks and traveling bags; coin purses. (Based on 44(E)) clothing, namely, belts, footwear, headwear. (Based on 44(E)) mediation of trade business for third parties, namely, business mediation in the fields of precious metals and their alloys and products made from the aforesaid materials, jewelry, precious stones, clocks and chronometrical instruments, luggage, bags, haversacks, backpacks, leather bags, belts straps of leather and imitations of leather, trunks and valises, purse, clothing, footwear, headwear, sunglasses, apparatus for recording, transmission, and reproduction of sound or image, data processing apparatus and computers; vending in the fields of precious metals and their alloys and products made from the aforesaid materials, jewelry, precious stones, clocks and chronometrical instruments, luggage, bags, haversacks, backpacks, leather bags, belt straps of leather and imitations of leather, trunks and valises, purse, clothing, footwear, headwear, sunglasses, apparatus for recording, transmission, and reproduction of sound or image, data processing apparatus and computers. The wording "Coslino" has no meaning in a foreign language. |  |  |  |  |  |
| Im1 | [87-295,570] | I M 1 | 1-10-17[1-23-18] | Intl. 3, 8, 14, 21, 25, 26US. 1, 2, 4, 6, 13, 22, 23, 27, 28, 29, 30, 33, 37, 39, 40, 42, 44, 50, 51, 52 | - - - - |
| Men'S cologne; and men'S grooming products, namely, hair gel, non-Medicated after-Shave, non-Medicated shaving cream. Men'S grooming products, namely, beard trimmers, electric razors, non-Electric razors. Men'S jewelry; men'S apparel accessories, namely, tie holders in the nature of tie clips. Men'S grooming products, namely, hair brushes. Men'S apparel, namely, gloves, suits, shirts, slacks, belts, bottoms as clothing, beachwear, hoodies, jackets, and men'S apparel accessories, namely, pocket squares, ascots, belts, hats. Men'S apparel accessories, namely, buckles of precious metal, brooches for clothing, charms for attachment to zipper pulls and buttons, plastic clips that attach to the lower hem of shirts that allows the user to tighten the hem. Im one. |  |  |  |  |  |
| Derma Glove | [87-323,814] | Turner Capital | 2-3-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Derma". The mark consists of the stylized wording "Derma glove" wherein "Derma" is in bold text, and above the hand appears a large water drop and smaller drops falling from a triangular shape above the drop. Baby hand soap; cosmetic hand creams; hand cleaners; hand cleaning gels; hand cleaning preparations; hand creams; hand lotions; hand scrubs; hand cleaners; baby hand soap; cosmetic hand creams; non-Medicated hand soaps. Antibacterial alcohol skin sanitizer gel; antibacterial hand lotions; disposable sanitizing wipes; hand-Sanitizing preparations; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; laundry sanitizer tablets; medical preparations, namely, foot, hand and skin creams for diabetics; medicated hand wash; nail sanitizing preparations; sanitizing preparations for hospital use; sanitizing preparations for household use; sanitizing preparations for use in institutional and industrial areas; sanitizing wipes; spray sanitizer for personal use; disposable sanitizing wipes; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; medicated liquid soap; medicated liquid bath soaps; medicated bath soaps in liquid, solid or gel form. |  |  |  |  |  |
| Derma Glove | [87-323,828] | Turner Capital | 2-3-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Derma". The mark consists of the words "Derma glove" in text across the bottom of the image with the word "Derma" in bold and a water droplet above both words. Baby hand soap; cleaning preparations for hands and body; cosmetic hand creams; hand cleaners; hand cleaning gels; hand cleaning preparations; hand cream; hand lotions; hand scrubs; hand cleaners; cosmetic hand creams. Antibacterial alcohol skin sanitizer gel; antibacterial hand lotions; disposable sanitizing wipes; hand-Sanitizing preparations; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; laundry sanitizer tablets; medical preparations, namely, foot, hand and skin creams for diabetics; medicated hand wash; nail sanitizing preparations; sanitizing preparations for hospital use; sanitizing preparations for household use; sanitizing preparations for use in institutional and industrial areas; sanitizing wipes; spray sanitizer for personal use; disposable sanitizing wipes; kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; medicated hand soaps. |  |  |  |  |  |
| Family Fuel Farms | [87-330,118] | Green, Justin | 2-9-17[1-23-18] | Intl. 3, 31US. 1, 4, 6, 46, 50, 51, 52 | - - - - |
| "Farms". Non-Medicated lip balm; face and skin cream; body and facial soap; shampoo; plant and herb extracts sold as components of cosmetics. ***Agricultural*** seeds; dried flowers; live plants. |  |  |  |  |  |
| Family Fuel | [87-330,211] | Green, Justin | 2-9-17[1-23-18] | Intl. 3, 31US. 1, 4, 6, 46, 50, 51, 52 | - - - - |
| Non-Medicated lip balm; face and skin cream; body and facial soap; shampoo; plant and herb extracts sold as components of cosmetics. ***Agricultural*** seeds; dried flowers; live plants. |  |  |  |  |  |
| Beau Vie | [87-330,677] | Rebeccas Brands | 2-9-17[1-23-18] | Intl. 3, 4US. 1, 4, 6, 15, 50, 51, 52 | - - - - |
| Fragrance sachets; fragrances and perfumery; room fragrances; scented fabric refresher spray; scented linen water; scented oils; scented room sprays; bath soaps in liquid, solid or gel form; bath and shower gels and salts not for medical purposes; cosmetic body care preparations, namely, body scrubs; cream soaps; fragrance sachets; naturally handmade non-Medicated soap bars; perfumed soaps. Scented candles; perfumed candles; votive candles. The english translation of "Beau vie" in the mark is "Beautiful life". |  |  |  |  |  |
| The Best Cosmetics Awards @ Cosme | [87-338,478] | Istyle | 2-16-17[1-23-18] | Intl. 3, 35, 42, 44, 45US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The words "The best cosmetics awards" and the non-Latin characters which transliterate to "Besuto cosume awaado". The mark consists of a circular design with points, inside of which appear two circles; in between the two circles appear japanese katakana words at the top, and the wording "The best cosmetics awards" below; inside of the inner circle appear a design of a crown with three points, with a smiley face on each of the points; underneath the crown appears the wording "@Cosme", which intersects the inner circle; on both sides of the circular design appear vine-Like design; underneath of the circular design and the vines appear a ribbon design. Adhesives for affixing false eyelashes; non-Medicated soaps and detergents; cosmetic soaps; non-Medicated liquid soap; shampoos; hair rinses; non-Medicated hair treatment preparations for cosmetic purposes; dentifrice; non-Medicated skin care preparations; cosmetics; baby powder; baby oils; baby lotion; bath oils; non-Medicated bath salts; facial beauty masks; hair care preparations; perfumes and eau de cologne; perfumery; fragrances; incense; false nails; artificial eyelashes; eyebrow pencils; oil removing papers for cosmetic purposes. Retail and wholesale store services for cosmetics, toiletries, dentifrices, soaps and detergents; retail and wholesale store services for perfumery, fragrances and incense; retail and wholesale store services for pharmaceutical, veterinary and sanitary preparations and medical supplies; retail and wholesale store services for processed food in the form of tablets consisting primarily of vitamins and minerals; retail and wholesale store services for nutritional supplements; retail and wholesale store services for food and beverages; retail and wholesale store services for cosmetic and toilet utensils, excluding electric toothbruses; market analysis and research services; consumer research; provision of information concerning commercial sales; providing a web site featuring product ratings of the consumer goods of others in the field of cosmetics, cosmetic and toilet utensils, bathroom articles, nutritional supplements and beauty care and cosmetic products; providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; provision of information and advice to consumers regarding the selection of products and items to be purchased; advertising and publicity services; provision of space on websites for advertising goods and services; providing consumer product information relating to the selection and use of cosmetics. Designing websites for advertising purposes; hosting electronic memory space on the internet for advertising goods and services; creating, designing and maintaining web sites; providing temporary use of on-Line non-Downloadable software for creating searchable databases of information and data; providing information on computer technology and ***programming*** via a web site; designing websites for others; renting computer software. Providing information relating to hairdressing and beauty salon services; providing information relating to make-Up application services; providing makeup application information regarding the selection and use of cosmetics; beauty consultation services in the selection and use of cosmetics, perfumery, fragrances, incense, and cosmetic and toilet utensils, excluding electric toothbrushes. Information relating to fashion coordination services for individuals; personal fashion consulting services; personal wardrobe styling consultancy. The best cosmetics awards at cosme. The non-Latin characters in the mark transliterate to "Besuto cosume awaado" and this means "Best cosmetics award" in english. |  |  |  |  |  |
| @Cosme | [87-338,496] | Istyle | 2-16-17[1-23-18] | Intl. 3, 35, 42, 44, 45US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The non-Latin characters which transliterate to "Besuto cosume awaado". The mark consists of a circle inside of which appear two circles; in between the inner two circles appear japanese katakana words at the top; inside of the inner circle appear a design of a crown with three points, with a smiley face on each of the points; underneath the crown appears the wording "@Cosme", which intersects the inner circle; underneath of the circular design appears a ribbon design extending downward. Adhesives for affixing false eyelashes; non-Medicated soaps and detergents; cosmetic soaps; non-Medicated liquid soap; shampoos; hair rinses; non-Medicated hair treatment preparations for cosmetic purposes; dentifrice; non-Medicated skin care preparations; cosmetics; baby powder; baby oils; baby lotion; bath oils; non-Medicated bath salts; facial beauty masks; hair care preparations; perfumes and eau de cologne; perfumery; fragrances; incense; false nails; artificial eyelashes; eyebrow pencils; oil removing papers for cosmetic purposes. Retail and wholesale store services for cosmetics, toiletries, dentifrices, soaps and detergents; retail and wholesale store services for perfumery, fragrances and incense; retail and wholesale store services for pharmaceutical, veterinary and sanitary preparations and medical supplies; retail and wholesale store services for processed food in the form of tablets consisting primarily of vitamins and minerals; retail and wholesale store services for nutritional supplements; retail and wholesale store services for food and beverages; retail and wholesale store services for cosmetic and toilet utensils, excluding electric toothbruses; market analysis and research services; consumer research; provision of information concerning commercial sales; providing a web site featuring product ratings of the consumer goods of others in the field of cosmetics, cosmetic and toilet utensils, bathroom articles, nutritional supplements and beauty care and cosmetic products; providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; provision of information and advice to consumers regarding the selection of products and items to be purchased; advertising and publicity services; provision of space on websites for advertising goods and services; providing consumer product information relating to the selection and use of cosmetics. Designing websites for advertising purposes; hosting electronic memory space on the internet for advertising goods and services; creating, designing and maintaining web sites; providing temporary use of on-Line non-Downloadable software for creating searchable databases of information and data; providing information on computer technology and ***programming*** via a web site; designing websites for others; renting computer software. Providing information relating to hairdressing and beauty salon services; providing information relating to make-Up application services; providing makeup application information regarding the selection and use of cosmetics; beauty consultation services in the selection and use of cosmetics, perfumery, fragrances, incense, and cosmetic and toilet utensils, excluding electric toothbrushes. Information relating to fashion coordination services for individuals; personal fashion consulting services; personal wardrobe styling consultancy. At cosme. The non-Latin characters in the mark transliterate to "Besuto cosume awaado" and this means "Best cosmetics award" in english. |  |  |  |  |  |
| Lavera Neutral | [87-339,940] | Laverana Gmbh & Co. Kg | 2-17-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Neutral". Perfumery; essential oils; face creams and face lotions; skin-Cleansing lotions and creams, hand and body lotions and creams; tinted moisturizing creams, make-Up, foundation, face powder and rouge; blemish sticks, namely, make-Up foundation for covering blemishes, lipstick, cosmetics in the nature of lip pencils, eyeliner pens and mascara, eyeshadow; non-Medicated sun care preparations, namely, cosmetic preparations for skin browning for protection against sunburns and after-Sun care preparations; non-Medicated sun care preparations, namely, cosmetic preparations for skin browning for protection against sunburns and after-Sun care preparations; non-Medicated foot-Care preparations, namely, foot scrubs; non-Medicated foot creams and lotions; non-Medicated exfoliating preparations, namely, exfoliant gels for skin; abrasive implements in the form of pumice stones for personal use; non-Medicated foot powders and non-Medicated foot lotions, for use with foot spas; body care products, namely, beauty creams for body care, non-Medicated soaps for body care, perfumed body sprays for cosmetic purposes, refreshing body sprays for cosmetic purposes, cosmetic skin care preparations in the nature of gels and lotions for skin care, shower gels, hair care products, namely, hair care creams, hair care lotions, and hair care gels; shampoos and hair lotions, conditioning hair rinses being hair conditioners, combined shampoo and hair conditioner, hair sprays, styling mousse and hair gels; hair dyes; baby and infant care products, namely, baby oils, baby wipes, baby body creams and lotions; bath oils, shampoos, skin oils in the nature of body oils and skin creams for cosmetic use; anti-Wrinkle creams; massage oils; grooming products for men, namely, face creams and lotions, hair lotions, hand and body lotions and creams, skin-Cleansing lotions and creams; shaving cream, aftershave balm; personal deodorants for body care; products for oral hygiene not for medical purposes, namely, mouth washes; non-Medicated preparations for the mouth and for cleaning the mouth, namely, cosmetic preparations for the care of mouth and teeth, breath-Freshening and mouth-Freshening preparations, namely, breath freshener, non-Medicated breath freshening strips, non-Medicated mouth sprays as breath freshener, non-Medicated mouth rinses as breath freshener; dentifrices; toothpaste; antiperspirants. Medicated soaps for body care; pharmaceutical and health-Care products, namely, medicated skin preparations in the form of tinctures, lotions, creams, sprays and ointments for treating skin irritations, allergic skin irritations, dry skin, acne, scratched skin and neurodermatitis; medicated lubricants, namely, vaginal and anal lubricants; dietetic substances, namely, dietetic sugar for medical use and sanitary sterilizing preparations, and dietetic foods adapted for medical use; vitamin preparations, namely, vitamins and vitamin supplements; nutritional supplements for nonmedical purposes, namely, mineral nutrients and mineral supplements containing trace elements in the nature of micronutrients; vitamin preparations; all-Purpose disinfectants; herbal tea for medical purposes; corn remedies, namely, corn creams; headache pencils for headache treatment, namely, headache treatment preparations rendered via pencil-Shaped applicators; dietary supplemental drinks containing lactose; lactose in the form of dietary supplemental drinks for medical purposes; skin care preparations, namely, milking grease for medical purposes; all the aforesaid goods except foodstuffs, dietetic foods, and beverages, specially for babies, infants and children. The wording "Lavera" has no meaning in a foreign language. |  |  |  |  |  |
| Beleza Natural - The New Natural | [87-356,563] | Beleza Natural Cabelereiros Ltda. | 3-2-17[1-23-18] | Intl. 3, 35, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Beleza natural". Hair care products, namely, hair care preparations and hair coloring preparations. Retail store services featuring products for hygiene, care, treatment without medicine function for hair embellishment, preparation to curl the hair, preparation to straighten the hair, shampoos, conditioning and cream to comb the hair, products to dye the hair, products to soften the hair; retail sales consulting services on purchase of products for hygiene, care, treatment without medicine function for hair embellishment, preparation to curl the hair, preparation to straighten the hair, shampoos, conditioning and cream to comb the hair, products to dye the hair, products to soften the hair. Beauty salons; hair treatments, namely, hair care services, hair coloring services; hair implantation; hairdressing salons. The english translation of "Beleza" in the mark is "Beauty". |  |  |  |  |  |
| Beleza Natural - O Novo Natural | [87-356,590] | Beleza Natural Cabelereiros Ltda. | 3-2-17[1-23-18] | Intl. 3, 35, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Beleza natural". Hair care products, namely, hair care preparations and hair coloring preparations. Retail store services featuring products for hygiene, care, treatment without medicine function for hair embellishment, preparation to curl the hair, preparation to straighten the hair, shampoos, conditioning and cream to comb the hair, products to dye the hair, products to soften the hair; retail sales consulting services on purchase of products for hygiene, care, treatment without medicine function for hair embellishment, preparation to curl the hair, preparation to straighten the hair, shampoos, conditioning and cream to comb the hair, products to dye the hair, products to soften the hair. Beauty salons; hair treatments, namely, hair care services, hair coloring services; hair implantation; hairdressing salons. The english translation of "Beleza" in the mark is "Beauty". the english translation of "O novo" in the mark is "The new". |  |  |  |  |  |
| Natural Beauty - The New Natural | [87-356,591] | Beleza Natural Cabelereiros Ltda. | 3-2-17[1-23-18] | Intl. 3, 35, 44US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| "Natural beauty". Hair care products, namely, hair care preparations and hair coloring preparations. Retail store services featuring products for hygiene, care, treatment without medicine function for hair embellishment, preparation to curl the hair, preparation to straighten the hair, shampoos, conditioning and cream to comb the hair, products to dye the hair, products to soften the hair; retail sales consulting services on purchase of products for hygiene, care, treatment without medicine function for hair embellishment, preparation to curl the hair, preparation to straighten the hair, shampoos, conditioning and cream to comb the hair, products to dye the hair, products to soften the hair. Beauty salons; hair treatments, namely, hair care services, hair coloring services; hair implantation; hairdressing salons. |  |  |  |  |  |
| Physioage | [87-366,854] | Physioage Systems | 3-10-17[1-23-18] | Intl. 3, 5, 42, 44US. 1, 4, 6, 18, 44, 46, 50, 51, 52, 100, 101 | - - - - |
| Non-Medicated skin care preparations. Nutritional supplements. Platform as a service (Paas) featuring computer software platforms for measuring vital body systems to identify how patients are aging; providing temporary use of online non-Downloadable software for medical records management. Medical testing for diagnostic purposes in the field of clinical age management. |  |  |  |  |  |
| Taro Horiuchi | [87-369,122] | Taro Horiuchi | 3-13-17[1-23-18] | Intl. 3, 14, 18, 20, 25US. 1, 2, 3, 4, 6, 13, 22, 25, 27, 28, 32, 39, 41, 50, 51, 52 | - - - - |
| Non-Medicated soaps, cosmetics, perfume, dentifrice and creams for leather. Precious metal; jewelry boxes; shoe ornaments in the nature of jewelry of precious metal; ornaments, namely, jewelry; hat ornaments in the nature of jewelry of precious metal; clocks; wristwatches; works of art of precious metal; key chains. Animal skins; leather bags; traveling bags; sports bags; tote bags; suit bags; vanity cases not fitted; umbrellas; walking sticks; clothing for pets. Furniture; cases of wood or plastic, namely, bookcases; cushions; pillows; mattresses; beds for household pets; dog kennels; benches; cradles; infant walkers; mannequins and statuettes of wood, wax, plaster or plastic. Clothing, namely, skirts, blouses, tops, dresses, evening gowns, suits, shirts, coats, jackets, blazers, sweaters, pants, trousers; headgear, namely, hats, caps, head scarves; garters; sock suspenders; trouser straps; bands, namely, waist bands, head bands; belts; footgear, namely, shoes; fur jackets; fur coats. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies "Taro horiuchi", whose consent(S) to register is made of record. |  |  |  |  |  |
| A+ Ocean A+ Ocean Llc | [87-371,060] | A+Ocean | 3-14-17[1-23-18] | Intl. 3, 8, 9US. 1, 4, 6, 21, 23, 26, 28, 36, 38, 44, 50, 51, 52 | - - - - |
| The color(S) navy blue, light blue, black, white, light grey and grey is/Are claimed as a feature of the mark. "Llc". The mark consists of the stylized wording "A+ ocean llc" and sphere design featuring the stylized wording "A+ ocean". the sphere design features a navy blue and light blue ornamental pattern with the white stylized wording "A+ ocean" featured on top of the sphere design. the stylized letter and symbol "A+" is featured above the stylized word "Ocean" on the sphere design. a blue, white, and black band is featured across the sphere design, forming the bar in the stylized letter "A". a reflection of the sphere design is featured below the sphere design in light blue, navy blue, and white. the stylized wording "A+ ocean llc" is featured to the right of the sphere design. the stylized letter and symbol "A+" in the stylized wording "A+ ocean llc" is featured in light blue and navy blue. the stylized wording "Ocean llc" is featured in black. the stylized wording "Llc" is featured sideways, adjacent to the stylized word "Ocean". a reflection of the stylized wording "A+ ocean llc" is featured below the stylized wording "A+ ocean llc" in light grey, grey, and white. the stylized wording and designs featured in the mark are set on top of a white rectangular background, which is not a claimed feature of the mark. Natural saline tattoo removal product, namely, tattoo and permanent cosmetic removal preparations in the nature of tattoo removal preparations, tattoo and permanent cosmetic removal solutions in the nature of tattoo removal preparations, tattoo and permanent cosmetic removal after care products in the nature of tattoo removal preparations. Permanent cosmetic equipment, namely, tattoo machines, apparatus for tattooing, and tattoo needles; tattoo equipment, namely, tattoo machines, apparatus for tattooing, and tattoo needles; tattoo power machines. Tattoo power supplies, namely, power supplies for tattoo machines. A plus ocean a plus ocean limited liability company. |  |  |  |  |  |
| Team Dutch | [87-374,772] | Roberts, Faith | 3-16-17[1-23-18] | Intl. 3, 9, 25, 41US. 1, 4, 6, 21, 22, 23, 26, 36, 38, 39, 50, 51, 52, 100, 101, 107 | - - - - |
| Cosmetics; cologne; perfume; eau de toilette; skin butter; skin cream; skin lotion; skin moisturizers; skin emollients; non-Medicated exfoliant preparations for the skin; skin cleansers; hair care preparations; hair styling preparations; toilet soaps; face and body glitter; decorative ***transfers*** for cosmetic purposes; false eyelashes; nail care preparations; nail polishes. Series of musical sound recordings and audio-Visual recordings featuring music and musical-Based entertainment; downloadable musical sound recordings and audio-Visual recordings featuring music and musical-Based entertainment; pre-Recorded cds or dvds containing musical sound recordings and audio-Visual recordings featuring music and musical-Based entertainment; computer application software for mobile phones, namely, for electronic storage of data and graphics, for downloading and playing music and video clips, and for the receipt and transmission of messages; downloadable ringtones via a global computer network and wireless devices; mobile phone covers; headphones. Clothing, namely, shirts, t-Shirts, tops, shorts, pants, track and warm-Up suits, leggings, tights, jackets, vests, gloves, socks, underwear, undergarments, headwear and footwear. Recording studio services; recording and production of sound, music and video recordings; songwriting, audio recording and music production; entertainment services, namely, live musical performances; entertainment services, namely, personal appearances by a musical artist; providing a website featuring entertainment information regarding a musical artist and the tours, performances and appearances, news, blogs, photographs, non-Downloadable audio and audiovisual recordings featuring music and musical-Based entertainment and other entertainment information; entertainment services, namely, providing webcasts featuring music and musical-Based entertainment; fan clubs. |  |  |  |  |  |
| Jdm | [87-375,030] | Jdm Technology | 3-17-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The color(S) white, gray and red is/Are claimed as a feature of the mark. The mark consists of the wording "Jdm" in red on a background of gray and white squares. Alkali water being ammonia for use in cleaning technology products, residential cleaning and janitorial purposes. Disinfectants in the nature of alkali ammonia water for disinfecting technology products, residential cleaning and janitorial purposes. |  |  |  |  |  |
| Jdm Care | [87-379,034] | Jdm Technology | 3-21-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The color(S) white, gray, and blue is/Are claimed as a feature of the mark. "Care". The mark consists of the wording "Jdm care" in blue on a background of gray and white squares. Alkali water being ammonia for use in cleaning technology products, residential cleaning, and janitorial purposes. Disinfectants in the nature of alkali ammonia water for disinfecting technology products, residential cleaning, and janitorial purposes. |  |  |  |  |  |
| Sks Md | [87-380,944] | Skin Kare Solutions | 3-22-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Md". Body and facial beauty care and skin-Preparations, namely, sun-Care creams and lotion, sunscreen creams and lotions, moisturizing creams and body lotions, after sun creams and lotions; non-Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; skin clarifiers; skin cleansers, namely, lotions and creams. Medicated cosmetic preparations for skin renewal, namely, exfoliates in the form of creams, glycolic acid, salicylic acid, and benzoyl peroxide for skin and facial cleansers. Skin kare solutions medical doctor; skin care solutions medical doctor. |  |  |  |  |  |
| P/N Percy Nobleman | [87-382,724] | F&M Cosmetics | 3-23-17[1-23-18] | Intl. 3, 16, 21, 25US. 1, 2, 4, 5, 6, 13, 22, 23, 29, 30, 33, 37, 38, 39, 40, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a bearded man wearing circular glasses, a collared shirt with "P/N" inscribed on the left side of the collar, and a jumper inside the outline of a circle, which is surrounded by the outline of a slightly larger circle. centered, underneath are the words "Percy nobleman". Cosmetics. Comic books. Hair brushes. Footwear; pocket squares; suits; sweatshirts; t-Shirts; hooded sweatshirts. The name(S), portrait(S), and/Or signature(S) shown in the mark does not identify a particular living individual. |  |  |  |  |  |
| Restoria | [87-383,132] | Combe Incorporated | 3-23-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Cosmetics, namely, shampoos and hair dye preparations. Nonprescription pharmaceutical and medicated preparations for treating the hair and scalp. |  |  |  |  |  |
| Dashing Fine Gifts | [87-389,901] | Walgreen Co. | 3-29-17[1-23-18] | Intl. 3, 8, 9, 10, 11, 14, 16, 18, 21, 28US. 1, 2, 3, 4, 5, 6, 13, 21, 22, 23, 26, 27, 28, 29, 30, 31, 33, 34, 36, 37, 38, 39, 40, 41, 44, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Fine gifts". The mark consists of the words "Dashing fine gifts" within a shaded diamond shape with rounded edges with three stylized stars appearing above the word "Dashing". Shoe polish applicators containing shoe polish; room fragrances; reeds and scented oils sold as a unit for use in room scent diffusers. Hand tools, namely, tool sets containing socket sets, pliers, hammers, screwdrivers, wrenches and hex key sets; multi-Function hand tools comprised of a screwdriver, knife, can opener, pliers, wire cutter, bottle opener, saw and file; pizza cutters; hand tools, namely, screwdriver sets; hand tools, namely, hex key sets; manicure sets. Timers; cell phone holders; portable radios; mp3 players. Electric massage appliances, namely, electric vibrating massager. Lamps; flashlights; led lanterns; book lights; electric beverage warmers; led candles; ornamental fountains; sconce lighting fixtures; lanterns for lighting. Clocks; watches; jewelry boxes; jewelry dishes. Pens; globes; notebooks. Luggage tags; wallets; travel bags and cases; grooming organizers for travel; pouches for holding make-Up, keys and other personal items; cosmetic bags sold empty; toiletry bags sold empty. Flasks; reusable ice cubes; soapstone cubes for chilling whiskey; ice molds; shaker bottles, sold empty; drinking glasses; shot glasses; thermal insulated containers for food and beverages; beverage glassware; water bottles sold empty; bottle openers; vacuum bottle stoppers; back scratchers; shoe shine cloths; cooking utensils, namely, barbecue branders; sculptures of glass; tableware, namely, mugs, cups, bowls, plates and salt and pepper shakers; non-Metal coin banks; piggy banks; coasters, not of paper and other than table linen; candle holders; cheese board and knife sets. Action skill games; chess sets; construction toys incorporating magnets; puzzle games; tabletop games; stress relief balls for hand exercise; balls for games; balls for juggling; electronic toys containing pre-Recorded sounds; electronic novelty toys, namely, toys that electronically record, play back, and distort or manipulate voices and sounds. |  |  |  |  |  |
| Dashing Fine Gifts | [87-389,905] | Walgreen Co. | 3-29-17[1-23-18] | Intl. 3, 8, 9, 10, 11, 14, 16, 18, 21, 28US. 1, 2, 3, 4, 5, 6, 13, 21, 22, 23, 26, 27, 28, 29, 30, 31, 33, 34, 36, 37, 38, 39, 40, 41, 44, 50, 51, 52 | - - - - |
| "Fine gifts". Shoe polish applicators containing shoe polish; room fragrances; reeds and scented oils sold as a unit for use in room scent diffusers. Hand tools, namely, tool sets containing socket sets, pliers, hammers, screwdrivers, wrenches and hex key sets; multi-Function hand tools comprised of a screwdriver, knife, can opener, pliers, wire cutter, bottle opener, saw and file; pizza cutters; hand tools, namely, screwdriver sets; hand tools, namely, hex key sets; manicure sets. Timers; cell phone holders; portable radios; mp3 players. Electric massage appliances, namely, electric vibrating massager. Lamps; flashlights; led lanterns; book lights; electric beverage warmers; led candles; ornamental fountains; sconce lighting fixtures; lanterns for lighting. Clocks; watches; jewelry boxes; jewelry dishes. Pens; globes; notebooks. Luggage tags; wallets; travel bags and cases; grooming organizers for travel; pouches for holding make-Up, keys and other personal items; cosmetic bags sold empty; toiletry bags sold empty. Flasks; reusable ice cubes; soapstone cubes for chilling whiskey; ice molds; shaker bottles, sold empty; drinking glasses; shot glasses; thermal insulated containers for food and beverages; beverage glassware; water bottles sold empty; bottle openers; vacuum bottle stoppers; back scratchers; shoe shine cloths; cooking utensils, namely, barbecue branders; sculptures of glass; tableware, namely, mugs, cups, bowls, plates and salt and pepper shakers; non-Metal coin banks; piggy banks; coasters, not of paper and other than table linen; candle holders; cheese board and knife sets. Action skill games; chess sets; construction toys incorporating magnets; puzzle games; tabletop games; stress relief balls for hand exercise; balls for games; balls for juggling; electronic toys containing pre-Recorded sounds; electronic novelty toys, namely, toys that electronically record, play back, and distort or manipulate voices and sounds. |  |  |  |  |  |
| Trucool | [87-390,724] | Dme Company | 3-29-17[1-23-18] | Intl. 1, 3, 7, 9, 11, 40US. 1, 4, 5, 6, 10, 13, 19, 21, 23, 26, 31, 34, 35, 36, 38, 46, 50, 51, 52, 100, 103, 106 | - - - - |
| Descaling preparations for industrial purposes. Industrial cleaning compositions, namely, cleaning compounds for machinery and tools. Cores, cavity inserts, metal plates, and other mold components with cooling channels, all being parts of injection molding, extrusion molding, or blow molding machines; cooling components, namely, plugs, baffles, bubbler tubes, diverting plugs and rods, water connectors, water fittings, insulator sheets, water junctions, water bridges, water control manifolds, heat pipes, heat exchangers, and water jumpers all being parts of injection molding, extrusion molding, or blow molding machines; industrial fluid cleaning machinery; accessories for mold-Gates, mold core inserts, and cooling systems, namely, hoses being parts of injection molding, extrusion molding, or blow molding machines. Electronic temperature controls and parts therefor for use in the injection molding, extrusion or blow molding industries. Process chillers that provide temperature controlled fluid, namely, oil and water, for industrial machinery for use in the injection molding, extrusion or blow molding industries; water cooling towers. 3d printing; 3d printing of machine tools used in the injection molding, extrusion or blow molding industries, namely, cores, cavity inserts, metal plates, and other mold components with cooling channels. True cool. |  |  |  |  |  |
| Dr. Fischer | [87-392,113] | Fischer Pharmaceuticals | 3-30-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The mark was first used anywhere in a different form other than that sought to be registered at least as early as 03/00/1969. The mark was first used in commerce in a different form other than that sought to be registered at least as early as 03/00/1978. The mark was first used anywhere in a different form other than that sought to be registered at least as early as 03/00/1969. The mark was first used in commerce in a different form other than that sought to be registered at least as early as 03/00/1978. Color is not claimed as a feature of the mark. The mark consists of the words "Dr. fischer" in reversed stylized lettering surrounded by two curves positioned above and below and overlaid on a black rectangle having rounded corners. Antiperspirants; baby oils, baby powders, baby shampoos; non-Medicated lip balms; bath gels, bath oils, bath powders, bubble baths, non-Medicated bath salts; beauty masks, facial makeups, blushers, rouge, foundation makeups, cosmetic pencils, mascaras, eye creams, eye makeups, eye makeup removers, eye pencils, eye shadows, eyebrow pencils, eyeliners, lip glosses, face powders, lipsticks, perfumes, toilet water; massage oils, skin moisturizers, nail buffing preparations, nail care preparations, nail hardeners, nail polishes, nail polish base coats, nail polish removers, nail polish top coats, nail strengtheners, perfumes, facial scrubs; body creams, hand creams, body oils, body powders; skin-Cleansing lotions, hair removing creams, depilatory creams, night creams, skin cleansing creams; skin creams, vanishing creams; deodorant soaps, personal deodorants, hair dyes, enamels for nails; essential oils for personal use; non-Medicated foot powders; hair gels, shower gels, hair shampoos, hair bleaching preparations, non-Medicated hair care preparations, hair cleaning preparations, hair conditioners, hair color removers, hair dressings for men, hair lighteners, hair relaxing preparations, hair rinses, hair sprays, hair straightening preparations; hydrogen peroxide for use on the hair; pre-Moistened cosmetic tissues, pre-Moistened cosmetic towelettes, pre-Moistened cosmetic wipes, wipes impregnated with a skin cleanser; shaving balms, shaving creams, shaving gels, shaving lotions; skin clarifiers, skin emollients, skin lighteners, skin lotions, skin soaps, skin toners, toilet soaps, liquid soaps for hands, faces and bodies; sun block preparations, sun screen preparations, suntanning preparations, tanning and after-Sun milks, gels and oils; talcum powder; wrinkle removing skin care preparations; non-Medicated diaper rash ointments and lotions; non-Medicated eye washes. Medicated pre-Moistened wipes to cleanse eyelids and lashes; food supplements; mineral nutritional supplements; vitamin and mineral supplements; antibacterial cleaners; antibacterial substances for medical purposes; antibacterial pharmaceuticals; antibacterial hand wash; antiseptic preparations; anti-Microbial hand and skin wash; viscous polymer sold as an ingredient of finished eye care products, namely, eye compresses, eye drops, medicated eye washes, eye irrigating solutions and pre-Moistened medicated wipes; medicated skin care preparations, namely, medicated face, neck, body, hand and foot creams, sunscreens, lotions, cleansers and moisturizers for men, women, children and infants. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies eli fischer, whose consent(S) to register is made of record. |  |  |  |  |  |
| E-Nurse | [87-392,259] | First Quality Products | 3-30-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Moisturizing body creams; non-Medicated barrier creams which protect skin against urine leakage and diaper rash; non-Medicated peri-Care skin cleansers to protect the genitals and buttocks; soaps, namely, bath soap and cosmetic soap; skin cleansers; shampoos. Medicated barrier creams which protect skin against urine leakage and diaper rash; medicated peri-Care skin cleansers to protect the genitals and buttocks; antifungal preparations in the nature of antifungal creams; medicated zinc creams; hand sanitizing preparations; disinfectants; soaps, namely, anti-Bacterial hand soap; wound care preparations, namely, wound care creams and wound care dressings. |  |  |  |  |  |
| Oneskin | [87-412,471] | Oneskin | 4-14-17[1-23-18] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| Skin lotion; skin moisturizer; non-Medicated skin care preparations; non-Medicated skin care products, namely, creams, emolients, gels, serums, clarifiers, sun blocks, sunscreens, lotions, cleansing creams and lotions, lighteners, toners, exfoliating preparations for skin, facial scrubs, and moisturizers. Skin care products not containing medication, namely, exfoliating pads, exfoliating cloths, and exfoliating slippers. One skin; ones kin. |  |  |  |  |  |
| Hellofragrance | [87-417,345] | High Crate | 4-19-17[1-23-18] | Intl. 3, 4, 35US. 1, 4, 6, 15, 50, 51, 52, 100, 101, 102 | - - - - |
| Fragrances, fragrances for personal use, scented oils, scented body spray, scented body lotions and creams, cosmetic body care preparations, shampoos, hair shampoo, hair shampoos and conditioners, shampoo-Conditioners, hair rinses, non-Medicated dandruff shampoo, 3-In-1 organic non-Medicated soap bars for use as soap, shampoo and conditioner; hair care kits comprising non-Medicated hair care preparations, namely, shampoo and conditioner; 3-In-1 hair shampoos, cosmetics, eyebrow cosmetics, nail cosmetics, nail primer being cosmetics, lip stains being cosmetics, skin fresheners being cosmetics, after-Sun gels being cosmetics, lip repairers, cosmetic preparations, colognes, perfumes, make-Up, bath powder being cosmetics, solid powder for compacts being cosmetics, collagen preparations for cosmetics purposes, impregnated cleaning pads impregnated with cosmetics, anti-Aging moisturizers, cosmetics in the form of milks, lotions, and emulsions, non-Medicated lotions for skin, hair, face, body, and hair waving, baby lotion, facial lotion, body lotion, bath lotion, hair lotion, shaving lotion, sun tan lotion, skin cleansing lotion, age retardant lotion, eye lotions, beauty lotions, skin lotions, massage lotions, hand lotions, styling lotions, lotions for face and body care, after-Shave lotions, sun care lotions, lotions for cellulite reduction, moisturizing body lotions, wave-Set lotions, lotions for cosmetic purposes, face milk and lotions, face and body lotions, cosmetic preparations, firming lotions, cosmetics in the form of milks, lotions, emulsion skin and body topical lotions, creams and oils for cosmetic use, aftershave, mascara, hair mascara, long lash mascaras, lip neutralizers, foundation, make-Up foundation, make-Up sets, make-Up primer, eyes make-Up, make-Up removing milks, make-Up powder, make-Up pencils, make-Up preparations, natural mineral make-Up, compacts containing make-Up, and make-Up kits comprised of non-Medicated cosmetics. Candles, perfumed candles, scented candles, tealight candles, aromatherapy fragrance candles, and taper candles. Subscription-Based order fulfillment services featuring fragrances, candles, and health and beauty supplies; on-Line retail store services featuring subscription boxes containing fragrances, candles, and health and beauty supplies; and retail services, namely, mail order and online retail order services featuring fragrances, candles, and health and beauty supplies. Hello fragrance. |  |  |  |  |  |
| Good Hair Good Body | [87-444,771] | Good Hair Good Body | 5-10-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Hair" and "Body". Non-Medicated mouthwash, toothpaste, shampoo, hair conditioner, hair detangler preparations, hair cream, hair pomades, hair gels, hair masks, hair rinse; beard masks, namely, lotions for beards; body lotion, facial lotion, non-Medicated balm for use on underarms, deodorant for personal use, bath soap, body powder, non-Medicated foot powder, body spray, shaving soap, exfoliating body scrubs, exfoliating creams; non-Medicated skin care preparation, namely, body mist; hair care preparations, namely, hair mist; hair spray, skin cream, skin moisturizing gels, skin masks, facial masks and aftershave. Nail and skin sanitizing preparations, hand sanitizing preparations, antiseptic spray and antiseptic cream; medicated mouthwash; pharmaceutical skin lotions; medicated balm for treatment of underarms; medicated bar soap; medicated foot powder. |  |  |  |  |  |
| The Orange Tree | [87-467,169] | Wal-Mart Stores | 5-29-17[1-23-18] | Intl. 3, 21US. 1, 2, 4, 6, 13, 23, 29, 30, 33, 40, 50, 51, 52 | - - - - |
| "Orange". Body wash; deodorants and antiperspirants for personal use; non-Medicated hand soaps; non-Medicated bath soap; make-Up; make-Up remover; facial moisturizers; hand lotion; body cream; body lotion; body scrubs; bath fizzies; shower gel; facial scrubs; hair shampoo and conditioners; bath salts, not for medical purposes; non-Medicated body soaks. Bath products, namely, bath poufs; facial cleansing sponges; facial sponges for applying make-Up. |  |  |  |  |  |
| It's Fashion | [87-471,723] | Chw | 6-1-17[1-23-18] | Intl. 3, 9, 14, 18, 25, 26US. 1, 2, 3, 4, 6, 21, 22, 23, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, 50, 51, 52 | - - - - |
| "Fashion". Fragrances, perfumes, colognes, cosmetics. Sunglasses and eye glasses. Watches and jewelry. Handbags and wallets. Tops, bottoms, namely, jeans, pants and shorts; dresses, jackets and coats, hosiery, lingerie, under-Garments, shaping legwear, namely, leggings, stockings, pantyhose; scarves, gloves, headwear, belts, sleepwear, socks and footwear. Hair accessories, namely, hair ribbons, hair elastics, hair ornaments in the nature of hair wraps, hair nets, hair ties, hair grips, hair slides, hair rods, hair clamps, hair buckles, hair pins, and hair combs, scrunchies, hair barrettes, hair clips, hair bands, and hair sticks and bows. It is fashion. |  |  |  |  |  |
| Christos Dovas | [87-478,507] | Christos Dovas New York Corp. | 6-7-17[1-23-18] | Intl. 3, 14US. 1, 2, 4, 6, 27, 28, 50, 51, 52 | - - - - |
| Cosmetics. Jewelry. The name "Christos dovas" identifies a living individual whose consent is of record. |  |  |  |  |  |
| Born In Berkeley California | [87-481,624] | Amyris | 6-8-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Berkeley california". The mark consists of the wording "Born in berkeley california" within a circle design. a design of smaller circles surrounds the entirety of the inside outline of the larger circle. below and above the wording are two straight lines. Cosmetics; non-Medicated skin care preparations; non-Medicated facial skin care products, namely, face oil, cream, serum, gel, lotion, cleanser, toner and softener; non-Medicated body care products, namely, oil, gel, lotion; eye products, namely, eye cream; moisturizers for the body, skin, and face; non-Medicated anti-Aging treatments, namely, body oil, cream, serum, gel, lotion, cleanser, toner and softener. Medicated facial skin care products, namely, face oil, cream, serum, gel, lotion, cleanser, toner and softener; medicated body care products, namely, oil, gel, lotion; eye products, namely, medicated eye cream; medicated moisturizers for the body, skin, and face; medicated anti-Aging treatments, namely, body oil, cream, serum, gel, lotion, cleanser, toner and softener. |  |  |  |  |  |
| Bc | [87-501,635] | Because Cosmetics | 6-22-17[1-23-18] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a stylized lowercase letter "B" largely inside a stylized letter "C". Makeup, makeup remover, skin foundation. Online retail services through direct solicitation by distributors directed to end-Users featuring cosmetics, skin care and beauty products; retail services through direct solicitation by distributors directed to end-Users featuring cosmetics, skin care and beauty products; retail shop-At-Home party services in the field of cosmetics, skin care and beauty products. Because cosmetics. |  |  |  |  |  |
| Nazwa | [87-514,099] | Nazwa Incorporated | 7-2-17[1-23-18] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of "Nazwa" in the mistral font. Cosmetics. On-Line retail store services featuring physical and virtual merchandise for use by members of an online community in connection with a designated website featuring fictional characters. The english translation of the word "Nazwa" in the mark is "In the name of.". |  |  |  |  |  |
| Dr Canuso Skincare For Feet | [87-530,687] | Dr. Canuso | 7-17-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. "Skincare for feet". The mark consists of a stylized " dr canuso skincare for feet " with the " skincare for feet " positioned below " dr canuso " and a series of three vertical dots extending upward from the "I" in "Skincare" in-Between the "Dr" and "Canuso". Non-Medicated skin and nail care preparations. Medicated skin and nail care preparations. The name(S), portrait(S), and/Or signature(S) shown in the mark identifies dr. dana canuso, whose consent(S) to register is made of record. |  |  |  |  |  |
| Turtle Wax | [87-535,484] | Turtle Wax | 7-20-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Wax". Automobile cleaning preparations, namely, all-Purpose cleaner, glass cleaner, leather cleaner, wheel cleaner, tire cleaner, tire dressing, carpet and upholstery cleaner; wash and wax preparations; disposable wipes impregnated with chemicals for cleaning and protecting automobile surfaces; disposable wipes impregnated with chemicals for glass cleaning and polishing; disposable wipes impregnated with chemicals for cleaning leather. Preparations for removing odors from carpet, upholstery and other fabric; air fresheners in the nature of air deodorizing preparations; air deodorizer; household deodorizers; room deodorizers; odor neutralizing wipes for household use and for use on automotive interiors. |  |  |  |  |  |
| Smartpacs | [87-541,374] | Simoniz Usa | 7-25-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Household cleaners, namely, cleaning and washing preparations. Household cleaners, namely, disinfecting and deodorizing preparations. Smart packs. |  |  |  |  |  |
| Dermamarine Therapy | [87-557,612] | Berg Marketing Group | 8-6-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| "Therapy". Non-Medicated skin care preparations, namely, cleansing gels, soaps, body/Face scrub compounds, beauty mask compounds, creams, lotion, moisturizers, liquid skin toners, eye creams, bath salts and minerals, bath foam, after bath splashes and sprays, aromatherapy essential oils and fragrances; non-Medicated hair care products, namely, shampoo, conditioner, hair spray, hair styling preparations. Medicated skin care preparations, namely, cleansing gels, soaps, body/Face scrub compounds, beauty mask compounds, creams, lotion, moisturizers, liquid skin toners, eye creams, bath salts and minerals, bath foam, after bath splashes and sprays; medicated hair care products, namely, shampoo and conditioner, aromatherapy oils for treating headaches, relieving stress, curing insomnia, boosting energy. Derma marine therapy. |  |  |  |  |  |
|  | [87-574,723] | The Soap Lady | 8-18-17[1-23-18] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of a fanciful rendition of a smiling woman wearing heart shaped earrings, sitting in a tub filled with bubble bath with her legs out and holding a bar of soap. Non-Medicated handmade soap bars for the body and face, namely, vegetable glycerin handcrafted soap slices; bar soap, namely, soap loaves; bar soap, namely, mini soap loaves; bath bombs; non-Medicated bath salts; non-Medicated skin preparations consisting of olive oil, hempseed oil, grape seed oil, vegetable oil, and salt. On-Line retail store services featuring handmade soap bars for the body and face, soap slices, soap loaves, mini loaves, bath bombs, bath salts, and non-Medicated skin preparations consisting of olive oil, hempseed oil, grape seed oil, vegetable oil, and salt. |  |  |  |  |  |
| Merbliss | [87-595,000] | Merbliss | 9-4-17[1-23-18] | Intl. 3, 35US. 1, 4, 6, 50, 51, 52, 100, 101, 102 | - - - - |
| All purpose cotton swabs for personal use; anti-Aging cream; beauty soap; cosmetic massage creams; cosmetic preparations for body care; cosmetic preparations for skin care; facial beauty masks; hand creams; mask pack for cosmetic purposes; moisturizing creams; non-Medicated preparations all for the care of skin, hair and scalp; perfumed soap; reed diffusers comprised of scented oils and also including reeds and a diffuser container; shampoos; skin cleansers. On-Line wholesale and retail store services featuring cosmetics; operating an on-Line shopping site in the field of cosmetics. The wording "Merbliss" has no meaning in a foreign language. |  |  |  |  |  |
| Recoverx | [87-605,286] | Hs Cosmetics | 9-12-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| Anti-Aging creams; cosmetics; lotions for face and body care; non-Medicated skin care creams and lotions; non-Medicated skin care preparations. Acne medications; acne treatment preparations; anti-Inflammatory ointments; medicated ointments for treating dermatological conditions. Recover x. |  |  |  |  |  |
| Glozone | [87-605,688] | Haynes, Gilian Marston | 9-12-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| The color(S) yellow and blue is/Are claimed as a feature of the mark. The mark consists of the stylized wording "Glozone", with "Glo" appearing in yellow and "Zone" appearing in blue, and all appearing below the design element of a star with a tail appearing in yellow. Bath soaps in liquid, solid or gel form; cosmetic preparations for baths; cosmetic preparations for the hair and scalp; cosmetics and cosmetic preparations; dentifrices; deodorants and antiperspirants; essential oils for aromatherapy use; hair care preparations; hair emollients; massage creams; massage lotions; natural essential oils; non-Medicated mouthwashes; non-Medicated skin care preparations; oils for cosmetic purposes; oils for perfumes and scents; skin emollients; skin creams; sun-Block lotions; sun-Tanning preparations; sunscreen preparations; toothpaste. Emollients for medical purposes; medicated cosmetics; medicated facial cleansers; medicated skin care preparations; medicated sun care preparations; medicated sunscreen; tooth prophylactics. Glow zone. |  |  |  |  |  |
| Voyage | [87-605,848] | Varia | 9-12-17[1-23-18] | Intl. 3, 44US. 1, 4, 6, 50, 51, 52, 100, 101 | - - - - |
| Hair masks. Hair salon services. |  |  |  |  |  |
| Parasilk | [87-606,424] | Paraffin Internatl. | 9-13-17[1-23-18] | Intl. 3, 5, 10US. 1, 4, 6, 18, 26, 39, 44, 46, 50, 51, 52 | - - - - |
| Color is not claimed as a feature of the mark. The mark consists of the term "Parasilk" in stylized letters. Wax treatment products, namely, paraffin wax-Filled gloves and boots for cosmetic purposes; non-Medicated skin care preparations; non-Medicated paraffin-Based skin care preparations. Pharmaceutical preparations for skin care; medicinal preparations for the topical treatment of pain, swelling, and inflammation of muscles and joints; external medication for the relief of muscular tightness, joint inflammation, and as a dressing for chapped hands and skin. Wax treatment products, namely, paraffin wax-Filled gloves and boots for therapeutic purposes; hot therapy gloves and boots; wax treatment products, namely, paraffin wax-Filled gloves and boots for reducing pain, swelling, and inflammation; non-Medicated, paraffin wax-Based treatment apparatus for muscle and joint therapy. |  |  |  |  |  |
| Oxiclean | [87-622,230] | Church & Dwight Co. | 9-26-17[1-23-18] | Intl. 3, 5, 21US. 1, 2, 4, 6, 13, 18, 23, 29, 30, 33, 40, 44, 46, 50, 51, 52 | - - - - |
| Automobile cleaners; automobile carpet, upholstery, tire, glass and wheel cleaning preparations; foam cleaning preparations for automobiles; detergents for automobiles; spray cleaners for use on automobiles. Deodorizers for automobiles. Automobile cleaning brushes; plastic spray nozzles. |  |  |  |  |  |
| Emd | [87-640,212] | Merck Kgaa | 10-10-17[1-23-18] | Intl. 3, 9US. 1, 4, 6, 21, 23, 26, 36, 38, 50, 51, 52 | - - - - |
| Housemark for cleaning preparations for industrial and laboratory use. Housemark for full line of scientific apparatus and instruments, all for use in chromatography as well as in chemical and medical laboratories; educational computer software featuring information on the development of chromatographic methods. |  |  |  |  |  |
| Enhancements | [87-647,287] | Rodan & Fields | 10-16-17[1-23-18] | Intl. 3, 5US. 1, 4, 6, 18, 44, 46, 50, 51, 52 | - - - - |
| (Based on use in commerce) non-Medicated skin care preparations and cosmetics; non-Medicated hydrating serums for the face, eyes and body; non-Medicated eye care preparations, namely, eyelash conditioning serums and serum preparations for eyelashes; skin exfoliators and skin toners; non-Medicated anti-Wrinkle skin preparations; and moisturizing preparations for the skin; (Based on intent to use) non-Medicated eye care preparations, namely, eye brighteners; skin brighteners and skin lighteners; non-Medicated anti-Blemish skin preparations; skin bronzing preparations; and non-Medicated lip care preparations. (Based on use in commerce) medicated skin care preparations and medicated cosmetics; facial powders containing sunscreens; (Based on intent to use) medicated acne treatment preparations; sunscreen creams. |  |  |  |  |  |
| Cosmopolitan | [87-661,229] | Hearst Communications | 10-26-17[1-23-18] | Intl. 3, 4US. 1, 4, 6, 15, 50, 51, 52 | - - - - |
| Perfume, eau de parfum, eau de toilette. Fragranced candles. |  |  |  |  |  |

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[***13th Five-Year Plan: Key Points***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5TD4-4JX1-F0J5-8077-00000-00&context=1516831)

Business Monitor Online

October 2, 2018 Tuesday

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**Length:** 2425 words

**Highlight:** 13th Five-***Year*** Plan: Key Points

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**Targets**

|  | **2015** | **2020** | **Annual changes** | **Binding** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
| Economic development |  |  |  |  |
| (1) GDP, CNYtrn | 66.7 | >92.7 | >6.5% |  |
| (2) Productivity: CNY10,000/person | 8.7 | >12 | >6.6% |  |
| (3) Urbanisation rate, (residential), % | 56.1 | 60 | 3.9\* |  |
| (3) Urbanisation rate, (Hukou), % | 39.9 | 45 | 5.1\* |  |
| (4) Services as a share of GDP, % | 50.5 | 56 | 5.5\* |  |
|  |  |  |  |  |
| Innovation |  |  |  |  |
| (5) R&D as a share of GDP, % | 2.1 | 2.5 | 0.4\* |  |
| (6) Patents per 10,000 people | 6.3 | 12 | 5.7\* |  |
| (7) Contribution of technology advancement, % | 55.3 | 60 | 4.7\* |  |
| (8) Broadband access, % | 40 | 70 | 30\* |  |
| (8) Mobile Wi-Fi access, % | 57 | 85 | 28\* |  |
|  |  |  |  |  |
| People's living conditions |  |  |  |  |
| (9) Disposable income growth rate, % |  |  | >6.5 |  |
| (10) Average education level, ***year*** | 10.23 | 10.8 | 0.57\* | Y |
| (11) Job creation, 10,000 |  |  | >5,000\* |  |
| (12) Poverty relieved rural population, 10,000 |  |  | 5,575\* | Y |
| (13) Population with pension, % | 82 | 90 | 8\* |  |
| (14) Reconstruction of shanty areas, 10,000 |  |  | 2,000\* | Y |
| (15) Life expectancy, ***year*** |  |  | 1\* |  |
|  |  |  |  |  |
| Environment |  |  |  |  |
| (16) Arable land, 10mn Mu | 18.65 | 18.65 | 0\* | Y |
| (17) Additional land for construction, 10,000 Mu |  |  | <3,256\* | Y |
| (18) Water usage reduction per unit GDP |  |  | 23\* | Y |
| (19) Energy usage reduction per unit GDP |  |  | 15\* | Y |
| (20) Non-fossil fuel, % | 12 | 15 | 3\* | Y |
| (21) Carbon emission reduction per unit GDP |  |  | 18\* | Y |
| (22) Forest coverage, % | 21.66 | 23.04 | 1.38\* | Y |
| (22) Forest reserve, bn metre cube | 15.1 | 16.5 | 14\* | Y |
| (23) Air quality: days of good quality/365, % | 76.7 | >80 |  | Y |
| (23) PM2.5 reduction for polluted cities |  |  | 18\* | Y |
| (24) Water: better than class III, % | 66 | >70 |  | Y |
| (24) Water: less than class V, % | 9.7 | <5 |  | Y |
| (25) Other pollutants - chemical oxygen demand reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - ammonia nitrogen reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - sulphur dioxide reduction, % |  |  | 15\* | Y |
| (25) Other pollutants - nitrogen oxides reduction, % |  |  | 15\* | Y |

\*indicates cumulative. Source: Fitch Solutions **Development Concepts: Innovation, Coordination, Environmentally Friendly, Open-Door, Sharing** The central government will urge officials to follow through on new development concepts and adapt to the 'new norm' of economic development. The government will help expand total demand (via monetary and fiscal policies) if necessary, but will mainly focus on supply-side structural reforms, so that production will fit the increasingly sophisticated demands of the Chinese population.Chapter 2: Innovation To Drive Development **Technology And Innovation** Support the development of frontier tech and science. Let enterprises to lead innovation, while using national funds to develop large projects. Construct high-end national science laboratories for the development of fundamental sciences. 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**Load-Date:** October 2, 2018

**End of Document**



[***Programme summary of Iranian TV news 0930 gmt 23 Jun 18***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SMH-J5K1-JC8S-C0DW-00000-00&context=1516831)

BBC Monitoring Middle East - Political

Supplied by BBC Worldwide Monitoring

June 23, 2018 Saturday

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**Length:** 464 words

**Body**

A. Headlines.

B. Home and world news.

1. 0931 The head of the National Tax Office, Seyyed Kamel Taqavinezhad, has said a working group has been formed to counter the illegal sale of golden coins and foreign currency; audio link-up with Taqavinezhad on the issue.

2. 0934 The Audit Organisation has been examining prices for domestically-built cars.

3. 0935 Experts say the reason for the present fluctuation of prices for golden coins is the recent large-scale sale of coins by the Central Bank; video report.

4. 0938 The Social Welfare Organisation has announced that concessions have been granted to those who have been late with their insurance ***payments***; video report.

5. 0940 Video report on the role of trade unions on controlling markets.

6. 0944 Cards for students to sit in post-graduate studies exams are to be issued as of tomorrow.

7. 0945 Registration for enrolment at schools has started across the country.

8. 0949 Minister of Industry, Mining and Commerce Mohammad Shari'atmadari has signed a memorandum of understanding on energy, ***agriculture*** and tourism during a visit to Serbia. He also met Serbian President Aleksandar Vucic.

9. 0950 Nuclear Chief Ali Akbar Salehi has stressed that preserving the nuclear deal 2015 is a litmus test for the world. He said preserving both the deal and sanctions is not acceptable. Salehi made the remarks in a meeting with experts in Oslo, Norway.

10. 0951 Former CIA agent Philip Giraldi has disclosed the dimensions of CIA activities to topple foreign governments; video report.

11. 0953 The USA has extended sanctions against North Korea for one more ***year***. Defence Secretary James Mattis said the action has been part of the US-North Korea agreement on disarmament; video report.

12. 0955 Migrant children seized in the USA remain separated from parents; video report.

13. 0956 The USA has said that should the EU not revoke tariffs imposed on some US products, the USA will impose 20-per cent tariffs on import of cars from the EU.

14. 0959 Muhammad al-Bakhiti, a member of Yemeni Ansarallah's Political Bureau, has said negotiations are underway for handing over al-Hudaydah to the UN; video report.

15. 1001 The Syrian army has cut "terrorists" off near Daraa. Meanwhile, the USA accused Syria of violating the ceasefire; video report.

16. 1002 At least 200 Palestinians were injured in yesterday's rallies. Meanwhile, Al-Maarib newspaper reported of Saudi Crown Prince's meeting with the Israeli prime minister.

C. 1004 Sports.

D. More news:

17. 1010 A new underground tunnel for metro opened today.

E. 1011 News in brief.

F. 1014 Video report on Iranian glassware for export.

G. 1016 Weather, ***calendar*** and prayer times.

H. 1017 Recap of headlines

1018 End.

Source: Vision of the Islamic Republic of Iran Network 1, Tehran, in Persian 0930gmt 23 Jun 18

**Load-Date:** June 23, 2018

**End of Document**



[***13th Five-Year Plan: Key Points***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SS6-JW21-F0J5-80HX-00000-00&context=1516831)

Business Monitor Online

July 10, 2018 Tuesday

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**Length:** 2421 words

**Highlight:** 13th Five-***Year*** Plan: Key Points

**Body**

Summary Of ContentsChapter 1: OverviewChapter 2: Innovation To Drive DevelopmentChapter 3: Economic InstitutionChapter 4: Modernisation of The ***Agricultural*** SectorChapter 5: IndustriesChapter 6: Expand The Network EconomyChapter 7: Build A Modern Infrastructure NetworkChapter 8: New-Type UrbanisationChapter 9: Regional DevelopmentChapter 10: Environmental ProtectionChapter 11: Continue Opening UpOthersChapter 1: Overview

**Targets**

|  | **2015** | **2020** | **Annual changes** | **Binding** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
| Economic development |  |  |  |  |
| (1) GDP, CNYtrn | 66.7 | >92.7 | >6.5% |  |
| (2) Productivity: CNY10,000/person | 8.7 | >12 | >6.6% |  |
| (3) Urbanisation rate, (residential), % | 56.1 | 60 | 3.9\* |  |
| (3) Urbanisation rate, (Hukou), % | 39.9 | 45 | 5.1\* |  |
| (4) Services as a share of GDP, % | 50.5 | 56 | 5.5\* |  |
|  |  |  |  |  |
| Innovation |  |  |  |  |
| (5) R&D as a share of GDP, % | 2.1 | 2.5 | 0.4\* |  |
| (6) Patents per 10,000 people | 6.3 | 12 | 5.7\* |  |
| (7) Contribution of technology advancement, % | 55.3 | 60 | 4.7\* |  |
| (8) Broadband access, % | 40 | 70 | 30\* |  |
| (8) Mobile Wi-Fi access, % | 57 | 85 | 28\* |  |
|  |  |  |  |  |
| People's living conditions |  |  |  |  |
| (9) Disposable income growth rate, % |  |  | >6.5 |  |
| (10) Average education level, ***year*** | 10.23 | 10.8 | 0.57\* | Y |
| (11) Job creation, 10,000 |  |  | >5,000\* |  |
| (12) Poverty relieved rural population, 10,000 |  |  | 5,575\* | Y |
| (13) Population with pension, % | 82 | 90 | 8\* |  |
| (14) Reconstruction of shanty areas, 10,000 |  |  | 2,000\* | Y |
| (15) Life expectancy, ***year*** |  |  | 1\* |  |
|  |  |  |  |  |
| Environment |  |  |  |  |
| (16) Arable land, 10mn Mu | 18.65 | 18.65 | 0\* | Y |
| (17) Additional land for construction, 10,000 Mu |  |  | <3,256\* | Y |
| (18) Water usage reduction per unit GDP |  |  | 23\* | Y |
| (19) Energy usage reduction per unit GDP |  |  | 15\* | Y |
| (20) Non-fossil fuel, % | 12 | 15 | 3\* | Y |
| (21) Carbon emission reduction per unit GDP |  |  | 18\* | Y |
| (22) Forest coverage, % | 21.66 | 23.04 | 1.38\* | Y |
| (22) Forest reserve, bn metre cube | 15.1 | 16.5 | 14\* | Y |
| (23) Air quality: days of good quality/365, % | 76.7 | >80 |  | Y |
| (23) PM2.5 reduction for polluted cities |  |  | 18\* | Y |
| (24) Water: better than class III, % | 66 | >70 |  | Y |
| (24) Water: less than class V, % | 9.7 | <5 |  | Y |
| (25) Other pollutants - chemical oxygen demand reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - ammonia nitrogen reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - sulphur dioxide reduction, % |  |  | 15\* | Y |
| (25) Other pollutants - nitrogen oxides reduction, % |  |  | 15\* | Y |

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**Load-Date:** July 10, 2018

**End of Document**



[***Uzbekistan - Q1 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RBD-7221-JD33-J0F4-00000-00&context=1516831)

Uzbekistan Pharmaceuticals & Healthcare Report

January 1, 2018 Monday

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**Length:** 3817 words

**Highlight:** At least 300 producers have some degree of presence in Uzbekistan's pharmaceutical market and there are around 125 licensed producers. The Tashkent International Healthcare Exhibition in April 2017 attracted more than 200 companies from 18 countries, including both pharmaceutical and medical device manufacturers, providing some additional rough indication of interest in the sector. Most exhibitors (59%) were from foreign countries, including Austria, Belarus, Belgium, the UK, Germany, India, China and Italy.

**Body**

At least 300 producers have some degree of presence in Uzbekistan's pharmaceutical market and there are around 125 licensed producers. The Tashkent International Healthcare Exhibition in April 2017 attracted more than 200 companies from 18 countries, including both pharmaceutical and medical device manufacturers, providing some additional rough indication of interest in the sector. Most exhibitors (59%) were from foreign countries, including Austria, Belarus, Belgium, the UK, Germany, India, China and Italy.A presidential decree issued in April 2010 limits the validity of licences for pharmaceutical manufacturing to five ***years***, whereas in the past they were indefinite. Despite the general opacity of the market, we believe there are a large number of dormant or marginal producers and that this re-licensing provision may push some out of the market.In fact, as of July 2015, Uzbekistan's pharmaceutical industry includes 146 local producers (132 manufacturers of medicines, seven manufacturers of diagnostic tools and seven manufacturers of medical supplies) - as reported by Uzbekistan's authorities at the bilateral Swiss-Uzbek business forum held on July 1 2015 in Zurich, Switzerland. Despite the challenging business environment, foreign firms are present in Uzbekistan's pharmaceutical market.

The government has tried to push through localisation; however, domestically manufactured medicines cater to only 32% of total drug demand by volumes. According to data reported in July 2015 by Uzbekistan authorities, out of the 7,214 registered drugs in the country, only 1,446 are produced domestically.Despite this, by the end of 2010, over 30 companies from 14 countries had made investments into Uzbekistan's pharmaceutical industry, with a total worth of USD10.6mn. In 9M13, investments in the pharmaceutical industry reached around USD200mn, including USD50mn of foreign direct investment (FDI). Official sources suggest that investments in the sector stood at around USD300mn in November 2014. Turkish and Indian firms have been leading foreign investors. Investments in the pharmaceutical industry are estimated to rise to around USD317mn in 2015, according to the UN Development ***Programme*** and Uzpharmasanoat. The government's ***Programme*** on Priorities of Industrial Development of Uzbekistan in 2011-2015 aims to implement 28 new projects worth USD284.2mn, and launch a number of new drugs by the Uzpharmsanoat companies as part of its ***Programme*** for Development of Pharmaceutical Sector. Investments between 2007 and 2012 under the Uzpharmasanoat holding stood at USD127mn (87.8% based on local bank loans and the companies own resources, with foreign direct investment accounting for the remainder). Foreign capital has a 69% share in the structure of pharmaceutical companies in the country, with local investors accounting for the remainder. In 2012, major FDI operations in the pharmaceutical industry in Uzbekistan were dominated by the UK (60%), Turkey (26%), India (12.5%) and Germany (1.5%). Research-Based Industry

Limited expertise, outdated infrastructure and a weak regulatory environment have mitigated the development of research-based pharmaceutical capacity in the country. The government focus on boosting generics production to meet basic pharmaceutical needs and to increase drug export has driven several manufacturing developments in Uzbekistan in recent ***year***, including through joint ventures (JVs) with foreign players. Innovative or patented drugs, which account for around 30% of the pharmaceutical market in value terms, are to a large extent supported through imports.In fact, relatively high rates of economic growth, rising wages and government investment in healthcare modernisation, are starting to be reflected in increasing per-capita drug expenditure, with the most affluent segments of the population driving demand for high-end pharmaceutical products.As pharmaceutical manufacturing capacity continues to be promoted through several state incentives, including improvements in the regulatory environment and policies aimed at attracting foreign investment and expertise ***transfer***, the process of scaling up through the value chain in drug manufacturing and production standards will continue over the long term.

**Multinational Market Activity**

| **Company** | **Operations** |
| --- | --- |
| AbbVie | AbbVie generates revenues mainly through the sale of pharmaceutical products. These products are targeted at some of the most complex and serious diseases. The company has a strong portfolio of drugs such as *Humira*, *Imbruvica*, *ViekiraPak*, *Creon*, *Synagis*, *Lupron*, *Synthroid*, *Kaletra*, *AndroGel*, *Sevoflurane*, *Duodopa* and dyslipidemia products. |
| AstraZeneca | AstraZeneca is facing a steep drop in sales in coming ***years***. Its priorities include geographic expansion, creating a product portfolio suited to emerging markets and enhancing productivity via the divestment of non-core business operations and restructuring activities. |
| GlaxoSmithKline | GlaxoSmithKline's pharmaceuticals division in Europe has introduced a new business model to enhance its ability to compete in an increasingly challenging environment. The model has established Centres of Excellence for important therapeutic areas, such as respiratory and metabolic, and for business capabilities such as commercial excellence and portfolio management. These centres develop pan-European strategies, which are implemented consistently across the region. |
| Johnson & Johnson | J&J's products are manufactured in Europe and the US, and are sold to officially appointed distributors and hospitals. |
| Merck & Co | Established as an independent company in 1917, US-based Merck & Co focuses on prescription drugs, consumer health medicines and animal care products. The firm conducts research in a range of therapeutic categories such as cardiovascular, infectious diseases, vaccines, cancer, neurology and women's health. The firm topped BMI's Pharmaceutical Research Investment Index (PRII) for 2010, spending 23.9% of its sales (USD11bn) on R&D. Despite a lower R&D expenditure of USD8bn forecast for 2011, CEO of Merck & Co Kenneth Frazier stated that developing the company's pipeline will be essential to bring the firm forward. |
| Novartis | Multinational drugmaker Novartis is one of the leading global manufacturers of innovative medicines, eyecare products, generic pharmaceuticals, consumer health products, preventive vaccines and diagnostic tools. The company was created in 1996 through the merger of Ciba-Geigy and Sandoz. Novartis has presence in Austria through its biomanufacturing facility, BioInject, at Schaftenau. The facility is used to manufacture pre-filled syringes and devices for both Sandoz's biosimilars and Novartis' novel biologics. It will become a central part of Novartis' biomanufacturing network, which also contains facilities in Slovenia, Singapore and France. |
| Pfizer | Following a change of CEO in late 2010, Pfizer has re-focused on original research and development (R&D), which is a sound long-term change of strategic direction. The company faces numerous near-term challenges, notably the loss of patent protection for the mega-blockbuster Lipitor in developed states. Pfizer is also de-diversifying its business operations. |
| Roche | Roche has two core businesses: pharmaceuticals and diagnostics. Within its pharmaceuticals business, Roche focuses on five therapeutic areas: oncology, virology, inflammation, metabolic disorders and central nervous system. Roche's diagnostics product line caters to patients and scientific and clinical researchers. Roche continues to demonstrate the success of its oncology franchise protection strategy, supporting our view that it should retain its leadership position in the field. |
| Sanofi | Although Sanofi is primarily a branded manufacturer, the firm continues to strengthen its generic activities. In 2013, it reinforced its generics business through the creation of a global Generics division. Through its acquisitions of Zentiva in Central and Eastern Europe, Kendrick in Mexico and Medley in Brazil, it has achieved a significant generic presence in emerging markets. |
| Takeda | Takeda redefined its corporate strategy in early May 2012, in conjunction with the release of its financial results for fiscal 2011. Under its 2012-14 Mid-Range Plan, entitled 'Transformation into a new Takeda', the company will: Consolidate its global position through integrating its recent acquisitions Nycomed and URL Pharma, which give it increased presence in Europe/emerging markets and the US, respectively. |

Source: BMI Generic Drugmakers

Uzbekistan inherited limited and often run-down production facilities from the Soviet era, and foreign companies have dominated the pharmaceutical market since independence. The government has attempted an import-substitution regime aimed at increasing the domestic share of pharmaceutical supply. This ***programme*** aims to increase self-sufficiency in essential medicines, as well as diversify the domestic economy by boosting currently minimal levels of pharmaceutical exports.Indeed, in January 2014 the Times of Central Asia reported that over 140 Uzbek enterprises are unprofitable, which includes a number of companies involved in the pharmaceutical industry. A technical audit revealed that over 30% of equipment is out of date, posing an obstacle to the domestic production and manufacture of medicines.Current import substitution policy seeks to increase the volume of the market covered by domestic producers from around 20% to 50%, mirroring plans in neighbouring Kazakhstan. The ***programme*** is focused on self-sufficiency in the production of essential drugs, vaccines and blood transfusion and infusion systems. Plans include launching the local production of 100 new medicines.Uzbekistan registered an almost two-fold increase in exports of pharmaceutical products in 2013. Pharmaceutical companies in the country produced more than 1,320 types of medicines in 90 pharmacotherapeutic groups and 30 dosage forms, reports Turkistan press. Uzbekistan's pharmaceutical companies attracted a total investment of USD300mn, of which USD100mn was foreign investment from the early 1990s. CIS Pharma reports that those drugs that are currently exported are produced in more than 15 forms distributed by 70 pharmacotherapeutical groups.Pharmaceutical products manufactured in Uzbekistan are mainly exported to Commonwealth of Independent States (CIS) and Baltic countries, including Armenia, Azerbaijan, Afghanistan, Georgia, Kazakhstan, India, Mongolia, Turkmenistan, China and Russia, among others. However, the domestic industry continues to suffer from an influx of higher-quality, more costly medicines from Western European and Central European manufacturers. This is in addition to cheaper drugs from India and China, and growing competition from CIS peers, mainly Russia, Ukraine and Kazakhstan. Traditionally, another problem for local producers has been a lack of domestic capacity to produce active pharmaceutical ingredients (APIs), which are imported primarily from China. For example, Jurabek Laboratories cites import costs of intravenous fluids as particularly expensive citing the added value of production, and the fact that the cost of travel far exceeds that of drugs themselves. Domestic production is therefore providing new opportunities for both producers and consumers.We assert, however, that poor governance and corruption will continue to plague the sector and keep out larger players. At the same time, enormous pent-up demand will feed ongoing - if patchy - modernisation. The major difficulties in the market are a lack of transparency, an absence of independent media and market research sources, and the suppression of debate regarding the best routes for the development of the sector due to widespread political repression.With fixed capital investment growing by 7.2% y-o-y, we expect the sector to benefit from steady government expenditure on fixed investment and infrastructure projects. The government's commitment to modernising the economy and shifting its dependence away from hydrocarbons will play an important role in driving growth. Uzbekistan's pharmaceutical industry was to implement 39 new investment projects to produce 30 new generic drugs for the prevention and treatment of socially significant and socially dangerous diseases. There is a high demand for such products, which come into the country primarily through import contracts.A number of companies have invested in upgrading their facilities, although an unknown number have closed due to the prohibitive costs of modernisation. Other holders of licences may be dormant and the number of companies will fall further following the introduction of rules limiting the validity of pharmaceutical activity licences to five ***years***. The bulk of production facilities and related research institutes fall under the control of Uzpharmsanoat. **Leading Domestic Players** The most dominant company in the production sector is Uzpharmsanoat, which has 85 manufacturing, research and other sites and exports to 12 countries, with earnings totalling USD1.18mn. Uzpharmsanoat has received substantial sums in terms of foreign investment since the mid-1990s, as well as one-off tranches from the state.Domestic producers outside the Uzpharmsanoat holding include Core Pharmsanoat (focusing on oral and intravenous formulations), Turkish-owned Nobelpharmsanoat (parent company Nobel also owns a generic drugs plant in Kazakhstan) and privately held Jurabek Laboratories. UzGerMed Pharm uses German investment for a new plant to produce a variety of generic products in the Tashkent region. In addition, RekomedFarm is producing succinasol, a blood substitute. Nihol Pharmaceuticals manufactures immunobiological compounds. Radix is reportedly producing influenza treatments.

**List Of Companies In Uzpharmsanoat SJSC (as of October 7 2013)**

| **Research, development and innovation institutes** | |
| --- | --- |
| Tashkent Research Institute of Vaccines and Serums | Oriental Medicine Research Institute |
| Uzbek Research Institute of Chemistry and Pharmaceutics named after A. Sultanov | Spa Vaccine |
| **Manufacturers (medical drugs)** |  |
| A.B. Biokom | Nova Pharm |
| Albi-Pharma | Novopharma Plus |
| Amaliy Med Farm | Orom-Biopreparat |
| Codepharm | Plast Pharm Medical |
| Dentafill Plus | Pspe Radiks |
| Galenika | Reka Med Pharm |
| Gufic Avicenna | Remedy |
| Hansang Pharm | Remedy Group |
| Immunomed | Samo |
| Invest Med Pharm Plus | Samsun-Toshkent Pharm Ltd |
| Innekmed Farm | Salubris Vita |
| Jurabek Laboratories | Tashfarma.I. |
| Lafz | Uzgermedpharm |
| Lekinterkaps | Ultra Health Care |
| Merrymed Farm | Ziyo Nur Farm |
| Nika Pharm | OZkimyofarm |
| Nobelpharmsanoat | Laxisam Pharmaceuticals |
| **Manufacturers (vaccines, serums and diagnostics)** |  |
| Armenia | OjscUzbiopharm |
| Bibinor | Iparbiointer |
| Olam |  |
| **Manufacturers (dressing materials)** |  |
| Elastikum | Xabibullo Global |
| **Manufacturers (supplementary materials)** |  |
| Agro Plast Polimer | Tb Farm Plast |
| Flex Pharm | Tubex |
| Galen Med Pharm | Med Standard Glass |
| Makrofarm-Optima | Mohir Bek |
| Nasa | Campalia |
| Rahim Farm Group |  |
| **Manufacturers (other product types)** |  |
| Agro Bio Kimyo | Ortopediya-Industriya |
| Oil Neft | ***Agricultural*** Company Xorazm Fito Farm |
| Bio Chemical | Vitotex Plus |
| Asia Trade | Xamidobod Imkon |
| Magnum Medikal Servis | Uzgersov |
| Ekoplast Systems | Chori Plast |
| **Cultivation, gathering packaging and/or production of medicinal plants** |  |
| Dorivor OSimliklar | Biomir |
| Glycyrrhiza Glabra | Pharm Product |
| ***Agricultural*** Company Shovot Bo'yoni | Narkar Servis |
| Zamona Rano | Mediofarm |
| **Wholesale trade of pharmaceutical products** |  |
| De Alias Pharma | Sharq Darmon |
| Trade House Alias-Sibir | Sofdil-Fayz |
| Astellas Pharma | Tatmedfarm |
| Bravo Pharm | Sid |
| Fazo-Luxe |  |

Source: The 2013 Investment Guide to Pharmaceutical Industry (Uzbekistan), UN Development ***Programme***, Uzpharmsanoat. **Foreign Pharmaceutical Industry** The 2012 de facto ban on medicine imports, as well as the state's control of pharmaceutical production and procurement, suggests there is little room for drugmakers to enter the market. Given the level of state involvement in the economy, we do not see the government relinquishing control in the short term.Uzbekistan uses an outdated medicine coding system different from the WHO-standardised Anatomical Therapeutic Chemical (ATC) system, under which drugs that are not Uzbek-registered or coded are automatically banned or excluded from hospital and pharmacy purchases. As a result, imports are primarily driven by Uzbek consumers buying drugs in small quantities from neighbouring countries.Investments in the pharmaceutical industry reached around USD200mn, including USD50mn of foreign investment, from 1993 to 2013. Foreign capital has a 69% share in the structure of pharmaceutical companies in the country, with domestic investors accounting for the remainder. In 2011, investment projects conducted in partnership with Uzpharmsanoat included manufacturing of cephalosporins (USD37mn), anti-virals (USD15mn), plasma and blood solutions (USD30mn) and the production of vaccines from biotechnological materials (USD3.2mn).Several foreign companies have a presence in Uzbekistan, with Turkey's Nobel and Singapore's Beacons having developed a substantial manufacturing presence. According to reports in July 2010 Korean Trust Investment Trading has invested in a USD4mn tablet and herbal remedy packaging facility in the Navoi region as part of a JV with Uzpharmsanoat.In September 2011 Nova Pharm, an Indian-Uzbek JV, opened a small, USD2mn production line at a new plant in Termez in the far south of the country. A second line was planned. Initial reports did not specify the types of products to be made by the generic drugs plant. The facility was intended for both the local and export markets - ideally situated for exporting to Afghanistan, as well as Tajikistan; both countries with substantial demand, often funded by international aid organisations.Other CIS companies with branches in Uzbekistan include Russia's Valenta (formerly Otechestvennye Lekarstva), and Ukraine's second largest drugmaker, Arterium. Deva Holding, a local subsidiary of Turkey's EastPharma, opened a representative office in Uzbekistan in January 2008. The office started registering select products from Deva's range of 217 medicines, as well as the products of Saba, the Turkish pharmaceutical producer acquired by EastPharma in May 2007. Deva also has representative offices in other CIS states, namely Russia, Georgia and Azerbaijan.According to media reports in June 2011, Krueger GmbH from Germany was building a USD25mn vitamin plant with a capacity to produce 2mn packages of vitamins a ***year*** in the Uzbek part of the populous Ferghana Valley. The project was a JV, with Uzbekistani institutions providing USD10mn in funds through loans, and Krueger contributing USD15mn.Similarly, according to local media, Indian generic drugmaker Sharon Bio-Medicine announced plans to build a USD37mn antibiotics plant in the Navoi Free Industrial and Economic Zone, in partnership with Uzpharmsanoat. Uzbekistani banks were to provide loans of USD10mn for the project costs. Local media reported in Q412 that another Indian player, Medicamen Biotech, had signed a memorandum of cooperation for the country's first plant specialised in making oncology drugs. The new plant was due to be built in Tashkent with a budget of USD12mn.Other projects include a JV company, UzGerMed Pharm, which involves German investment in a new plant to produce a variety of generic products in the Tashkent region. German company Diecon was building an insulin plant near Tashkent, according to reports in 2011. A small player, RekomedFarm, is producing a blood substitute, succinasol. Radix is reportedly producing influenza treatments. Pharmaceutical Distribution

Drug distribution and supply was well developed under Soviet rule. In 1994 the monopoly drug distributor Farmatsiya was part-privatised, becoming Dori-Darmon, a joint stock pharmaceutical wholesaler. Currently, there are around 200 enterprises engaged in drug storage and wholesale.Dori-Darmon, which is part-owned by pharmacists and partly by the state, posted 2010 sales of UZS285.5bn (USD181mn). It operates through eight joint-stock companies and 10 subsidiaries, also controlling over 210 pharmacies and 540 pharmacy branches throughout the country. Some 180 of its pharmacies produce medicines in various forms on the basis of doctors' prescriptions.Dori-Darmon also acts as the main testing centre for mandatory batch testing of imported medicines. It launched an insurance business, DD General Insurance, in Q211, to build on its strong position. Dori used to be the leading supplier of drugs to hospitals. In recent ***years***, however, it has been losing market share to private distributors, and now accounts for around 50% of all hospital purchases, according to WHO data. Privately held Asklepiy Pharmaceutical Company is increasingly challenging Dori-Darmon's position as the leading distributor of medicines.Apart from Asklepiy, main distributors include Lahisam, which was established in 1994, and Ajanta Pharma (a subsidiary of Surkhan Ajanta Pharma) and Reddy Pharmamed (a subsidiary of Indian generic drugs specialist Dr Reddy's, which also has local production facilities). Nika Pharm Service is another large distributor and is working as the local partner for Singapore's Beacons.The other key supplier of the public sector is privately owned Uzmedtechnika, which previously accounted for only 10% of pharmaceutical supplies to public-sector healthcare institutions. Responsible for the public-sector purchasing of foreign drugs, the firm should benefit from investments in healthcare system modernisation. As its name suggests, it is also responsible for purchasing medical equipment for state-owned healthcare institutions, a major focus for current healthcare spending. The Sanitary-Epidemiological Services are responsible for direct distribution of vaccines to hospitals and clinics. Pharmaceutical Retail Sector

Uzbekistan has around 3,500 pharmacies, most of which have been privatised. Private distributors mostly supply private pharmacists, polyclinics and private doctors' practices. The vast majority of drugs dispensed in pharmacies now incur out-of-pocket ***payments***, with many prescription products also available over the counter. Purchasing drugs in the private sector is done on the basis of individual negotiations.E-commerce and mail order systems are not available in Uzbekistan, despite some reported government efforts in this direction, mainly due to low purchasing power and very limited internet penetration. Postal distribution of pharmaceuticals is not regulated, and over-the-counter drugs can be advertised directly to consumers, provided the company receives the approval of the Ministry of Health. Mobile pharmacies, complete with essential equipment, operate in some rural areas of Uzbekistan.

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Impact News Service

December 27, 2017 Wednesday

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**Length:** 21322 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

RR\1140564EN.docx PE613.584v01-00 EN United in diversity EN European Parliament 2014-2019 Plenary sitting A8-0380/2017 28.11.2017 \*\*\*I REPORT on the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013 and (EU) No 652/2014 of the European Parliament and of the Council (COM(2016)0605 – C8-0404/2017 – 2016/0282B(COD)) Committee on ***Agriculture*** and Rural Development Rapporteur: Albert Deß PE613.584v01-00 2/124 RR\1140564EN.docx EN PR\_COD\_1consamCom Symbols for procedures \* Consultation procedure \*\*\* Consent procedure \*\*\*I Ordinary legislative procedure (first reading) \*\*\*II Ordinary legislative procedure (second reading) \*\*\*III Ordinary legislative procedure (third reading) (The type of procedure depends on the legal basis proposed by the draft act.) Amendments to a draft act Amendments by Parliament set out in two columns Deletions are indicated in bold italics in the left-hand column. Replacements are indicated in bold italics in both columns.

New text is indicated in bold italics in the right-hand column. The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Amendments by Parliament in the form of a consolidated text New text is highlighted in bold italics. Deletions are indicated using either the ▌symbol or strikeout. Replacements are indicated by highlighting the new text in bold italics and by deleting or striking out the text that has been replaced. By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted. RR\1140564EN.docx 3/124 PE613.584v01-00 EN CONTENTS Page DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION ................................. 5 PROCEDURE – COMMITTEE RESPONSIBLE ................................................................. 122 FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE .................................. 123 PE613.584v01-00 4/124 RR\1140564EN.docx EN RR\1140564EN.docx 5/124 PE613.584v01-00 EN DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION on a regulation of the European Parliament and of the Council amending Regulations (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013 and (EU) No 652/2014 of the European Parliament and of the Council (COM(2016)0605 – C8-0404/2017 – 2016/0282B(COD)) (Ordinary legislative procedure: first reading) The European Parliament, – having regard to the Commission proposal to Parliament and the Council (COM(2016)0605), – having regard to the decision by the Conference of Presidents on 16 November 2017 to split the Commission proposal and to authorise the Committee on ***Agriculture*** and Rural Development to draw up a separate legislative report for the provisions pertaining to the remit of that committee, namely Articles 267 to 270 and 275 of the Commission proposal, – having regard to Article 294(2) and (3) and Article 42, Article 43(2) and point (b) of Article 168(4) of the Treaty on the Functioning of the European Union, – having regard to the opinion of the European Court of Auditors No 1/2017 of 26 January 20171, – having regard to the opinion of the European Economic and Social Committee of 14 December 20162, – having regard to the opinion of the Committee of the Regions of 11 May 20173, – having regard to the report of the Committee on Budgets and the Committee on Budgetary Control (A8-0211/2017), – having regard to the provisional agreement approved by the Committee on ***Agriculture*** and Rural Development under Rule 69f(4) of its Rules of Procedure hereinafter set out, and the undertaking given by the Council representative by letter of 15 November 2017 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union, – having regard to Rule 59 of its Rules of Procedure, – having regard to the report of the Committee on ***Agriculture*** and Rural Development (A8-0380/2017), 1. Adopts its position at first reading hereinafter set out; 1 OJ C 91, 23.3.2017, p. 1. 2 OJ C 75, 10.3.2017, p. 63. 3 OJ C 306, 15.9.2017, p. 64. PE613.584v01-00 6/124 RR\1140564EN.docx EN 2. Underlines that the split of the Commission proposal is aimed at enabling the provisions pertaining to the remit of the Committee on ***Agriculture*** and Rural Development to apply from 1 January 2018 and that the remaining part of the Commission proposal1 will be examined at a later stage; 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal; 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments. Amendment 1 AMENDMENTS BY THE EUROPEAN PARLIAMENT\* to the Commission proposal --------------------------------------------------------- REGULATION (EU) 2017/… OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of … amending Regulations ▌ (EU) No 1305/2013 on support for rural development by the European ***Agricultural*** Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common ***agricultural*** policy, (EU) No 1307/ 2013 establishing rules for direct ***payments*** to farmers under support schemes within the framework of the common ***agricultural*** policy, (EU) No 1308/ 2013 establishing a common organisation of the markets in ***agricultural*** products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material 1 Procedure number 2016/0282A(COD). \* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌. RR\1140564EN.docx 7/124 PE613.584v01-00 EN THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 42, Article 43(2) and point (b) of Article 168(4) ▌ thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, PE613.584v01-00 8/124 RR\1140564EN.docx EN Having regard to the opinion of the Court of Auditors1, Having regard to the opinion of the European Economic and Social Committee2, Having regard to the opinion of the Committee of the Regions3, Acting in accordance with the ordinary legislative procedure4, 1 OJ C 91, 23.3.2017, p. 1. 2 OJ C 75, 10.3.2017, p. 63. 3 OJ C 306, 15.9.2017, p. 64. 4 Position of the European Parliament of ... [(OJ ...)] [(not yet published in the Official Journal)] and decision of the Council of ... . RR\1140564EN.docx 9/124 PE613.584v01-00 EN Whereas: (1) In order to ensure legal certainty and harmonised and non-discriminatory implementation of support to young farmers, it is necessary to provide that in the context of rural development the 'date of setting up', referred to in Regulation (EU) No 1305/2013 of the European Parliament and of the Council1 and in other relevant rules, means the date when the applicant performs or completes an action related to the setting up for the first time and that the application for support is to be submitted at the latest 24 months after that date. Moreover, experience from the negotiations of the ***programmes*** has shown that the rules for the joint setting up of young farmers and the thresholds for access to support required under Article 19(4) of Regulation (EU) No 1305/2013 should be clarified, and that the provisions on duration of the business plan should be streamlined. (2) In order to facilitate implementation of advisory and training services by Member States´ Managing Authorities, the status of beneficiary under that measure should be extended to those authorities, while at the same time ensuring that the provider of the service is chosen by a body functionally independent from those authorities and that checks are carried out at the level of the provider of advice or training. (3) With a view to incentivising participation in quality schemes, farmers or groups of farmers taking part in such schemes in the five ***years*** preceding the application for support should be eligible for a maximum duration of five ***years***, while duly taking into account the time of the initial participation in the scheme. 1 Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European ***Agricultural*** Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487). PE613.584v01-00 10/124 RR\1140564EN.docx EN (4) In order to be sufficiently attractive to the private sector, it is essential that financial instruments are designed and implemented in a flexible and transparent manner. However, experience has shown that certain measure-specific eligibility rules limit the uptake of financial instruments in the rural development ***programmes***, as well as the flexible use of financial instruments by fund managers. Therefore, it is appropriate to provide that certain measure-specific eligibility rules do not apply to financial instruments. For the same reason, it is also appropriate to provide that start-up support to young farmers under Article 19 of Regulation (EU) No 1305/2013 may also be provided in the form of financial instruments. In view of those changes, it should be provided that, where support for investments under Article 17 of Regulation (EU) No 1305/2013 is granted in the form of financial instruments, the investment must contribute to one or more Union priorities for rural development. (5) In order to reduce administrative burden in relation to the implementation of the principle of no double funding in relation to greening, Member States should be given the possibility of applying a fixed, average deduction to all beneficiaries concerned carrying out the type of operation or sub-measure concerned. RR\1140564EN.docx 11/124 PE613.584v01-00 EN (6) Nowadays farmers are exposed to increasing economic risks as a consequence of market developments. However, those economic risks do not affect all ***agricultural*** sectors equally. Consequently, Member States should have the possibility, in duly justified cases, to help farmers by means of a sector-specific income stabilisation tool, in particular for sectors affected by a severe income drop, which would have a significant economic impact for a specific rural area, provided that the drop in income exceeds a threshold of at least 20 %. In order to ensure that the sector-specific income stabilisation tool is effective and adapted to Member States' specific circumstances, it should be possible for them to define, in their rural development ***programmes***, the income to be taken into account for the activation of the tool, in a flexible manner. At the same time, and in order to promote the use of insurance by farmers, the threshold for the drop in production applicable for insurance should be reduced to 20 %. In addition, in order to monitor the expenditure made under the sector-specific income stabilisation tool and insurance, the content of the financial plan of the ***programme*** should be adapted. ▌ PE613.584v01-00 12/124 RR\1140564EN.docx EN (7) The specific reporting requirement for the risk management measure in 2018 referred to in Article 36(5) of Regulation (EU) No 1305/2013 is already covered by the report to the European Parliament and the Council on the monitoring and evaluation of the common ***agricultural*** policy (CAP) referred to in Article 110(5) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council1. Therefore, the second subparagraph of Article 36(5) of Regulation (EU) No 1305/2013 should be deleted. (8) With regard to mutual funds for farmers of all sectors, it appears that the prohibition of any contribution by public funds to initial capital stock laid down in Articles 38(3) and 39(4) of Regulation (EU) No 1305/2013 hinders the effective functioning of those funds. That prohibition should therefore be deleted. It is also appropriate to expand the areas that can be covered by financial contributions to mutual funds, so that contributions can supplement the annual ***payments*** into the funds, as well as relate to their initial capital stock (9) Support for investments for the restoration of production potential after natural disasters and catastrophic events under point (b) of Article 18(1) and point (d) of Article 24(1) of Regulation (EU) No 1305/2013 is usually granted to all eligible applicants. Therefore, Member States should not be obliged to define selection criteria for restoration operations. Moreover, in duly justified cases, where it is not possible to define selection criteria due to the nature of the operations, Member States should be allowed to define alternative selection methods. 1 Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common ***agricultural*** policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549). RR\1140564EN.docx 13/124 PE613.584v01-00 EN (10) Article 59 of Regulation (EU) No 1305/2013 defines the maximum European ***Agricultural*** Fund for Rural Development (EAFRD) contribution rates. In order to ease the pressure on the national budget of some Member States and to accelerate much-needed investments in Cyprus, the maximum contribution rate of 100 % referred to in point (f) of Article 59(4) of that Regulation should be extended until the ***programme*** closure. In addition, a reference to the specific contribution rate introduced in Regulation (EU) No 1303/2013 of the European Parliament and of the Council1 for the new financial instrument referred to in point (c) of Article 38(1) of Regulation (EU) No 1303/2013 should be mentioned in Article 59(4) of Regulation (EU) No 1305/2013. (11) Pursuant to Article 60(1) of Regulation (EU) No 1305/2013, in cases of emergency measures due to natural disasters, eligibility of expenditure relating to ***programme*** changes may start from the date when the natural disaster occurred. That possibility to make eligible expenditure made before the submission of a ***programme*** amendment should be extended to other circumstances, such as catastrophic events or a significant and sudden change in the socio-economic conditions of the Member State or region ▌. 1 Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European ***Agricultural*** Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347 20.12.2013, p. 320). PE613.584v01-00 14/124 RR\1140564EN.docx EN (12) Pursuant to the second subparagraph of Article 60(2) of Regulation (EU) No 1305/2013, in respect of investments in the ***agricultural*** sector, only expenditure incurred after the submission of an application is eligible. In cases, however, where the investment is related to emergency measures due to natural disasters, catastrophic events or adverse climatic events or a significant and sudden change in the socio-economic conditions of the Member State or region, Member States should be given the possibility to provide in their ***programmes*** that expenditure incurred after the occurrence of the event is eligible, in order to ensure their flexible and timely reaction to such events. In order to provide efficient support to emergency operations undertaken by the Member States in response to events which occurred in recent ***years***, that possibility should apply from 1 January 2016. (13) In order to increase the use of the simplified cost options referred to in points (b) to (d) of Article 67(1) of Regulation (EU) No 1303/2013, it is necessary to limit the EAFRD-specific rules laid down in Article 62(2) of Regulation (EU) No 1305/2013 to aid granted in accordance with points (a) and (b) of Article 21(1), concerning income forgone and maintenance costs, and with Articles 28 to 31, 33 and 34 of Regulation (EU) No 1305/2013. RR\1140564EN.docx 15/124 PE613.584v01-00 EN (14) Article 74 of Regulation (EU) No 1305/2013 requires the Member States to consult the Monitoring Committee of the rural development ***programme*** on the selection criteria within four months from the approval of the ***programme***. This creates an indirect obligation for the Member States to have defined all the selection criteria by that date even for the calls for applications which will be launched subsequently. In order to reduce unnecessary administrative burden, whilst ensuring that financial resources are used in the best possible way, ▌ Member States should be allowed to define the selection criteria and to ask for the opinion of the Monitoring Committee at any time before the publication of the calls for applications. (15) With a view to increasing the use of crop, animal and plant insurance, and of mutual funds and the income stabilisation tool, the maximum percentage of initial public support should be increased from 65 % to 70 %. PE613.584v01-00 16/124 RR\1140564EN.docx EN (16) Financial discipline is used to ensure that the budget for the European ***Agricultural*** Guarantee Fund (EAGF) complies with the respective annual ceilings of the multiannual financial framework and to establish the reserve for crises in the ***agricultural*** sector. Given the technical character of the determination of the adjustment rate for direct ***payments*** and its inherent links with the Commission's estimates of expenditure set out in its annual draft budget, the procedure for setting the adjustment rate should be simplified by authorising the Commission to adopt it in accordance with the advisory procedure. ▌ (17) In order to harmonise the rules on automatic decommitment set out in Article 87 of Regulation (EU) No 1303/2013 and Article 38 of Regulation (EU) No 1306/2013, the date by which Member States have to send to the Commission information on exceptions to the decommitment referred to in Article 38(3) of Regulation (EU) No 1306/2013 should be adapted. (18) In order to provide for ▌ legal clarity as regards the treatment of the recoveries generated from the temporary reductions under Article 41(2) of Regulation (EU) No 1306/2013, the latter should be included in the list of sources of the assigned revenue under Article 43 of that Regulation. ▌ RR\1140564EN.docx 17/124 PE613.584v01-00 EN (19) In the interests of administrative simplification, it is appropriate to increase the threshold below which Member States may decide not to pursue recovery of undue ***payments*** from EUR 150 to EUR 250 provided that the Member State applies an equal or higher threshold for not pursuing national debts. (20) It is appropriate to ensure that the refusal or recovery of ***payments*** as a result of ▌ non-compliance with public procurement rules reflects the gravity of such non-compliance and respects the principle of proportionality, as expressed, for example, in the relevant guidelines established by the Commission for financial corrections to be made to expenditure financed by the Union under shared management for non-compliance with such rules. It is further appropriate to clarify that such non-compliance affects the legality and regularity of the transactions only by the same level. (21) In order to reduce administrative burden for small farmers, a further derogation should be introduced, exempting small farmers from declaring parcels on which a ***payment*** application is not made. PE613.584v01-00 18/124 RR\1140564EN.docx EN (22) Having regard to practical and specific difficulties that the harmonisation of the ***payment*** deadlines for area-related ***payments*** between the EAGF and the EAFRD has given rise to, the transitional period should be extended by one more ***year***. However, as regards area-related rural development measures, in order to maintain farmers' cash-flow, ***payments*** of advances before 16 October should remain possible. (23) In order to accommodate the diversity of ***agricultural*** systems across the Union, it is appropriate to allow Member States to consider ploughing up, which is relevant for the agronomic and environmental aspects, as a criterion to be used for the classification of permanent grassland. (24) Certain shrubs or trees which are not directly grazed by animals may nevertheless produce animal feed. Member States should be allowed to include those shrubs or trees in permanent grassland where the grasses and other herbaceous forage remain predominant, in the whole or in part of their territory. (25) In order to clarify the classification prior to 2018 of land lying fallow as arable land, where it had been in place for five ***years*** or more, and provide certainty to the farmers concerned, Member States should be able to maintain its classification as arable land in 2018. (26) Land which can be grazed, where grasses and other herbaceous forage are not predominant or are absent, and where the grazing practices are neither traditional in character nor important for the conservation of biotopes and habitats, may nevertheless have relevant grazing value in certain areas. Member States should be allowed to consider those areas as permanent grassland in the whole or in part of their territory. RR\1140564EN.docx 19/124 PE613.584v01-00 EN (27) The experience gained in the first ***years*** of implementation of Regulation (EU) No 1307/2013 of the European Parliament and of the Council1 has shown that certain Member States applying the single area ***payment*** scheme did not use the entire amount of the funds available under the budgetary ceilings laid down in Commission Implementing Regulation (EU) No 2015/10892. Member States applying the basic ***payment*** scheme already have the possibility, within certain limits, of distributing ***payment*** entitlements for a higher value than the amount available for their basic ***payment*** scheme in order to ensure a more efficient use of the funds. Member States applying the single area ***payment*** scheme should also be allowed, within the same common limits and without prejudice to the respect of the net ceilings for direct ***payments***, to calculate the necessary amount by which their single area ***payment*** scheme ceiling may be increased. (28) Certain Member States operate national fiscal or social security registers in which farmers are registered for their ***agricultural*** activities. Those Member States should be able to exclude from eligibility for direct ***payments*** farmers who are not registered accordingly. 1 Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct ***payments*** to farmers under support schemes within the framework of the common ***agricultural*** policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347 20.12.2013, p. 608). 2 Commission Implementing Regulation (EU) 2015/1089 of 6 July 2015 establishing budgetary ceilings for 2015 applicable to certain direct support schemes provided for in Regulation (EU) No 1307/2013 of the European Parliament and of the Council and setting the share for the special de-mining reserve for Croatia (OJ L 176, 7.7.2015, p. 29). PE613.584v01-00 20/124 RR\1140564EN.docx EN (29) As experience acquired in the past showed that support was in a number of cases granted to natural or legal persons whose business purpose was not, or was only marginally, targeted at an ***agricultural*** activity, Regulation (EU) No 1307/2013 introduced the active farmer clause. Pursuant thereto, Member States are to refrain from granting direct ***payments*** to certain persons unless such persons can demonstrate that their ***agricultural*** activity is not marginal. However, subsequent experience shows that ▌ implementing the three criteria for being regarded as an active farmer, listed in the third subparagraph of Article 9(2) of Regulation (EU) No 1307/2013▌, has proven difficult for many Member States. In order to reduce the administrative burden associated with the implementation of those three criteria, Member States should have the possibility to decide that only one or two of them are made available to demonstrate that a person is an active farmer. ▌ (30) Moreover, the experience of some Member States is that the difficulties and the administrative costs of implementing the elements relating to the list of activities or businesses as provided for in Article 9(2) of Regulation (EU) No 1307/2013, has outweighed the benefit of excluding a very limited number of non-active beneficiaries from the direct support schemes. When a Member State considers this to be the case, it should be able to discontinue the application of Article 9 thereof in relation to the list of activities or businesses. ▌ (31) It is appropriate to make explicit that Article 11 of Regulation (EU) No 1307/2013 allows Member States to review, on an annual basis, their decisions on the reduction of the part of the basic ***payment*** to be granted to farmers which exceeds EUR 150 000, provided that such a review does not lead to a reduction of the amounts available for rural development. RR\1140564EN.docx 21/124 PE613.584v01-00 EN (32) To allow Member States to adapt support under the CAP to their specific needs, they should be given appropriate opportunities to review their decision on ***transferring*** funds from their direct ***payments*** ceiling to their rural development ***programmes*** and vice versa. They should therefore be given the possibility to review their decision also with effect from ***calendar*** ***year*** 2019, provided that any such decision does not entail a decrease in the amounts assigned to rural development. (33) In addition to using a linear reduction of the value of ***payment*** entitlements under the basic ***payment*** scheme to replenish national or regional reserves to facilitate the participation of young farmers and farmers commencing their ***agricultural*** activity in the support scheme, Member States should also be allowed to use the same mechanism to finance measures taken to prevent land from being abandoned and to compensate farmers for specific disadvantages. (34) To simplify and improve consistency between the rules applicable to greening measures, the exemption from the ecological focus area obligation applicable to holdings cultivating leguminous crops as a sole crop or in combination with grasses or other herbaceous forage or land lying fallow on more than 75 % of arable land pursuant to point (a) of Article 46(4) of Regulation (EU) No 1307/2013 should be extended to the obligation of crop diversification. PE613.584v01-00 22/124 RR\1140564EN.docx EN (35) To ensure consistency in the way several types of crops are considered, on account of their substantial share in areas, in relation to the crop diversification requirement, the flexibility in applying the rules of crop diversification under Article 44(2) of Regulation (EU) No 1307/2013 should be extended to include the cultivation of crops under water for a significant part of the ***year*** or for a significant part of the crop cycle. (36) In order to streamline the existing exemptions from the crop diversification obligation set out in points (a) and (b) of Article 44(3) of Regulation (EU) No 1307/2013, applicable to land predominantly used for the production of grasses or other herbaceous forage, or for cultivation of leguminous crops or the cultivation of crops under water, or which is predominantly land lying fallow or permanent grassland, and so as to provide for equal treatment of all farmers with the same land use proportions, the upper limit of 30 hectares of arable land should no longer be applicable. RR\1140564EN.docx 23/124 PE613.584v01-00 EN (37) In order to take account of the agronomic specificity of Triticum spelta, it should be considered as a distinct crop for the purpose of Article 44 of Regulation (EU) No 1307/2013. (38) In order to streamline the existing exemptions from the ecological focus area obligation set out in points (a) and (b) of Article 46(4) of Regulation (EU) No 1307/2013, applicable to land predominantly used for the production of grasses or other herbaceous forage, or for cultivation of leguminous crops or the cultivation of crops under water, or which is predominantly land lying fallow or permanent grassland, the upper limit of 30 hectares of arable land should no longer be applicable. (39) Given the potential for indirect environmental benefits for biodiversity that may be provided by certain permanent crops, the list of ecological focus area types set out in Article 46 of Regulation (EU) No 1307/2013 should be extended to include Miscanthus and Silphium perfoliatum. Considering that the type of vegetation coverage may positively affect the biodiversity contribution of land lying fallow, land lying fallow for melliferous plants should be recognised as a distinct ecological focus area type. Consequently, weighting factors should be established for Miscanthus, Silphium perfoliatum and land lying fallow for melliferous plants. Weighting factors should be established in such a way as to reflect their different importance for biodiversity. The introduction of additional ecological focus area types requires the existing weighting factors for areas with nitrogen-fixing crops and for areas with short rotation coppice to be adapted so as to reflect the new balance between all ecological focus area types. (40) Experience gained with the application of the support scheme for young farmers under Article 50 of Regulation (EU) No 1307/2013 has shown that, in some cases, young farmers cannot benefit from the full five ***years*** of support. While the focus of that support remains on new economic activity by young people starting their farming activities, Member States should facilitate the access of young farmers to PE613.584v01-00 24/124 RR\1140564EN.docx EN the full five ***years*** of ***payment*** for young farmers also in cases where young farmers have not applied for support immediately after setting up. RR\1140564EN.docx 25/124 PE613.584v01-00 EN (41) Some Member States have assessed that the ***payment*** provided to young farmers under Article 50 of Regulation (EU) No 1307/2013 is insufficient to adequately respond to the financial challenges of the initial establishment and the structural adjustment of ***agricultural*** holdings set up by young farmers. To further enhance the prospects for participation of young farmers in farming, Member States should have the possibility to decide to increase the percentage applied to calculate the amount of the ***payment*** for young farmers in the range of 25 % to 50 % and irrespective of the calculation method applied. Such decision should be without prejudice to the 2 % limit of their national ceiling for direct ***payments*** to finance the ***payment*** for young farmers. (42) In order to enhance clarity with regard to the responsibilities of Member States as far as the production limiting character of voluntary coupled support is concerned, it is appropriate to reformulate Article 52(5) and (6) of Regulation (EU) No 1307/2013. As the reformulation reflects the current practice since 1 January 2015 with regard to the provisions concerned, it is appropriate that it should apply from claim ***year*** 2015. PE613.584v01-00 26/124 RR\1140564EN.docx EN (43) In order to ensure the greatest possible consistency between Union schemes targeting sectors that, in certain ***years***, are marked by structural market imbalances, the Commission should be empowered to adopt delegated acts allowing Member States to decide that voluntary coupled support can continue to be paid until 2020 on the basis of the production units for which such support was granted in a past refer

ence period. ▌ (44) In order to enhance the flexibility with regard to voluntary coupled support, annual review by the Member States of their support decisions should be allowed with effect from claim ***year*** 2019. (45) One of the major obstacles to the formation of producer organisations, mainly in Member States which are lagging behind as regards the degree of organisation, appears to be the lack of mutual trust and past experiences. In this context, coaching, whereby producer organisations which are functioning show the way to other producer organisations, producer groups or individual producers of fruit and vegetables, could offset that obstacle and should thus be included among the objectives of producer organisations in the fruit and vegetables sector. RR\1140564EN.docx 27/124 PE613.584v01-00 EN (46) In addition to withdrawals for free distribution, it is also appropriate to provide financial support for coaching actions intended to encourage producers to set up organisations meeting the criteria to be recognised in order to benefit from full Union financing within the operational ***programmes*** of existing producer organisations. (47) Crisis prevention and management measures should be extended to cover replenishment of mutual funds which could as new instruments help to combat crises, and to promotion and communication in order to diversify and consolidate the fruit and vegetables markets. ▌ (48) In order to simplify the current procedure of first authorising Member States to grant additional national financial assistance to producer organisations in regions of the Union where the degree of organisation is particularly low and second reimbursing a part of the national financial assistance if further conditions are complied with, a new system should be established for Member States where the degree of organisation is significantly below the Union average. In order to ensure a smooth transition from the current procedure to the new system, a transitional period of one ***year*** should be provided for. The new system should therefore become applicable from 1 January 2019.▌ (49) In order to ensure protection for wine spirits with a geographical indication against risks of misappropriation of reputation, Member States should be allowed to apply the rules on authorisations for vine plantings suitable for producing wines with a geographical indication also to wines suitable for producing wine spirits with a geographical indication. PE613.584v01-00 28/124 RR\1140564EN.docx EN (50) The use of contracts in the milk and milk products sector may help to reinforce the responsibility of operators and to increase their awareness of the need to better take into account the signals of the market, to improve price transmission and to adapt supply to demand, as well as to help to avoid certain unfair commercial practices. In order to incentivise the use of such contracts in the milk and milk products sector as well as in other sectors, producers, producer organisations or association of producer organisations should have the right to request a written contract, even if the Member State concerned has not made the use of such contracts compulsory. (51) While the parties to a contract for the delivery of raw milk are free to negotiate the elements of such contracts, Member States who make the use of contracts compulsory have been granted the opportunity to impose certain contract clauses, in particular their minimum duration. With a view to enabling the parties to achieve contractual clarity on the delivered quantities and prices, Member States should also have the possibility of imposing on the parties the obligation to agree on a relationship between a delivered quantity and the price payable for that delivery. RR\1140564EN.docx 29/124 PE613.584v01-00 EN (52) Producer organisations and their associations can play useful roles in concentrating supply, in improving the marketing, planning and adjusting of production to demand, optimising production costs and stabilising producer prices, carrying out research, promoting best practices and providing technical assistance, managing by-products and risk management tools available to their members, thereby contributing to strengthening the position of producers in the food chain. Their activities, including the contractual negotiations for the supply of ***agricultural*** products by such producer organisations and their associations when concentrating supply and placing the products of their members on the market, therefore contribute to the fulfilment of the objectives of the CAP set out in Article 39 of the Treaty on the Functioning of the European Union (TFEU), since they strengthen the position of farmers in the food supply chain and can contribute to a better functioning of the food supply chain. The reform of the CAP in 2013 reinforced the role of producer organisations. By way of derogation from Article 101 TFEU, the possibility to carry out activities such as production planning, cost optimisation, placing producer members' products on the market and conducting contractual negotiations should therefore be explicitly regulated as a right of recognised producer organisations in all sectors for which Regulation (EU) No 1308/2013 of the European Parliament and of the Council1 establishes a common organisation of the markets. That derogation should only cover producer organisations which genuinely exercise an activity aimed at economic integration and which concentrate supply and place products of their members on the market. However, in addition to the application of Article 102 TFEU to such producer organisations, safeguards should be put in place in order to ensure that such activities do not exclude competition or jeopardise the objectives set out in Article 39 TFEU. Competition authorities should have the right to intervene in such cases and decide that such activities should be modified, discontinued or not take place at all. Until the adoption of the decision of the competition authority, the 1 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in ***agricultural*** products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671). PE613.584v01-00 30/124 RR\1140564EN.docx EN activities carried out by producer organisations should be considered legal. Associations of producer organisations recognised under Article 156(1) of Regulation (EU) No 1308/2013 should be able to rely, for the activities that they carry out themselves, on the derogation provided for in Article 152(1a) of Regulation (EU) No 1308/2013 to the same extent and under the same conditions as producer organisations. (53) Producer organisations are recognised in a specific sector referred to in Article 1(2) of Regulation (EU) No 1308/2013. However, as producer organisations may operate in more than one sector and in the interest of avoiding administrative burden by obliging them to create several producer organisations for recognition purposes, it should be possible for a producer organisation to obtain more than one recognition. However, in such cases, the producer organisation in question should fulfil the conditions of recognition for each of the sectors concerned. RR\1140564EN.docx 31/124 PE613.584v01-00 EN (54) Taking note of the role which interbranch organisations can play for the better functioning of the food supply chain, the list of possible objectives which such interbranch organisations may pursue should be extended to cover also measures to prevent and manage risks related to animal health, plant-protection and the environment. (55) Interbranch organisations are recognised in a specific sector referred to in Article 1(2) of Regulation (EU) No 1308/2013. However, as interbranch organisations may operate in more than one sector and, in the interest of avoiding administrative burden by obliging them to create several interbranch organisations for recognition purposes, it should be possible for an interbranch organisation to obtain more than one recognition. However, in such cases, the interbranch organisation should fulfil the conditions of recognition for each of the sectors concerned (56) In order to facilitate better transmission of market signals and strengthen linkages between producer prices and value added throughout the supply chain, farmers, including associations of farmers, should be allowed to agree with their first purchaser on value-sharing clauses, including market gains and losses. As interbranch organisations can play an important part in allowing dialogue between actors in the supply chain and in promoting best practices and market transparency, they should be allowed to establish standard value-sharing clauses. However, the use of value-sharing clauses by farmers, associations of farmers and their first purchaser should remain voluntary. PE613.584v01-00 32/124 RR\1140564EN.docx EN (57) The experience gained through the application of Article 188 of Regulation (EU) No 1308/2013 ▌ has proven that the need to adopt implementing acts for the management of simple, mathematical processes linked to the way quotas are allocated is cumbersome and resource-intensive without any specific advantage linked to such an approach. The Commission has, in fact, no margin of discretion in this context considering that the related formula is already fixed by Article 7(2) of Commission Regulation (EC) No 1301/20061. In order to reduce the related administrative burden and streamline the process it should be provided that the Commission makes the results of the allocation of the ▌ tariff quotas public through an appropriate web-publication. Moreover a specific provision should be included providing that Member States should only issue licences following the publication of the allocation results by the Commission. ▌ 1 Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for ***agricultural*** products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13). RR\1140564EN.docx 33/124 PE613.584v01-00 EN (58) In order to ensure the effective use by farmers' or producer organisations or their associations of Article 209 of Regulation (EU) No 1308/2013, the possibility to request the opinion of the Commission on the compatibility of agreements, decisions and concerted practices of farmers' or producer organisations or their associations with the objectives set out in Article 39 TFEU should be introduced. (59) In order to ensure that the provisions in Regulation (EU) No 1308/2013 allowing collective agreements and decisions to temporarily stabilise the sectors concerned in times of severe imbalance in markets can be implemented in an effective and timely manner, the possibilities for such collective actions should be extended to farmers and associations of farmers. Furthermore, such temporary measures should no longer be authorised as a means of last resort but could complement Union action in the context of public intervention, private storage and the exceptional measures envisaged by Regulation (EU) No 1308/2013. PE613.584v01-00 34/124 RR\1140564EN.docx EN (60) As it is appropriate to continue to help the milk and milk products sector in its transition as a result of the end of the quota system and to encourage it to respond more effectively to market and price fluctuations, the provisions in Regulation (EU) No 1308/2013 reinforcing the contractual arrangements in the milk and milk products sector should no longer have an end date. (61) ***Agricultural*** markets should be transparent and information about prices should be accessible and useful to all those involved. (62) The experience gained through the application of Section A of Part II of Annex VIII to Regulation (EU) No 1308/2013 has proven that the need to adopt implementing acts for the approval of limited increases in wine enrichment limits, which are technical and uncontroversial in nature, is cumbersome and resource-intensive without any specific advantage resulting from such an approach. In order to reduce the related administrative burden and streamline the process it should be provided that Member States that decide to make use of that derogation are to notify the Commission of any such decisions. RR\1140564EN.docx 35/124 PE613.584v01-00 EN (63) Regulation (EU) No 652/2014 of the European Parliament and of the Council1 provides for the possibility to divide budgetary commitments into annual instalments only in the case of approval of multiannual ***programmes*** for the eradication, control and surveillance of animal diseases and zoonoses, for survey ***programmes*** concerning the presence of pests and for ***programmes*** concerning the control of pests in outermost regions of the Union. In the interest of simplification and in order to reduce the administrative burden, that possibility should be extended to the other actions provided for in that Regulation. (64)In order to enable the amendments provided for in this Regulation to be applied from 1 January 2018, it should enter into force on the day following that of its publication in the Official Journal of the European Union. (65) Regulations (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013 and (EU) No 652/2014 should therefore be amended accordingly, HAVE ADOPTED THIS REGULATION: 1 Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1). PE613.584v01-00 36/124 RR\1140564EN.docx EN ▌ Article 1 Amendments to Regulation (EU) No 1305/2013 Regulation (EU) No 1305/2013 is amended as follows: (1) in Article 2(1), the second subparagraph is amended as follows: (a) point (n) is replaced by the following: '(n) 'young farmer' means a person who is no more than 40 ***years*** of age at the moment of submitting the application, possesses adequate occupational skills and competence and is setting up for the first time in an ***agricultural*** holding as head of that holding; the setting up may be done solely or jointly with other farmers, irrespective of its legal form;'; RR\1140564EN.docx 37/124 PE613.584v01-00 EN (b) the following point is added: '(s) 'date of setting up' means the date when the applicant performs or completes (an) action(s) related to the setting up referred to in point (n).'; (2) in Article 8(1), point (h)(ii) is replaced by the following: '(ii) a table setting out, for each measure, for each type of operation with a specific EAFRD contribution rate, for the type of operation referred to in Article 37(1) and Article 39a and for technical assistance, the total Union contribution planned and the applicable EAFRD contribution rate. Where applicable, this table shall indicate separately the EAFRD contribution rate for less developed regions and for other regions;' ▌; (3) in Article 14, paragraph 4 is replaced by the following: '4. Eligible costs under this measure shall be the costs of organising and delivering the knowledge ***transfer*** or information action. Infrastructure installed as a result of demonstration may be used after the operation is completed. In the case of demonstration projects, support may also cover relevant investment costs. Costs for travel, accommodation and per diem expenses of participants as well as the cost of the replacement of farmers shall also be eligible for support. All costs identified under this paragraph shall be paid to the beneficiary.'; PE613.584v01-00 38/124 RR\1140564EN.docx EN (4) Article 15 is amended as follows: (a) paragraph 2 is replaced by the following: '2. The beneficiary of support provided in accordance with points (a) and (c) of paragraph 1 shall be either the provider of advice or training or the Managing Authority. Where the Managing Authority is the beneficiary, the provider of advice or training shall be selected by a body that is functionally independent from the Managing Authority. Support under point (b) of paragraph 1 shall be granted to the authority or body selected to set up the farm management, farm relief, farm advisory or forestry advisory service.'; (b) in paragraph 3, the first subparagraph is replaced by the following: '3. The authorities or bodies selected to provide advice shall have appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields in which they advise. The providers under this measure shall be chosen through a selection procedure open to both public and private bodies. That selection procedure shall be objective and shall exclude candidates with conflicts of interest.'; RR\1140564EN.docx 39/124 PE613.584v01-00 EN (c) the following paragraph is inserted: '3a. For the purpose of this Article, Member States shall, in accordance with Article 65(1), carry out all checks at the level of the provider of advice or training.'; (5) Article 16 is amended as follows: (a) in paragraph 1, the introductory part is replaced by the following: '1. Support under this measure shall cover new participation, or participation in the five preceding ***years***, by farmers and groups of farmers, in:'; (b) paragraphs 2 and 3 are replaced by the following: '2. Support under this measure may also cover costs arising from information and promotion activities implemented by groups of producers, concerning products covered by a quality scheme receiving support in accordance with paragraph 1 of this Article. By way of derogation from Article 70(3) of Regulation (EU) No 1303/2013, those activities may only be implemented in the internal market. PE613.584v01-00 40/124 RR\1140564EN.docx EN 3. Support under paragraph 1 shall be granted as an annual incentive ***payment***, the level of which shall be determined in accordance with the level of the fixed costs arising from participation in supported schemes, for a maximum duration of five ***years***. In the case of initial participation prior to the application for support under paragraph 1, the maximum duration of five ***years*** shall be reduced by the number of ***years*** which have elapsed between the initial participation in a quality scheme and the time of the application for the support. For the purposes of this paragraph, 'fixed costs' means the costs incurred for entering a supported quality scheme and the annual contribution for participating in that scheme, including, where necessary, expenditure on checks required to verify compliance with the specifications of the scheme. For the purposes of this Article, 'farmer' means active farmer within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the Member State concerned.'; RR\1140564EN.docx 41/124 PE613.584v01-00 EN (6) Article 17 is amended as follows: (a) in paragraph 1, point (b) is replaced by the following: '(b) concern the processing, marketing and/or development of ***agricultural*** products covered by Annex I to the TFEU or cotton, except fishery products; the output of the production process may be a product not covered by that Annex; where support is provided in the form of financial instruments, the input may also be a product not covered by that Annex on condition that the investment contributes to one or more of the Union priorities for rural development;'; (b) paragraph 5 is replaced by the following: '5. Support may be granted to young farmers setting up for the first time in an ***agricultural*** holding as head of the holding in respect of investments to comply with Union standards applying to ***agricultural*** production, including occupational safety. Such support may be provided for a maximum of 24 months from the date of setting up as set out in the rural development ***programme***, or until the actions defined in the business plan referred to in Article 19(4) are completed.'; PE613.584v01-00 42/124 RR\1140564EN.docx EN (7) Article 19 is amended as follows: (a) paragraph 4 is replaced by the following: '4. The application for support under point (a)(i) of paragraph 1 shall be submitted at the latest 24 months after the date of setting up. Support under point (a) of paragraph 1 shall be conditional on the submission of a business plan. Implementation of the business plan shall start at the latest within nine months from the date of the decision granting the aid. The business plan shall have a maximum duration of five ***years***. ▌The business plan shall provide that the young farmer is to comply with Article 9 of Regulation (EU) No 1307/2013, as applicable in the Member State concerned, within 18 months from the date of the decision granting the aid. Member States shall define the action(s) referred to in point (s) of Article 2(1) in the rural development ***programmes***. RR\1140564EN.docx 43/124 PE613.584v01-00 EN Member States shall define upper and lower thresholds per beneficiary or holding for allowing access to support under points (a)(i) and (a)(iii) of paragraph 1. The lower threshold for support under point (a)(i) of paragraph 1 shall be higher than the upper threshold for support under point (a)(iii) of paragraph 1. Support shall be limited to holdings falling within the definition of micro and small enterprises.'; (b) the following paragraph is inserted: '4a. By way of derogation from Article 37(1) of Regulation (EU) No 1303/2013, support under point (a)(i) of paragraph 1 of this Article may also be provided in the form of financial instruments, or as a combination of grants and financial instruments.'; (c) paragraph 5 is replaced by the following: '5. Support under point (a) of paragraph 1 shall be paid in at least two instalments. Instalments may be degressive. The ***payment*** of the last instalment under points (a)(i) and (a)(ii) of paragraph 1 shall be conditional upon the correct implementation of the business plan.'; PE613.584v01-00 44/124 RR\1140564EN.docx EN (8) in Article 20, the following paragraph is added: '4. Paragraphs 2 and 3 shall not apply where support is provided in the form of financial instruments.'; (9) Article 23 is amended as follows: (a) the heading is replaced by the following: 'Article 23 Establishment, regeneration or renovation of agroforestry systems'; (b) paragraph 1 is replaced by the following: '1. Support under point (b) of Article 21(1) shall be granted to private land-holders, municipalities and their associations and shall cover the costs of establishment, regeneration and/or renovation and an annual premium per hectare to cover the costs of maintenance for a maximum period of five ***years***.'; RR\1140564EN.docx 45/124 PE613.584v01-00 EN (10) Article 28 is amended as follows: (a) in paragraph 6, the second subparagraph is replaced by the following: ' When calculating the ***payments*** referred to in the first subparagraph, Member States shall deduct the amount necessary in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013. Member States may calculate the deduction as a fixed, average amount applied to all beneficiaries concerned carrying out the type of operation concerned.'; (b) paragraph 9 is replaced by the following: '9. Support may be provided for the conservation and for the sustainable use and development of genetic resources in ***agriculture***, including non-indigenous resources, for operations not covered by the provisions under paragraphs 1 to 8. Such commitments may be carried out by beneficiaries other than those referred to in paragraph 2.'; PE613.584v01-00 46/124 RR\1140564EN.docx EN (11) Article 29 is amended as follows: (a) paragraph 1 is replaced by the following: '1. Support under this measure shall be granted, per hectare of ***agricultural*** area, to farmers or groups of farmers who undertake, on a voluntary basis, to convert to or maintain organic farming practices and methods as defined in Regulation (EC) No 834/2007 and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the Member State concerned.'; (b) in paragraph 4, the second subparagraph is replaced by the following: 'When calculating the ***payments*** referred to in the first subparagraph of this paragraph, Member States shall deduct the amount necessary in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013. Member States may calculate the deduction as a fixed, average amount applied to all beneficiaries concerned carrying out the sub-measures concerned.'; RR\1140564EN.docx 47/124 PE613.584v01-00 EN (12) in Article 30(1), the second subparagraph is replaced by the following: ' When calculating the ***payments*** related to the support referred to in the first subparagraph, Member States shall deduct the amount necessary in order to exclude double funding of the practices referred to in Article 43 of Regulation (EU) No 1307/2013. Member States may calculate the deduction as a fixed, average amount applied to all beneficiaries concerned carrying out the sub-measures concerned.'; (13) Article 31 is amended as follows: (a) paragraph 2 is replaced by the following: '2. ***Payments*** shall be granted to farmers who undertake to pursue their farming activity in the areas designated pursuant to Article 32 and are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the Member State concerned.'; PE613.584v01-00 48/124 RR\1140564EN.docx EN (b) in paragraph 5, the first subparagraph is replaced by the following: '5. In addition to the ***payments*** provided for in paragraph 2, Member States may grant ***payments*** under this measure between 2014 and 2020 to beneficiaries in areas which were eligible under Article 36(a)(ii) of Regulation (EC) No 1698/2005 during the 2007-2013 ***programming*** period. For beneficiaries in areas that are no longer eligible following the new delimitation referred to in Article 32(3), those ***payments*** shall be degressive over a maximum period of four ***years***. That period shall start on the date that the delimitation in accordance with Article 32(3) is completed and at the latest in 2019. Those ***payments*** shall start at no more than 80 % of the average ***payment*** fixed in the ***programme*** for the ***programming*** period 2007-2013 in accordance with Article 36(a)(ii) of Regulation (EC) No 1698/2005, and shall end in 2020 at the latest at no more than 20 %. When the application of degressivity results in the level of the ***payment*** reaching EUR 25, the Member State may continue ***payments*** at that level until the phasing out period is completed.'; RR\1140564EN.docx 49/124 PE613.584v01-00 EN (14) in Article 33, paragraph 1 is replaced by the following: '1. Animal welfare ***payments*** under this measure shall be granted to farmers who undertake, on a voluntary basis, to carry out operations consisting of one or more animal welfare commitments and who are active farmers within the meaning of Article 9 of Regulation (EU) No 1307/2013, as applicable in the Member State concerned.'; (15) Article 36 is amended as follows: (a) paragraph 1 is amended as follows: (i) point (c) is replaced by the following: '(c) an income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of all sectors for a severe drop in their income;'; PE613.584v01-00 50/124 RR\1140564EN.docx EN (ii) the following point is added: '(d) a sector-specific income stabilisation tool, in the form of financial contributions to mutual funds, providing compensation to farmers of a specific sector for a severe drop in their income.'; (b) paragraph 2 is replaced by the following: '2. For the purposes of this Article, 'farmer' means active farmer within the meaning of Article 9 of Regulation EU) No 1307/2013, as applicable in the Member State concerned.'; (c) paragraph 3 is replaced by the following: '3. For the purpose of points (b), (c) and (d) of paragraph 1, 'mutual fund' means a scheme accredited by the Member State in accordance with its national law for affiliated farmers to insure themselves, whereby compensation ***payments*** are made to affiliated farmers for economic losses caused by the outbreak of adverse climatic events or an animal or plant disease or pest infestation or an environmental incident, or for a severe drop in their income.'; (d) in paragraph 5, the second subparagraph is deleted. RR\1140564EN.docx 51/124 PE613.584v01-00 EN (16) in Article 37(1), the first subparagraph is replaced by the following: '1. Support under point (a) of Article 36(1) shall only be granted for insurance contracts which cover for loss caused by an adverse climatic event, or by an animal or plant disease, or a pest infestation, or an environmental incident or a measure adopted in accordance with Directive 2000/29/EC to eradicate or contain a plant disease, or pest which destroys more than 20 % of the average annual production of the farmer in the preceding three-***year*** period or a three-***year*** average based on the preceding five-***year*** period, excluding the highest and lowest entry. Indexes may be used in order to calculate the annual production of the farmer. The calculation method used shall permit the determination of the actual loss of an individual farmer in a given ***year***.'; (17) Article 38 is amended as follows: (a) paragraph 3 is amended as follows: (i) the first subparagraph is replaced by the following: '3. The financial contributions referred to in point (b) of Article 36(1) may only relate to: (a) the administrative costs of setting up the mutual fund, spread over a maximum of three ***years*** in a degressive manner; PE613.584v01-00 52/124 RR\1140564EN.docx EN (b) the amounts paid by the mutual fund as financial compensation to farmers. In addition, the financial contribution may relate to interest on commercial loans taken out by the mutual fund for the purpose of paying the financial compensation to farmers in case of crisis; (c) supplementing the annual ***payments*** into the fund; (d) the initial capital stock of the mutual fund.'; (ii) the third subparagraph is deleted; RR\1140564EN.docx 53/124 PE613.584v01-00 EN (b) in paragraph 5, the first subparagraph is replaced by the following: '5. Support shall be limited to the maximum support rate laid down in Annex II. Support under point (b) of paragraph 3 shall take into account any support already provided under points (c) and (d) of paragraph 3.'; (18) Article 39 is amended as follows: (a) The heading is replaced by the following: 'Article 39 Income stabilisation tool for farmers of all sectors' (b) paragraph 1 is replaced by the following: '1. Support under point (c) of Article 36(1) shall only be granted where the drop in income exceeds 30 % of the average annual income of the individual farmer in the preceding three-***year*** period or a three-***year*** average based on the preceding five-***year*** period excluding the highest and lowest entry. Income for the purposes of point (c) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. ***Payments*** by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the ***year*** the producer becomes eligible to receive this assistance. Indexes may be used to calculate the annual loss of income of the farmer.'; PE613.584v01-00 54/124 RR\1140564EN.docx EN (c) paragraphs 4 and 5 are replaced by the following: '4. The financial contributions referred to in point (c) of Article 36(1) may only relate to: (a) the administrative costs of setting up the mutual fund, spread over a maximum of three ***years*** in a degressive manner; (b) the amounts paid by the mutual fund as financial compensation to farmers. In addition, the financial contribution may relate to interest on commercial loans taken out by the mutual fund for the purpose of paying the financial compensation to farmers in case of crisis; (c) supplementing the annual ***payments*** into the fund; (d) the initial capital stock of the mutual fund. 5. Support shall be limited to the maximum rate laid down in Annex II. Support under point (b) of paragraph 4 shall take into account any support already provided under points (c) and (d) of paragraph 4.'; RR\1140564EN.docx 55/124 PE613.584v01-00 EN (19) the following Article is inserted: 'Article 39a Income stabilisation tool for farmers of a specific sector '1. Support under point (d) of Article 36(1) shall only be granted in duly justified cases and where the drop in income exceeds a threshold of at least 20 % of the average annual income of the individual farmer in the preceding three-***year*** period or a three-***year*** average based on the preceding five-***year*** period excluding the highest and lowest entry. Indexes may be used in order to calculate the annual income of the farmer. Income for the purposes of point (d) of Article 36(1) shall refer to the sum of revenues the farmer receives from the market, including any form of public support, deducting input costs. ***Payments*** by the mutual fund to farmers shall compensate for less than 70 % of the income lost in the ***year*** the producer becomes eligible to receive this assistance. 2. Article 39(2) to (5) shall apply for the purpose of support under point (d) of Article 36(1).'; PE613.584v01-00 56/124 RR\1140564EN.docx EN (20) Article 45 is amended as follows: (a) paragraph 5 is replaced by the following: '5. Where support is provided through a financial instrument established in accordance with Article 37 of Regulation (EU) No 1303/2013, working capital may be eligible expenditure. Such eligible expenditure shall not exceed EUR 200 000 or 30 % of the total amount of the eligible expenditure for the investment ▌, whichever is the higher.'; (b) the following paragraph is added: '7. Paragraphs 1, 2 and 3 shall not apply where support is provided in the form of financial instruments.'; (21) Article 49 is amended as follows: (a) in paragraph 1, the following subparagraph is added: 'By way of derogation from the first subparagraph, in exceptional and duly justified cases where it is not possible to establish selection criteria due to the nature of the type of operations concerned, the Managing Authority may define another selection method to be described in the rural development ***programme*** following consultation with the Monitoring Committee.'; RR\1140564EN.docx 57/124 PE613.584v01-00 EN (b) paragraphs 2 and 3 are replaced by the following: '2. The Member State authority responsible for the selection of operations shall ensure that operations, with the exception of operations under point (b) of Article 18(1), point (d) of Article 24(1) and Articles 28 to 31, 33 to 34 and 36 to 39a, are selected in accordance with the selection criteria referred to in paragraph 1 and according to a transparent and well documented procedure. 3. Beneficiaries may be selected on the basis of calls for proposals, applying economic, social and environmental efficiency criteria.'; (c) the following paragraph is added: '4. Paragraphs 1 and 2 shall not apply where support is provided in the form of financial instruments.'; PE613.584v01-00 58/124 RR\1140564EN.docx EN (22) in Article 59, paragraph 4 is amended as follows: (a) point (f) is replaced by the following: '(f) 100 % for an amount of EUR 100 million, in 2011 prices, allocated to Ireland, for an amount of EUR 500 million, in 2011 prices, allocated to Portugal and for an amount of EUR 7 million, in 2011 prices, allocated to Cyprus;'; (b) the following point is added: '(h) the contribution rate referred to in Article 39a(13) of Regulation (EU) No 1303/2013 for the financial instrument referred to in point (c) of Article 38(1) of that Regulation.'; RR\1140564EN.docx 59/124 PE613.584v01-00 EN (23) Article 60 is amended as follows: (a) paragraph 1 is replaced by the following: '1. By way of derogation from Article 65(9) of Regulation (EU) No 1303/2013, in cases of emergency measures due to natural disasters, catastrophic events or adverse climatic events or a significant and sudden change in the socio-economic conditions of the Member State or region, ▌ the rural development ***programmes*** may provide that eligibility of expenditure relating to ***programme*** changes may start from the date when the event occurred.'; (b) in paragraph 2, the second subparagraph is replaced by the following: 'With the exception of general costs as defined in point (c) of Article 45(2), in respect of investment operations under measures falling within the scope of Article 42 TFEU, only expenditure which has been incurred after an application has been submitted to the competent authority shall be considered eligible. However, Member States may provide in their ***programme*** that expenditure which is related to emergency measures due to natural disasters, catastrophic events or adverse climatic events or a significant and sudden change in the socio-economic conditions of the Member State or region, ▌ and which has been incurred by the beneficiary after the event occurs, is also eligible.'; PE613.584v01-00 60/124 RR\1140564EN.docx EN (c) paragraph 4 is replaced by the following: '4. ***Payments*** by beneficiaries shall be supported by invoices and documents proving ***payment***. Where this cannot be done, ***payments*** shall be supported by documents of equivalent probative value, except for forms of support under points (b), (c), (d) and (e) of Article 67(1) of Regulation (EU) No 1303/2013.'; (24) in Article 62, paragraph 2 is replaced by the following: '2. Where aid is granted on the basis of standard costs or additional costs and income foregone in accordance with points (a) and (b) of Article 21(1),as regards income foregone and maintenance costs, ▌ and with Articles 28 to 31, 33, and 34, Member States shall ensure that the relevant calculations are adequate and accurate and established in advance on the basis of a fair, equitable and verifiable calculation method. To this end, a body that is functionally independent from the authorities responsible for the ***programme*** implementation and possesses the appropriate expertise shall perform the calculations or confirm the adequacy and accuracy of the calculations. A statement confirming the adequacy and accuracy of the calculations shall be included in the rural development ***programme***.'; (25) in Article 66(1), point (b) is deleted; RR\1140564EN.docx 61/124 PE613.584v01-00 EN (26) in Article 74, point (a) is replaced by the following: '(a) be consulted and shall issue an opinion, before publication of the relevant call for proposals, on the selection criteria for financed operations, which shall be revised according to ***programming*** needs;'; (27) Annex II is amended in accordance with Annex I to this Regulation. PE613.584v01-00 62/124 RR\1140564EN.docx EN Article 2 Amendments to Regulation (EU) No 1306/2013 Regulation (EU) No 1306/2013 is amended as follows: (1) Article 26 is amended as follows: (a) paragraph 2 is deleted; (b) paragraphs 3 and 4 ▌ are replaced by the following: '3. The Commission shall, by 30 June of the ***calendar*** ***year*** in respect of which the adjustment rate applies, adopt implementing acts fixing the adjustment rate. Such implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 116(2). 4. Until 1 December of the ***calendar*** ***year*** in respect of which the adjustment rate applies, the Commission may, on the basis of new information, adopt implementing acts adapting the adjustment rate set in accordance with paragraph 3. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 116(2).'; ▌ RR\1140564EN.docx 63/124 PE613.584v01-00 EN (2) in Article 38, paragraph 3 is replaced by the following: '3. In the event of legal proceedings or of an administrative appeal having suspensory effect, the period for automatic decommitment referred to in paragraph 1 or paragraph 2 shall, in respect of the amount relating to the operations concerned, be interrupted for the duration of those proceedings or that administrative appeal, provided that the Commission receives a substantiated notification from the Member State by 31 January of ***year*** N + 4.'; (3) in Article 43(1), point (a) is replaced by the following: '(a) sums which under Articles 40, 52 and 54 and, as regards expenditure under the EAGF, ▌ under Article 41(2) and Article 51 must be paid to the Union's budget, including interest thereon;'; ▌ PE613.584v01-00 64/124 RR\1140564EN.docx EN (4) in Article 54(3), point (a)(ii) is replaced by the following: '(ii) the amount to be recovered from the beneficiary in the context of an individual ***payment*** for an aid scheme or support measure, not including interest, falls between EUR 100 and EUR 250 and the Member State concerned applies a threshold equal to or higher than the amount to be recovered under its national law for not pursuing national debts.'; (5) in Article 63(1), the following subparagraph is added: 'Where the non-compliance concerns national or Union rules on public procurement, the part of the aid not to be paid or to be withdrawn shall be determined on the basis of the gravity of the non-compliance and in accordance with the principle of proportionality ▌. The legality and regularity of the transaction shall only be affected up to the level of the part of the aid not to be paid or to be withdrawn.'; RR\1140564EN.docx 65/124 PE613.584v01-00 EN (6) in Article 72, paragraph 2 is replaced by the following: '2. By way of derogation from point (a) of paragraph 1 of this Article, Member States may decide that: (a) ***agricultural*** parcels of an area of up to 0,1 ha on which an application for ***payment*** is not made do not need to be declared, provided that the sum of such parcels does not exceed 1 ha, and/or may decide that a farmer who does not apply for any area-based direct ***payment*** does not have to declare his ***agricultural*** parcels in the case where the total area does not exceed 1 ha. In all cases, the farmer shall indicate in his application that he has ***agricultural*** parcels at his disposal and, at the request of the competent authorities, shall indicate their location; (b) farmers participating in the small farmer scheme as referred to in Title V of Regulation (EU) No 1307/2013 do not need to declare the ***agricultural*** parcels on which an application for ***payment*** is not made, unless such a declaration is required for the purpose of other aid or support.'; PE613.584v01-00 66/124 RR\1140564EN.docx EN (7) the third and fourth subparagraphs of Article 75(1) are replaced by the following: ' Notwithstanding the first and second subparagraphs of this paragraph, Member States may: (a) prior to 1 December but not before 16 October, pay advances of up to 50 % for direct ***payments***; (b) prior to 1 December, pay advances of up to 75 % for the support granted under rural development as referred to in Article 67(2). With regard to support granted under rural development, as referred to in Article 67(2), the first and second subparagraphs of this paragraph shall apply in respect of the aid applications or ***payment*** claims submitted from claim ***year*** 2019.”; RR\1140564EN.docx 67/124 PE613.584v01-00 EN '. PE613.584v01-00 68/124 RR\1140564EN.docx EN Article 3 Amendments to Regulation (EU) No 1307/2013 Regulation (EU) No 1307/2013 is amended as follows: (1) Article 4 is amended as follows: (a) paragraph 1 is amended as follows: (i) point (h) is replaced by the following: '(h) permanent grassland and permanent pasture' (together referred to as 'permanent grassland') means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five ***years*** or more, as well as, where Member States so decide, that has not been ploughed up for five ***years*** or more; it may include other species such as shrubs and/or trees which can be grazed and, where Member States so decide, other species such as shrubs and/or trees which produce animal feed, provided that the grasses and other herbaceous forage remain predominant. Member States may also decide to consider as permanent grassland: (i) land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas; and/or RR\1140564EN.docx 69/124 PE613.584v01-00 EN (ii) land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas;'; (ii) the following subparagraph is added: 'Notwithstanding points (f) and (h) of the first subparagraph, Member States which, prior to 1 January 2018, have accepted parcels of land lying fallow as arable land may continue to accept them as such after that date. From 1 January 2018 parcels of land lying fallow which have been accepted as arable land under this subparagraph in 2018 shall become permanent grassland in 2023, or thereafter, if the conditions set out in point (h) are met.'; (b) in paragraph 2, the following subparagraphs are added: 'Member States may decide that: (a) land that has not been ploughed up for five ***years*** or more shall be considered permanent grassland as referred to in point (h) of the first subparagraph of paragraph 1, provided that the land is used to grow grasses or other herbaceous forages naturally (self-seeded) or through cultivation (sown) and that it has not been included in the crop rotation of the holding for five ***years*** or more; PE613.584v01-00 70/124 RR\1140564EN.docx EN (b) permanent grassland may include other species such as shrubs and/or trees which produce animal feed, in areas where grasses and other herbaceous forage are predominant; and/or (c) land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas be considered permanent grassland as referred to in point (h) of the first subparagraph of paragraph 1. Member States may decide, on the basis of objective and non-discriminatory criteria, to apply their decision in accordance with points (b) and/or (c) of the third subparagraph of this paragraph to the whole or a part of their territory. Member States shall notify the Commission by 31 March 2018 of any decision taken pursuant to the third and fourth subparagraphs of this paragraph.'; (2) in Article 6(2), ▌ the following subparagraph is added: 'Where a Member State makes use of the option provided for in the second subparagraph of Article 36(4), the national ceiling set out in Annex II for that Member State for the respective ***year*** may be exceeded by the amount calculated in accordance with that subparagraph.'; RR\1140564EN.docx 71/124 PE613.584v01-00 EN (3) Article 9 is amended as follows: (a) the following paragraph is inserted: '3a. In addition to paragraphs 1, 2 and 3, Member States may decide that no direct ***payments*** are to be granted to farmers who are not registered, for their ***agricultural*** activities, in a national fiscal or social security register.'; (b) paragraph 4 is replaced by the following: '4. Paragraphs 2, 3 and 3a shall not apply to farmers who only received direct ***payments*** not exceeding a certain amount for the previous ***year***. Such amount shall be decided by Member States on the basis of objective criteria such as their national or regional characteristics, and shall not be higher than EUR 5 000.'; (c) paragraph 6 is replaced by the following: '6. Member States shall notify the Commission by 1 August 2014 of any decision referred to in paragraphs 2, 3 or 4, and by 31 March 2018 of any decision referred to in paragraph 3a. In the case of amendments to such decisions, Member States shall notify the Commission within two weeks of the date on which any decision to amend was taken.'; PE613.584v01-00 72/124 RR\1140564EN.docx EN (d) the following paragraphs are added: '7. Member States may decide from 2018, or from any subsequent ***year***, that only one or two of the three criteria listed in the third subparagraph of paragraph 2 may be invoked by persons or groups of persons falling within the scope of the first and second subparagraphs of paragraph 2, in order to demonstrate that they are active farmers. Member States shall notify the Commission of such a decision, if applied from 2018, by 31 March 2018 or, if applied from a subsequent ***year***, by 1 August of the ***year*** preceding its application. 8. Member States may decide to stop applying paragraph 2 from 2018 or any subsequent ***year***. They shall notify the Commission of such a decision, if applied from 2018, by 31 March 2018 or, if applied from a subsequent ***year***, by 1 August of the ***year*** preceding its application.'; RR\1140564EN.docx 73/124 PE613.584v01-00 EN (4) in Article 11, paragraph 6 is replaced by the following: '6. Member States may review their decisions on a reduction of ***payments*** in accordance with this Article on an annual basis, provided that such review does not lead to a reduction of the amounts available for rural development. Member States shall notify the Commission of the decisions taken in accordance with this Article and of any estimated product of reductions for the ***years*** until 2019 by 1 August of the ***year*** preceding the application of such decisions, the last possible date for such notification being 1 August 2018.'; (5) Article 14 is amended as follows: (a) in paragraph 1, the following subparagraph is added: 'Member States may decide to review the decisions referred to in this paragraph with effect from ***calendar*** ***year*** 2019 and shall notify the Commission of any decision based on such review by 1 August 2018. Any decisions based on such review shall not result in a decrease of the percentage notified to the Commission in accordance with the first, second, third and fourth subparagraphs.'; PE613.584v01-00 74/124 RR\1140564EN.docx EN (b) in paragraph 2, the following subparagraph is added: 'Member States may decide to review the decisions referred to in this paragraph with effect from ***calendar*** ***year*** 2019 and shall notify the Commission of any decision based on such review by 1 August 2018. Any decisions based on such review shall not result in an increase of the percentage notified to the Commission in accordance with the first, second, third and fourth subparagraphs.'; (6) in Article 31(1), point (g) is replaced by the following: '(g) where Member States consider it necessary, a linear reduction of the value of ***payment*** entitlements under the basic ***payment*** scheme at national or regional level to cover cases referred to in Article 30(6) of this Regulation. In addition, Member States already making use of that linear reduction may in the same ***year*** also apply a linear reduction of the value of ***payment*** entitlements under the basic ***payment*** scheme at national or regional level to cover cases referred to in points (a) and (b) of the first subparagraph of Article 30(7) of this Regulation;'; RR\1140564EN.docx 75/124 PE613.584v01-00 EN (7) in Article 36(4), the following subparagraphs are added: 'For each Member State, the amount calculated in accordance with the first subparagraph of this paragraph may be increased by a maximum of 3 % of the relevant annual national ceiling set out in Annex II after deduction of the amount resulting from the application of Article 47(1) for the relevant ***year***. When a Member State applies such an increase, that increase shall be taken into account by the Commission when setting the annual national ceiling for the single area ***payment*** scheme pursuant to the first subparagraph of this paragraph. For that purpose, Member States shall notify the Commission by 31 January 2018 of the annual percentages by which the amount calculated pursuant to paragraph 1 of this Article is to be increased each ***calendar*** ***year*** from 2018. Member States may review their decision referred to in the second subparagraph of this paragraph on an annual basis and shall notify the Commission of any decision based on such review by 1 August of the ***year*** preceding its application.'; PE613.584v01-00 76/124 RR\1140564EN.docx EN (8) Article 44 is amended as follows: (a) paragraph 2 is replaced by the following: '2. Without prejudice to the number of crops required pursuant to paragraph 1, the maximum thresholds set out therein shall not apply to holdings where grasses or other herbaceous forage or land lying fallow or cultivated with crops under water for a significant part of the ***year*** or for a significant part of the crop cycle cover more than 75 % of the arable land. In such cases, the main crop on the remaining arable area shall not cover more than 75 % of that remaining arable land, except where this remaining area is covered by grasses or other herbaceous forage or land lying fallow.'; (b) in paragraph 3, points (a) and (b) are replaced by the following: '(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is used for cultivation of leguminous crops, is land lying fallow or is subject to a combination of those uses; RR\1140564EN.docx 77/124 PE613.584v01-00 EN (b) where more than 75 % of the eligible ***agricultural*** area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water for a significant part of the ***year*** or for a significant part of the crop cycle, or is subject to a combination of those uses;'; (c) in paragraph 4, the second subparagraph is replaced by the following: “Winter crop and spring crop shall be considered to be distinct crops even if they belong to the same genus. Triticum spelta shall be considered to be a distinct crop from crops belonging to the same genus.”; (9) Article 46 is amended as follows: (a) paragraph 2 is amended as follows: (i) in the first subparagraph, the following points are added: “(k) areas with Miscanthus; (l) areas with Silphium perfoliatum; (m) land lying fallow for melliferous plants (pollen and nectar rich species).'; PE613.584v01-00 78/124 RR\1140564EN.docx EN (ii) the second subparagraph is replaced by the following: 'With the exception of the areas of the holding referred to in points (g), (h), (k) and (l) of the first subparagraph of this paragraph, the ecological focus area shall be located on the arable land of the holding. In the case of areas referred to in points (c) and (d) of the first subparagraph of this paragraph, the ecological focus area may also be adjacent to the arable land of the holding the farmer declared in accordance with point (a) of the first subparagraph of Article 72(1) of Regulation (EU) No 1306/2013.'; (b) in paragraph 4, points (a) and (b) are replaced by the following: '(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses; (b) where more than 75 % of the eligible ***agricultural*** area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the ***year*** or for a significant part of the crop cycle, or is subject to a combination of those uses.'; RR\1140564EN.docx 79/124 PE613.584v01-00 EN (10) Article 50 is amended as follows: (a) paragraph 5 is replaced by the following: '5. The ***payment*** for young farmers shall be granted per farmer for a period of five ***years***, starting from the first submission of the application for the ***payment*** for young farmers provided that that submission takes place within the five ***years*** following the setting up referred to in point (a) of paragraph 2. That period of five ***years*** shall also apply for farmers who have received ***payment*** for young farmers in respect of claims before claim ***year*** 2018. By way of derogation from the second sentence of the first subparagraph, Member States may decide that, for those young farmers who set up in accordance with point (a) of paragraph 2 in the period 2010-2013, the five-***year*** period is to be reduced by the number of ***years*** which have elapsed between the setting up referred to in point (a) of paragraph 2 and the first submission of the application for the ***payment*** for young farmers.'; PE613.584v01-00 80/124 RR\1140564EN.docx EN (b) in paragraph 6, points (a) and (b) are replaced by the following: '(a) between 25 % and 50 % of the average value of the owned or leased-in ***payment*** entitlements held by the farmer; or (b) between 25 % and 50 % of an amount calculated by dividing a fixed percentage of the national ceiling for the ***calendar*** ***year*** 2019 set out in Annex II by the number of all eligible hectares declared in 2015 in accordance with Article 33(1). That fixed percentage shall be equal to the share of the national ceiling remaining for the basic ***payment*** scheme in accordance with Article 22(1) for 2015.'; (c) paragraph 7 is replaced by the following: '7. Member States applying Article 36 shall each ***year*** calculate the amount of the ***payment*** for young farmers by multiplying a figure corresponding to a value between 25 % and 50 % of the single area ***payment*** calculated in accordance with Article 36 by the number of eligible hectares that the farmer has declared in accordance with Article 36(2).'; RR\1140564EN.docx 81/124 PE613.584v01-00 EN (d) in paragraph 8, the first subparagraph is replaced by the following: '8. By way of derogation from paragraphs 6 and 7 of this Article, Member States may calculate each ***year*** the amount of the ***payment*** for young farmers by multiplying a figure corresponding to a value between 25 % and 50 % of the national average ***payment*** per hectare by the number of entitlements that the farmer has activated in accordance with Article 32(1), or by the number of eligible hectares that the farmer has declared in accordance with Article 36(2).'; (e) in paragraph 10, the first subparagraph is replaced by the following: '10. Instead of applying paragraphs 6 to 9, Member States may allocate an annual lump sum amount per farmer calculated by multiplying a fixed number of hectares by a figure corresponding to a value between 25 % and 50 % of the national average ***payment*** per hectare, as established in accordance with paragraph 8.'; ▌ PE613.584v01-00 82/124 RR\1140564EN.docx EN (11) Article 52 is amended as follows: (a) paragraph 5 is deleted; (b) paragraph 6 is replaced by the following: '6. Coupled support is a production-limiting scheme that shall take the form of an annual ***payment*** based on fixed areas and yields or on a fixed number of animals and shall respect financial ceilings to be determined by Member States for each measure and notified to the Commission.'; (c) the following paragraph is added: '10. The Commission is empowered to adopt delegated acts in accordance with Article 70 supplementing this Regulation as regards measures in order to avoid beneficiaries of voluntary coupled support suffering from structural market imbalances in a sector. Those delegated acts may allow Member States to decide that such support may continue to be paid until 2020 on the basis of the production units for which voluntary coupled support was granted in a past reference period.'; RR\1140564EN.docx 83/124 PE613.584v01-00 EN (12) in Article 53, paragraph 6 is replaced by the following: '6. Member States may, by 1 August of any given ***year***, review their decision pursuant to this Chapter and decide, with effect from the following ***year***: (a) to leave unchanged, increase or decrease the percentage fixed pursuant to paragraphs 1, 2 and 3, within the limits laid down therein where applicable, or to leave unchanged or decrease the percentage fixed pursuant to paragraph 4; (b) to modify the conditions for granting the support; (c) to cease granting the support under this Chapter. Member States shall notify the Commission of any such decision by the date referred to in the first subparagraph.'; PE613.584v01-00 84/124 RR\1140564EN.docx EN (13) Article 70 is amended as follows: (a) paragraph 2 is replaced by the following; '2. The power to adopt delegated acts referred to in Article 2, Article 4(3), Article 6(3), Article 7(3), Article 8(3), Article 9(5), Article 20(6), Article 35, Article 36(6), Article 39(3), Article 43(12), Article 44(5), Article 45(5) and (6), Article 46(9), Article 50(11), Article 52(9) and (10), Article 57(3), Article 58(5), Article 59(3), Article 64(5), Article 67(1) and (2) and Article 73 shall be conferred on the Commission for a period of seven ***years*** from 1 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-***year*** period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. '; RR\1140564EN.docx 85/124 PE613.584v01-00 EN (b) paragraph 3 is replaced by the following; '3. The delegation of power referred to in Article 2, Article 4(3), Article 6(3), Article 7(3), Article 8(3), Article 9(5), Article 20(6), Article 35, Article 36(6), Article 39(3), Article 43(12), Article 44(5), Article 45(5) and (6), Article 46(9), Article 50(11), Article 52(9) and (10), Article 57(3), Article 58(5), Article 59(3), Article 64(5), Article 67(1) and (2) and Article 73 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. '; PE613.584v01-00 86/124 RR\1140564EN.docx EN (c) paragraph 5 is replaced by the following; '5. A delegated act adopted pursuant to Article 2, Article 4(3), Article 6(3), Article 7(3), Article 8(3), Article 9(5), Article 20(6), Article 35, Article 36(6), Article 39(3), Article 43(12), Article 44(5), Article 45(5) and (6), Article 46(9), Article 50(11), Article 52(9) and (10), Article 57(3), Article 58(5), Article 59(3), Article 64(5), Article 67(1) and (2) and Article 73 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.'; RR\1140564EN.docx 87/124 PE613.584v01-00 EN (14) Annex X is amended in accordance with Annex II to this Regulation. PE613.584v01-00 88/124 RR\1140564EN.docx EN Article 4 Amendments to Regulation (EU) No 1308/2013 Regulation (EU) No 1308/2013 is amended as follows: (1) Article 33 is amended as follows: (a) in paragraph 1, point (f) is replaced by the following: '(f) crisis prevention and management, including providing coaching to other producer organisations, associations of producer organisations, producer groups or individual producers;'; (b) the first subparagraph of paragraph 3 is amended as follows: (i) points (c) and (d) are replaced by the following: '(c) promotion and communication, including actions and activities aimed at diversification and consolidation on the fruit and vegetable markets, whether for prevention or during a crisis period; RR\1140564EN.docx 89/124 PE613.584v01-00 EN (d) support for the administrative costs of setting up mutual funds and financial contributions to replenish mutual funds, following the compensation paid to producer members who experience a severe drop in their income as a result of adverse market conditions;'; (ii) the following point is added: '(i) coaching to other producer organisations, associations of producer organisations, producer groups or individual producers.'; (c) the second and third subparagraphs of paragraph 5 are replaced by the following: ' Environmental actions shall respect the requirements for agri-environment-climate or organic farming commitments laid down in Article 28(3) and Article 29(2) and (3) of Regulation (EU) No 1305/2013. Where at least 80 % of the producer members of a producer organisation are subject to one or more identical agri-environment-climate or organic farming commitments provided for in Article 28(3) and Article 29(2) and (3) of Regulation (EU) No 1305/2013, each one of those commitments shall count as an environmental action as referred to in point (a) of the first subparagraph of this paragraph.'; PE613.584v01-00 90/124 RR\1140564EN.docx EN (2) in Article 34, paragraph 4 is replaced by the following: '4. The 50 % limit provided for in paragraph 1 shall be increased to 100 % in the following cases: (a) market withdrawals of fruit and vegetables which do not exceed 5 % of the volume of marketed production of each producer organisation and which are disposed of by way of: (i) free distribution to charitable organisations and foundations, approved to that effect by the Member States, for use in their activities to assist persons whose right to public assistance is recognised in national law, in particular because they lack the necessary means of subsistence; (ii) free distribution to penal institutions, schools and public education institutions, establishments referred to in Article 22 and to children's holiday camps as well as to hospitals and old people's homes designated by the Member States, which shall take all necessary steps to ensure that the quantities thus distributed are additional to the quantities normally bought in by such establishments; RR\1140564EN.docx 91/124 PE613.584v01-00 EN (b) actions related to coaching of other producer organisations, or of producer groups recognised in accordance with Article 125e of Regulation (EC) No 1234/2007 or Article 27 of Regulation (EU) No 1305/2013, provided those organisations or groups are from regions of Member States referred to in Article 35(1) of this Regulation, or of individual producers.'; (3) Article 35 is replaced by the following: 'Article 35 National financial assistance 1. In regions of Member States in which the degree of organisation of producers in the fruit and vegetables sector is significantly below the Union average, Member States may grant producer organisations national financial assistance equal to a maximum of 80 % of the financial contributions referred to in point (a) of Article 32(1) and up to 10 % of the value of the marketed production of any such producer organisation. That assistance shall be additional to the operational fund. PE613.584v01-00 92/124 RR\1140564EN.docx EN 2. The degree of organisation of producers in a region of a Member State shall be considered as significantly below the Union average where the average degree of organisation has been less than 20 % for three consecutive ***years*** preceding the implementation of the operational ***programme***. The degree of organisation shall be calculated as the value of fruit and vegetable production that was obtained in the region concerned and marketed by producer organisations, associations of producer organisations and producer groups recognised in accordance with Article 125e of Regulation (EC) No 1234/2007 or Article 27 of Regulation (EU) No 1305/2013, divided by the total value of the fruit and vegetable production that was obtained in that region. 3. Member States that grant national financial assistance in accordance with paragraph 1 shall inform the Commission of the regions that meet the criteria referred to in paragraph 2 and of the national financial assistance granted to producer organisations in those regions.'; RR\1140564EN.docx 93/124 PE613.584v01-00 EN (4) in Article 37, point (d)(ii) is replaced by the following: '(ii) conditions relating to points (a), (b), (c) and (i) of the first subparagraph of Article 33(3);'; (5) in the first paragraph of Article 38, point (i) is replaced by the following: '(i) promotion, communication, training and coaching measures in cases of crisis prevention and management;'; (6) in Article 62, the following paragraph is added: '5. Member States may apply this Chapter to areas producing wine suitable for producing wine spirits with a geographical indication as registered in accordance with Annex III to Regulation (EC) No 110/2008 of the European Parliament and of the Council\*. For the purposes of this Chapter, those areas may be treated as areas where wines with a protected designation of origin or protected geographical indication may be produced. \_\_\_\_\_\_\_\_\_\_ \* Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).'; PE613.584v01-00 94/124 RR\1140564EN.docx EN (7) Article 64 is amended as follows: RR\1140564EN.docx 95/124 PE613.584v01-00 EN (a) in the second subparagraph of paragraph 1, the following point is inserted: '(ca) the applicant does not have vines planted without authorisation as referred to in Article 71 of this Regulation or without a planting right as referred to in Articles 85a and 85b of Regulation (EC) No 1234/2007;'; (b) in paragraph 2, the introductory part is replaced by the following: '2. If the total area covered by the eligible applications referred to in paragraph 1 in a given ***year*** exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory priority criteria:'; (c) the following paragraph is inserted: '2a. If the Member State decides to apply one or more of the criteria referred to in paragraph 2, the Member State may add the additional condition that the applicant shall be a natural person who is no more than 40 ***years*** of age in the ***year*** of submission of the application.'; (d) paragraph 3 is replaced by the following: '3. Member States shall make public the criteria referred to in paragraphs 1, 2 and 2a that they apply and shall notify them forthwith to the Commission.'; PE613.584v01-00 96/124 RR\1140564EN.docx EN (8) Article 148 is amended as follows: (a) the following paragraph is inserted: ''1a. Where Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, a producer organisation, or an association of producer organisations may require that any delivery in raw milk to a processor of raw milk be the subject of a written contract between the parties and/or be the subject of a written offer for a contract from the first purchasers, under the conditions laid down in the first subparagraph of paragraph 4 of this Article. If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory, without prejudice to the possibility for the parties to make use of a standard contract drawn up by an interbranch organisation.'; (b) in paragraph 2, the introductory part is replaced by the following: “2. The contract and/or the offer for a contract referred to in paragraphs 1 and 1a shall:”; RR\1140564EN.docx 97/124 PE613.584v01-00 EN (c) paragraph 3 is replaced by the following: “3. By way of derogation from paragraphs 1 and 1a, a contract and/or an offer for a contract shall not be required where raw milk is delivered by a member of a cooperative to the cooperative of which he is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.”; (d) in paragraph 4, the introductory part and point (a) of the second subparagraph are replaced by the following: 'Notwithstanding the first subparagraph, one or more of the following shall apply: (a) where a Member State decides to make a written contract for the delivery of raw milk compulsory in accordance with paragraph 1, it may establish: (i) an obligation for the parties to agree on a relationship between a given quantity delivered and the price payable for that delivery; PE613.584v01-00 98/124 RR\1140564EN.docx EN (ii) a minimum duration, applicable only to written contracts between a farmer and the first purchaser of raw milk; such a minimum duration shall be at least six months, and shall not impair the proper functioning of the internal market;'; (9) in Article 149, paragraph 1 is replaced by the following: '1. A producer organisation in the milk and milk products sector which is recognised under Article 161(1) may negotiate on behalf of its farmer members, in respect of part or all of their joint production, contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the third subparagraph of Article 148(1).'; RR\1140564EN.docx 99/124 PE613.584v01-00 EN (10) Article 152 is amended as follows: (a) in paragraph 1, point (b) is replaced by the following: '(b) are formed on the initiative of the producers and which carry out at least one of the following activities: (i) joint processing; (ii) joint distribution, including by joint selling platforms or joint transportation; (iii) joint packaging, labelling or promotion; PE613.584v01-00 100/124 RR\1140564EN.docx EN (iv) joint organising of quality control; (v) joint use of equipment or storage facilities; (vi) joint management of waste directly related to the production; (vii) joint procurement of inputs; (viii) any other joint service activities pursuing one of the objectives listed in point (c) of this paragraph;'; (b) the following paragraphs are inserted: '1a. By way of derogation from Article 101(1) TFEU, a producer organisation recognised under paragraph 1 of this Article may plan production, optimise the production costs, place on the market and negotiate contracts for the supply of ***agricultural*** products, on behalf of its members for all or part of their total production. The activities referred to in the first subparagraph may take place: (a) provided that one or more of the activities referred to in point (b)(i) to (vii) of paragraph 1 is genuinely exercised, thus contributing to the fulfilment of the objectives set out in Article 39 TFEU; RR\1140564EN.docx 101/124 PE613.584v01-00 EN (b) provided that the producer organisation concentrates supply and places the products of its members on the market, whether or not there is a ***transfer*** of ownership of ***agricultural*** products by the producers to the producer organisation; (c) whether or not the price negotiated is the same as regards the aggregate production of some or all of the members; (d) provided that the producers concerned are not members of any other producer organisation as regards the products covered by the activities referred to in the first subparagraph; (e) provided that the ***agricultural*** product is not covered by an obligation to deliver arising from the farmer's membership of a cooperative, which is not itself a member of the producer organisations concerned, in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from those statutes. PE613.584v01-00 102/124 RR\1140564EN.docx EN However, Member States may derogate from the condition set out in point (d) of the second subparagraph in duly justified cases where producer members hold two distinct production units located in different geographical areas. 1b. For the purposes of this Article, references to producer organisations shall also include associations of producer organisations recognised under Article 156(1) if such associations meet the requirements set out in paragraph 1 of this Article. 1c. The national competition authority referred to in Article 5 of Regulation (EC) No 1/2003 may decide in individual cases that, for the future, one or more of the activities referred to in the first subparagraph of paragraph 1a are to be modified, discontinued or not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives set out in Article 39 TFEU are jeopardised. For negotiations covering more than one Member State, the decision referred to in the first subparagraph of this paragraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3). When acting under the first subparagraph of this paragraph, the national competition authority shall inform the Commission in writing before or without delay after initiating the first formal measure of the investigation and shall notify the Commission of the decisions without delay after their adoption. RR\1140564EN.docx 103/124 PE613.584v01-00 EN The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.'; (c) paragraph 3 is deleted; (11) Article 154 is amended as follows: (a) the following paragraph is inserted: '1a. Member States may, on request, decide to grant more than one recognition to a producer organisation operating in several sectors referred to in Article 1(2) provided the producer organisation fulfils the conditions referred to in paragraph 1 of this Article for each sector for which it seeks recognition.'; PE613.584v01-00 104/124 RR\1140564EN.docx EN (b) paragraphs 2 and 3 are replaced by the following: '2. Member States may decide that producer organisations which have been recognised before [1 January 2018] and which fulfil the conditions laid down in paragraph 1 of this Article shall be deemed to be recognised as producer organisations pursuant to Article 152. 3. Where producer organisations have been recognised before [1 January 2018] but do not fulfil the conditions set out in paragraph 1 of this Article, Member States shall withdraw their recognition no later than [31 December 2020] .'; (12) Article 157 is amended as follows: (a) in point (c) of paragraph 1, the following points are added: '(xv) establishing standard value sharing clauses within the meaning of Article 172a, including market bonuses and losses, determining how any evolution of relevant market prices of the products concerned or other commodity markets is to be allocated between them; RR\1140564EN.docx 105/124 PE613.584v01-00 EN (xvi) implementing measures to prevent and manage animal health, plant-protection and environmental risks.”; (b) the following paragraph is inserted: '1a. Member States may, on request, decide to grant more than one recognition to an interbranch organisation operating in several sectors referred to in Article 1(2) provided the interbranch organisation fulfils the conditions referred to in paragraph 1 and, where applicable, paragraph 3 for each sector for which it seeks recognition.'; (c) in point (c) of paragraph 3, the following points are added: '(xii) establishing standard value sharing clauses within the meaning of Article 172a, including market bonuses and losses, determining how any evolution of relevant market prices of the products concerned or other commodity markets is to be allocated between them; (xiii) implementing measures to prevent and manage animal health, plant-protection and environmental risks.”; PE613.584v01-00 106/124 RR\1140564EN.docx EN (13) in Article 159, the heading is replaced by the following: 'Mandatory recognition'; (14) Article 161 is amended as follows: (a) in paragraph 1, the introductory part and point (a) are replaced by the following: '1. Member States shall, on request, recognise as producer organisations in the milk and milk products sector all legal entities or clearly defined parts of such entities, provided that: (a) they are constituted by producers in the milk and milk products sector, are formed on their initiative and pursue a specific aim which may include one or more of the following objectives: (i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity; RR\1140564EN.docx 107/124 PE613.584v01-00 EN (ii) concentration of supply and the placing on the market of the products produced by their members; (iii) optimising production costs and stabilising producer prices;'; (b) paragraph 2 is replaced by the following: '2. Member States may decide that producer organisations which have been recognised before 2 April 2012 on the basis of national law and which fulfil the conditions laid down in paragraph 1 are to be considered as recognised producer organisations.'; PE613.584v01-00 108/124 RR\1140564EN.docx EN (15) Article 168 is amended as follows: (a) the following paragraph is inserted: ''1a. Where Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, a producer organisation or an association of producer organisations, in respect of ***agricultural*** products in a sector referred to in Article 1(2) other than the milk, milk products and sugar sector, may require that any delivery of its products to a processor or distributor be the subject of a written contract between the parties and/or be the subject of a written offer for a contract from the first purchasers, under the conditions laid down in paragraph 4 and in the first subparagraph of paragraph 6 of this Article. If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory without prejudice to the possibility for the parties to make use of a standard contract drawn up by an interbranch organisation.'; RR\1140564EN.docx 109/124 PE613.584v01-00 EN (b) in paragraph 4, the introductory part is replaced by the following: '4. Any contract or offer for a contract referred to in paragraphs 1 and 1a shall:'; (c) paragraph 5 is replaced by the following: '5. By way of derogation from paragraphs 1 and 1a, a contract or an offer for a contract shall not be required where the products concerned are delivered by a member of a cooperative to the cooperative of which he is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 4.'; (16) Articles 169, 170 and 171 are deleted; PE613.584v01-00 110/124 RR\1140564EN.docx EN (17) the following Section is inserted: ''Section 5a Value-sharing clauses Article 172a Value-sharing Without prejudice to any specific value-sharing clauses in the sugar sector, farmers, including associations of farmers, and their first purchaser may agree on value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices for the products concerned or other commodity markets is to be allocated between them.'; (18) in Article 184, paragraph 1 is replaced by the following: '1. Tariff quotas for the import of ***agricultural*** products for release into free circulation in the Union or a part thereof, or tariff quotas for imports of Union ***agricultural*** products into third countries, which are to be partly or fully administered by the Union, resulting from international agreements concluded in accordance with the TFEU or any other act adopted in accordance with Article 43(2) or Article 207 TFEU, shall be opened and/or administered by the Commission by means of delegated acts pursuant to Article 186 of this Regulation and implementing acts pursuant to Article 187 of this Regulation.'; RR\1140564EN.docx 111/124 PE613.584v01-00 EN (19) Article 188 is replaced by the following: 'Article 188 Allocation process for tariff quotas 1. The Commission shall make public, via an appropriate web-publication, the results of tariff quota allocation for the applications notified taking into account the tariff quotas available and the applications notified. 2. The publication referred to in paragraph 1 shall also make reference, when appropriate, to the need of rejecting pending applications, suspending the submission of applications or allocating unused quantities. 3. Member States shall issue import licences and export licences for the quantities applied for within the import tariff quotas and export tariff quotas, subject to the respective allocation coefficients and after they are made public by the Commission in accordance with paragraph 1.'; PE613.584v01-00 112/124 RR\1140564EN.docx EN (20) Article 209 is amended as follows: (a) the second subparagraph of paragraph 1 is replaced by the following: 'Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of farmers, farmers' associations, or associations of such associations, or producer organisations recognised under Article 152 or Article 161 of this Regulation, or associations of producer organisations recognised under Article 156 of this Regulation, which concern the production or sale of ***agricultural*** products or the use of joint facilities for the storage, treatment or processing of ***agricultural*** products, unless the objectives set out in Article 39 TFEU are jeopardised.'; (b) in paragraph 2, the following subparagraphs are inserted after the first subparagraph: 'However, farmers, farmers’ associations, or associations of such associations, or producer organisations recognised under Article 152 or Article 161 of this Regulation, or associations of producer organisations recognised under Article 156 of this Regulation, may request an opinion from the Commission on the compatibility of those agreements, decisions and concerted practices with the objectives set out in Article 39 TFEU. RR\1140564EN.docx 113/124 PE613.584v01-00 EN The Commission shall deal with requests for opinions promptly and shall send the applicant its opinion within four months of receipt of a complete request. The Commission may, at its own initiative or at the request of a Member State, change the content of an opinion, in particular if the applicant has provided inaccurate information or misused the opinion.'; (21) Article 222 is amended as follows: (a) in paragraph 1, the introductory part is replaced by the following: “1. During periods of severe imbalance in markets, the Commission may adopt implementing acts to the effect that Article 101(1) TFEU is not to apply to agreements and decisions of farmers, farmers’ associations, or associations of such associations, or recognised producer organisations, associations of producer organisations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories:”; PE613.584v01-00 114/124 RR\1140564EN.docx EN (b) paragraph 2 is deleted; (22) in Article 232, paragraph 2 is deleted; (23) Annexes VII and VIII are amended in accordance with Annex III to this Regulation. Article 5 Amendments to Regulation (EU) No 652/2014 Regulation (EU) No 652/2014 is amended as follows: (1) in Article 4, the following paragraph is added: '4. In the case of approval of multiannual actions, budgetary commitments may be divided into annual instalments. Where budgetary commitments are so divided, the Commission shall commit the annual instalments taking into account the progress of the actions, the estimated needs and the budget available.'; (2) in Article 13, paragraph 5 is deleted; (3) in Article 22, paragraph 5 is deleted; (4) in Article 27, paragraph 5 is deleted. RR\1140564EN.docx 115/124 PE613.584v01-00 EN Article 6 Entry into force and application This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January 2018. By way of derogation from the second paragraph: (a) point 11(a) and (b) of Article 3 shall apply from 1 January 2015; (b) point 23(b) of Article 1 shall apply from 1 January 2016; and (c) point 3 of Article 4 shall apply from 1 January 2019. ▌ This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at …, For the European Parliament For the Council The President The President PE613.584v01-00 116/124 RR\1140564EN.docx EN ANNEX I Annex II to Regulation (EU) No 1305/2013 is amended as follows: (1) in the line concerning Article 17(3), Subject: Investment in physical assets, ***Agricultural*** sector, Maximum amount in EUR or rate: 40 %, the fourth column, the introductory part and the first indent is replaced by the following: 'Of the amount of eligible investment in other regions The above rates may be increased by an additional 20 percentage points, provided that maximum combined support does not exceed 90 %, for: - Young farmers for a maximum of five ***years*** from the date of setting up as set out in the rural development ***programme***, or until the actions defined in the business plan referred to in Article 19(4) are completed;'; (2) in the line concerning Article 17(3), Subject: Investments in physical assets, Processing and marketing of products listed in Annex I to the TFEU, Maximum amount in EUR or rate: 40 %, the fourth column is replaced by the following: 'Of the amount of eligible investment in other regions RR\1140564EN.docx 117/124 PE613.584v01-00 EN The above rates may be increased by an additional 20 percentage points, provided that maximum combined support does not exceed 90 %, for operations supported in the framework of the EIP, for collective investments and integrated projects or operations linked to a merger of producer organisations”; (3) the lines concerning Article 37(5), Article 38(5) and Article 39(5) are replaced by the following: ' 37(5) Crop, animal and plant insurance 70 % Of the insurance premium due 38(5) Mutual funds for adverse climatic events, animal and plant diseases, pest infestations and environmental incidents 70 % Of the eligible costs 39(5) Income stabilisation tool 70 % Of the eligible costs '. PE613.584v01-00 118/124 RR\1140564EN.docx EN ANNEX II In Annex X to Regulation (EU) No 1307/2013, the table 'Conversion and weighting factors referred to in Article 46(3)' is amended as follows: (1) the line 'Areas with short rotation coppice' is replaced by the following: ' Areas with short rotation coppice (per 1 m2) n.a 0,5 0,5 m2 '; (2) the line 'Areas with nitrogen fixing crops' is replaced by the following: ' Areas with nitrogen fixing crops (per 1 m2) n.a 1 1 m2 '; RR\1140564EN.docx 119/124 PE613.584v01-00 EN (3) the following lines are added: ' Areas with Miscanthus n.a 0,7 0,7 m2 Areas with Silphium perfoliatum n.a 0,7 0,7 m2 Land lying fallow for melliferous plants (pollen and nectar rich species) n.a 1,5 1,5 m2 '. PE613.584v01-00 120/124 RR\1140564EN.docx EN ANNEX III Annexes VII and VIII to Regulation (EU) No 1308/2013 are amended as follows: (1) in point 1(c) of Part II of Annex VII, the second indent is replaced by the following: ' – the upper limit for the total alcoholic strength may exceed 15 % volume for wines with a protected designation of origin which have been produced without enrichment, or enriched only by partial concentration processes listed in point 1 of Section B of Part I of Annex VIII, provided that the product specification in the technical file of the protected designation of origin concerned allows for that possibility;'; RR\1140564EN.docx 121/124 PE613.584v01-00 EN (2) in Section A of Part I of Annex VIII, point 3 is replaced by the following: '3. In ***years*** when climatic conditions have been exceptionally unfavourable, the limit(s) laid down in point 2 may be raised by 0,5 % by the Member States as an exception for the regions concerned. Member States shall notify the Commission of any such increase.'. PE613.584v01-00 122/124 RR\1140564EN.docx EN PROCEDURE – COMMITTEE RESPONSIBLE Title Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013,(EU) No 1308/2013 and (EU) No 652/2014 of the European Parliament and of the Council References COM(2016)0605 – C8-0404/2017 – 2016/0282B(COD) Date submitted to Parliament 14.9.2016 Committee responsible Date announced in plenary AGRI 16.11.2017 Rapporteurs Date appointed Albert Deß 25.1.2017 Discussed in committee 6.11.2017 Date adopted 22.11.2017 Result of final vote +: –: 0: 39 5 0 Members present for the final vote John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Richard Ashworth, José Bové, Daniel Buda, Viorica Dăncilă, Michel Dantin, Paolo De Castro, Jean-Paul Denanot, Albert Deß, Diane Dodds, Herbert Dorfmann, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Esther Herranz García, Jan Huitema, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Zbigniew Kuźmiuk, Philippe Loiseau, Mairead McGuinness, Ulrike Müller, James Nicholson, Maria Noichl, Marijana Petir, Laurenţiu Rebega, Bronis Ropė, Maria Lidia Senra Rodríguez, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella, Marco Zullo Substitutes present for the final vote Angelo Ciocca, Rosa D’Amato, Julie Girling, Norbert Lins, Ivari Padar, Sofia Ribeiro, Estefanía Torres Martínez, Tom Vandenkendelaere, Thomas Waitz Substitutes under Rule 200(2) present for the final vote Gesine Meissner Date tabled 28.11.2017 RR\1140564EN.docx 123/124 PE613.584v01-00 EN FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE 39 + ALDE Jan Huitema, Ivan Jakovčić, Gesine Meissner, Ulrike Müller ECR Richard Ashworth, Julie Girling, Beata Gosiewska, Zbigniew Kuźmiuk, James Nicholson EFDD Rosa D'Amato, Marco Zullo ENF Edouard Ferrand, Philippe Loiseau, Laurenţiu Rebega GUE Luke Ming Flanagan, Estefanía Torres Martínez PPE Daniel Buda, Michel Dantin, Albert Deß, Herbert Dorfmann, Norbert Erdős, Esther Herranz García, Peter Jahr, Jarosław Kalinowski, Norbert Lins, Mairead McGuinness, Marijana Petir, Sofia Ribeiro S&D Clara Eugenia Aguilera García, Eric Andrieu, Viorica Dăncilă, Paolo De Castro, Jean-Paul Denanot, Maria Noichl, Ivari Padar, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella PE613.584v01-00 124/124 RR\1140564EN.docx EN 5 - EFDD John Stuart Agnew GUE Maria Lidia Senra Rodríguez VERTS/ALE José Bové, Martin Häusling, Bronis Ropė 0 0 Key to symbols: + : in favour - : against 0 : abstention

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[***13th Five-Year Plan: Key Points***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RVP-87H1-F0J5-834C-00000-00&context=1516831)

Business Monitor Online

March 12, 2018 Monday

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**Length:** 2451 words

**Highlight:** 13th Five-***Year*** Plan: Key Points

**Body**

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**Targets**

|  | **2015** | **2020** | **Annual changes** | **Binding** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
| **Economic Development** |  |  |  |  |
| (1) GDP, CNYtrn | 66.7 | >92.7 | >6.5% |  |
| (2) Productivity: CNY10,000/person | 8.7 | >12 | >6.6% |  |
| (3) Urbanisation rate, (residential), % | 56.1 | 60 | 3.9\* |  |
| (3) Urbanisation rate, (Hukou), % | 39.9 | 45 | 5.1\* |  |
| (4) Services as a share of GDP, % | 50.5 | 56 | 5.5\* |  |
|  |  |  |  |  |
| **Innovation** |  |  |  |  |
| (5) R&D as a share of GDP, % | 2.1 | 2.5 | 0.4\* |  |
| (6) Patents per 10,000 people | 6.3 | 12 | 5.7\* |  |
| (7) Contribution of technology advancement, % | 55.3 | 60 | 4.7\* |  |
| (8) Broadband access, % | 40 | 70 | 30\* |  |
| (8) Mobile Wi-Fi access, % | 57 | 85 | 28\* |  |
|  |  |  |  |  |
| **People's Living Conditions** |  |  |  |  |
| (9) Disposable income growth rate, % |  |  | >6.5 |  |
| (10) Average education level, ***year*** | 10.23 | 10.8 | 0.57\* | Y |
| (11) Job creation, 10,000 |  |  | >5,000\* |  |
| (12) Poverty relieved rural population, 10,000 |  |  | 5,575\* | Y |
| (13) Population with pension, % | 82 | 90 | 8\* |  |
| (14) Reconstruction of shanty areas, 10,000 |  |  | 2,000\* | Y |
| (15) Life expectancy, ***year*** |  |  | 1\* |  |
|  |  |  |  |  |
| **Environment** |  |  |  |  |
| (16) Arable land, 10mn Mu | 18.65 | 18.65 | 0\* | Y |
| (17) Additional land for construction, 10,000 Mu |  |  | <3,256\* | Y |
| (18) Water usage reduction per unit GDP |  |  | 23\* | Y |
| (19) Energy usage reduction per unit GDP |  |  | 15\* | Y |
| (20) Non-fossil fuel, % | 12 | 15 | 3\* | Y |
| (21) Carbon emission reduction per unit GDP |  |  | 18\* | Y |
| (22) Forest coverage, % | 21.66 | 23.04 | 1.38\* | Y |
| (22) Forest reserve, bn metre cube | 15.1 | 16.5 | 14\* | Y |
| (23) Air quality: days of good quality/365, % | 76.7 | >80 |  | Y |
| (23) PM2.5 reduction for polluted cities |  |  | 18\* | Y |
| (24) Water: better than class III, % | 66 | >70 |  | Y |
| (24) Water: less than class V, % | 9.7 | <5 |  | Y |
| (25) Other pollutants - chemical oxygen demand reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - ammonia nitrogen reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - sulphur dioxide reduction, % |  |  | 15\* | Y |
| (25) Other pollutants - nitrogen oxides reduction, % |  |  | 15\* | Y |

\*indicates cumulative. Source: BMI **Development Concepts: Innovation, Coordination, Environmentally Friendly, Open-Door, Sharing** The central government will urge officials to follow through on new development concepts and adapt to the 'new norm' of economic development. The government will help expand total demand (via monetary and fiscal policies) if necessary, but will mainly focus on supply-side structural reforms, so that production will fit the increasingly sophisticated demands of the Chinese population.Chapter 2: Innovation To Drive Development **Technology And Innovation** Support the development of frontier tech and science. Let enterprises to lead innovation, while using national funds to develop large projects. Construct high-end national science laboratories for the development of fundamental sciences. Develop large high-tech and innovation centres to utilise economies of scale. **Mass Entrepreneurship And Innovation** Encourage the development of service centres in different parts of China to start-up companies and small- and medium-sized companies. Encourage the population to participate in the mass entrepreneurship and innovation ***programme*** by promoting crowd-sourcing, collective support and crowd-funding. **Build A System That Encourages Innovation** Instead of pushing for innovation themselves, government entities should provide services to those who innovate. Develop and enhance the system to ease the process of monetising technological achievements. Ensure that technocrats and scientists can earn a proportional profit for the technological advancement they bring about. Develop a system that supports mass innovation. **Focus On Talent** Continue to expand the pool of skilled labour. Improve the allocative efficiency and mobility of skilled workers. Improve the work environment for talent, attracting foreign talent and encouraging overseas students to come back. **Develop New Drivers For Growth** Promote the upgrade of consumer goods to meet the needs of more sophisticated consumers. Expand effective investment. Find new comparative advantages for exports. Chapter 3: Economic Institutions **Enhance The Existing Economic System** State-owned enterprise (SOE) reforms: continue to consolidate SOEs, make them bigger, better and stronger. Strengthen the system to manage SOE assets: develop national investment and management companies to manage state assets. Promote mixed ownership structure for companies. Promote the healthy development of the non-public sector. Adopt modern practices with regard to the protection of property rights. **Improve Market Efficiency** Continue price reforms on commercial goods and promote fair competition. **Deepen Reforms For The Administrative System** Allow decentralisation to prevent excessive intervention of government authorities and simplify administrative processes. Improve the efficiency of oversight and services. **Speed Up Fiscal And Taxation Reform** The central government should wield more power and responsibility in terms of fiscal decision-making, continue to conduct taxation reform, improve the system for ***transfer*** ***payments*** from the central government to local governments and improve the efficiency of fund allocation for local governments. Regulate the budget disclosure process and improve transparency. Continue to reform the tax system. Improve the sustainability of government spending. **Financial Sector Reforms** Allow the development of various financial institutions to meet different financial needs of the population. Improve transparency of the financial system and deleverage the financial market. Enhance the oversight mechanism and improve efficiency. **Improve Macroeconomic Management Skills** Local governments need to follow the central government's plans and strategies. Improve and develop new methods for macroeconomic management. Improve the decision-making and execution process for economic policies. Adopt the negative list system to improve the investment and financing experience for enterprises. Chapter 4: Modernisation Of The ***Agricultural*** Sector **Food Security** Ensure food production security by preventing the reduction of arable land and improving the quality of arable land. Encourage farmers to change their production to better fit market demand. Push for the development of secondary and tertiary sectors in rural areas. Improve the quality of food by setting stricter standards and improving supervision. Improve the sustainability of the ***agricultural*** sector by promoting environmentally friendly production methods. On the international market, China should import only when needed, and needs to export more. Companies need to continue to seek overseas investment opportunities. **Modernise The Business Model In The *Agricultural* Sector** Allow companies to gain economies of scale through long-term land leasing and other methods. Encourage the development of new types of business entities (such as cooperative) in the sector. Strengthen the development of ***agriculture***-related service sectors. Encourage the use of machinery in ***agriculture*** for more efficient production, use information technology to improve management and allocative efficiency. **Improve Support And Protective Measures For *Agriculture*** Government will extend subsidies in the ***agricultural*** sector. Improve the pricing and storage policies for ***agricultural*** products. Improve financial services in the rural areas. Chapter 5: Industries **Manufacturing** Increase the potential for further industrial upgrades by focusing on materials science and other key technologies that are fundamental to industrials. Promote the development of new manufacturing methods (such as intelligent manufacturing). Push for the upgrade of traditional manufacturing sectors. Enhance the quality and branding of Chinese products. Curb overcapacity through market measures, financial subsidies, legal or even administrative measures. Lower costs for companies: simplify regulation, provide tax relief and lower energy prices and logistics costs. **Support The Development Of Cutting-Edge Industries And Let Them Drive Growth** Let cutting-edge industries support growth. Support the development of strategically important industries (such as aerospace, IT, life science and nuclear). Allow these industries to gain economies of scale. Improve the business environment for them. **Support The Development Of The Services Sector** Promote the professionalisation of producer services (such as consulting, legal, ratings, etc). Improve the quality of consumer services (such as tourism, entertainment, etc). Allow the market to play a greater role by enhancing the regulatory environment. Chapter 6: Expand The Network Economy **Build A More Efficient Information Network** Improve the high-speed fibre network and mobile network system. Speed up the development for IT technology. Increase the speed for networks and reduce fees. **Internet + Plan** Enhance knowledge of fundamental IT technology. Promote the bridging of Internet and offline industries. **National Big Data Strategy** Speed up the process of official data-sharing ***programmes***. Promote the healthy development of the big data industry. Promote cybersecurity. Chapter 7: Build A Modern Infrastructure Network **Improve The Existing Modern Transportation System** Enhance the national railway system. Develop an intercity urban transport system. Improve the efficiency and role of national transportation interchanges. Reduce carbon emissions and adopt IT to improve the efficiency and reliability of managing the transportation system. **Modernise The Energy Sector** Shift energy consumption structure towards the use of more environmental friendly energy sources. Develop a more intelligent energy ***transfer*** and storage system. Use IT to develop an intelligent management system of energy production. **Water Safety** Improve the allocative efficiency of water resources. Perfect hazard prevention measures (flood and drought control). Chapter 8: New-Type Urbanisation **Speed Up The Process Of Converting The Rural Population To Urban Citizens** Deepen Hukou reform. Adopt a residential certificate system for all cities to ensure social security coverage. Improve the system of such conversion processes. **Improve The Layout Of Cities** Promote city clusters and use them as the blueprint for regional development. Adopt the 'central cities + satellite cities' model to improve resource allocation efficiency in each region. Promote small- and medium-sized cities and cities with unique characteristics. **Improve Living Conditions In Urban Areas** Promote a new-type urbanisation. Improve infrastructure in cities. Speed up the reconstruction of the shantytowns and develop necessary amenities. Improve the efficiency and quality of managing cities. **Enhance The Housing Supply System** Provide housing subsidies to less-well-off families, improve the public housing system, and continue to manage housing markets to ensure the healthy development of property markets. **Coordinated Development Between Urban And Rural Areas** Promote county economies, improve the countryside and allocate public resources to rural and urban areas equally. Chapter 9: Coordination Of Regional Development **Follow The Central Government's Plan** Promote the western development plan. Revitalise Northeast China and other traditional industrial hubs. Support the development of Central China. Allow East China to lead economic and social development. Richer regions to support the poorer regions. **Jing-Jin-Ji Integration** Offload non-essential functions from Beijing. Optimise the space usage in the region and allocate adequate functions. Build an integrated transportation system. Improve environmental conditions. Promote the sharing of public services within the region. **The Yangtze River Economic Belt** Environmental protection: reduce water pollution and increase vegetation coverage. Improve the quality of the transportation system along the Yangtze River. Improve the strategic layout and allocation of industries for cities along the Yangtze River. **Subsidise The Development Of Less Developed Regions** Support the development of old revolutionary bases, autonomous regions and border areas. Promote industrial transformation in those regions. **Marine Economy** Promote the development of the marine economy. Enhance environmental protection in the seas. Protect maritime sovereignty and develop a mechanism to settle territorial disputes. Chapter 10: Environmental Protection Optimise the urbanisation layout in China by following the 'Two Horizontal Lines, Three Vertical Line' layout. Avoid waste of natural resources (water, land, mining products, etc). Develop a 'circular economy' to encourage recycling, and improve the efficiency of resource consumption. Reduce pollution and emissions, prevent environmental hazards, strengthen environment-related infrastructure and legal systems and allow degenerated regions to recover. Promote environmental protection industry. Chapter 11: Continue Opening Up **Set Up Multi-Dimensional, Multi-Tiered And Composite Connectivity Networks** Continue to cooperate with other countries to dissolve excess production capacity. Exporters need to upgrade their production. Continue to attract foreign investment and scale up outbound investments. Improve the institutions for cross-border business activities. Promote the implementation of the OBOR initiative. Others **Intensify Cooperation With Hong Kong, Macau And TaiwanStrive To Alleviate Poverty** Take targeted measures to ensure that assistance reaches poverty-stricken villages and households. **Improve The Education And Physique Of The Population** Deepen healthcare reform. Support the development of Chinese traditional medicine. Improve the medical insurance system to cover the entire population. Improve institutions and mechanisms for managing and supervising food and drug safety. **Improve The People's Well-Being** Local governments need to be proactive in promoting job creation. Reduce income inequality in China. Improve the social security system in China. Do a better job creating employment.  *Editor's note: This is an unofficial BMI summary of the 13th Five-****Year*** *Plan. It is a translation of the text that was presented by Chinese state-owned media after it was approved by the National People's Congress on March 16 2016 (see source below). The purpose of this translation is to provide as accurate an account as possible in English of the key points of the 13th Five-****Year*** *Plan. An official translation in English sanctioned by the government is expected to be made available later in 2016, which may have discrepancies compared with this translation.Source: Xinhua News Agency /politics/2016lh/2016-03/17/c\_1118366322.htm)*

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[***13th Five-Year Plan: Key Points***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RVX-7FR1-F0J5-83PY-00000-00&context=1516831)

Business Monitor Online

March 14, 2018 Wednesday

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**Length:** 2451 words

**Highlight:** 13th Five-***Year*** Plan: Key Points

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Adopt modern practices with regard to the protection of property rights. **Improve Market Efficiency** Continue price reforms on commercial goods and promote fair competition. **Deepen Reforms For The Administrative System** Allow decentralisation to prevent excessive intervention of government authorities and simplify administrative processes. Improve the efficiency of oversight and services. **Speed Up Fiscal And Taxation Reform** The central government should wield more power and responsibility in terms of fiscal decision-making, continue to conduct taxation reform, improve the system for ***transfer*** ***payments*** from the central government to local governments and improve the efficiency of fund allocation for local governments. Regulate the budget disclosure process and improve transparency. Continue to reform the tax system. Improve the sustainability of government spending. **Financial Sector Reforms** Allow the development of various financial institutions to meet different financial needs of the population. Improve transparency of the financial system and deleverage the financial market. Enhance the oversight mechanism and improve efficiency. **Improve Macroeconomic Management Skills** Local governments need to follow the central government's plans and strategies. Improve and develop new methods for macroeconomic management. Improve the decision-making and execution process for economic policies. Adopt the negative list system to improve the investment and financing experience for enterprises. Chapter 4: Modernisation Of The ***Agricultural*** Sector **Food Security** Ensure food production security by preventing the reduction of arable land and improving the quality of arable land. Encourage farmers to change their production to better fit market demand. 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Encourage the use of machinery in ***agriculture*** for more efficient production, use information technology to improve management and allocative efficiency. **Improve Support And Protective Measures For *Agriculture*** Government will extend subsidies in the ***agricultural*** sector. Improve the pricing and storage policies for ***agricultural*** products. Improve financial services in the rural areas. Chapter 5: Industries **Manufacturing** Increase the potential for further industrial upgrades by focusing on materials science and other key technologies that are fundamental to industrials. Promote the development of new manufacturing methods (such as intelligent manufacturing). Push for the upgrade of traditional manufacturing sectors. Enhance the quality and branding of Chinese products. Curb overcapacity through market measures, financial subsidies, legal or even administrative measures. 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The purpose of this translation is to provide as accurate an account as possible in English of the key points of the 13th Five-****Year*** *Plan. An official translation in English sanctioned by the government is expected to be made available later in 2016, which may have discrepancies compared with this translation.Source: Xinhua News Agency /politics/2016lh/2016-03/17/c\_1118366322.htm)*

**Load-Date:** March 15, 2018

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[***13th Five-Year Plan: Key Points***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RGN-MVF1-F0J5-82N4-00000-00&context=1516831)

Business Monitor Online

January 24, 2018 Wednesday

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**Length:** 2425 words

**Highlight:** 13th Five-***Year*** Plan: Key Points

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**Targets**

|  | **2015** | **2020** | **Annual changes** | **Binding** |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
|  |  |  |  |  |
| Economic development |  |  |  |  |
| (1) GDP, CNYtrn | 66.7 | >92.7 | >6.5% |  |
| (2) Productivity: CNY10,000/person | 8.7 | >12 | >6.6% |  |
| (3) Urbanisation rate, (residential), % | 56.1 | 60 | 3.9\* |  |
| (3) Urbanisation rate, (Hukou), % | 39.9 | 45 | 5.1\* |  |
| (4) Services as a share of GDP, % | 50.5 | 56 | 5.5\* |  |
|  |  |  |  |  |
| Innovation |  |  |  |  |
| (5) R&D as a share of GDP, % | 2.1 | 2.5 | 0.4\* |  |
| (6) Patents per 10,000 people | 6.3 | 12 | 5.7\* |  |
| (7) Contribution of technology advancement, % | 55.3 | 60 | 4.7\* |  |
| (8) Broadband access, % | 40 | 70 | 30\* |  |
| (8) Mobile Wi-Fi access, % | 57 | 85 | 28\* |  |
|  |  |  |  |  |
| People's living conditions |  |  |  |  |
| (9) Disposable income growth rate, % |  |  | >6.5 |  |
| (10) Average education level, ***year*** | 10.23 | 10.8 | 0.57\* | Y |
| (11) Job creation, 10,000 |  |  | >5,000\* |  |
| (12) Poverty relieved rural population, 10,000 |  |  | 5,575\* | Y |
| (13) Population with pension, % | 82 | 90 | 8\* |  |
| (14) Reconstruction of shanty areas, 10,000 |  |  | 2,000\* | Y |
| (15) Life expectancy, ***year*** |  |  | 1\* |  |
|  |  |  |  |  |
| Environment |  |  |  |  |
| (16) Arable land, 10mn Mu | 18.65 | 18.65 | 0\* | Y |
| (17) Additional land for construction, 10,000 Mu |  |  | <3,256\* | Y |
| (18) Water usage reduction per unit GDP |  |  | 23\* | Y |
| (19) Energy usage reduction per unit GDP |  |  | 15\* | Y |
| (20) Non-fossil fuel, % | 12 | 15 | 3\* | Y |
| (21) Carbon emission reduction per unit GDP |  |  | 18\* | Y |
| (22) Forest coverage, % | 21.66 | 23.04 | 1.38\* | Y |
| (22) Forest reserve, bn metre cube | 15.1 | 16.5 | 14\* | Y |
| (23) Air quality: days of good quality/365, % | 76.7 | >80 |  | Y |
| (23) PM2.5 reduction for polluted cities |  |  | 18\* | Y |
| (24) Water: better than class III, % | 66 | >70 |  | Y |
| (24) Water: less than class V, % | 9.7 | <5 |  | Y |
| (25) Other pollutants - chemical oxygen demand reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - ammonia nitrogen reduction, % |  |  | 10\* | Y |
| (25) Other pollutants - sulphurA dioxide reduction, % |  |  | 15\* | Y |
| (25) Other pollutants - nitrogen oxides reduction, % |  |  | 15\* | Y |

\*indicates cumulative. Source: BMI **Development Concepts: Innovation, Coordination, Environmentally Friendly, Open-Door, Sharing** The central government will urge officials to follow through on new development concepts and adapt to the 'new norm' of economic development. The government will help expand total demand (via monetary and fiscal policies) if necessary, but will mainly focus on supply-side structural reforms, so that production will fit the increasingly sophisticated demands of the Chinese population. Chapter 2: Innovation To Drive Development **Technology And Innovation** Support the development of frontier tech and science. Let enterprises to lead innovation, while using national funds to develop large projects. Construct high-end national science laboratories for the development of fundamental sciences. 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**Load-Date:** January 24, 2018

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[***Register of Commission documents: Commission staff working document Empowering Development: Implementation of the new European Consensus on Development in energy cooperation Document date: 2017-12-15 COM\_SWD(2017)0482 SEC documents***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5R96-RG01-JDG9-Y416-00000-00&context=1516831)

Impact News Service

December 30, 2017 Saturday

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**Length:** 14636 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

EN EN EUROPEAN COMMISSION Brussels, 15.12.2017 SWD(2017) 482 final COMMISSION STAFF WORKING DOCUMENT Empowering Development: Implementation of the new European Consensus on Development in energy cooperation 2 CONTENTS EXECUTIVE SUMMARY ......................................................................................................................... 3 1. 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CONCLUSIONS ............................................................................................................................. 29 3 EXECUTIVE SUMMARY Sustainable energy is fundamental to social and economic development and to power sustainable growth.

It is needed to improve livelihoods in developing countries, ensuring access to clean water, cooking, education and healthcare for their people. Energy poverty is also among root causes of migration in search of better livelihoods, whereas sustainable energy powers industry and ***agriculture***. It gives rise to novel business models and services, to creating prosperity, jobs and opportunities at home. At the same time, ensuring that energy is sustainable is essential to protect ecosystems and public health. 'Empowering development' constitutes a response to this complex challenge: it contributes simultaneously to Sustainable Development Goal (SDG) 7 —'access to affordable, reliable, sustainable and modern energy for all by 2030'— as well as to SDG 13 on climate action and the Paris Agreement1. This Staff Working Document (SWD) explains how energy cooperation contributes to the implementation of the new European Consensus on Development2. In particular, it takes forward the special focus the new Consensus puts on the close coordination of the 2030 Agenda for Sustainable Development3 (2030 Agenda) key themes for People: increasing access to affordable energy, Prosperity: benefitting from the high potential of the sustainable energy sector for growth and job creation, both directly (sustainable energy value chain) and through productive uses; and Planet: tackling climate change and addressing environmental degradation. The SWD also draws on the new Consensus Partnership objective, through fostering common action of the EU and its Member states and inclusive multi-stakeholder partnerships for the implementation of the 2030 Agenda. Good examples are the renewed impetus of the Africa-EU Partnership4, the Global Strategy on the EU's Foreign and Security Policy5, and the Energy Union6, including its research and innovation pillar. The SWD also takes into account the Council Conclusions adopted on 28 November 20167 and 6 March 20178. Although the approach laid out in this SWD applies to all development cooperation countries, particular attention is paid to the cooperation with Africa, which represents a privileged 1 United Nations — Framework Convention on Climate Change (2015) Adoption of the Paris Agreement, 21st Conference of the Parties, Paris: United Nations. 2 The New European Consensus on Development — Our World, Our Dignity, Our Future — Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the European Commission, 7 June 2017. Official Journal of the European Union, C 210, 30.6.2017 3 Transforming our world: the 2030 Agenda for Sustainable Development — Resolution 70/1 adopted by the General Assembly of the United Nations on 25 September 2015. 4 For a renewed impetus of the Africa-EU Partnership — Joint Communication to the European Parliament and the Council, JOIN(2017) 17, 4.5.2017 5 Shared Vision, Common Action: A Stronger Europe — A Global Strategy for the European Union's Foreign And Security Policy, 56 p., June 2016. ([*https://europa.eu/globalstrategy*](https://europa.eu/globalstrategy)). 6 Energy Union package — A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy, COM(2015) 80. See, in particular, Accelerating Clean Energy Innovation, COM(2016) 763. 7 Energy and Development — Council of the European Union 14839/16, 28.11.2016 8 Implementing the EU Global Strategy — strengthening synergies between EU climate and energy diplomacies and elements for priorities for 2017, Council of the European Union 6981/17, 6.3.2017 4 partner. Europe and Africa's fates are interlinked. Africa is as close as 15 kilometres to Europe. Access to affordable and reliable energy services is limited and remains a critical challenge to economic growth and industrialisation in the continent. Africa's energy sector presents vast business and investment opportunities and thus a significant potential for boosting growth and jobs, both domestically as well as in Europe, for example in the field of renewable energy technologies where the EU aspires to be a global leader. In 2014 in sub-Saharan Africa, 609 million people (6 out of 10) do not have access to electricity9 despite substantial progress being made. Furthermore, 75 % of the global population without electricity access will concentrate in rural areas of sub-Saharan Africa by 204010. Sustainable growth in partner countries is promoted through the energy sector, highlighting three areas of particular focus: increase access to energy; increase renewable energy generation and energy efficiency; and contribute to the fight against climate change. These preferences are supported by three drivers: political ownership and partnerships on sustainable energy; unlocking the potential of indigenous sustainable energy resources through adequate regulatory frameworks, market reforms and improvement of the governance of the energy sector; and boosting investments in renewable energy generation and interconnections, notably through innovative financial instruments. Under the 2014-2020 financial perspective, EUR 3.7 billion have been allocated to sustainable energy cooperation for development11 to contribute to the three EU global objectives by 2020 of providing access to energy to about 40 million people, increasing renewable energy generation by about 6.5 gigawatt and contribute to fighting climate change, by saving about 15 million tons of CO2e/***year***. Of this budget, around EUR 2.7 billion have been allocated to sub-Saharan Africa contributing to the provision of access to energy to about 30 million people, about 5 gigawatt of renewable energy generation, and to saving about 11 million tons of CO2e/year12. Given the size of the investments needed to achieve a universal access to energy, it is necessary to crowd in additional funds, including through the involvement of the private sector. Further efforts are therefore oriented to support the governance of the energy sector and to provide innovative financial mechanisms (blending) to leverage private sector finance. The European External Investment Plan (EIP)13 is expected to significantly leverage the efforts already launched in this crucial sector. 9 World Bank — State of electricity access report 2017. 10 International Energy Agency —   [*http://www.worldenergyoutlook.org/resources/energydevelopment/energyaccessprojections/*](http://www.worldenergyoutlook.org/resources/energydevelopment/energyaccessprojections/) 11 Indicative allocations done in accordance with existing Commission's Decisions (National and regional indicative ***programmes***, European Development Fund (intra-ACP) and Development Cooperation Instrument (Global public goods and challenges ***programme***). 12 Joint Communication to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership, JOIN(2017) 17, 4.5.2017 13 Strengthening European Investments for jobs and growth — Towards a second phase of the European Fund for Strategic Investments and a new European External Investment Plan, Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank, COM(2016) 581, 14.9.2016 5 1. INTRODUCTION: ENERGY IN THE DEVELOPMENT CONTEXT Without access to energy, there is no development. Increasing sustainable energy services in the developing world offers the opportunity to address poverty, create additional jobs, allow for education, reduce pollution, improve human health and conservation of ecosystems while contributing to climate change mitigation. Energy poverty is one root cause of migration. It is also critical for meeting the targets contained in the Paris Agreement on climate change. 1.1 Billion people in energy poverty Worldwide, about 1.2 billion people have no access to electricity, mainly in rural areas. Up to a billion more have access only to unreliable electricity networks. Women disproportionately bear the burden of energy poverty. The biggest challenges are located on the African continent, where access to electricity in rural areas can be as low as 10-15 % in some countries. Africa is also the only region where, because of demographic pressure, the number of energy poor is increasing over time despite international efforts. Nevertheless, the issue is global and affects many other parts of the world (Figure 1). Modernising economies, demographic growth, changing lifestyles and expectations together with the need for reliable, clean and affordable energy access are expected to require tripling of the electricity supply across Africa by 203014. Figure 1: Trends in population lacking access to electricity (2000-2014). Sub-Saharan Africa is not keeping up with population growth for electricity access (State of electricity access report 2017, International Bank for Reconstruction and Development / World Bank). More than 2.7 billion people, mostly in Asia and Africa, still rely on wood, charcoal, animal dung, crop waste and coal, for cooking and heating. According to the World Health Organisation15, over four million people die prematurely every ***year*** from illness attributable to the household air pollution from cooking with solid fuels. The use of such fuels also poses a major burden on sustainable development. Fuel gathering consumes considerable time for women and perpetuate child labour, limiting other productive activities (e.g income generation) and taking children away from school (Figure 2). In less secure environments, women and children are at risk of injury and violence during fuel gathering. Last but not least, black carbon (sooty particles) and methane emitted by inefficient 14 IRENA Africa 2030. 15 WHO — Household air pollution and health, Fact sheet N°292, Updated February 2016. 6 stove combustion are a recognized cause of health impacting indoor pollution and also contributing to climate change16 while wood collection done in a non-sustainable manner risks leading to deforestation and land degradation. At the same time, women are largely absent in the industries that produce modern sources of renewable energy, comprising only 20 per cent of the workforce17. There are also negative impacts from various types of predominantly large scale energy production: carbon emissions and impacts on air quality, but also loss of land from dam construction and distribution networks, and risks of accidents and spills from storage facilities, amongst others. The focus on sustainable and renewable energy therefore is important to ensure maximum benefits with few trade-offs in other areas. As it is for access to electricity, demographic growth makes the universal adoption of clean cooking facilities also a moving target. Figure 2: Time spent on average per day on firewood collection in Africa. Source: Clean and improved cooking in sub-Saharan Africa — A Landscape Report, World Bank, 2014 (second edition, November 2014). 1.2 Climate change as a global challenge to sustainable development The challenge of climate change threatens development gains and disproportionately affects the poor, thus being 'one of the greatest challenges of our time … Its adverse impacts undermine the ability of all countries to achieve sustainable development'18. Climate change is already exacerbating environmental impacts more than ever before in terms of water crisis, land degradation, food shortage, and affects economic growth, societal cohesion and security19. Energy security is also impacted by climate change – for example hydropower generation can be jeopardised by droughts and energy-related infrastructure could be damaged 16 World Health Organization — Household air pollution and health, Fact sheet N°292, Updated February 2016. 17 UN WOMEN data —   [*http://www.unwomen.org/en/news/stories/2017/6/press-release--un-women-at-expo-2017*](http://www.unwomen.org/en/news/stories/2017/6/press-release--un-women-at-expo-2017). 18 2030 Agenda for Sustainable Development — para. 14. 19 World Economic Forum — Global Risks Report 2016. 7 by severe weather conditions. At the same time, the energy sector represents roughly two-thirds of all anthropogenic greenhouse gases emissions20. Effective action towards a safe and sustainable low-carbon climate-resilient energy system is, consequentially, essential to tackling climate change. 1.3 Unlocking the potential of the energy sector Developing countries are often among those richest on sustainable energy resources, yet experience the highest levels of energy poverty. In most of the developing countries a series of barriers impede the energy sector from benefiting from investments, in particular from private actors that would ensure a rapid expansion of access and renewable energy generation. The EU sustainable energy cooperation is intended to unlock the energy potential of developing partners, by supporting their efforts to overcome barriers to transparent and well-functioning markets and investment-enabling governance. Shared efforts with developing partners would be needed, for example, in order to: • Make legislative frameworks clearer and more predictable and introduce more transparency in the planning of the necessary infrastructures (electricity generation and grid expansion master plans) ; • Encourage private sector involvement by tackling public control and vertical integration of the energy supply chain; • Enhance the accountability of the sector institutions and operators; Strengthen the financial stability of energy utilities thus alleviating the burden on the government's budget by improving ***payment*** recovery and phasing out non-cost-reflective tariffs (Figure 3); an associated issue is a customer base often lacking financial solvency, with low energy consumptions per capita and limited purchasing power, contributing to the low profitability of the sector; • Boost investment in renewables and other climate change mitigation actions by phasing out inefficient subsidies (production and consumption); • Pricing-in pollution, climate change and other negative externalities; • Improve institutional capacities of energy administrations; • Facilitate credit for local investments by enhancing experience/knowledge of the energy sector by local financial institutions; • Enhance technical qualifications of workforce; • Promote cross-border interconnections, as well as harmonised regulations and standards, curtailing the options for international power exchange and regional integration; • Strengthen understanding and knowledge of the potential of energy efficiency, particularly in fossil fuel producing regions. • Fill the gaps in research and innovation capacities in order to support transition to and steady implementation of a low-carbon energy system in developing countries. 20 IEA's 2015 World Energy Outlook — Special Report on Energy and Climate Change. The Energy sector refers to energy supply, energy transformation (including power generation) and energy consuming sectors (including buildings, industry, transport and ***agriculture***). 8 Figure 3: Comparison of electric supply costs with cash collected in 2014 U.S dollars per kWh billed. Most African utilities do not collect enough cash to cover costs. Source: Masami Kojima and Chris Trimble. Making power affordable for Africa and viable for its utilities. World Bank, 2016. 9 1.4 The cost of the required investments More than USD 1 trillion of annual investment from both public and private sectors will be needed to achieve the goals of universal access to modern energy services and doubling the share of renewable energy and energy efficiency in the global mix by 203021. 21 SE4All Advisory Board's Finance Committee Report Scaling up Finance for Sustainable Energy Investments, 2015,   [*http://www.se4all.org/sites/default/files/SE4All-Advisory-Board-Finance-Committee-Report.pdf*](http://www.se4all.org/sites/default/files/SE4All-Advisory-Board-Finance-Committee-Report.pdf) Annual investment needed to achieve the universal access to modern energy services and doubling the share of energy efficiency and renewable energy in the global mix (   [*http://www.se4all.org/sites/default/files/SE4All-Advisory-Board-Finance-Committee-Report.pdf*](http://www.se4all.org/sites/default/files/SE4All-Advisory-Board-Finance-Committee-Report.pdf)). • USD 50 billion (2011 annual spending was an estimated USD 9 billion) to provide universal energy access mainly in Sub-Saharan Africa, South Asia and East Asia & Pacific. • USD 442-650 billion to double the share of renewable energy from a current baseline of USD 258 billion. Except for Europe all regions need to increase investment to meet targets. The largest annual funding gap by far is in developing Asia. • USD 560 billion to doubling the rate of improvement in energy efficiency (current spending is USD 130 billion). Energy efficiency investment needs to increase by 4.3 relative to current levels, with the greatest opportunities in Europe, developing Asia and North America. IEA's latest estimates indicate that fossil-fuel consumption subsidies worldwide amounted to USD 493 billion in 2014, over four-times the value of subsidies to renewable energy. 10 2. THE EU IN THE GLOBAL DEVELOPMENT ARENA 2.1 The 2030 Agenda for Sustainable Development Sustainable energy has become a high topic of interest for the EU as well as for the international community, as acknowledged by the fact that one of the 17 Sustainable Development Goals (SDG 7, ensure access to affordable, reliable, sustainable and modern energy for all) is specifically dedicated to this objective. In addition, the achievement of SDG 7 is closely linked to that of several other SDGs. The EU is also fully committed to support partner countries in their energy transition towards sustainable energy, low carbon growth and the achievement of SDG 7 and SDG 13. 2.2 The Paris Agreement The Paris Agreement22, which entered into force on 4 November 2016, points to the need of accelerating energy system transformation and creating new opportunities for jobs and growth. Implementation of the Nationally Determined Contributions (NDCs)23 will be closely linked with the achievements of the 2030 Sustainable Development Agenda. The EU has been at the forefront of international efforts towards a global climate deal and will continue to support action to reduce emissions and build resilience to climate change impacts in developing countries. 2.3 Addis Ababa Action Agenda (Financing for Development) The Addis Ababa declaration on Financing for development24, an integral part of the 2030 Agenda, sets out a vision of how development financing should evolve, bringing together a full range of mutually reinforcing means of implementation, including domestic resources, aid and investment. It also put an emphasis on the use of international public finance, including official development assistance, to catalyse additional resource mobilisation from other sources, public and private. The private sector is recognised as a key driver for inclusive growth and job creation25. An appropriate regulatory environment and innovative ways of financing, are recognised to play an important role in leveraging resources —an area in which the EU has been a pioneer. 22 United Nations — Framework Convention on Climate Change (2015) Adoption of the Paris Agreement, 21st Conference of the Parties, Paris: United Nations. 23 The EU Foreign Affairs Council conclusions on European climate diplomacy after COP21 (15 February 2016) recognised the importance to be placed on securing ambitious global implementation of NDCs and identified support for the INDCs as one of the main strands of work to maintain the positive momentum from Paris, taking into account third countries' strategies and circumstances. The EU Environment Council (4 March 2016) also stressed the importance of supporting the implementation of the NDCs. 24 The Addis Ababa Action Agenda of the Third International Conference on Financing for Development (July 2015). 25 A Stronger Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries — Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2014) 263, 13.5.2014 11 The Africa-EU strategic partnership for energy: 'Energising Africa' The Joint Africa-EU Strategy (JAES) is the formal channel through which the European Union and the African continent work together. It contributes also to the ongoing reflection, launched through the Joint Communication on a renewed partnership with the countries of Africa, the Caribbean and Pacific26. In May 2017, in order to renew the impetus of the Africa-EU partnership27, the EU proposed to take the partnership a step further, and in the energy sector, committed to (i) spur public and private investments in sustainable energy in Africa, in particular in the context of the proposed EIP and (ii) deepen strategic alliances and collaboration. The African Union-European Union Summit of November 2017 envisages a stronger, deeper and more action-oriented strategic partnership for more prosperity and stability on the two continents. One of the proposed actions for 2018 to 2020 and beyond, to be coordinated and strengthened with EU Member States and further developed jointly with African partners, in response to Africa's own Agenda 2063, is 'Energising Africa', in which three flagships are proposed: support to the Africa Renewable Energy Initiative (AREI), a high-level platform to facilitate EU and African public-private cooperation, and a new Partnership on Research and Innovation on climate change and sustainable energy. The first flagship is the EU's contribution to the Africa Renewable Energy Initiative (AREI) targets (10 GW) of renewable energy generation capacity by 2020. The objective is to increase Africa's renewable energy generation and access to sustainable energy, in support to the implementation of countries' Nationally Determined Contributions and the objectives of SDG 7, SDG 13 and the Paris Agreement. The second flagship intends to facilitate EU and African public-private cooperation on increased investment in Africa's sustainable energy sector. A high-level platform will be established to improve the business climate and de-risk private investment. In addition it will facilitate knowledge-sharing on innovative business, financing models and best practice on public finance leveraging. The third flagship is the AU-EU Partnership on Research and Innovation on climate change and sustainable energy, which provides a long term framework for cooperation for jointly funded and co-owned climate and energy actions and aims to boost alignment and consolidation of relevant Research and Innovation activities. The roadmap for its implementation foresees five main action fields for joint research in the energy sector (development and integration of renewable energy in the energy system; planning and modelling future sustainable energy systems; including society as an important stakeholder; market, pricing and business models for future sustainable energy systems; strengthening basic research and technology development) combined with cross-cutting capacity building activity. 26 A renewed partnership with the countries of Africa, the Caribbean and the Pacific — Joint Communication to the European Parliament and the Council, JOIN(2016) 52, 22.11.2016 27 For a renewed impetus of the Africa-EU Partnership — Joint Communication to the European Parliament and the Council, JOIN(2017) 17, 4.5.2017 12 2.4 Global Strategy on the European Union's Foreign and Security Policy (EUGS)28 EU climate and energy diplomacies are fundamental instruments to implement the EU Global Strategy on the European Union's Foreign and Security Policy29. European investments in the field of renewable energy and energy efficiency in Africa will build stronger links between trade, development and security policies in Africa, and blend development efforts with actions notably on energy and climate. As recalled in the Council Conclusions of 6 March 201730, EU climate and energy diplomacies must continue to encourage and back initiatives in vulnerable countries that are affected by the impacts of climate change as well as from lack of or uneven access to, safe and sustainable energy. 2.5 The international dimension of the EU Energy Union The framework strategy for a resilient Energy Union with a forward-looking climate change policy31 calls on the European Union to improve its ability to project its weight on global energy markets and to become number one in renewables. In addition, together with its major partners, the European Union works towards improved global energy architecture, leading to more competitive, transparent and sustainable global energy markets. Strategic documents implementing the EU energy policy32 emphasise the need for sustainable energy production, efficient energy use, research and innovation activities on climate and clean technologies and modern and adequate infrastructure. The EU is committed to devoting (from 2014 to 2020) at least 20 % of the EU budget to climate change-related actions33. The Commission aims to ensure coherence and complementarity of development actions in the field of energy with efforts in related EU policy areas, such as trade, environment, 28 Shared Vision, Common Action: A Stronger Europe — A global strategy for the European Union's foreign and security policy, High Representative of the Union for Foreign Affairs and Security Policy, June 2016; see Council conclusions on the Global Strategy on the European Union's foreign and security policy, Council of the European Union, 17.10.2016 (13202/16). 29 The Global Strategy for the European Union's Foreign and Security Policy states that, in light of 'the growing interconnections between North and sub-Saharan Africa, as well as between the Horn of Africa and the Middle East, the EU will support cooperation across these sub-regions. This includes fostering triangular relationships across the Red Sea between Europe, the Horn and the Gulf to face shared security challenges and economic opportunities. It means systematically addressing cross-border dynamics in North and West Africa, the Sahel and Lake Chad regions through closer links with the African Union, the Economic Community of Western African States (ECOWAS) and the G5 Sahel'. 30 Implementing the EU Global Strategy — strengthening synergies between EU climate and energy diplomacies and elements for priorities for 2017. Council of the European Union 6981/17, 6.3.2017 31 A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy — COM(2015) 80. 32 The European Union and its Member States were the first major economy to communicate their INDC on 6 March 2015, setting a target of at least 40 % domestic reduction in greenhouse gases emissions by 2030 compared to 1990. - Energy 2020 — A strategy for competitive, sustainable and secure energy. COM(2010) 639. - A policy framework for climate and energy in the period from 2020 to 2030. COM(2014) 15. - Energy Roadmap 2050, COM (2011)885. - Clean Energy For All Europeans, COM(2016) 860 and EU legislation energy package of 30.11.2016 33 A Budget for Europe 2020. Communication from the

commission to the European Parliament, the Council, the European economic and social Committee and the Committee of the regions — COM(2011) 500, 29.6.2011 This target was recalled when signing the Paris Agreement. 13 migration, employment, ***agriculture*** and research34. In the context of the implementation of the Energy Union package, the EU institutions cooperate in order to ensure a better Policy Coherence for Development. For instance, regarding innovation35, the Energy Union focuses on strengthening strategic research partnerships and exchanging knowledge, expertise, technology and qualified personnel to support developing and emerging countries in their energy transition. Similarly, the EU uses its trade policy instruments and related technical assistance to encourage third countries to adopt climate-neutral solutions. 2.6 Sustainable energy in the EU policies for development 2.6.1 New European Consensus on Development The new European Consensus on Development36 proposes a shared vision and framework for development cooperation for the EU and its Member States, aligned with the 2030 Agenda. Particular emphasis is put on cross-cutting drivers of development, such as gender equality and youth, sustainable energy and climate action, investment, migration and mobility. Development cooperation will support improving the access for all to clean and affordable energy without damaging the environment. Cooperation with all relevant parties, including the private sector, will be increased on energy demand management, energy efficiency, renewable energy generation and clean technology development and ***transfer***. The new Consensus framework for action reflects the key themes of the 2030 Agenda37. The key theme People encourages supporting the poorest communities in improving access for clean, affordable and sustainable energy, while avoiding any damaging effects on the environment, increasing cooperation with all relevant stakeholders, including the private sector. The mobilisation of private resources for development for safe and clean energy is also relevant for the key theme Prosperity as the sector has significant transformation potential for sustainable development. Energy is a critically important development enabler and is central to solutions for a sustainable Planet in order to fostering the transition to renewable energy to tackle climate change and address environmental degradation. 2.6.2 Council conclusions on energy and development On the 28 November 2016, the Council adopted conclusions on energy and development38, stressing the need for strengthened cooperation and development in energy and setting the objectives of this cooperation. 34 In particular through Horizon 2020 important investments are already foreseen in the ***years*** 2018-2020 in line with the recently adopted roadmap for the AU-EU Research and Innovation Partnership for climate change and sustainable energy, to support climate services for climate adaptation in Africa and for the launch of a joint ***programme*** in the area of renewable energy. 35 Accelerating Clean Energy Innovation, COM(2016) 763. 36 The new European Consensus on Development — Our World, Our Dignity, Our Future — Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the European Commission, 7.6.2017 37 The new European Consensus on Development sets 4 key themes, a framework for common action for the EU and its Member States: People, Planet, Prosperity, and Peace. 38 Energy and Development — Council of the European Union, 14839/16, 28.11.2016 14 2.6.3 European External Investment Plan39 (EIP) As part of the broader efforts the EU is pursuing on the basis of the new Partnership Framework, the EIP complements the Union's development aid, strengthens its partnerships, promotes a new model of active participation of the private sector and contributes to achieving the Sustainable Development Goals. The purpose of the European External Investment Plan is to provide an integrated and comprehensive structure to finance investments in Africa and the EU neighbourhood. The EIP is based on three pillars: (i) the European Fund for Sustainable Development (EFSD)40, (ii) technical assistance and (iii) improved investment climate and overall policy environment. The EFSD constitutes the integrated financial package of the EIP, combining regional blending facilities and an EFSD Guarantee, backed by an EFSD Guarantee Fund. The EFSD Guarantee follows the same logic as the European Fund for Strategic Investments (EFSI): use of public funding as a guarantee to attract public and private investment. The European Commission singles out five areas of investment, so-called 'investment windows', in which the first actions of the EIP will be implemented. One of the windows is dedicated to 'Sustainable Energy and Connectivity' – to attract investments in renewable energy, energy efficiency and transport41. 39 Strengthening European Investments for jobs and growth — Towards a second phase of the European Fund for Strategic Investments and a new European External Investment Plan, Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank, COM(2016) 581, 14.9.2016 40 Regulation (EU) 2017/1601 of the European Parliament and of the Council of 26 September 2017 establishing the European Fund for Sustainable Development (EFSD), the EFSD Guarantee and the EFSD Guarantee Fund. 41 The first four other investment windows are: - 'Micro, Small and Medium Sized Enterprises (MSMEs) Financing' – to improve MSME's access to finance. Such businesses are the main employers in Africa and the EU Neighbourhood, and offer important and more sustainable alternatives to the informal economy. - 'Sustainable ***Agriculture***, Rural Entrepreneurs and Agribusiness' – to provide better access to finance for smallholders, cooperatives and micro, small and medium sized enterprises agribusiness, allowing to address food security issues. - 'Sustainable Cities' – to mobilise investments in sustainable urban development of municipal infrastructure, including urban mobility, water, sanitation, waste management, renewable energy services. - 'Digital for Development' – to promote investments in innovative digital solutions for local needs, financial inclusion and decent job creation. 15 3. EMPOWERING DEVELOPMENT The challenges of energy poverty and climate change (addressing SDG 7 and 13) and the opportunities to strengthen the energy sector in developing partner countries are addressed through three 'thematic bets' and three 'methodological drivers'. 3.1 The three 'big bets' for Empowering Development In order for the EU to reach its commitments, implementation of the European Consensus on Development in the area of sustainable energy will focus on: Access to energy Renewable energy generation and energy efficiency Contribution to the fight against climate change 3.1.1 Access to energy Currently, there is not a common internationally agreed definition of 'access to energy' yet42. While acknowledging the work of international partners on a common definition, for the purposes of this document, energy access is considered in a broad sense, taking into account direct new access from new connections or off-grid technologies as well as improved and inferred access resulting from grid rehabilitation, new generation or extension of transmission lines. The objective is to increase access, especially for vulnerable customers (e.g women, youth and the poor), to electricity and modern energy services, including lighting as well as clean/improved cooking systems. Regarding electrification, both grid extensions, including cross-border interconnections and off-grid solutions (from mini-grids to stand-alone systems) are supported. The provision of electricity for productive uses (creation and improvement of economic activities and employment, such as energy for agri-business value chains, MSMEs) is prioritised. In order to ensure quality and sustainability of the energy services that are supported, as a general principle, cost-reflective business models are privileged. The role of natural ecosystems that provide services essential to renewable energy production, such as water provision and regulation for hydropower plants, must be promoted in all energy ***programs***. Robust environmental impact assessments and strategic impact assessment can help ensure that projects have reduced environmental footprints. 42 IEA 2017 defines energy access as 'a household having reliable and affordable access to both clean cooking facilities and to electricity, which is enough to supply a basic bundle of energy services initially, and then an increasing level of electricity over time to reach the regional average'. The World Bank42 'multi-tier energy access tracking' redefines energy access from a binary count to a multi-dimensional definition as 'the ability to obtain energy that is adequate, available when needed, reliable, of good quality, affordable, legal, convenient, healthy and safe for all required energy applications across households, productive enterprises, and community institutions'. Energy access is measured in the tiered-spectrum, from Tier 0 (no access) to Tier 5 (the highest level of access, that most citizens enjoy in developed countries). 16 Grid extension and off-grid development in Africa Grid extension of the electricity backbones and additional on-grid distribution are crucial actions for increasing access to modern energy, enabling regional integration of power markets (for example African Power Pools), and allowing transboundary energy trade, connecting resources with demand hot spots, optimising return on investments, achieving system efficiencies and balancing consumption and production from variable sources like renewables as well as reinforcing security of power supply. Granting universal access to electricity in a vast continent like Africa cannot realistically be achieved only by extending the electricity grid. The cost of connecting remote villages and sparsely populated areas to the national grid is disproportionally high, while low consumption from village households would yield very little revenue for utilities. Such an option would be too expensive and seriously jeopardise the financial health of utilities in the mid-long term. In addition, many countries apply a subsidised tariff policy instead of a cost reflective tariff policy, with the effect that energy utilities are often in a dire financial situation. The planning for electrification should take into account financial and technical realities. As a consequence, populations in remote areas risk to be left behind without basic energy services while waiting for the grid to arrive. Innovative solutions allows now for covering most of the electricity needs of remote villages in a sustainable and autonomous way. These solutions range from independent local mini and micro grids, to community managed systems, and stand-alone solar home systems (SHS) combined with portable photovoltaic appliances for light. These systems overcome the distance barrier as they utilise local renewable resources such as hydropower, wind, renewable biogas and in most instances solar power. They can become the main energy source or can be used to hybridise existing power sources (such as diesel generators). Community involvement is important to handle demand side management as well as maintenance, production and distribution aspects. Grid extension and rural electrification planning should be realistic and predictable in order to allow for evidence-based decision-making (for example, reducing the risk of off-grid investments losing value because the area has been electrified sooner than it was expected). Planning of rural electrification should carefully define suitable areas for off-grid systems development based on economic and proximity to energy resource criteria. The framework for rural electrification businesses should be conducive to attract local entrepreneurs and private investments as part of a government strategy. Electricity tariffs (on- and off-grid) should be cost covering in order to unlock investments in decentralised electrification—the so called 'off-grid utilities'. Lastly, it is important that local ownership and capacities are developed within the communities. Figure 4: A growing role for mini grids and renewable energy. Opportunities for grid extension, mini grids and distributed renewable energy systems. EUEI PDF and REN21. 17 3.1.2 Renewable energy generation and energy efficiency As a global leader in fostering low carbon economy, the EU considers the development of renewable energy and energy efficiency as part of the solution to fight against climate change and preserve the environment, reduce the air pollution burden on human health, as well as a source of creation of quality jobs. The increased use of renewable energy and energy efficiency is further enhanced by progress achieved in technological development and ***transfer***, including significant cost reductions and digitalisation, and allows a consumer-centred approach. In particular, many developing countries have significant renewable energy potential. According to the international renewable energy agency (IRENA)43, the potential for solar, geothermal, hydro and wind energy in Africa is among the highest in the world. Optimising the use of these resources would shield economies from price volatility of fossil fuels and from foreign currency drain, allowing them to diversify their energy supply and leapfrog the energy transition. With more renewable energy in the energy mix, sustainable growth could be decoupled from harmful emissions causing climate change. Renewable energy is also important to provide energy access through off-grid or mini-grid solutions in both rural and peri-urban areas. Energy efficiency keeps in check growing energy demand and frees up capacity to increase access for those in need. Partner countries are supported in their efforts to increase the energy generation capacity from renewables, and diversify the energy mix by exploiting various renewable energy sources and technologies, according to the most appropriate and efficient solutions available. A particular care is given to ensure the sustainable use of natural resources (including water, land, forests, biomass), especially when possible risks of competition exist, such as for hydro or bioenergy projects. Ensuring consistency with EU policies on environmental and social sustainability is essential in that regard. Circular economy approaches, for instance, contribute to efficient use of resources44 and to reducing energy demand, for example, through increased recycling or efficient use. Beyond energy generation, energy efficiency measures are a key complement tool to reduce energy and resources needs and improve the quality of life. Of course, just as within the EU's borders, partner countries remain in charge of choices on the energy mix that best responds to their energy needs. However, policy dialogue plays a crucial role in supporting sustainable low carbon energy transitions, and the bulk of available financial support, dedicated to increase the capacity of energy generation, is reserved for sustainable renewable energy projects and hybridisation of existing systems towards more renewables. Setting up conductive and stable regulatory frameworks, building capacity, improving governance and the business environment benefit the entire energy sector. 3.1.3 Contribution to the fight against climate change For many countries, the elaboration of the NDC was the first opportunity to articulate a programmatic vision for low greenhouse gas emissions in line with national development 43 Africa 2030 — Roadmap for a renewable energy future, IRENA, 72 p., 2015. 44 As mentioned in the Report on the implementation of the Circular Economy Action Plan — COM(2017) 33: 'on 30 November 2016, in its recast of the Renewable Energy Directive as part of the package on Clean Energy for all Europeans, the Commission adopted sustainability criteria for all bioenergy uses. In order to limit pressure on limited biomass resources, the Commission proposed that only efficient conversion of biomass to electricity should receive public support. This will facilitate synergies with the circular economy in the uses of biomass and particularly wood, which can be used for a range of products as well as for energy'. 18 plans and aspirations. In addition, population growth and rampant urbanisation rates in developing countries create a specific challenge and mega cities remain major hotspots of vulnerability to the impacts of climate change. Local authorities and Mayors are therefore critical partners in a bottom-up transition to global low-carbon and climate resilient economies and societies. The support to partner countries in the development of sustainable energy projects and in the implementation of their NDCs involves reducing greenhouse gas emissions from the energy system while satisfying the increasing demand for energy e.g fostering energy efficiency of products, systems and buildings, including grid and power plant rehabilitation. Encouraging low carbon technology deployment covers the support to additional renewable energy generation or replacing/hybridising fossil fuel generation with renewable energy. Smart energy uses and energy efficiency solutions are prioritised in urban and peri-urban areas, where currently most of the economic activities take place and most greenhouse gas emissions are generated. Support is provided to strengthening capacities, fostering twinning arrangements and building a network of local authorities and cities for climate action on a global scale. This contribution from the energy sector comes in addition to other measures taken to fight climate change in other sectors of cooperation. 3.1.4 Crosscutting issue: women and sustainable energy The opportunities for human development and economic growth arising from progress in the energy sector often do not offer equal participation and impact between men and women. Benefiting women and girls requires more than just providing energy. Improved sustainable energy access is most beneficial to women if their status is raised and they can make decisions in the household and in their communities, if they have access to resources like credit, if they are involved in helping design energy access projects, and if they have opportunities to be employed in the energy sector. The social and economic rights and empowerment of girls and women are promoted as one of the pivotal areas of the EU as mentioned in the staff working document on Gender Equality and Women's Empowerment: transforming the lives of girls and women through EU external relations 2016-202045, in particular ensuring equal access and control over energy resources as well as equitable engagement in their management. Existing energy projects, ***programmes*** and policies explicitly recognise imbalances and intentionally strive to reduce inequalities. Women are not only energy users for domestic purposes or for economic activities. They should also contribute actively in the energy value chains, in particular in promoting renewable energies distribution and increasing access to energy and energy services. As supporting the empowerment of women contributes to sustainable and inclusive growth, the EU mainstreams gender equality in all development actions. In the energy sector, specific ***programmes*** are designed to foster women involvement in the energy value chain, increase their technical and business capacity and strengthen their role as energy entrepreneurs. 45 Gender Equality and Women's Empowerment — Transforming the Lives of Girls and Women through EU External Relations 2016-2020, SWD(2015) 182. 19 3.2 The three methodological drivers for Empowering Development Transparent and efficient energy markets and well-functioning energy institutions are an important enabler for universal access to affordable, reliable, sustainable and modern energy services. In order to attract public-private investments in renewable energy and energy efficiency, the business environment should be conducive and the legislative/regulatory framework and governance adequate. It is only then that the innovative financial instruments can be deployed to unlock and boost investments. Blending available resources is a way of reaching the investment level needed to achieve SDG 7 targets. Therefore, three main drivers are promoted in the implementation of the approach: Promoting political ownership & partnerships for implementation Improving governance and reforms of the energy sector Boosting investment through innovative financial instruments 3.2.1 Promoting political ownership & partnerships for implementation The EU works in close cooperation with partner countries, and bilateral development policy aligns to and complements as much as possible countries' and regions' own policies and plans. Ownership of the reform process is the most important precondition for any action to be successful and yield sustainable and durable impact. EU Delegations facilitate a structured dialogue on development cooperation in energy matters with national authorities, agreeing on specific interventions and projects, identify technical support needs, fostering sector coordination with all stakeholders — local and international. In some cases, political joint declarations on reinforced cooperation in the field of sustainable energy, agreed with governments or regional organisations and the most active donors in each country, provide a framework for strengthened cooperation and a stronger sense of ownership of the reform agenda to the partner country's governments. Africa is a privileged partner for the EU development cooperation. The continuous coordination with African Partners in the energy sector is organised in the context of the Africa-EU Energy Partnership46. Toolbox for promoting political ownership & partnerships EU Delegations and Offices around the world play a key role in the policy dialogue with stakeholders in partner countries. The policy dialogue on energy cooperation is promoted not only in the countries/regions where energy is a focal sector. It represents in fact an important tool to design all national and regional indicative ***programmes*** (NIPs and RIPs) together with the countries' governments and regional organisations, and to plan and implement a development ***programme*** fully aligned with partner's plans and strategies. In addition joint declarations on reinforced cooperation on sustainable energy have been signed with partner countries and regions. Budget support, through the Sector Reform Contracts, can be an important tool to promote reforms and economic governance in the energy sector through its comprehensive sector-wide dialogue and continuous 46 Joint Communication to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership, JOIN(2017) 17 of 4.5.2017 20 monitoring of the eligibility and performance criteria. It can be complementary to blending and technical assistance projects. In the energy sector the beneficiary government is supported through budget injection in the setting-up and implementation of sustainable energy policy with the aim of improving the enabling environment, attracting investments, reducing energy poverty and boosting sustainable growth. Budget support is applied when the governance and the capacity of the sector as well as political willingness are sound enough to engage in a constructive dialogue, to share all relevant information and to successfully implement the appropriate reforms and financial measures required for the sustainable development of the energy sector. Coordination with Member States and their implementing agencies on energy cooperation is fostered through the EU Energy Initiative (EUEI), a platform for regular information exchange on policy and ***programmes***. The EU has been active in promoting the objectives of the SE4All initiative since its launch and remains committed to its objectives which are now translated into the objectives of SDG 7. The EU works closely with key partners, including in the frameworks of the G7 and G20 to contribute towards SDG7. As a result of a Memorandum of Understanding with the USA signed in 201647, the EU and USAID/Power Africa strengthened their relations with the common aim of increasing access to energy in sub-Saharan Africa. Areas of cooperation include scaling-up off-grid efforts to increase access to energy services, coordinate respective technical assistance activities and policy dialogue, work on energy efficiency. As a result of closer cooperation, Power Africa also contributed USD 10 million48 to the EU ElectriFI initiative49 (see below). A partnership with cities under the Covenant of Mayors in sub-Saharan Africa50 aims to increase the capacities of cities to provide access to sufficient, sustainable and safe energy services to urban and peri-urban populations, and to support actions at city-level to combat climate change and its impacts. This initiative is one of the Regional Covenants forming the Global Covenant of Mayors for Climate and Energy, a global coalition of cities and local governments with a shared long-term vision of moving to a low emission, resilient society. The EU supports, through the Technical Assistance Facility, the increasing number of African countries interested in joining the International Energy Charter51 which ultimate goal is 'to strengthen the rule of law on energy issues, by creating a level playing field of rules to be observed by all participating governments, thereby mitigating risks associated with energy-related investment and trade'. Amongst the signatories of the European Energy Charter (1991) are Burundi, Chad, Mauritania, Morocco, Niger. Amongst the signatories of the new International Energy Charter (2015) are Benin, Economic Community of West African States, Swaziland, Tanzania and Uganda. 3.2.2 Improving governance and reforms of the energy sector As described above, the energy sector in developing countries is often perceived by private investors as difficult and risky. Market distortions and non-cost-reflective tariffs (including non-inclusion of negative externalities) applied by national utilities and other key stakeholders can limit the effectiveness of investments in the sector. In some countries, legislation/regulations explicitly forbid the engagement of private sector. In addition, targeted and inefficient subsidies distort consumption patterns, drain public finances and lead to poor 47 Memorandum of understanding between the European Union and the United States of America for reducing energy poverty and increasing energy access in sub-Saharan Africa. Signed in Addis Ababa, 14 July 2015. European Commission, European Union and the U.S Power Africa Initiative Join Forces to Assist Partner Countries to Reduce Energy Poverty and Increase Access to Electricity in sub-Saharan Africa, 14 July 2015, [*https://ec.europa.eu/europeaid/sites/devco/files/web-release-power-africa-eumou-addis\_en.pdf*](https://ec.europa.eu/europeaid/sites/devco/files/web-release-power-africa-eumou-addis_en.pdf) 48 Commission implementing decision of 14.6.2016 amending Commission implementing Decision C(2014) 9451 of 15.12.2014 on the Annual Action ***Programme*** 2014 for Sustainable Energy under the Global Public Goods and Challenges, to be financed from the general budget of the European Union. 49 C(2016) 3788, C(2017) 7497. 50 C(2015) 7244, C(2016) 8086, C(2017) 7497. 51   [*http://www.energycharter.org/process/international-energy-charter-2015/overview/*](http://www.energycharter.org/process/international-energy-charter-2015/overview/) 21 performance in public utilities (apart from often working against stated objectives such as tackling climate change). In other cases, investors could simply lack the confidence to engage in the sector because of (real or perceived) risks and dysfunctions. In any case, investments need healthy public economic governance, clear rules and a stable environment with regard to sector policy legislation and regulations, strategic planning of investments, articulation with a stability-oriented macroeconomic policy and good public finance management (e.g procurement reforms, PPP risk management or asset monitoring). Institutional capacity and skills of workforces are also important factors. The starting point for a well-designed energy sector framework is the strategy level, where the policy direction must be defined on the basis of sound evidence and information. This includes, for example, long-term planning for renewable energy deployment, electrification and infrastructure development, as well as the definition of the sector objectives and structure. Primary regulation at legislative level sets the legal foundation and assigns roles and responsibilities to executive bodies. Key rules and provisions, essential elements for investment decisions of private developers, are set at the level of the secondary regulation, put in place by executive bodies (e. g. energy ministries and regulators). They define the framework that governs project development and guide investments according to the different business models. Policymakers may also design fiscal incentives or subsidy schemes tailored to steer and direct investment flows. Licensing, import regulations and taxation affect all market segments and can make a crucial difference to the viability of business models and entire markets. Generally, a close coordination with the NDCs under the Paris Agreement shall be sought. Going beyond national boundaries, an integrated regional energy market requires harmonisation of regulations and compatible standards. The EU supports partner countries and regions throughout the policy-definition process notably in providing —following partners' requests— support and expertise for drafting sector reforms and missing regulations, strengthening technical capacities of ministries and regulators, restructure utilities' financial situation. The main tools are policy dialogue and technical assistance. The expected improvement in efficiency and governance includes for instance the application of cost-reflective tariffs, better maintenance of energy infrastructure, more transparency in financial transactions and better process of award of concessions (such as support to define auction procedures). Beyond that, the EU's own sophisticated policy framework on energy and climate could be shared and benchmarked as an accelerator for domestic policy reforms. Progress regarding sustainable energy policies and regulation in Africa is needed. In the Regulatory Indicators for Sustainable Energy (RISE) 2016 Report52, which assesses national policy and regulatory frameworks for sustainable energy, score is moderate in 15 countries and few or no elements of a supportive policy framework have been enacted in 19 countries (see Figure 5). 52 RISE scores reflect a snapshot of a country's policies and regulations in the energy sector, organized by the three pillars of the SEforAll initiative: energy access, energy efficiency, and renewable energy. RISE 2016 Regulatory indicators for sustainable energy, A global scorecard for policy makers. 2017 International Bank for Reconstruction and Development / The World Bank (   [*http://rise.esmap.org*](http://rise.esmap.org)). 22 Figure 5: Assessment of national policy and regulatory frameworks for sustainable energy. Green: most elements of a strong policy framework to support sustainable energy are in place – Yellow: Significant opportunities exist – Red: Few or no elements of a supportive policy framework have been enacted (RISE 2016 report, World Bank). Improving the enabling and regulatory environment – the catalysing role of the EU's Technical Assistance Facility Through its Development Cooperation Instrument, the EU makes available a Technical Assistance Facility (TAF)53 to all partner countries to support them elaborating appropriate sector policies and reforms towards a better enabling environment. With a total budget of EUR 65 million for 48 months, the TAF helps developing countries to set up country action plans for energy and carry out the regulatory reforms needed to unblock the necessary private investments to implement these plans. The TAF Sub-Saharan Africa started in December 2013 and has implemented more than 100 missions in 34 countries. Since December 2014, the TAF covering Asia, Neighbourhood, Latina America, Caribbean and Pacific carried out 15 missions in 8 countries. TAF provides support upon request from the partners in countries, for the elaboration and implementation of national energy sector policies and reforms; capacity building in policy and regulatory framework; technical support in the ***programming*** and preparation of concrete investment projects; mobilisation of funds and facilitation of partnership (with particular emphasis on the private sector and the banking institutions); industrial and technology cooperation; project demonstration. In Côte d'Ivoire the TAF helped operationalising the renewable energy law by developing the detailed provision in the relevant decrees. Such actions created the relevant framework for private sector participation and for concessions in the electricity sector. In Rwanda the TAF provided support for the development of the electricity master plan for increased energy access. In Cameroun and Burkina Faso cooperation with the regulatory authorities and stakeholders created the framework for solar power generation at a large scale. In Kenya, the TAF team has been studying how EU funds can assist promising initiatives for off-grid solutions such as the Kenya's bio-digester ***programme***. Support is also provided to the Department of Infrastructure and Energy of the African Union Commission on harmonising the different regulatory framework on the African continent. The EU TAF cooperates with other similar mechanisms as the Africa-EU renewable Energy Cooperation ***Programme***, the EU Energy Initiative Partnership Dialogue Facility and the ElectriFI team, as for instance producing common studies54. 53 C(2012) 5436. 54 Enabling policies for addressing climate change and energy poverty through renewable energy investments in Africa, policy paper, 6 pages,2017 —   [*http://electrifi.org/wp-content/uploads/2016/12/Policy-Paper-ElectriFI-TAF-RECP-6pager-112016-single-page.pdf*](http://electrifi.org/wp-content/uploads/2016/12/Policy-Paper-ElectriFI-TAF-RECP-6pager-112016-single-page.pdf) 23 3.2.3 Boosting investment through innovative financial instruments Energy infrastructures require a high amount of investments which, in general, would bring together different sources of funding into complex financial arrangements. Projects need to be bankable to ensure sustainability. While energy could be a revenue-generating activity and can stimulate commercial interest, underlying market barriers and a perception of high risk still hamper the development and financing of renewable and energy efficient projects, especially in more fragile countries where additional uncertainties (of political, inflationary, security nature) enter into consideration. Financial risk mitigation schemes, such as guarantees, can be instrumental in making projects possible. Early stage/seed finance and support for project preparation are also crucial to bring more projects to maturity. Small projects need to be aggregated to make them more interesting for financing and attract the interest of mainstream investors. These are the areas where public intervention from international donors such as the EU is needed, to unblock and move forward investments that would have not happened otherwise. To address the investor's reluctance and unlock investments, the EU response introduced blending operations, which involves the combination of grant aid55 in various forms (including, when appropriate, reimbursable grants, early stage finance and provision of guarantees) and private or public sources of finance, such as loans, risk capital and/or equity. Partnerships with financial institutions such as the European Investment Bank (EIB) and with multiple other development banks, under the blending frameworks, aim at the provision of an efficient support to investments in sustainable energy. Toolbox on innovative financial instruments The use of blending in the external cooperation of the EU is promoted increasingly in order to unlock additional public and private resources and thereby increase the impact of EU development policy. Grants provided through blending can take a number of forms, most commonly direct investment grants and/or technical assistance. EU development aid contributes to the financing of large scale infrastructures, such as generation plants or transmission lines, through the EU regional blending facilities which are evolving into regional investment platforms within the context of the External Investment Plan (EIP). Additionally, the EIP includes the European Fund for Sustainable Development Guarantee to providing guarantees to eligible counterparts, which in turn would conclude agreements with co-financing private sector partners, financial intermediaries or final beneficiaries to cover the risks of different forms of support, such as loans, guarantees, equity and other credit enhancement products. A specific window dedicated to 'Sustainable Energy and Connectivity' is one of the EFSD investment windows. In addition to the regional blending facilities, and in order to support small and medium scale projects, the EU launched a dedicated financing initiative, ElectriFI, together with Member States, private sector actors, civil society and the involvement of European Development Financial Institutions (EDFIs). The aim of ElectriFI is to boost private sector investments providing access to reliable, affordable and renewable electricity and energy services in developing countries. To best address the needs of the market, all forms of support available under the blending facilities can also be provided under ElectriFI (i.e investment grants, equity, guarantees, local bank credit lines, currency risk mitigation, technical assistance). A number of partner countries have decided to earmark part of their National Indicative ***Programmes***' energy allocations for dedicated ElectriFI 'country windows'56, with the objective of boosting in-country private sector participation in renewable energy projects. 55 Both thematic and EDF funds can be used for blending, with the agreement of partner countries. 56 As for instance Zambia, C(2017) 6314. 24 One of the first ElectriFI approved projects57 to be supported is NextGen Solawazi, a 5 MW solar photovoltaic power plant to be connected to the isolated mini-grid of Kigoma region to support the strategic rural electrification efforts of the Government of Tanzania. The solar plant will replace and complement diesel generators, having a positive impact not only on the environment but also on the cost price to the off-taker, the national power utility of Tanzania. Lowering the cost price for such isolated grids will make it more attractive to expand the distribution network to more remote areas. Another example of an ElectriFI funded project is the Sigora Haiti Northwest electrification project making it the first privately owned utility company in Haiti with the right to distribute electricity and collect ***payments*** from the population. It will expand the company's existing pilot grid network from 5,000 customers to 136,000 (27,000 accounts) and have a renewable energy capacity of 3.5 MW. The project deploys prepaid metering and revenue management technology designed to enable utilities in frontier markets to consistently and effectively collect revenue. Other financial instruments implemented through the Infrastructure Trust Fund (ITF)58 include the European Union-European Development Finance Institutions Private Sector Development Facility59, created in order to catalyse private investment in small and medium scale energy projects in Africa. The ***programme*** comprises a Guarantee Facility whereby the EU shares risk with EDFIs to enable the financing of riskier energy projects. It can also provide funding for early-stage development projects and technical assistance to build the capacity of private sector enterprises in the energy sector in Africa. The EU ITF contributes also to the Global Energy Efficiency and Renewable Energy Fund – GEEREF60, a fund-of-funds catalysing private sector capital into clean energy projects in developing countries and economies in transition. GEEREF, managed by the European Investment Bank, provides global risk capital through private investment for medium scale renewable energy and energy efficiency projects. The current portfolio of funds supports 525 MW of renewable capacity with the aim of reaching 1.83 GW by the end of the implementation period of the project. And finally, the EU ITF contributes up to EUR 30 million to the Geothermal Risk Mitigation Facility (GRMF)61 to support geothermal development in East Africa. GRMF provides financial support for surface studies, exploration drilling and testing ***programmes***. It has supported for instance, notably with private developers, two drilling projects in Kenya, one surface study project and one drilling project in Ethiopia and one project in Comoros. The EU InnovFin Energy Demonstration Projects (EDP) Facility62, by which the European Commission provides guarantees for loans from the EIB to innovative projects in the area of renewable energy, is also open to projects with implementation in Africa. 57   [*http://electrifi.org*](http://electrifi.org)/ 58 C(2012) 8793,   [*http://www.eu-africa-infrastructure-tf.net*](http://www.eu-africa-infrastructure-tf.net)/ 59   [*http://www.eib.org/projects/regions/acp/index.htm*](http://www.eib.org/projects/regions/acp/index.htm) 60   [*http://geeref.com*](http://geeref.com)/ 61   [*http://www.grmf-eastafrica.org*](http://www.grmf-eastafrica.org)/ 62 Financed under the Horizon2020 ***programme***. 25 4. FINANCIAL ASPECTS In the period 2014-2020, EUR 3.7 billion have been allocated from EU development funds to sustainable energy actions in developing countries63, out of it, around EUR 2.7 billion for sub-Saharan Africa64. More in detail, 30 partner countries65 either have energy as focal sector of cooperation with the EU or have significant allocations to the energy sector under other thematic sectors (such as rural development/***agriculture*** or sustainable infrastructure); of these countries, 17 are located in sub-Saharan Africa. In addition, energy is among the priority areas for EU cooperation with sub-Saharan African, ACP, Central Asia and Caribbean regions (through their regional indicative ***programmes*** and intra-ACP). Finally, sustainable energy is one of the five thematic areas under the Development Cooperation Instrument (DCI) thematic ***programme*** Global Public Goods and Challenges (GPGC) for 2014-202066. Figure 6: EU energy sector cooperation in sub-Saharan Africa at national level. 63 Indicative allocation done in accordance with existing Commission's decisions (national and regional indicative ***programmes***, European Development Fund (intra-ACP) and Development Cooperation Instrument (Global public goods and challenges ***programme***). 64 Including contributions of the Intra-ACP and global instruments, estimated. 65 Countries in the EU Neighbourhood (East and South) are not considered for the purposes of this SWD. In addition to Africa, countries that have chosen energy as focal sector of EU cooperation are Iraq, Philippines, Vietnam, Barbados, Belize, Dominica, St Kitts and Nevis, Marshall Islands, Micronesia, Nauru, Niue, Palau and Tonga. 66 C(2014) 5072 of 23.7.2014 26 5. IMPLEMENTATION 5.1 Estimation of impact of EU cooperation in sustainable energy By mean of a number of assumptions67 formulated on the likely implementation of sustainable energy ***programmes*** and projects for the amount foreseen in the current multi-annual financial framework, it can be estimated ex-ante that the EU would contribute to the three global objectives of access to energy, increasing renewable energy generation and contribute to fighting climate change, with the minimum following figures: Globally In sub-Saharan Africa Access to energy about 40 million people about 30 million people Renewable energy generation about 6.5 gigawatt68 about 5 gigawatt Contribution to the fight against climate change (emission savings) about 15 million tons CO2e saved per ***year*** about 11 million tons CO2e saved per ***year*** Substantial variation of these figures would be reached, considering the range of options in assumptions, as for instance the expected leverage of the support, the part of blending operations in the portfolio, the level of energy services reached by each projects or the costs of the involved technologies, all these factors being not yet known. An ex-post evaluation of impact of projects implemented under the current multi-annual financial framework will be prepared taking into account the methodological constraints mentioned below and in the next section. 5.2 Challenges faced Initial forecasts on the actions approved so far show that by September 2017 we are on track. Nevertheless a number of challenges are still to be faced: • Lack of mature projects submitted to the EU blending facilities by international financing institutions, especially in Eastern, Central and Southern Africa regions, addressed with an intensification of dialogue and cooperation with financial institutions active in the area. • Projects submitted to the investment facilities (especially in Africa), particularly to be financed under regional funds, are more often targeting transmission lines and interconnections rather than renewable energy generation plants. This trend has been reversed in most regions recently, thanks to improved cooperation with financial institutions. Yet for Central Africa the need for investments in renewable energy generation but also electrical grids too is huge. 67 Assumptions include: an average leverage factor of 4 applied to 60 % of the available budget (considering that 40 % is spent through modalities different than blending); a balanced portfolio of actions covering a mix of on- and off-grids operations and both projects contributing to increasing renewable energy generation and to access to energy (such as transmission and distribution lines), in line with NIP indications in the different countries; estimated number of direct and indirect beneficiaries; and average costs of technologies in line with market surveys. 68 Of which 5.8 gigawatt new generation and 0.7 gigawatt through energy savings initiatives. 27 • It is a challenge to aggregate forecasts on energy access, generation capacity and greenhouse gases emissions from various instruments, because of a lack of harmonised methodologies (this aspect is discussed in the next section). 5.3 Monitoring EU cooperation in sustainable energy Monitoring and measurement of the impact in partner's countries are considerable challenges. There might be a significant time lag between reporting of achieved results, since in some projects, access can only be counted once the last mile connection is operational, which could be ***years*** after the EU is no longer involved. It is also very complex to estimate greenhouse gas emission savings. Therefore, due to the complexity of the issue and the lack of internationally agreed methodologies, the EU is working with the international community on the definition of a shared methodology and a robust set of indicators. The monitoring of the ongoing supports to the energy sector for internal purposes and for external communication69 has so far been implemented for each initiative in isolation and with standalone appropriate methodologies and indicators70. This prevent aggregation and consolidation of data, specifically for forecasting purpose or at the moment of ex-post evaluation of EU cooperation in the energy sector performed in the context of the EU result framework. EU aggregated indicators would have to cover different aspects of energy access (including on- and off-grid, direct and indirect access), renewable energy generation (capacity and production) and greenhouse gas savings, and be aligned and compatible with indicators selected for the tracking of progress towards the achievement of SDG 7 and SDG 13. Using the appropriate indicators would help streamlining incentives which will end up with a strong set of projects supporting the effectiveness of the intervention. Data collection should start well in advance and be an explicit part of project preparation. A timely and accurate result reporting methodology is promoted throughout all interventions supported by the EU, to allow for a more efficient monitoring of results of EU energy cooperation. 69 For instance: the annual report where energy indicators are collected as part of the corporate result framework. 70 For example: the 9th and 10th EDF Energy Facility projects are monitored through a specific contract; the energy projects financed through the Africa Infrastructure Trust Fund (AITF) are monitored by the fund manager (EIB) which periodically reports to the Commission; each project financed through the African Investment facility is monitored in the framework of the specific PAGODA contract. 28 6. APPLYING THE EMPOWERING DEVELOPMENT APPROACH The implementation of the new European Consensus on development in energy cooperation is reinforced and further sharpened through numerous ongoing processes. • The EU policy agenda on EU sustainable energy cooperation is pursued with all interested developing partner countries, to ensure strengthening synergies and links between EU energy and climate diplomacies71; using policy dialogue as the primary instrument to address governance issues. • Mutually beneficial knowledge and technology-***transfer*** with developing countries is implemented in line with the EU's commitments under the Paris Agreement and preferably by sharing the European stock of best practices in (e.g building a model of integrated market, promoting the interconnected pan-European infrastructures, increasing the share of the renewables in the energy mix and of clean technologies, promoting innovative energy efficiency measures), taking due account of partner's specific needs and circumstances. • Innovation in sustainable energy and climate change in developing countries is fostered by the EU working closely with its Member States. To this end, research and innovation ***programmes*** targeting developing countries in the areas of renewable energy have been launched, with a focus on Africa as a privileged partner and participant72. • The deployment of technical assistance can be sharpened, including by better coordinating it with relevant research and analysis. That way, it contributes even more to: i) creating an environment conducive for mobilising private sector stakeholders into energy investments in developing countries, ii) providing services dedicated to project development and pipeline boosting, available to financing institutions as well as private developers, to work in synergy with other financial instruments such as ElectriFI; iii) integrating climate and disaster risk management into energy sector interventions to build resilience and to safeguard future gains. • Strengthening the coordination of actions with international partners active in the energy cooperation sector so as to pass consistent messages on sustainable energy and ensure consistent monitoring methodologies. This is all the more true for the interaction with EU Member States' actions. Coordination with EU Member States continues and can be reinforced through the EUEI mechanism. • In line with the Joint Communication on a renewed partnership with Africa, the unique relationship with Africa in the area of sustainable energy must be highlighted in the context of the African Union-European Union Summit process. The Summit of November 2017 offered the opportunity for reiterating the crucial role played by sustainable energy for the future of the African continent and for securing political backing at the highest level from countries and institutions. 71 In line with Council of the European Union 6981/17, 6.3.2017 72 C(2017) 7124 of 27.10.2017 29 • Partnerships with the private sector continue. To this aim, a High-Level Public-Private Platform on Sustainable Energy Investments, in particular with Africa, is promoted73, with the aim to support private sector engagement and foster public-private cooperation to improve the business climate and help de-risk investments in African countries. • Regional and thematic blending instruments adjusted to offer financial support (convertible grants, equity, junior loans, guarantees, etc.) tailored according to the specific needs of the energy sector (type of promoter, scale of the project, level of associated risks, etc.) are used in development cooperation. • In order to reflect the crucial role of cities in taking actions, deepen strategic alliances and collaboration, by partnering with local authorities in a bottom-up transition to a global low-carbon and climate-resilient economy and society, including through initiatives such as the Global Covenant of Mayors (which builds on the successful EU Covenant of Mayors) and the further extension of its regional Africa components. • In cooperation with partner countries, their statistical capacity, production and analysis of data should be strengthened in order to further inform policy and decision-making. • Addressing energy nexuses providing cross-sector responses to complex situations should be reinforced, in line with the European Consensus on Development. For instance, climate objectives under the NDCs are further integrated into national energy strategies. The water-energy-food nexus, energy and ecosystem services (in particular in and around protected areas), energy-science, energy-mobility-ICT for smart cities, and the opportunities offered by digital communications for development, which can facilitate access to the electricity market by mobile devices and facilitate grid management operations and demand side management. 7. CONCLUSIONS The EU is committed to reinforcing its sustainable energy cooperation with the objectives of (i) increasing access to energy, (ii) increasing renewable energy generation capacity and (iii) contributing to the fight against climate change in developing countries, in line with international commitments. This is planned to be achieved through a well-coordinated and targeted set of measures, with a three-fold approach working at the same time on the political ownership and partnership of actions, on the improvement of energy sector governance and on the deployment of innovative financial instruments able to catalyse additional investments particularly from private sector. Empowering Development is not implemented in isolation, but in synergy and coordination with relevant stakeholders: first and foremost partner countries, regions and cities, EU Member States, international donors, financial institutions, sector bodies and institutions, private sector operators, civil society, in the common strive to achieve the targets of SDG 7 and a sustainable development powered by sustainable energy. The monitoring system is progressively adapted and made more consistent in order to regularly report on development cooperation on sustainable energy in line with the global commitment of the EU. 73 Joint Communication to the European Parliament and the Council for a renewed impetus of the Africa-EU Partnership, JOIN(2017) 17, 4.5.2017

**Load-Date:** December 30, 2017

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Impact News Service

August 28, 2018 Tuesday

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**Length:** 44314 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019--Continued The PRESIDING OFFICER. Cloture having been invoked, the Senate will resume legislative session on H.R 6157, which the clerk will report. The senior assistant legislative clerk read as follows: A bill (H.R 6157) making appropriations for the Department of Defense for the fiscal ***year*** ending September 30, 2019, and for other purposes. Pending: Shelby amendment No. 3695, in the nature of a substitute. McConnell (for Shelby) amendment No. 3699 (to amendment No. 3695), of a perfecting nature.

Leahy amendment No. 3993 (to amendment No. 3699), of a perfecting nature. The PRESIDING OFFICER. The Senator from Vermont. Mr. LEAHY. Mr. President, as vice chairman of the Appropriations Committee, and I am sure I can also speak for the chairman of the Appropriations Committee, we appreciate this vote, so we can move forward. We have spent the last week on the Senate floor. But, what many people have not seen are the hours and hours that Senators, both Republicans and Democrats, have spent working together to get where we are today. Many people have not seen the countless of hours more being done by our staffs. Sometimes at 1 in the morning, they are still negotiating parts of this bill. We are just within an hour or so of doing something the Senate, as Senator McConnell pointed out, has not been able to do in ***years***. I think we will pass a good, responsible and within-the-budget piece of legislation. Both Republicans and Democrats had a voice in the process. We held numerous votes in the Senate Appropriations Committee, all of them overwhelmingly bipartisan, many of them unanimous--with the exception of one or two votes--to get to where we are today. I see some of the chairs from our subcommittees who worked very hard to put together these bipartisan coalitions. I know a lot of people are anxious to get out of here, and soon they will be headed to the airport. Let's get this done. Let's show that the U.S Senate is actually doing its work. Let's do what we were elected to do, what we know how to do, and what we can do. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mrs. CAPITO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from West Virginia. Mrs. CAPITO. Mr. President, I am on the floor to thank the ranking member of the full committee for his good, hard work on this bill and certainly Senator Shelby and the subcommittee chairs. We are here to talk about some of the important issues in this bill and how consequential this bill will be and has the potential to be. We are encompassing both Defense and Labor-HHS, both of which passed out of our committee a few weeks ago with bipartisan support and a lot of input from Members in the process. Bills of this magnitude deserve to be debated on the Senate floor, as we are doing today. I will first address the defense part of this measure because I think it impacts not only our standing here and our military here but also has a global impact. President Trump has made rebuilding and strengthening our military one of his administration's primary objectives, and this bill helps him do exactly that. This legislation invests in ***programs***, projects, technologies, and capabilities that will strengthen our Nation's military. More importantly, it invests in the people behind all of these efforts by including a 2.6-percent raise for all of our military. That includes our National Guard. Our National Guard's presence in West Virginia is essential not only to our Nation's security but to all the core values and the core strengths the National Guard brings to the State of West Virginia. All of these men and women deserve our support and our commitment to provide them with what they need to defend freedom both here and abroad. Of course, the legislation under consideration doesn't just focus on the military; it also focuses on another war being waged right here in our country, and that is the fight against the opioid epidemic. Under the leadership of Chairman Blunt--and he has been fantastic in the committee--the Labor-HHS Subcommittee has made this issue a top priority, and I could not be more grateful, more proud, and, even more importantly, more hopeful. We saw the statistics come out last week that there have been over 70,000 deaths across the country. It is deeply troubling as to how to get the best handle on this very difficult problem. Over the past 4 ***years***, we have increased funding for this effort of fighting the opioid crisis by more than 1,275 percent, but we haven't done this blindly. We are just not throwing money at the problem. I think we have been very thoughtful, as have our partners in the State and local areas. We have focused on treatment through our community health centers. We have focused on prevention, working with the CDC. We have focused on recovery through our workforce initiatives. We have focused on research at NIH, where, hopefully, NIH can develop a nonaddicitive opioid treatment, which I think will be a major breakthrough for this problem, and we have focused on directing funding to the States to meet the local challenges through their State opioid response grants. We have also focused on the ripple effects of this epidemic, including the impact on families and children in foster care. These are all important resources and much needed. I want to call special attention to our work, something that is extremely important to my home State of West Virginia. In the previous funding legislation, when we were dealing with this problem, I authored language with Senator Shaheen. We had language directing funds in the State opioid response grants to those States with the greatest needs. The unfortunate metric in my State, and certainly in the Presiding Officer's State as well, is that we have States with smaller populations, but we have some of the biggest impacts, the highest addiction, the highest overdose, and the highest death rates across the country. This has enabled us to focus more funding on those States that are more deeply affected but don't have the population to have enough formula funding in those States to meet our needs. Just a few weeks ago, our State Department of Health and Human Resources released the preliminary numbers. So far in West Virginia, we have had almost 500 opioid-related deaths. While this is the most devastating statistic, when it comes to West Virginia and the opioid epidemic, it is not the only one. It is not the only one we need to look at. We are seeing an increasing number of children in foster care. This has impacted the entire family. There are more grandparents and great- grandparents who are raising their grandchildren and their great- grandchildren. [[Page S5877]] Our State has an increased need for treatment facilities. We have more babies who are requiring neonatal care, as well as the services as they grow. This has impacted our entire State very deeply. I have seen these needs firsthand through visits to the facilities, conversations with families, counselors, recovering addicts, healthcare professionals, and first responders. I can say that living in a smaller area, more rural area of our country, I know families personally who have been impacted by this. It is heartbreaking how many people need help, and I think this bill takes major steps to help in delivering that. While the opioid epidemic is a very significant focus of Labor-HHS, I wish to highlight some of the other valuable investments. One that is a personal priority of mine, and I know of Chairman Blunt's, and many of us, as well as Senator Collins, who is here today, is the funding we provide for Alzheimer's research. In the last 4 ***years***, both of my parents have died with severe dementia and Alzheimer's. It is probably the saddest and hardest thing we, as a family, have ever had to face. I understand the emotional, physical, and financial toll it takes on patients, their caregivers, and families, because a lot of the caregivers are family members. It is a devastating disease, which is why I have been such a supporter of a wide range of Alzheimer's-related legislation. With this bill we have surpassed, with the help of Chairman Blunt and his leadership, a $2 billion milestone when it comes to Alzheimer's research. That isn't just for research. It is also to figure out the best way to help our caregivers. Also in this bill, we have directed help to other priorities to a lot of rural States like mine for community health centers, which are critical. As for apprenticeship grants, I was just with the plumbers and pipefitters. Apprenticeships are absolutely critical to the workforce that we need. There is the IDeA ***Program*** at NIH, which drives research dollars out to universities, away from the main campus of NIH. Certainly, our colleges and universities are taking advantage of this, in particular West Virginia University. We also fully fund--and I am very excited about this--with the help of Senator Reed, our bill on childhood cancer. It is called the STAR Act. We introduced it, and we passed it. This legislation will expand opportunities for childhood cancer research, improve efforts to identify and track childhood cancer incidences, and enhance the quality of life for our childhood cancer survivors. Many of them have cancer and have treatments in their younger ***years***, but what happens to them as they enter their teenage ***years***, their young adult ***years***, or if they move into family life? There are impacts that impact our childhood cancer survivors all throughout their life. So I am really pleased with the efforts we have made there. In short, this legislation aims to improve the health and well-being of every single American. When it comes to the Department of Labor, very briefly, this is important for us in West Virginia. There is a training ***program*** there for displaced coal workers and coal miners. We have re-funded that. We have pushed more funding to that, I should say. ``Re-fund'' sounds a little confusing, I think. We have also increased the maximum amount for Pell grants. These are just a few highlights of this piece of legislation with a few critical resources that will make a big difference. I know this bill will benefit my State of West Virginia because it recognizes the needs and opportunities facing our State and Nation and it provides the resources we need to seize those opportunities. It also demonstrates, for the first time in a long time, that we have worked together and we have worked across the aisle. We have been able to have our say as Members--every single one of us--as to where and how we want to see both Defense and Labor-HHS, these enormously impactful agencies, and how they impact our lives. For me, that is a major victory, being a member of the Appropriations Committee. So I want to extend again my gratitude to the subcommittee chair, Senator Blunt, and the ranking member, Senator Murray, and then to our two major chairs, Senator Leahy and Senator Shelby. It is a good day here on the floor of the Senate. Thank you. I yield the floor to Senator Moran. The PRESIDING OFFICER. The Senator from Kansas. Mr. MORAN. Mr. President, it is such a privilege to be here on the Senate floor today on this occasion as we work our way through another set of appropriations bills. Today we are working on the Defense appropriations bill and the bill we call Labor-H, which involves the Department of Health and Human Services, which includes the National Institutes of Health, or NIH. The Senator from West Virginia was correct in her commentary with regard to this being a good day, but she was also correct in her commentary about the number of people, including, especially, the chairman of the subcommittee, Senator Blunt from Missouri, and the ranking member of that subcommittee, Senator Murray from Washington State, and I too serve on the subcommittee. I am also pleased to be here with the Senator from West Virginia, Mrs. Capito, and the Senator from Maine, Ms. Collins. It is an indication that there is broad support. I also notice that the ranking member, the vice chairman of the committee, is with us as well, Senator Leahy from Vermont. For as long as I have been in the U.S Senate--and I have been a member of the Appropriations Committee since that arrival--it has been a mission of mine to see that we increase the amount of funding for the National Institutes of Health. Today we particularly highlight the consequences--the good things that happen--in that regard, with the diseases of the mind--Alzheimer's, in particular. Alzheimer's is a devastating disease that places such an enormous burden on so many people, on so many families across Kansas and around the country, and it has a huge impact on lives. There are currently more than 5 million Americans living with Alzheimer's and their combined care costs $259 billion to our healthcare system each ***year***. I appreciate the opportunity to work on issues that combine the opportunity to help individuals and the care and compassion that come from one's heart to see that people's lives are improved and that families are changed as a result of the work. I also appreciate the opportunity to work on issues in which the mind kicks in and in which we can save significant dollars in our healthcare delivery system by finding the cure to Alzheimer's and delaying the onset of this horrific disease. It is estimated that by 2050, this number--the $259 billion to our healthcare system costs--could rise as high as 16 million people with Alzheimer's, or from 5 million to 16 million, and increase the cost from $259 billion to over $1 trillion. In fact, an individual develops Alzheimer's almost every single minute in our country. These predictions do not need to become a reality. That is what this Appropriations Committee report that we will discuss, debate, and vote on this week involves. These astronomical costs can be curbed if this disease can be made treatable and curable There is hope that progress is being made. I am hopeful, but I know that progress is being made. We have seen it. This past decade has bought a significantly increased awareness to Alzheimer's research, as well as important partnerships and developments at the National Alzheimer's Project, which is updated on an annual basis. NIH researchers are now able to study an increased level of small images of proteins, including detailed physical structures of the brain that are common in individuals suffering from Alzheimer's. This new development could be the piece that brings the research and data together to find a way to reverse the disease's impact on the human brain. What a wonderful development that would be. The only way to build on this progress is to solidify our commitment to supporting the National Institutes of Health through our annual funding increases. Again, I am pleased to see that we are once again adding significant dollars to the NIH, and particularly to NIA, for this research. [[Page S5878]] As a cofounder of the Senate NIH caucus, I visited NIH headquarters last ***year*** with directors of the University of Kansas Alzheimer's Disease Center. It is one of 31 NIH-designated Alzheimer's disease centers across our country. The promising research that we see at home at the KU Alzheimer's Disease Center demonstrates the benefits of NIH utilizing partnerships to increase research capacity that yields results. It is critical to note that NIH's ability to support Alzheimer's at academic institutions such as KU is dependent upon stable annual appropriations. That stable annual appropriation is also important for us to be able to attract the best and the brightest researchers in this country, who need to know there is a stable source of research dollars for them to continue their efforts of finding this cure and delaying it at its onset. So many of us care for people who have been affected by Alzheimer's and serious illnesses. This unfortunate circumstance that many share should make it easy to rally around NIH in hopes of that cure and improving the lives of those we love. I am proud to say that with this proposed increase of $425 million in fiscal ***year*** 2019, we have now worked to nearly triple the funding for Alzheimer's disease research over the past 3 ***years***. In addition to our work in the appropriations process, there are a number of legislative efforts that are under way. I will mention two of them: the BOLD Act and PCHETA. These are legislative initiatives sponsored by many of us who are speaking today about Alzheimer's that on the authorizing side, separate from the appropriations side, are deserving of the support of my colleagues here in the Senate, in the House of Representatives, and in our bill, which should be sent to the President of the United States for signature. As a committee and as a Congress, we must work to provide the necessary support to NIH to discover treatments and cures, and we will continue to do that with this bill today. I also want to take a moment to recognize a couple of people. In my involvement in this issue, and, as a matter of fact, in my involvement as a U.S Senator with issues in general, we meet lots of interesting and caring people. There is a family I have met who, to the best of my knowledge, has nothing personally to gain from their efforts. Bob and Jill Thomas and brother Bill and Susan Thomas from Oklahoma have been relentless, tireless advocates on behalf of the Alzheimer's community. It is so pleasing to me to know people who have care and compassion for people and who spend their time and their resources making sure that Members of Congress, the American people, and the Alzheimer's Association have the resources and information necessary to accomplish the goal that we are all about: a better life for more Americans and their families, the elimination of this disease that Americans now face, and the opportunity for us to find the cure to this horrific disease that affects so many. So I want to use the moment to express my personal gratitude to Bob and Jill and to Bill and Susan and to others across the country and others in Kansas, who go to work, day to day, to make certain that life is better for their fellow Americans and for people around the globe. Again, it is an honor to be here with my colleagues in support of this legislation. There are many reasons to be supportive of the Labor- HHS bill, but I would highlight this one as one that my colleagues can rally around. Republicans and Democrats of all walks of life should be pleased by our efforts today to see that there are more research dollars available for the cure. I appreciate the opportunity to join my colleagues. I now yield the floor to the Senator from Maine, Ms. Collins. The PRESIDING OFFICER. The Senator from Maine. Ms. COLLINS. Mr. President, what a pleasure it is to be here on the Senate floor with such determined advocates on behalf of the families all across our Nation who are dealing with this devastating disease of Alzheimer's. I spoke earlier in the week about the many terrific provisions in this bill on the Defense appropriations side and on the Labor, Health, and Human Services part of the appropriations package, but I am delighted to be here today to shine a spotlight on the additional funding for Alzheimer's disease. As a member of the Appropriations Committee, it has been such a pleasure to work with my colleagues, including Senator Moran, Senator Capito, and our leader, Chairman Blunt, on this shared priority ***year*** after ***year***. I particularly want to recognize the extraordinary leadership of Chairman Blunt in making sure that adequate funding is provided for this devastating disease. Alzheimer's is the sixth leading cause of death in the Nation, and it is increasing at unprecedented rates. Like many families, mine too has known the pain of its devastating consequences. Today, an estimated 5.7 million Americans are living with Alzheimer's. In addition to the human suffering it causes, Alzheimer's is our most costly disease at $277 billion a ***year***, with Medicare and Medicaid covering $186 billion. Without a change in the current trajectory, the number of Americans with Alzheimer's is expected to triple to as many as 14 million by 2050, costing more than $1.1 trillion per ***year*** and bankrupting the Medicaid system. Fortunately, Congress has taken significant actions and in this bill recognizes the urgent need to continue our investment full speed ahead. Since the 2011 signing of the National Alzheimer's Project Act, known as NAPA, which I coauthored with former Senator Evan Bayh, we have increased funding for Alzheimer's by $1.36 billion. Seven ***years*** ago, NIH received only $440 million for this research, compared to more than $5 billion for another very serious disease--cancer. Since that time, we have steadily boosted Federal research dollars for Alzheimer's--to $936 million in 2016, $1.4 billion in 2017, and $1.8 billion last ***year***--but this bill before us achieves a milestone because by adding another $425 million for this research, the total funding for the first time will exceed the $2 billion mark. This is the largest increase in history, and it allows us to reach the level that experts have advised us is necessary to find a means of prevention, effective treatments, or ultimately a cure by the ***year*** 2025. This has been a bipartisan commitment. Alzheimer's doesn't care whether you are a Democrat, a Republican, an Independent, or a Green. It does not discriminate. This robust commitment promises returns such as we have seen for cancer, diabetes, and other chronic illnesses. Fueled by Federal support, researchers are beginning to understand more clearly the complex biology of Alzheimer's with sophisticated new tools that are leading to better imaging agents and therapies. NIH research is laying the foundation for precision medicine through the Accelerating Medicines Partnership for Alzheimer's Disease, which will produce more targeted therapies that I believe will lead to a means of either preventing or at least delaying the onset of this disease. With NIH funds, scientists are also exploring possible risk factors, including diet, heart health, diabetes, and exposure to environmental toxins. Results from the Systolic Blood Pressure Intervention Trial released last month found that lowering blood pressure is associated with reducing the risk of mild cognitive impairment and dementia. Through a $25 million NIA grant, the Jackson Laboratory in Maine is co-leading the Alzheimer's Disease Precision Models Center with Indiana University--the first of its kind--to accelerate the most promising research into therapies from the bench to the bedside. This is exactly the kind of collaboration and sharing we need to make a difference. As chairman of the Senate Aging Committee and founder and co-chair of the Senate Alzheimer's Task Force and as a Senator representing the oldest State in the Nation by median age, I am committed to making 2020 the dawn of light for Alzheimer's to alter the path for generations to come. The robust support in this bill represents a historic step forward that will promise dividends in the future. As glimmers of light seep through this door that has been shut tight for far too long, we must continue to push forward. We cannot let up on the accelerator of funding. We need to improve the lives of those living with Alzheimer's and their caregivers. How many of us have seen an elderly parent caring for a beloved [[Page S5879]] spouse with severe dementia? It takes a toll not just on the victim of the disease but on the entire family and particularly on the caregivers. That is one reason I have introduced the BOLD Infrastructure for Alzheimer's Act with Senator Cortez Masto. This bipartisan bill would promote public health knowledge and awareness of Alzheimer's disease, cognitive decline, and brain health by supporting implementation of the CDC's Healthy Brain Initiative: Public Health Road Map. BOLD now has 48 cosponsors, I am delighted to report, and we are on track to consider the bill soon in the HELP Committee, led by Senator Alexander and Senator Murray. BOLD follows our previous efforts, such as NAPA, and, together with the extraordinary increase in NIH funding that we are providing today, these congressional actions are poised to usher in a whole new era in our battle against this devastating disease. I have visited research laboratories all across the United States-- the Mayo Clinic, NIH here in the Washington area, Jackson Laboratory in the great State of Maine, the University of Pennsylvania, Harvard--and I have seen what is going on in the labs due to the increases in NIH funding we have provided. It is so exciting. I am convinced that if we sustain this commitment, we will be able to avoid such tragedy for so many American families, as well as avoid the tremendous burden of our Nation's most costly disease. Again, I salute Chairman Blunt's efforts to continue to press forward and thank him for his leadership and strong support of biomedical research. I yield the floor to the chairman of the subcommittee, Senator Blunt. The PRESIDING OFFICER. The Senator from Missouri. Mr. BLUNT. Mr. President, certainly I want to thank my colleagues today for the credit that they have shared with me and that I am reluctant to accept. This is clearly an effort to establish what our priorities are. There are a lot of things in this bill that are goods things for somebody to do. In some cases over the ***years***, we have not done them as well as we should have, and well-intentioned ***programs*** didn't work. We have gone through the process of eliminating ***programs*** and combining ***programs*** so we could set the priorities mentioned just this morning by Senator Collins, Senator Capito, and Senator Moran. When you think about what we are talking about here--healthcare research, the opioid epidemic, and what is happening in the Alzheimer's space--we would have never imagined these numbers in cost or family impact. There is one thing I want to mention just briefly before we end this part of our discussion. I think between votes and other things this morning--Senator Cardin is here and, like me, planned to do what I am doing now about an hour ago. So I am going to take just a couple minutes. I want to talk a little about the labor part of this bill. For the first time in the 20 ***years*** we have been keeping statistics on jobs available and people looking for work, this is the first time there are more jobs available than people looking for work. That is a big number and a big thing to think about. The other thing to think about is that the match between the people looking for work and the jobs available is not exact. In fact, most of the people looking for work don't have the skills for the jobs that need to be done. Recently, I was in Missouri visiting with a small manufacturing company. They had 20 job openings and were just waiting for somebody to come in the door who had the skill set for those job openings. What we do to do a better job of combining the skills people need with the jobs that are out there or the jobs that will be out there-- the apprenticeship ***programs*** in this bill that Senator Murray and I have particularly been focused on with Secretary Acosta give people new ways to get ready for work. They create new ways for partnering between people already in the workforce and someone they can mentor, an apprentice. We are looking at the Pell grant area for ways that the post-high school Pell grant can be used in different ways that allow not just traditional college ***programs*** but various kinds of certificated ***programs*** that allow people to go to work in areas where there are high demands. Right now, construction, energy, hospitality, healthcare, and manufacturing are only a few of the industries where jobs need to be done. We have around 400 registered apprenticeship ***programs*** in my State, with more than 13,000 apprentices working with several hundred employees. There are 530,000 Americans in apprenticeship ***programs*** nationwide--over half a million Americans--getting ready for the jobs that are out there. What the Department of Labor is doing with Job Corps--for ***years***, the major Job Corps measurement has been ``Did you get some kind of certificate?'' Well, we are now shifting from ``Did you get some kind of certificate?'' to ``Did you get a job?'' It is great to have a certificate; it is a whole lot better to have a certificate that gets you a job. Over the next 3 ***years***, we are moving from--of course you get the certificate--that is a basic part of the ***program***--but does it lead to a job, and do you still have that job or a job like it a ***year*** later? That is how the people running these ***programs*** are going to be measured in the future, as opposed to whether they just got somebody through the ***program***. Now it will be ``Did you get somebody through your ***program*** in a way that met the goal of the Job Corps?'' It is not the Certificate Corps; it is the Job Corps--now measuring by getting a job. This bill is reflective of the new efforts in our society to try to match people with the jobs that are out there and to do the kinds things in our economy that ensure that those are jobs that allow people to raise a family and allow people to have opportunities they wouldn't have otherwise. So I am looking forward to later today when I believe we will all vote for this bill--Labor, Health and Human Services, and Education, combined with the critically important bill on defense. The PRESIDING OFFICER. The Senator from Maryland. Mr. CARDIN. Mr. President, before Senator Blunt leaves the floor, let me thank him for his leadership in regard to the provisions in the bill before us that relate to Alzheimer's and the research. As has been pointed out, this is bipartisan. We strongly support the efforts in this bill. I would just like to put one face on it, if I might. Remembering Sally Michel Mr. President, this past week, Sally Michel, a distinguished leader in our community, died after 10 ***years*** suffering from Alzheimer's. We lost her way too early to this disease. She was an extraordinary person--a professional civilian activist, advisor to Governors, mayors, and legislators, and she left a great legacy. She established the Parks and People Foundation in Baltimore and the SuperKids Camp ***Program***. She helped start the Baltimore School for the Arts. She developed private sector partnerships, working with government to get things done. She was a very effective youth in our community, and underserved areas benefit today from the ***programs*** she started. I was very proud of my granddaughter, Julia, when she volunteered at one of these SuperKids Camps this summer in Baltimore City. My point is, she was taken way too early as a result of Alzheimer's. There are many reasons we have to make an extraordinary commitment to finding answers to this very challenging and cruel disease. I can assure my colleague from Missouri, all of us in this Chamber support the efforts that are being made to make sure we are full partners in the Senate to move forward on conquering this disease. H.R 6157 Mr. President, I want to talk about two amendments I filed for the bill that is before us and the reasons I filed those amendments. One deals with the cost of prescription drugs. Prescription drug costs are out of control. Any of us who have been to any townhall meetings--I have been to many in my State--we hear constituents all the time talk about the fact that there is a serious challenge as to whether they can afford to take the medicines they need in order to control their disease, whether it is diabetes, heart, kidney, or cancer. So many patients have to make very tough decisions as to whether they can afford the prescription drugs that are necessary for their care. Many are going into debt. We are now seeing people going into bankruptcy because of [[Page S5880]] medical debt from prescription drugs, and many are going without the medicines themselves. We need to do something about it. According to the Federal Government's own projections of cost, the projected cost for prescription medicines will exceed $360 billion. A study in Maryland showed about $1 out of every $4 spent in healthcare goes to medicines and prescription drugs. The projected growth rate of prescription drugs is much higher than the projected growth rate of healthcare costs, which is much higher than the projected growth rate of our cost of living. The costs of 4 of the top 10 drugs have increased more than 100 percent since 2011. It is not just the exotic, expensive, or orphan drugs we are talking about. These are drugs that are desperately needed to deal with common illnesses. We all know the EpiPen story. In 8 ***years***, a pack of two has gone up from $100 to $600. We might say, well, there is a cost issue in developing new drugs. When you look at what Americans pay for their prescription drugs versus what Canadians or individuals in the industrial nations of the world pay, you cannot justify the pricing in America. It is two to three times higher. In some cases, it is even more than what consumers in industrialized nations spend for the exact same medicines that are manufactured here. What can we do about it? The amendment offers us the ability to get the information we need, but there are three proposals I urge our colleagues to take up in this Congress. One is the Medicare Prescription Drug Negotiating Act. We should use our bargaining power, our market power, to bring down the cost of medicines. That is what every other industrial nation does. Yet we do not allow Medicare to negotiate a collective price for the medicines they pay for under the ***program***. That is costing our taxpayers and consumers money. Second, there is a bill that is known as the SPIKE Act that deals with the exorbitant price hikes we have seen in certain medicines. The bill requires disclosure and explanation. The pharmaceutical industry should at least disclose and explain why we had the extraordinary increases. Lastly, we need to improve Medicare Part D. The out-of-pocket costs are not affordable. We have to put reasonable limits on what people can afford and cover what is beyond those reasonable limits. All of us support the development of new drugs to deal with the challenges of healthcare today. It is a cost-effective way to deal with the healthcare problems in our community, but we want to see fair pricing. Why should American consumers have to pay so much more than consumers in other industrial nations? In many cases, the basic research that went into developing that drug was paid for by U.S taxpayers, the work done at NIH and research facilities in this country. We need to have fair pricing, and we need to act. We can no longer wait. The second amendment I wish to talk about is the amendment I filed that deals with the Army Futures Command. This amendment would prohibit funding for the establishment of the Army Futures Command headquarters for this fiscal ***year***. The purpose of this amendment is to delay the establishment of the Army Futures Command's headquarters until two current GAO investigations looking into the Army's rationale and plans for establishing a new command as well as the GAO's investigation into the impacts a new Futures Command, might have on small business have concluded. It will also give the Army time to respond to the reports on Futures Command required by the John S. McCain NDAA for fiscal ***year*** 2019. These investigations and reports will conclude by the summer of next ***year***, allowing the Army time to complete their plans for the command during this fiscal ***year***. Most importantly, it gives the Army additional time to take a deliberative approach to their acquisitions overhaul. Congress has asked questions about the Army's plan to establish this command. What are the true costs for moving personnel? How many studies did the Army conduct to develop this plan, and what were the options presented? Unfortunately, the Army has not been able to provide these answers. My fear is, the Army is not executing this organizational transformation in a deliberative and coherent manner. We all want the men and women of the Army to have the best technology in the world. However, we also have a responsibility to be good stewards of the taxpayers' dollars. When the Army can't provide basic answers, provide clarity on their plan, or even identify how this plan was formulated, it leads me to believe the Army is building this tank while it is still moving. History has proven this strategy has not led to the outcome for which we hoped. It took the Army almost a decade and multiple studies to establish a new physical fitness test. Surely, a new Army acquisition model should take more than a ***year*** to develop. How is it possible for the Army to establish a brandnew acquisition ***program*** in a far shorter amount of time without studying all the impacts and implications? It is important to note, this amendment does not prevent the Army from moving forward on its Big Six priorities. This amendment would not stop the current research and development initiatives in which the Army is currently investigating the resources and energy. However, it does give the Army the time to develop a feasible plan to determine if creating a brandnew bureaucracy with the Army for acquisition is the wisest approach. My biggest concern is, these major shifts in resources, time, and effort by the Army will squander and amount to another waste of $20 billion, as we saw in the Future Combat Systems. The Army has nothing to show for that ***program***, our troops were not well served by the Army's leadership strategy, and no one was held accountable. This measure guarantees the requisite accountability on the Army's part and congressional oversight in the matter at hand to safeguard our Armed Forces against another Future Combat System debacle. Bottom line, oversight is our responsibility. We all support our men and women. We want the most sufficient system possible, but we have to get answers to questions before we commit to this type of change. My amendment will allow us to have adequate information before that decision goes forward. With that, I yield the floor. The PRESIDING OFFICER (Mrs. Fischer). The Senator from New Jersey. Nomination of Brett Kavanaugh Mr. MENENDEZ. Madam President, I come to the floor because President Trump, his administration, and this Republican Congress are engaged in a heartless and deliberate plot to rip healthcare away from millions of Americans, and it is only going to get worse. It was a little over a ***year*** ago when Americans rose, made their voices heard, and stopped Republicans from passing TrumpCare. Ever since they were able to repeal the Affordable Care Act on the Senate floor, this administration has pursued a cynical campaign to sabotage the Affordable Care Act from behind closed doors. The Trump administration slashed the open enrollment period, leaving Americans with less time to get covered, and, to confuse consumers, they cut advertising and outreach funding. They abruptly eliminated cost-sharing ***payments***, raising out-of-pocket expenses for many struggling families. Earlier this summer, they rolled back consumer protections and gave insurers permission to sell more junk health plans to consumers--plans that leave people more vulnerable to massive medical bills that bankrupt their families. They even intervened in a court case to have protections for preexisting conditions struck down, jeopardizing coverage for 3.8 million New Jerseyans who have a preexisting condition. Every act of sabotage has contributed to soaring healthcare premiums, fewer choices for consumers, and millions of Americans losing their healthcare coverage under this President's watch. Now we face President Trump's greatest act of sabotage yet--the nomination of a judge to the Supreme Court who has decried the constitutionality of the Affordable Care Act at the very same time this administration is arguing in court that protections for preexisting conditions are unconstitutional-- unconstitutional. As a candidate and as President, Donald Trump repeatedly pledged to [[Page S5881]] protect people with preexisting conditions, saying on ``60 Minutes'' that he would ``take care of everybody.'' Before the Affordable Care Act, insurance companies could discriminate against any American who had a preexisting condition. What is that? That is some illness you acquired in your life. It is that heart attack or the Parkinson's disease or the birth defect you had when you were born that allowed an insurance company to discriminate against you and either deny you healthcare coverage or make the cost so exorbitant, it was impossible to afford. The Affordable Care Act I helped write ultimately eliminated that discrimination and the ability of insurance companies to do that. In New Jersey alone, which has a little over 9 million people in the State, 3.8 million New Jerseyans have a preexisting condition. The President also said he replaced the Affordable Care Act with ``something terrific.'' There is nothing terrific about breaking a promise that threatens the lives and livelihoods of millions of families. I remember when President Trump promised to stand up for the so- called forgotten men. I guess he forgot about them when he signed a Republican tax scam into law, handing trillion-dollar tax cuts to big corporations at the expense of working families and New Jersey's middle class, taking away or limiting significantly our State and local property tax deduction. He definitely forgot about the forgotten when he reversed his position on preexisting condition protections. The administration's plot to derail the Affordable Care Act and the nomination of Brett Kavanaugh has implications for every family in America, no matter whether they are covered by an employer or by their own insurance on the marketplace. People remember what it was like before we passed the Affordable Care Act. It wasn't so long ago that healthcare insurance companies could pick and choose who got covered and drop their customers the moment they got sick. Before the Affordable Care Act, women could be denied coverage for maternity care. Women in many parts of the country ultimately were discriminated against by being charged more than their male counterparts in the same age group, in the same geography, simply because they were women. Today, women no longer are considered to have a preexisting condition under the law simply because they are a woman. Before the Affordable Care Act, babies born with heart deformities could hit lifetime limits within days of being born. Today, families don't have to worry about lifetime caps. Before the Affordable Care Act, cancer survivors and Americans with chronic conditions like diabetes or asthma could be charged exorbitant premiums and priced out of coverage altogether. Today, those patients are protected from discrimination. This guaranteed coverage for preexisting conditions formed the very heart of the Affordable Care Act. But if confirmed, Judge Kavanaugh could drive a stake right through it. That is because this judge has a long history of ruling against consumers and for big corporations, and that doesn't bode well for the 133 million Americans who live with preexisting conditions in this country. That includes those 3.8 million people in New Jersey. For me, that is 3.8 million reasons to oppose Kavanaugh's nomination, and that is before we even get to his hostile views with respect to Roe v. Wade. Make no mistake, the anti-choice, anti-Affordable Care Act, and anti- everyday American views of Judge Kavanaugh are not up for debate. President Trump has been crystal clear about nominating only judges opposed to Roe v. Wade and a woman's right to choose. So when I read reports about Judge Kavanaugh telling my colleagues here in the Senate that Roe v. Wade is ``settled law,'' I have to chuckle because, let's be clear, his hollow words mean absolutely nothing. The Supreme Court has the power to unsettle so-called settled law whenever they make a ruling, and we have seen in the Court's recent decisions, such as in the Janus case, where ***years*** of settled law all of a sudden became unsettled. I don't question Judge Kavanaugh's experience or his intelligence, but I do question his history of partisanship and impartiality. I question his ability to put aside his decades of work in Republican politics. I question his connections to far-right groups that have spent decades rolling back women's constitutional rights and rigging our courts in favor of the rich and powerful. The American people deserve a Supreme Court Justice who will defend their rights and strive for a legal system in which workers, consumers, patients, and families go to court on a level playing field at a time when powerful special interests are too often holding all the cards. Instead, they have been given a nominee groomed by rightwing organizations like the Heritage Foundation and the Federalist Society to do the bidding of their big corporate donors. If confirmed, Donald Trump will have replaced the only swing vote on the Supreme Court with a partisan who swings only to the far right, and Brett Kavanaugh will be in a position to cast a deciding vote, should the Trump administration's assault on the Affordable Care Act end up in the Supreme Court. That is frightening, and it is frustrating, especially because any one of my Republican colleagues has the power to make a real difference. Any one of my colleagues in the majority could demand we don't confirm a Supreme Court nominee until this administration stops its assault on the rights of patients with preexisting conditions. Republicans claim they support these protections, but this is not a time for halfhearted statements. This is a time for action. If Republicans truly believed in preventing insurance companies from discriminating against patients who have endured complicated pregnancies or survived cancer or have a chronic disease, they would do something about it. Instead, as the Trump administration carries out this campaign of sabotage against the Affordable Care Act, my Republican colleagues are engaged in a campaign of silence and complicity. When you have the power to use your voice and your vote to protect millions of patients and families across this Nation and you choose not to do so, you are indeed complicit. It is sad and shameful that not a single Republican in this body has put their foot down and stood up for the rights of patients, stood up for all of those millions of Americans who have a preexisting condition. Failing to speak up means you are part of the problem. You are destabilizing our insurance markets and kicking millions off of their coverage. You are driving higher out-of-pocket costs for families and skyrocketing healthcare premiums. You are leaving Americans who have struggled with opioid addiction or endured a sexual assault vulnerable to discrimination. You are enabling President Trump's worst instincts, which is to do whatever he pleases whenever he pleases, with no regard for the rule of law or the role of Congress or the havoc he is wreaking on people's lives. Most Americans can't believe we have to refight the healthcare battles of the past. They want their leaders to work on building them a brighter future. There are so many ways we could be working to improve our healthcare system and making a real difference in the lives of our constituents. We could be passing legislation that ensures that women have access to reproductive healthcare and the right to control their own bodies, no matter which State they live in, like the Women's Health Protection Act. We could be holding powerful drug companies accountable for price gouging consumers and playing fast and loose with the rules by passing commonsense bills like the CREATES Act and the SPIKE Act. We could be pursuing reforms to reduce healthcare costs, not by reducing access to care but by encouraging efficiency and becoming better at preventing and managing costly chronic disease. We could be creating more transparency so that patients headed to surgery can shop around before going under the knife with a wish and a prayer that they don't wake up to a massive medical bill. We could be pursuing solutions to reduce risk in the private marketplace and lower premiums for younger consumers, not by inflicting a punishing age tax but by letting Americans 55 ***years*** and older buy into Medicare. [[Page S5882]] Before we make our healthcare system better, we have to stop President Trump from making it worse. It is time we do the responsible thing: Put the brake on Brett Kavanaugh's nomination. Tell the President his nominee will not get a hearing until he drops his legal assault on patients with preexisting conditions. Demand that the administration stop playing games with American lives and stand up for the right of every man, woman, and child across America to quality, affordable healthcare. We have that opportunity in this Senate. I don't hear any of my colleagues on the other side of the aisle raising their voice in the midst of an attack against the essence of the protections under the Affordable Care Act that we supposedly all collectively embraced, that the President heralded, but now the President is directing the Justice Department to attack. It is time to speak up. And if not, then one is complicit. If that ultimate attack against the Affordable Care Act is successful, then for 130 million Americans across this country who will no longer have those protections, I think they will remember on election day. I yield the floor. The ACTING PRESIDENT pro tempore. The Senator from West Virginia. Preexisting Conditions Mr. MANCHIN. Madam President, this body is about to vote on my resolution to protect nearly 800,000 West Virginians and millions of Americans from the dangerous lawsuit that 20 U.S attorneys general, including my own attorney general from West Virginia, are leading to once again allow insurance companies to deny coverage to those with preexisting conditions. This resolution will authorize the Senate legal counsel to intervene in this cruel lawsuit on behalf of the U.S Senate to defend these men and women and children and fight for the right to affordable healthcare insurance. The Department of Justice has recklessly refused to defend the law, and as a result, the nearly 800,000 West Virginians--91,000 of those being children--with cancer, heart disease, asthma, diabetes, or women who dare to have a baby are at risk of financial jeopardy if they get sick. We have an opportunity today to stand up for the millions of Americans with preexisting conditions who are trusting us to protect their healthcare access. It is just common sense, and I encourage all of my colleagues on both sides of the aisle--because every one of us has someone in our family with a preexisting condition. I will continue to look for ways to work across the aisle to ensure that every West Virginian and every American has access to affordable healthcare, no matter what their health condition may be. This is the right thing, this is the moral thing, for all of us to do. I encourage each and every one of my colleagues to please vote for this amendment coming up. I yield the floor. The PRESIDING OFFICER. The Senator from Illinois. Prescription Medication Costs Mr. DURBIN. Madam President, I thank my colleague from West Virginia and support his amendment. It is a good amendment for West Virginia and a good one for America, and I look forward to voting for it. I ask unanimous consent at this point to enter a colloquy with my friend, the senior Senator from Iowa. The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Mr. DURBIN. Madam President, have you heard of a drug pricing proposal that is supported by both Democratic and Republican Senators, the American Association of Retired Persons, the American Medical Association, the Federation of American Hospitals, America's health insurance plans, 76 percent of the American people, President Donald Trump, and the Department of Health and Human Services? What kind of idea can this be that has that kind of support, bipartisan support in Congress, as well as in the White House? Well, Senator Grassley and I have a simple amendment to the spending bill that is before us which provides $1 million--small change by any Federal standard--for the Health and Human Services Department to issue rules regarding pricetags on direct-to-consumer ads for prescription drugs. While this underlying bill includes many important provisions that I support, it doesn't do anything to tackle prescription drug costs. And we know, American families know across the board, that it is time for us to act. If I ask you whether you have seen any commercials for prescription drugs on television and you answer no, then I know one thing for sure: You don't own a television, because they broadcast an average of nine drug ads that each of us see every single day--nine a day. You know what I am talking about. It is the ads with those unpronounceable names of drugs and then that long, mumbling ``Don't take it if you are allergic to it; this may kill you''--all the warnings they give you at the end of the ad, over and over and over again. The pharmaceutical industry spends $6 billion a ***year*** so that we get a steady diet of these drug ads. How many countries in the world have television advertising for prescription drugs? Two--the United States of America and New Zealand. Each ***year***, $6 billion is being spent for one purpose: so that finally, after watching an ad for the 45th time, you can spell ``XARELTO'' and walk into the doctor's office and ask if you can have XARELTO blood thinner rather than Warfarin or some other version. The difference, of course, is that the XARELTO prescription drug costs $560 a month, and it may not be any better for you than the generic version that is a lot cheaper. Do you know what the No. 1 drug is that is advertised on television and sold in the United States of America? When I tell you, you will nod yes. Here it is: HUMIRA--HUMIRA. It was designed to help people with rheumatoid arthritis, and that is a terrible disease, and the people needed a helping hand. Then they discovered it had a positive impact on psoriasis. Well, psoriasis can be a terrible thing to suffer from, but there are a lot of us who just have a little red patch on our elbow who technically have psoriasis. What I showed you here you don't see on television, incidentally. How much does HUMIRA cost? It costs $5,500 a month--a month. Do you wonder why the cost of healthcare is spiraling out of control--$5,500 a month? Sadly, many of these high-priced prescription drugs are being prescribed by doctors when it is not necessary, and that drives up the cost of healthcare. It is why a major health insurance company in my State has told me they spend more money each ***year*** on high-cost prescription drugs than they spend on inpatient hospital care. Think about that--more money. It is going through the roof, and there is nothing to contain it. So the Senator from Iowa, with his Midwestern commonsense approach to legislation, has joined with the Senator from Illinois, who hopes to aspire to the same goal, to come up with a basic idea: If you are going to run a drug ad, put the price of the product on the ad. We will then know what it really costs, and we will also know when they start raising it again and again and again. Well, the pharmaceutical industry hates this bill and this amendment like the devil hates holy water. They don't want to tell you what it is going to cost. They want you to go into the doctor's office and say: I just have to have Humira. I have this little patch on my elbow, and I absolutely have to have it. Too many doctors write the prescriptions. So what Senator Grassley and I are trying to do is to give the American people more information about drugs and, particularly, their costs. We are trying to make sure that information gives transparency to the transaction, and we are trying our very best to give the American consumers a break and perhaps to start to slow down the cost of prescription drugs. This is a simple amendment--$1 million to the Department of HHS to issue rules requiring pricetags on ads. One Senator opposes this--one. We are trying our best to convince him not to oppose us. We think it is a good idea to move forward on this. I yield the floor to my friend, my colleague, and cosponsor to this measure, Senator Chuck Grassley. The PRESIDING OFFICER. The Senator from Iowa. Mr. GRASSLEY. Madam President, I am glad to join my friend in this effort [[Page S5883]] because this fits into a lot of things we are trying to accomplish that Congress has done for decades--trying to give consumers information. Remember maybe 40 ***years*** ago--I don't think it is 50 ***years*** ago--that Congress passed legislation that you had to have a window sticker on cars of the cost of the cars so that consumers wouldn't be bantering back and forth between dealers, not knowing what they were dealing with. You can't buy gas today without going to the filling station with a big sign knowing what it costs. Even the pharmaceutical companies themselves want to educate consumers with these ads. I have always supported the advertising of these pharmaceutical drugs. They want to educate you not only about the value of their drugs but down to the bottom, and then half the ad usually tells you, if you take this drug, what the side effects are going to be, maybe implying that they are even life-threatening or dangerous. That is a very important thing to educate the public about. So all we are trying to do here is to have the consumer get the additional information they need if they want to consider that drug, because everybody ought to want to consider the price, just like you consider the price of a car. I try to buy gas at the cheapest filling station I can because it is just common sense, right? So that is what Senator Durbin is pointing out. This is a Midwestern commonsense approach to educating the consumers. They want you to buy their product, and then they kind of have some question about it: Could you really afford this? A lot of these ads even indicate to the consumer: Well, maybe if you check with the company or check with somebody, you will even get some help buying the drug. So the pharmaceutical companies are already interested in consumer education. We just want them to take it one step further. Part of it is because of the high cost of prescription drugs. We have an opportunity now to do what we all talk about doing--doing something about the cost of pharmaceutical drugs. This is just a very small step in that direction. It directs Health and Human Services to require drug companies to include the list price of these drugs in their TV ads. The drug companies want you to know that there is a drug out there to help you. They want you to know the benefits of the drugs. So why don't they also want you to know about the price of the drug? By not having that information out there, it is simply not a transparent way of doing business. In every other way you want to be transparent. We are just asking you to take one little small step and tell people what it is going to cost--like the price of gasoline, like the price of cars, or if you seem to be worried a little bit about the high cost of the drug, maybe some people can't afford it and you might be criticized for that. You can get help. What we are up against here is a very powerful interest in this town. It happens to be an interest that has made life better and provided longevity for people, for a longer life. So we aren't here to find fault with the pharmaceutical companies. We are here to encourage the pharmaceutical companies to let the public know what they need. Around here it seems to me that we are running up against the big pharmaceutical companies all the time. The CREATES Act came out of my committee 15 to 6. We can't seem to get that up. This amendment is being offered. We know who is fighting this amendment that Durbin and Grassley are sponsoring. It is the same companies. There is a scheme out there that they will keep their patent drug on the market longer if they pay a generic company to keep their drug off the market. We call it ``pay for delay.'' The Klobuchar- Grassley bill doesn't get very far because of these interests. They don't like the fact that they ought to have some competition from the importation of drugs. They don't like it now that the FDA's new Director is moving in the direction of getting generics on the market a little bit sooner, but we are not fighting those things now. What we are trying to do is pretty darn simple. Think of what is behind this now. How often do you get Senator Grassley and Senator Durbin cooperating on the same thing? Not too often. So that is something people ought to take into consideration. We have a very good chairman--a very thorough chairman--Mr. Alexander of the HELP Committee. He is backing this effort and has even had a colloquy on that point. We have Mr. Azar, the Secretary of HHS, who says that this is a good thing to do. Maybe 2 months ago now, President Trump and Secretary Azar had a news conference on the high cost of drugs and what they could do administratively to move that along. Just this very day, Mr. Azar is announcing some regulations going to OMB to move along some of those things that the President was talking about 2 months ago. Everybody gets irritated about Trump's tweets. Do they do any good? Probably, most of the time people don't think they do much good, but he tweeted at about the same time these big pharmaceutical companies announced about a whole bunch of their drugs that they were going to increase their prices by 35 percent and 40 percent, and he tweeted how outrageous that was. A week later a company said: We are not going to go ahead. A week later, another company said they were not going to go ahead. Now, whether other companies have said that, I don't know, but what I am trying to say is you have Chairman Grassley and Chairman Alexander and you have the Secretary of HHS and the President of the United States trying to do something about pharmaceuticals. Here we have just a little simple amendment that we are trying to get on this bill, and we are running into this obstacle that you run into all the time, when all we are trying to do is to educate the consumer the same way the pharmaceutical companies want to educate the consumers. By the way, 76 percent of Americans in a poll support this. I think Senator Durbin did better than I did about the interests, but I will summarize. Doctors, hospitals, insurance companies, and the AARP support this amendment. So, really, it is so sensible. It is right in line with what the pharmaceutical companies are trying to do with all of their TV ads to educate the public, with what Congress has tried to do other times to educate the public, with what we are trying to do through some of our education to have transparency in the prices that you pay when you go to the hospital or what we are trying to do through health savings accounts to get the consumer involved to do some shopping to save the consumer some money. That is what this is all about. It is so simple. I can't understand where commonsense stuff--well, this isn't a town for common sense, I guess, but we ought to get some of this commonsense stuff done. So I want to thank Senator Durbin because he led this effort, and I am glad to help him. I say thank you for doing it, and we are going to get this done one way or the other. If we don't get this done on this bill, we will get it done because it is the right thing to do. People, if you try long enough and if you are right, you eventually get something done in this town. Mr. DURBIN. I thank my colleague from Iowa. Patience certainly is an important part of this job, but the American people are impatient. They want to know why they elected us to office and we don't solve problems. This is a problem that Senator Grassley and I want to start solving: informing consumers about the actual costs of prescription drugs--what a radical idea. The first time you realize what a drug costs is when you stand in front of the cash register with your mouth wide open saying: You have to be kidding me. Instead, people ought to know going into this conversation what these drugs cost. That is not an unreasonable request. We do it for cars, for gas, for so many things. Why don't we do it for this? The American people want to get it. We want to get it. I hope we can convince one Senator who is holding us up to give us a chance to inform the American people on a bipartisan basis of something that will help, in a small way, perhaps, but it will help to bring the costs of healthcare down in this country. I thank the Senator from Iowa. I yield the floor. The PRESIDING OFFICER. The Senator from Ohio. [[Page S5884]] Mr. BROWN. Madam President, I join the chorus of Senators Grassley and Durbin about their proposal. Wall Street Profits Madam President, I want to talk about another issue. Today, the Federal Deposit Insurance Corporation--which is the agency that does such things as every quarter announcing bank profits and bank profitability--issued an assessment of the banking industry. Lo and behold, as a number of us have been saying on this floor week after week, month after month, ***year*** and ***year***: It is a great time to be on Wall Street. Bank profits this second quarter of 2018--we announce it now--were $60 billion, with a b. That is 60,000 million dollars--$60 billion in bank profits. That number is fairly meaningless. It is a really big number. It is hard to grasp, but think about it this way. These bank profits this quarter were up 25 percent from 1 ***year*** ago, and it is typical of being able to compare quarter to quarter or ***year*** to ***year*** that way. What is fairly stunning about this is that this Congress can't do enough for the banks. First, it was a decade ago, when Congress bailed out the banks. Then, we see bank profits go up and up and up. Congress last ***year*** gave a huge tax cut. The financial services industry did better than the rest of the economy with this tax cut, and, interestingly, the big banks did better than the community banks with the tax cut in terms of percentage, per capita--and anyway you measure it--in the amount of money or in assets, whatever. Then, earlier this ***year***, Congress passed another giveaway to the banks on legislation, another deregulation bill. When you hear ``deregulation'' think that it means that Wall Street gets away with even more. Now we are seeing even bigger profits from the banks. It is like this. Congress thinks it never can do enough for Wall Street. Every time Wall Street asks for something, Republican leadership--Senator McConnell's office down the hall, Speaker Ryan's office way down the hall, the President of the United States, President Trump--always want to do more for Wall Street, with $60 billion in profits this quarter and 25 percent greater profits than 1 ***year*** ago. Why does this Congress continue to do the bidding of Wall Street at the expense of Main Street? During the 1\1/2\ ***years*** of President Trump, we have seen wages go down. We have seen profits go up. We have seen the stock market go up. We have seen executive compensation go way up. We have seen the banks do especially well. Yet wages, literally since President Trump has taken office, have declined in this country. So why do we continue to help Wall Street, to shovel more money to Wall Street--more money, Senator Grassley, to the drug companies--and the middle class continues to get squeezed. I just think it is another lesson when bank profits keep going up, executive compensation keeps going up, profits overall keep going up, but the middle class continues to get squeezed. There is a lesson there. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Rohingya Crisis Mr. MERKLEY. Madam President, I come to the floor to talk about two things. The first is that this Saturday will be the 1-***year*** anniversary of the beginning of a horrific genocide against the Rohingya in the country of Myanmar. This genocide was preplanned. All kinds of preparations were put in place, as various independent investigations have established. It is time for the United States to take a strong response as a statement of global leadership on human rights on behalf of this horrific circumstance. We have 350 or so villages burned, countless individuals slaughtered as they ran from their villages, shot from helicopters, systemic rape, and children tossed into burning piles. It doesn't get much worse anywhere in the world at any time in history. Now 700,000 refugees who escaped have found their way to Bangladesh, but there is no room in Bangladesh. Bangladesh is a country half the size of Oregon. Yet Oregon has 4 million individuals, and Bangladesh has 160 million individuals. Here are some things the United States should do right away on or before this Saturday. The State Department should release the report it has been compiling on the factual circumstances. Second, they should send this report to their legal counsel for an official determination if this constitutes genocide. The third thing they should do is ask the Senate to act quickly on the repatriation resolution that sets standards for the return of these refugees back to Burma, back to Myanmar. The fourth thing they should do is call on the Senate, followed by the House, to pass the Burma Human Rights and Freedom Act, which creates specific sanctions on those who planned and carried out this horrific ethnic cleansing. Elie Wiesel said: ``A destruction, an annihilation that only man can provoke, only man can prevent.'' But if we do not respond clearly and effectively when there is this type of ethnic cleansing, this type of assault, then we are failing to prevent future assaults by those leaders who will be so tempted to divide their country on ethnic or racial lines, to take brutal action against a despised minority community. The seeds of this slaughter began with a military coup in 1962, following which the military demonized this ethnic group ***year*** after ***year***. Not only should the United States respond with a State Department report and a clear decision if this is genocide--and clear sanctions-- but it is time for the President of the United States to speak out boldly and clearly on the international stage on this issue. A ***year*** has passed, and we have not a single public statement from the leader of the United States of America. So let that change. Nomination of Brett Kavanaugh Madam President, the second issue I am here to talk about--and I am going to keep this short because my colleague is here, prepared to speak to his amendment--is the issue of whether the Senate proceeds to have hearings on nominee Brett Kavanaugh for the U.S Supreme Court. The answer should be, by every Member in this Chamber, a resounding no. First, we have the Kagan standard that has been set by the Republican majority, which states, when there is a Supreme Court nomination, it is essential to have all of the facts, all of the records that have been touched on, because only then will Senators be able to exercise their responsibility under the Constitution for advice and consent. So, if individuals want to exercise their responsibility effectively under advice and consent on a nominee from a Democratic President, shouldn't the same individuals make the same argument to exercise their responsibility effectively when the nominee comes from a Republican President? The standard should be the standard. Let's stand up, out of the partisan troughs that have been dug, and fight for the vision of a fair and transparent and fully credible nomination process. No hearing should be held until we have the full set of documents. It escapes no one's vision in the United States of America that only a fraction of the documents have been delivered. It escapes no one's vision in the United States that even those documents have been vetted by a Republican lawyer, a partisan lawyer, who has worked beforehand for the nominee. That is not transparent; that is not fair; and that does not allow us to have the full scope of the record. Furthermore--and I will say this in just a summary format--there is an enormous conflict of interest here by which the President is attempting to print a ``get out of jail free'' card. Out of his 25 nominees who had been put forward from the list of names that had been given to him from the Federalist Society, one of them had an expansive view of the Presidency; that being that the President of the United States cannot be indicted and that the President of the United States cannot be investigated. That is the standard that says a President is above and beyond the law. I challenge every Member in the Chamber to pull out the Constitution and find the provision that says our Founders established a kingdom and a King because I think they are going to [[Page S5885]] find that is not the case; that there is no clause in our Constitution that says the President is above and beyond the law. As our oath of office requires, let's exercise our responsibility appropriately with the advice and consent responsibility, and let's get the full documents and resolve this conflict of interest before any hearing is held. I thank the Presiding Officer. The PRESIDING OFFICER. The Senator from Connecticut. Cosponsors to Amendment No. 4004 Mr. MURPHY. Madam President, I am about to speak on an amendment to the underlying appropriations bill. My amendment is No. 4004. Before I do, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 4004. They are Senators Baldwin, Menendez, Van Hollen, Blumenthal, Reed, Feinstein, Markey, and Carper. The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 4004 Mr. MURPHY. Madam President, maybe one of the most memorable moments from Secretary DeVos's confirmation hearing was her response to a question I posed to her. I thought I was giving her a softball. I thought I was giving her a very easy question at the end of my 5 minutes when I posed a simple question to her as to whether she thought it was a good thing to have guns in schools. I thought she would give me an answer about how, of course--in listening to teachers and parents, as she claims to have done during her career in education--having more guns in schools was not the right thing in order to protect our kids. Instead, she said yes. In fact, she thought that question should be largely up to the States because of potential ``grizzlies''--the idea that there are some schools that may need guns inside to protect against wild animals. I assume she would probably answer that question differently today, as it has become a butt of jokes. Yet, as it turns out, what we may be learning today is that the Secretary was, indeed, serious. Reports this morning suggest that Secretary DeVos is planning to do the bidding of the firearms industry and put our kids at risk by allowing Federal funds to be used to arm teachers, which is in direct contravention of Federal law. I have offered an amendment that will reiterate what has been the policy of this Congress--not of Congress in general but of this Congress--which is that Federal funds should not be used to arm teachers. Let me speak about why we have taken that position as a Congress, why Republicans and Democrats have voted for legislation that prohibits Federal dollars from being used to arm teachers. First, we listen to teachers when we set educational policy, and teachers have told us they do not want to be responsible for carrying firearms. Two different polls that have been taken of teachers suggest that three out of four definitively state they think their kids will be less safe, not more safe, if these teachers are armed. They tell us that because they know how difficult a teacher's job is. I have a first grader and a fourth grader in the public schools, and I am in awe of how many things we ask our teachers to do. We ask our teachers to teach earlier than ever before; we ask them to be social workers; we ask them to engage in conflict resolution; we ask them to be nurses; we ask them to teach a range of children; we ask them to interact with the community and show our kids a broader view of the world; and we, as parents, want them on call to answer our questions all of the time. Our teachers are probably the greatest multitaskers in this country, and they don't want an additional job description of having to be trained to carry a firearm at all times in order to guarantee that firearms stay out of the reach of little children. Earlier this ***year***, we saw a series of events which showed us what happens when you do put guns inside classrooms. In one incident, a teacher accidentally discharged his gun at a high school in California. Ironically, it was during a class that was devoted to teaching public safety. Three kids were injured when that gun accidentally went off. In another incident this ***year***, a school resource officer accidentally discharged his weapon while he was inside a school in Alexandria, which is just down the street from the U.S Capitol. In Maplewood, MN, earlier this ***year***, a third grader managed to pull the trigger on a gun in an officer's holster and fire a bullet into the floor. On that same day in Florida, a parent discovered one school resource officer's gun in a faculty bathroom. It is important to note, those last three incidences were with respect to school resource officers whose entire jobs are to engage in public safety and who, in these cases, I would assume, had serious training on how to handle weapons. So, if these mistakes are being made with school resource officers, imagine what will happen when first grade teachers and art teachers, whose jobs are not primarily to learn how to handle and store and protect firearms, are equipped with these weapons. The evidence also tells us that putting more guns into facilities-- putting more guns into the hands of civilians--does not solve the problem we identify. A comprehensive study on the effects of right-to-carry laws across the country has found that violent crimes had actually increased each additional ***year*** after right-to-carry laws had been passed. In fact, they had increased by 13 to 15 percent in the 10-***year*** timeframe after the right-to-carry laws had been put into effect. Another study of 111 of the most recent gun massacres has shown that not a single one of them had been interrupted by an armed civilian. The FBI has done its own analysis in which it has shown that unarmed citizens--civilians--are more than 20 times more likely to end an active shooting than are armed citizens, excluding police officers or security officers. The data tells us this is not the way to protect our kids. Teachers are telling us this is not the way to protect our kids. Most importantly, Congress has told the Secretary this is not the way to protect our kids. Earlier this ***year***, as part of the Omnibus appropriations bill, we passed the STOP School Violence Act. This is a new source of funding that allows for schools to engage in trying to keep their kids safe. It is a very important piece of legislation that is supported by Republicans and Democrats. Admittedly, this is not the source of funds Secretary DeVos is supposedly going to offer guidance on, but it is important to note that when we set up a new fund that is specifically dedicated to make schools safer, we wrote into the legislation this phrase within this new appropriated account: ``No funds To provide firearms or training-- No amounts provided as a grant under this part may be used for the provision to any person of a firearm or training in the use of a firearm.'' That is Republicans and Democrats doing that together. More importantly, the statute she claims to be relying on, or reportedly is going to offer guidance on, is title IV, which is kind of a grab bag of Federal dollars to be used for a variety of school initiatives. In that statute today, title IV offers this to the Secretary. It reads: ``[W]ith respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts . . . through the creation and maintenance of a school environment that is free of weapons.'' The title IV language allows for money to be used to try to quell violence, but there is a specific phrase that seems to give clear guidance to the Secretary because you can use the grant for a school environment that is free of weapons. Yet, reportedly, the Secretary is about to issue guidance that says that money can be used to load schools up with weapons, which is in direct contravention of the statute itself and is certainly in contravention of the spirit of Federal education law, given the act we passed earlier this ***year*** that prohibits school safety dollars from being used to arm teachers. I understand the hour is late on the appropriations bill and that it is very unlikely that my amendment is going to get a vote. My amendment would make clear that title IV dollars cannot be used to arm teachers. Yet I hope, as this bill ultimately heads to conference, we will revisit the clear congressional intent we have expressed this ***year*** of keeping Federal funds away from arming teachers. [[Page S5886]] I hope the Secretary, as she considers whether to issue this guidance to States, will look again at the statute and come to the conclusion that she does not have the authority to allow States to use Federal money in order to arm teachers. As it turns out, it was not a joke. It was not just a phrase she uttered in a congressional hearing that drew a lot of attention on the internet. Secretary DeVos is reportedly considering allowing Federal funds to be used to arm teachers. That is not what parents want. That is not what students want. That is not what teachers want. That is also not what the evidence tells us will make our schools safer. I hope she listens, and I hope, ultimately, this Congress acts. I yield the floor. The PRESIDING OFFICER (Mr. Sasse). The Senator from Arizona. Mr. FLAKE. Mr. President, have you heard the one about the three robots that walk into a bar? No, you haven't. It is not a joke but rather a project that has been paid for, in part, by the Department of Defense. These robots, called beer bots--and you will see a depiction here-- are ***programmed*** to serve cold beers to graduate students. Researchers say ***programming*** methods used for beer bots can be applied to other multi-robot systems in restaurants and bars. As you can see, the private sector has already developed robot bartenders, or robartenders. They have been mixing drinks at bars--and even on cruise ships--for ***years*** now. With our national debt now exceeding $21 trillion, taxpayers should not have to pick up the Pentagon's tab for beer bots and for many other unnecessary spending items which are in the bill that we are considering right now. This minibus bill provides over $800 billion in funding to the Departments of Defense, Labor, Health and Human Services, and Education. Yet, over the past 3 days, we have considered just four amendments to the bill, and not a single one has offered a reduction in spending--not a single one. I have introduced a handful of commonsense amendments that if adopted, would reduce Federal spending by nearly $500 million. One would limit funding for the Littoral Combat Ship ***Program***, which has been plagued by cost growth, construction issues, and underperformance on mission effectiveness. Even though the Navy has only requested funding for the procurement of one of these ships, this bill has needlessly provided funding for two ships. My amendment would simply reduce the Department of Defense's budget by $475 million to align with the Navy's request. I understand that Senators are trying to protect jobs in their States by forcing the Navy to procure more of these unwanted ships. Sailors are going on longer and longer deployments because the ships that are actually needed to rotate them on are not ready to sail. It is important to remember that the priority of this bill is not the parochial interests of Members of Congress but, rather, the needs of the Armed Forces. I am proposing an amendment under this bill to also keep the costs of the military parade that the President would like to put on next ***year*** at a reasonable amount. Recent reports have indicated that local DC officials claim the parade would cost up to $92 million, which is significantly higher than the $10 to $30 million originally estimated by the White House Office of Management and Budget Director, Mick Mulvaney. I should point out that the last military parade was held in 1991 to celebrate the end of the gulf war. That cost about $8 million. The Federal Government paid $3 million, and the remainder was paid by private donations. My amendment would cap the amount of money DOD would have to allocate for the parade to $15 million. That is a significant growth--far more than inflation--over the past parade that was held in 1991, and I think this is reasonable, and I think most of us would. Another amendment I filed would prohibit the Department of Health and Human Services from subsidizing the construction of fast food franchises. You might wonder, what in the world is Health and Human Services doing subsidizing this? And you would be right to question it. A Healthy Lifestyles Initiative, funded with more than $1.1 million in grants from HHS, is subsidizing fast food franchises in a Kansas county that ***year*** after ***year*** ranks as one of the State's most unhealthy. This is Health and Human Services, by the way. Grants are supporting the construction of two buildings--a combination Wendy's and Pizza Hut and a stand-alone Dunkin' Donuts. This project contradicts the mission of HHS, which is ``to enhance and protect the health and well-being of all Americans.'' Federal nutrition guidelines recommend the consumption of about 2,500 calories per day for males and 2,000 calories for females. Just one Dunkin's doughnut contains 290 or more calories. Wendy's Dave's triple burger contains 1,090 calories. A side of french fries adds another 400. A medium-sized soda is another 300 calories. A single slice of pepperoni pizza from Pizza Hut contains 370 calories. Despite the source of funding, the executive director of the organization overseeing the project admits that ``this is not a health initiative,'' arguing that it is about ``economic health, not physical health.'' Why in the world is the Department of Health and Human Services spending money--taxpayer money--on these types of initiatives? It is really just corporate welfare for 3 of the top 10 most profitable fast food franchises in the United States, each of which earns billions of dollars a ***year*** in profits. Why is the Federal Government subsidizing it? I am disappointed that I am unable to call up any of my amendments and debate the merits of these items and the importance of addressing our out-of-control debt. We need to get serious about how we are spending taxpayer money. We need to open up the amendment process and allow real debate on our national priorities. I do appreciate the Appropriations Committee's willingness to consider including my amendment to prohibit further Pentagon funding of robot bartenders in the managers' package. I hope it stays in the package. At the very least, this may be the last call for the beerbots. I yield back. The PRESIDING OFFICER. The Senator from Wyoming. Economic Growth Mr. BARRASSO. Mr. President, we have been seeing a lot in the news lately about the American economy, and it is very good news. Last Friday, the Wall Street Journal had an article with the headline ``Youth Unemployment Hits 52-***Year*** Low''--a 52-***year*** low. For people between the ages of 16 and 24, this is the best job market we have had since 1966. The article went on to say that ``more opportunities are available to some groups that historically have struggled to find jobs.'' People are getting opportunities because the American economy is booming. Since President Trump was elected, we have gotten more than 4 million additional Americans working. The economy grew at a rate of more than 4 percent last quarter. The Atlanta branch of the Federal Reserve is predicting that we are going to have another 4-percent growth this quarter. People are seeing the effect of the booming economy in their paychecks and in their lives. Average wages were up more than 3 percent last ***year***. You look at all of the good news, and it is no wonder that confidence is going through the roof. Small businesses are now much more optimistic than they have been since 1983. They are hiring, they are expanding, they are raising wages, and they are much more confident about the future. It is all happening because of the Republican policies and the Republican priorities we have been putting in place. It is what happens when you have a President who puts the needs of the people first instead of the desires of unelected, unaccountable, heavyhanded Washington bureaucrats. When President Trump took office, one of the first things he did was to put Washington on a regulation diet. He said that America was again open for business. What does all that mean? What happened? In the Trump administration's first ***year***, they issued 3 new regulations and they cut 67 regulations. Three regulatory actions and 67 deregulatory actions-- that is a ratio of 22 to 1. It is in favor of cutting redtape, eliminating regulations, and cutting the amount of paperwork people have [[Page S5887]] to fill out. Nobody has ever seen anything like this. Working with this Senate and this House, this administration has been streamlining, simplifying, and striking out regulations from the very beginning, and we are not slowing down. When you add it all up, it amounts to about $14 billion in savings since the start of the Trump administration. Republicans in Congress have been doing our part as well. We know that the reason America's economy had been struggling for so long was because it was being strangled by all of the redtape that comes out of Washington. So we used the authority of Congress to roll back major regulations that were harming our economy, burdensome to industries in our communities and in our States, punishing to people who are just trying to do their jobs. We cut 16 unnecessary, burdensome rules and saved Americans $36 billion in the process. If you combine what the President has done and what we have done in Congress by passing the Congressional Review Act, Republicans have saved Americans $50 billion and over 16 million hours of filling out needless paperwork. Of course, Republicans also passed the biggest tax cut in 36 ***years***. That is the other big thing Republicans have done to get the American economy booming. Every Democrat in the Senate voted against the tax cut that Republicans passed. This tax relief bill, and now the law, gave people an immediate boost in their take-home pay. Millions of Americans also got bonuses and raises because of the law. Because Republicans have cut regulations and cut taxes, America has a strong, healthy, and growing economy today. The Congressional Budget Office recently came out with a new report. They looked at the numbers for the first 10 months of the fiscal ***year*** we are now in. They looked at the rising wages, the rising employment, and the falling unemployment--all of those things--and they said that those are big reasons why revenue for the Federal Government coming in from the workers of the country is actually $26 billion higher than it was at this point last ***year***. More money is coming in. Well, how do you do that? By cutting taxes. How do you get more money to come in? Well, because more people are working and more people are getting higher wages. All of those things are leading to increased revenue coming into the government because of the fact that we cut taxes. When you cut taxes, you turn the economy loose. You turn it loose to create jobs. Good things happen. The economy grows. More people find work. More people get raises. More people get more money in their pockets--they can decide if they want to save it or spend it or invest it and how they want to do it--and revenue goes up as well. Republicans want to keep going with more of these policies that have worked so well to spur the economy. We want to do more to help the economy create jobs and help people keep more of what they earn. I think that is what the American people want as well. That is what I hear about in Wyoming every weekend. What do Democrats in Washington want? Well, they seem to want the exact opposite. That is the way they vote, and that is what they have been saying. Senator Elizabeth Warren of Massachusetts actually introduced legislation last week that would create an entirely new government bureaucracy. Republicans are trying to rein in the bureaucrats; Democrats are trying to give bureaucrats more power. This new Democratic plan would give Washington more power to control how American businesses operate. It would take away the freedom of the owners and the executives of these companies to create jobs, to serve their customers, and to grow the economy. According to this legislation, the government ought to make that decision. Democrats are clearly hoping that this will become the new and latest liberal litmus test. It would be an absolute disaster, just like all of the other plans that we heard from the Democrats that they are trying to put in place. It is like the Democrats' plan--they claim they want to raise taxes. I mean, that is actually what Nancy Pelosi, the former Speaker of the House, said Democrats would do if they took back Congress. She said: We would raise taxes. One very prominent Democratic leader and Governor of one of the major cities said on television: We are not going to make America great again. He actually went on to say that America ``was never that great.'' That is what the Democratic mayor of New York said last week. There are some very big differences between Democrats and Republicans. Republicans want policies that put more money in the pockets of hard-working people. That is what we want--more money in the pockets of hard-working American families. Republicans want policies that take more control out of Washington and let the decisions be made back at home in the hands of the States and the towns and families. Democrats seem to want to raise taxes and raise barriers to the economy. We are coming up on Labor Day, and I hope Democrats in Washington and around the country will embrace the policies that will actually help create jobs. I hope Democrats will embrace the policies that are helping young people find work at the highest rate in 52 ***years***. I hope Democrats will embrace the policies that are actually raising wages for American families. I hope Democrats will recognize that America is a great country, and it is getting better every day. Thank you. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Tillis). Without objection, it is so ordered. Hurricane Harvey Mr. CORNYN. Mr. President, this Saturday marks the 1-***year*** anniversary of Hurricane Harvey making landfall on the Texas gulf coast. What began as a wave in the Atlantic in early August of last ***year*** morphed into a tropical disturbance and then strengthened into a full-blown hurricane, category 4. This is not your average hurricane by any means, dropping a few buckets of rain, maybe soaking through floorboards or tearing off a shingle or two on a roof. This was a juggernaut. First it crashed into the San Jose Island off the coast of Rockport, with wind gusts measured as high as 145 miles an hour. It is hard to know what that means until you see it up close and personal, or so I am told. Two days after landfall, I saw the wreckage firsthand with Mayor C.J Wax and Governor Greg Abbott. On Broadway and North Austin Streets in Rockport, you could smell the natural gas in the air. Storefronts had been leveled. Windows had been shattered. Power lines had fallen to the ground. Entire boats lay upside down on the side of the road, their sails torn to shreds. Roughly 94 percent of the homes in Rockport were damaged, and 30 percent were destroyed outright. Keep in mind, this was just the small town of Rockport. This was only the beginning. Port Arthur, Beaumont, Victoria, Houston, and many other communities soon faced the brunt of this terrible storm. Harvey was relentless, dropping more than 60 inches of rain over the course of several days in some of those places. Unlike many hurricanes, it parked itself and stayed put after making landfall. Trapped between two high-pressure systems with nowhere to go, the storm went on to shatter records. Some people called it a storm that comes only once every 1,000 ***years***. Others dubbed it the most extreme rain event in U.S history. For people who don't live on the gulf coast of Texas, who didn't see the shelters firsthand, as I did with my friend and colleague Senator Cruz at the NRG Center in Houston, it is really hard to imagine what it looked and felt like--all the closed roads, flooded homes, and exhausted faces of people praying for life to return to normal. Over in Friendswood, which is right outside of Houston, I helped out what is known as Texas Rubicon, a terrific nonprofit made up of military veterans. We removed sheetrock and [[Page S5888]] hauled debris off a resident's yard. I remember having to wear a protective mask and gloves because of the contamination, but it was also in the context of intense heat and mosquitoes and the mud. All of this was just a small taste of what those in the community had to endure for days on end. Then there were folks like Amy, a single mother in Houston. This is a scene of her house after the hurricane. You can see on August 22, 2018, a very nice suburban neighborhood, and this was her house or what is left of her house and the interior of her house after the hurricane hit. I think these pictures speak to the resiliency of the Texans I got to know in the aftermath of Hurricane Harvey. Their attitude was, well, we have been dealt a major setback, but there is no use crying about it. We have to dig ourselves out of this mess. And that is exactly what they did, with the help of tens of thousands of volunteers, donors, philanthropists, business leaders, and Good Samaritans across the country. We are grateful to the many rescuers, people like Dan LeBlanc from Port Arthur, Doug Barnes from Dallas, and Robert Bode for managing evacuations at the Cypress Glen Nursing Home, which was no easy task. Here is a picture of those three gentlemen and the great work they did at the Cypress Glen Nursing Home. These three had no special expertise in search and rescue, but they saved close to 100 patients, some of whom were bedridden and required special boats that could power their life support systems. Then there were the bakers at El Bolillo in Houston, who provided bread to flood victims. Then there was a man we have come to know in Houston as Mattress Mack, who opened his showroom for the displaced. There was Officer Steve Perez, a 34-***year*** veteran of the Houston Police Department, who paid the ultimate sacrifice during rescue efforts. After the storm hit, he knew the conditions were dangerous, but he insisted on doing his part to help save those he was sworn to protect and defend. He said simply: ``We've got work to do.'' We remember Officer Perez today and always. And we remember all of those courageous first responders who swung into action. The outpouring of Texans helping their neighbors over and over again reminded me of a saying I heard ***years*** ago at another natural disaster, that being a Texan doesn't describe where you are from, it describes who your family is. During those tough days and long nights that followed, people were hurting after losing so much, not only their homes but schools that their kids attended, schools like Aloe Elementary in Victoria, which I visited with Principal Hurley and Dr. Jaklich, the district superintendent. In the wake of all this devastation, they and many others were wondering what was being done to recover and rebuild. The short answer is: a lot. First came the initial response. Unlike Noah, we didn't have an ark, but we had 104 boats courtesy of the U.S Coast Guard, which rescued more than 11,000 people. FEMA--the Federal Emergency Management Agency--had prepositioned supplies before the storm and worked to coordinate temporary housing after it hit. Led by Administrator Brock Long, FEMA did a good job. Meanwhile, the Environmental Protection Agency worked to restore drinking water. The Department of Energy worked to restore power. The Small Business Administration approved disaster loans. The National Flood Insurance ***Program*** expedited claims. Gradually, ports reopened, schools and roads started to as well. And Governor Abbott immediately formed the Commission to Rebuild Texas and wisely appointed a great Texan, John Sharp, to chair it. Following the emergency response, our job here in Washington was just beginning. In the weeks and months following landfall, Congress passed three separate aid bills totaling $147 billion. Of course, this wasn't just for Hurricane Harvey, it was for the wildfires out West and the hurricanes in Puerto Rico and Florida as well as Texas. We also passed a new law allowing Texans to receive tax deductions for hurricane-related expenses and successfully encouraged FEMA to reverse a policy that prevented houses of worship from accessing disaster relief funds. Afterward, we codified this change into law. Meanwhile, the Department of Housing and Urban Development announced plans to use $5 billion of the disaster funds to help homeowners rebuild through the Community Development Block Grant ***Program***. These resources will help pay for buyouts, the construction of rental property, and reimbursements for repairs incurred in the wake of the storm. Once HUD finalizes an additional $5 billion, those funds will flow to Texas for mitigation purposes. Of course, there isn't much sense in rebuilding without ensuring the region can withstand another major weather event in the future. That is why we made sure that the third disaster aid bill, a response to multiple hurricanes and wildfires across the country, designated roughly half of the relevant U.S Army Corps of Engineer construction funds for Texas-specific projects. The Corps, of course, is a Federal entity primarily responsible for flood mitigation, and after Harvey laid bare just how vulnerable the Houston region truly is, its expertise became an increasingly valuable asset. Thanks to the Corps, as well as State and local partners, as well as our colleagues here in Congress, some of the most pressing infrastructure improvements are underway. Across more than 4,000 square miles between Sabine Pass and Galveston Bay, a series of storm surge and flood protection measures will update levy systems, and in some cases, construct new ones. In places like Clear Creek and Brays Bayou, meanwhile, the funds will be used to widen channels, construct detention basins replace bridges, and renovate dams. Importantly, these projects include cost-share requirements reflecting the partnership between Texas, local officials, and the Trump administration to rebuild. Instead of a single infrastructure project, the result will be a new, multilayered system of improvements to address our most acute vulnerabilities. At the same time, the long-term planning with the Texas General Land Office, as well as the Governor's office and the entire Texas delegation continues. Adding to these efforts is the Corps' ongoing Coastal Texas Study, which Congress has funded and which will provide a comprehensive strategy for flood mitigation, which is the necessary next step toward coastal protection because this is not the last hurricane that will hit the gulf coast of Texas or the huge economic engine known as Houston. I am confident that having the smartest minds study our coast will ultimately result in recommendations that Congress can then authorize. Once that happens, and in coordination with State legislative and local officials, who, let's not forget, play a very large role, will fight to ensure our coastal communities flourish and are protected for generations to come. We have to face the facts: Harvey was an unthinkable catastrophe, one of a kind. I can't believe it has already been a ***year***. But for some down there, though, I am sure it feels like a whole lot longer than that. It is my privilege to serve the people of the great State of Texas, and as part of my job, I have unfortunately had the occasion to see plenty of heartache and tragedy over the ***years***. Few disasters, however, have impacted so many Texans and in such a devastating way as Hurricane Harvey. Over the last ***year***, working together, Texans have begun to heal and rebuild, but the job isn't finished, so I pledge my efforts to work to ensure our State remains protected, and I appreciate the work and support of all of our colleagues as we have met this terrible disaster with an appropriate Federal response. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Climate Change Mr. CARPER. Mr. President, I rise today with a number of my colleagues to speak out against the Trump administration EPA's dirty power plan--a [[Page S5889]] proposal to replace the Obama administration's Clean Power Plan. This proposal from this administration fails in at least two aspects: First, it fails to address climate change, and second, it will put Americans' health at risk. Millions of American children are heading back to school in my State and in your State and in States across the country this week and next week. All three of my children are grown, but not so long ago, we were sending them off to school, helping them with their homework, and making sure they were getting good grades. As far as we know, they never brought home any failing grades. However, I can't say the same for the Trump administration with respect to this latest proposal. A friend of mine recently said: ``If corruption were a class, the Trump administration would be getting an A-plus.'' Well, in just about everything else--especially public health and economics--the Trump administration continues to fail the American people almost every day. It is clear this administration needs to do a little remedial work, maybe take some courses again, especially in basic science. Let's be clear. The science behind climate change is settled. It is over. Climate change is real. It is happening. It is a growing threat to America, and it is getting worse every ***year***. Climate change is leading to rising global temperatures, rising sea levels, and more intense and frequent weather events. NOAA tells us that extreme weather events costing $1 billion or more have doubled in frequency over the past decade, with $425 billion in losses having occurred over the last 5 ***years*** alone. It is now hard to find a part of our country that isn't being affected in some way by climate change. We see the examples almost everywhere. Not too far from my home in Delaware is a place called Ellicott City, MD. My wife visited there with a bunch of her friends from the DuPont Company. They are all retired now, and they wanted to go visit there and actually support the local economy in Ellicott City, the local people who have been through just terrible devastation. In the last 2 ***years*** alone, two 1,000-***year*** floods have devastated Ellicott City, MD, just north of Washington, DC. There have been two 1,000-***year*** floods in the last 2 ***years***. Forest fires fueled by extreme heat and drought continue to ravage States like Montana, California, and Oregon. Since we started keeping records, only 49 category 5 hurricanes have threatened the United States. That is since we started keeping records, and I think we have been keeping records for maybe a century. Three of those 49 category 5 hurricanes occurred in the last ***year***. Think of that. Out of 49 category 5 hurricanes since we have been keeping track--and I think it has been a century--3 of those were in the last ***year***. Right now, one of those is threatening the people of Hawaii. I can go on and on and on. Make no mistake--it is costing Americans in the form of lost income, lost livelihoods, and sadly, in some cases, lost lives. As someone who proudly represents the lowest lying State in the Nation--Delaware--climate change is not a science lecture for us; it affects my constituents daily. For us, this issue is intensely personal. That is why for my entire career in the Senate, I have fought to find ways to move us away from fossil fuels and reduce carbon pollution. It started in 2002, when I introduced one of the first bills in Congress to cap carbon emissions from coal-fired powerplants. The good news is that we have made some progress in this country. That is in part due to the large investments that the Obama administration and Congress made over the last decade in clean energy. It is also due in part to smart regulations, such as the Clean Power Plan. I proudly supported those efforts, and I still do. In addition, many companies across our Nation have stepped up, and they deserve some credit. Making real investments in clean energy has turned out to be the right thing and to be a wise investment, demonstrating that it is possible once again to do well and do good at the same time. As a result of these actions, in the last decade, our country rebounded from one of its greatest economic downturns in history. We lowered energy costs, reduced air pollution, and added 16 million new jobs during the Obama administration. We also launched the longest running economic expansion in the history of our country, which continues to this day. We have a chart here that shows that since 1970, the United States has cut common air pollutants by almost 75 percent, while the U.S GDP has grown by over 200 percent. Instead of building on the Obama administration's forward-looking environmental standards, this administration has taken pride in tearing the protections apart. This administration's so-called affordable clean energy proposal fails to provide industry with the certainty needed to make clean energy investments for the future, while also providing an uncertain future for generations to come. People say, at least where I am from and maybe in North Carolina--my wife is from North Carolina, and she tells me they say this in North Carolina as well. You can put lipstick on a pig, but it is still a pig. No matter what EPA calls this proposal, by the Agency's own account, it doesn't achieve affordable energy or clean energy, and it definitely doesn't address climate change. The EPA's proposal, which I think might more appropriately be called the dirty power plan, is instead another step by this administration to dismantle the Nation's environmental protections and protect polluters over the public. If I were to grade the EPA's proposal to replace the Clean Power Plan, I would not give it an A, and I would not give it a B, a C, or a D. I might well give it an F. I take no joy in saying that, but that is the way--calling balls and strikes, that is pretty much what I would call it. A friend of mine--maybe you have a friend like this, too, Mr. President--a friend of mine, when we ask him how he is doing, sometimes responds with these words: ``Compared to what?'' When compared against the Clean Power Plan, using EPA's own numbers, it is easy to see the dirty power plan's shortcomings. Let's start with the Clean Power Plan. We have a chart here that says that ``the Clean Power Plan would create $54 billion per ***year*** in public health and climate benefits.'' Compare that to the dirty power plan. We have another chart. This one indicates--and this is EPA's own analysis. This is not my analysis, not the Democratic Party's analysis; this is EPA's own analysis of Trump's Clean Power Plan replacement. What happens to smog? It goes up. What happens to soot? It goes up. What happens to mercury? It goes up. What happens to carbon pollution? It goes up. How about premature deaths per ***year***? Well, they go up. By a couple? By 100? By 1,000? No, no. Up to 1,400 premature deaths per ***year***. That is enough for me to say no thank you and to give the dirty power plan a failing grade, but there is more. The Clean Power Plan would reduce household energy prices by $85 a ***year*** through energy efficiency investment. The Clean Power Plan also provides long-term certainty for U.S businesses, helping American companies make smart investments at home and compete in the global clean energy market. The dirty power plan does not help consumers save money on energy costs, does not provide businesses with certainty, and instead will likely cede clean energy jobs to places like--you guessed it--China. Let's recap. When we compare the dirty power plan over there in red to the Clean Power Plan here in green--cleaner air? The clear winner is the Clean Power Plan. Saving lives? The clear winner is the Clean Power Plan. Job creation? The clear winner is the Clean Power Plan. Energy savings? Again, the clear winner is the Clean Power Plan. Safer climate? Again, the Clean Power Plan. Where I come from, we call that running the table. That is why, in my class, if I were the teacher, if I were assigning grades, this dirty power plan would not get an A, B, C, or D; it would get a failing grade. Let's be honest. EPA's dirty power plan proposal is not a climate change replacement, it is a retreat. Let me say that again. EPA's dirty power plan proposal from this administration is not a climate change replacement; it is a retreat. It is a retreat from EPA's most basic responsibilities to ensure breathable air. It is a retreat as well from EPA's most basic responsibility to [[Page S5890]] usher in economic progress and tackle the greatest environmental crisis that I think we face on this planet of ours. The Clean Power Plan, with its long-term certainty and flexibility structure, is the Federal policy that moves us in the right direction and fulfills EPA's legal and scientific obligations to address climate pollution. Repealing the Clean Power Plan and replacing it with a proposal as ill-conceived as the dirty power plan will have serious consequences for the health of the public, our economy, and this planet with which we are entrusted. The American people deserve better than a dirty power plan, plain and simple. My colleagues and I are going to do everything in our power to make sure that happens. Let me close with this real quick. I see some of my colleagues are waiting to speak. I would say maybe 10 ***years*** or so ago, one of my colleagues--I think it was either George Voinovich or Lamar Alexander-- was working on legislation to address four air pollutants: sulfur oxide, nitrogen oxide, mercury, and carbon dioxide. We offered legislation in response to the George W. Bush administration's proposal. Those affiliated with SOx, NOX, and mercury-- sulfur oxide, nitrogen oxide, and mercury--called the Bush administration's proposal Clear Skies. Pretty clever. We added to that carbon dioxide. We called our proposal Really Clear Skies. I remember having a meeting in my office about a decade ago. In my office, we had my colleague, my Republican cosponsor, and we also had representatives from six, seven, eight, nine utilities from all over the country debating and discussing whether Clear Skies, the Bush proposal, or Really Clear Skies, our proposal, made more sense. I will never forget what one utility CEO said at the end of the discussion. He might have been from North Carolina. He was from someplace down South. He said: Senators, here is what you should do. Tell us what the rules are going to be, give us a reasonable amount of time, some flexibility, and get out of the way. That is what he said. I will never forget that: Tell us what the rules will be with respect to air emission, give us a reasonable amount of time, some flexibility, and get out of the way. I think that is what the Clean Power Plan did. We need to get back a lot closer to that proposal. I think it actually mirrors and reflects the advice we received a decade ago. My time has expired. I thank my colleagues for their patience. I am happy to yield to the Senator from Arizona, Mr. Flake. The PRESIDING OFFICER. The Senator from Arizona. South Africa Mr. FLAKE. Mr. President, I want to rise briefly to address something that happened overnight that the President tweeted with regard to South Africa. I serve as chairman of the Africa Subcommittee on the Foreign Relations Committee. The President tweeted the following: I have asked Secretary of State @SecPompeo to closely study the South Africa land and farm seizures and expropriations and large scale killing of farmers. ``South African Government is now seizing land from white farmers.'' I think it is important for the President, if he is going to conduct foreign policy by tweet, to be more careful and to not base something on one news report. These things matter. South Africa is, in fact, the ruling party and has proposed land reform measures in South Africa's Parliament. I hope they think long and hard about some of the proposals that are coming forward and not mimic what happened in Zimbabwe 15 ***years*** ago that Zimbabwe is still recovering from. In my view, this would not be a good road to take, to expropriate land without compensation. Having said that, it is simply a proposal. It has not been implemented. On the second part of that, ``There is a large scale killing of farmers,'' there is no evidence to suggest there is a large-scale killing of farmers. Of course, the death of one farmer is too many, but it is wrong to suggest there is somehow a large-scale killing going on, when the evidence suggests that the number of farmers who have been killed over the past ***year*** is about one-third the level that was reached in the 1990s. I would encourage the President to be more careful when he tweets, to not conduct foreign policy by tweet, and to certainly say to our South African friends--a new government we are working with on a number of issues, with which we have a good relationship and want to remain close to--that we in the Congress believe we are their friends, and we want to move forward in ways that will bring the best to South Africans and a good partnership with our country. I yield back. Mr. DURBIN. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. KAINE. Mr. President, I ask unanimous consent to enter into a colloquy with my colleagues Senator Wicker, Senator Warner, and Senator Durbin to address a pressing issue in the defense appropriations bill, and that is language to allow the Navy to proceed with a two-ship buy for aircraft carriers. The PRESIDING OFFICER. Without objection. Mr. KAINE. The Navy has been working on a two-ship buy since last ***year***, culminating in its release of a request for proposal, RFP, in April. If the Navy is able to procure the next two Ford-class carriers in a single contract, initial estimates point to over $2 billion in savings, at least 10 percent. Funds that would be saved could be applied to other ***programs*** within the shipbuilding account or within the Department of Defense generally. Those savings come about in part through the shipbuilding suppliers across the country who would be able to provide the parts and material needed to build an aircraft carrier in a much more efficient and cost- effective manner. We would be giving these suppliers some degree of predictability. Many of these suppliers are small businesses and single source suppliers who need a demand signal that the country is serious about building up the Navy fleet. The military shipbuilding supply base is fragile and has shrunk significantly since the last Navy buildup. For nuclear shipbuilding, during the 20-***year*** period between 1977 and 1996, Electric Boat, Newport News, and the industrial base delivered almost 90 nuclear ships in the Ohio-, Los Angeles-, Seawolf- and Nimitz-class ***programs***. The industrial base population during that time was in excess of 17,000 suppliers. Today there are about 3,000 carrier suppliers. The predictability provided by the two-ship carrier buy would enable industry to invest in increasing the capacity of their facilities. This investment will contribute to lower shipbuilding acquisition costs and enable our country to build the Navy our Nation needs. The two-ship buy would enable the Navy to field an aircraft carrier at least 1 ***year*** sooner than the ***program*** of record. I was proud to work with my friend and partner in shipbuilding, Senator Roger Wicker, to cosponsor a bipartisan letter addressed to Secretary Mattis in December asking for the Department to support a two-ship buy in its fiscal ***year*** 2019 budget. In addition to Senator Wicker and me, 15 Senators cosigned, and a similar letter with 131 signatures came from the House. I ask unanimous consent that the letter sent to Secretary Mattis by me and my fellow Senators be printed in the Record at the conclusion of this colloquy. The PRESIDING OFFICER. Without objection. Mr. KAINE. When Assistant Secretary of the Navy Geurts testified before the Seapower subcommittee in April, he and I spoke about the need to get the Navy's assessment of the RFP and validation of the savings in time to support necessary legislation in the fiscal ***year*** 2019 defense bills. Secretary Geurts promised an initial look in early May, but as the authorization and appropriations processes move forward, unfortunately, we are still waiting to hear from the Department of Defense. I must say I am very disappointed with the lack of urgency which the Pentagon is displaying on this initiative. As we wait, the great savings that this proposal would generate will erode as the Navy is only able to contract for one ship at a time. [[Page S5891]] In the National Defense Authorization Act for fiscal ***year*** 2019, we included specific preconditions in authorizing the two-ship buy, including detail on how significant savings will be achieved and a commitment to full transparency to any changes to the funding profile. As currently written, the defense appropriations bill would not allow the Navy to procure two aircraft carriers in one contract, and I understand this is probably out of frustration with the lack of a proposal to the committee including complete budgetary estimates and funding profiles. Again, let me say I share the concern that the Department of Defense has been slow to complete necessary analyses and present the Defense committees with a plan. We often talk about acquisition reform and smarter buying in this body, and this is a perfect opportunity to innovate procurement and contracting. Let's not squander this chance because of bureaucratic inaction. While I will not seek to amend the appropriations bill today, I ask the chairman of the committee, Senator Shelby, and Ranking Members Leahy and Durbin to ensure that, when this bill goes to conference with the House, the final language be written in a way that would not preclude the two-ship buy from going forward in fiscal ***year*** 2019, with all the requisite approvals from the Defense committees being preserved. Mr. WICKER. Mr. President, I agree with my Seapower Subcommittee colleague, and his approach is consistent with the fiscal ***year*** 2019 NDAA, which the Senate approved in a vote of 87-10. The President has signed the bill into law. I join with my colleague in asking for the two-ship carrier buy to be supported, as we did in the NDAA, subject to the requisite requirements that includes a Secretary of Defense certification based on significant savings and other supporting information. Mr. WARNER. Mr. President, a two-ship block buy would increase predictability and stability for our suppliers, including the many shipbuilders and shipyard workers in the Hampton Roads region. It would also generate significant costs savings for U.S taxpayers. It is critical that the Navy has access to the next-generation of warships for the world's challenges, while also being responsible in how it procures and budgets. For some time, I have been encouraging the Navy to move forward with a block buy of two aircraft carriers, as it makes strategic sense. Estimates have found that it would be an opportunity to save over $2 billion in the Defense Department's budget through this block buy. Mr. DURBIN. Mr. President, I thank Senator Kaine, Senator Wicker and Senator Warner for raising this issue. Plans for procurement of Ford- class carriers will be debated in the upcoming conference on the defense appropriations bill. I look forward to the Department of Defense and the Navy providing more information on the proposal, and I will keep Senator Kaine's comments in mind as the discussion continues. There being no objection, the material was ordered to be printed in the Record, as follows: U.S Senate, Washington, DC, December 14, 2017. Hon. James Mattis, Secretary of Defense, Washington, DC. Dear Secretary Mattis: As you continue preparation of the Fiscal ***Year*** 2019 Budget Request for the Department of Defense, we write to express our support for the block buy of Gerald R. Ford-class aircraft carriers. It is our understanding that the Navy and industry have been evaluating the feasibility of block-buy for CVN-80 and CVN-81, as well as the potential cost savings from such a procurement strategy. We applaud the Department of Defense's efforts to examine smarter and more efficient acquisition approaches and would actively support the Department's pursuit of a block buy of Ford-class aircraft carriers in Fiscal ***Year*** 2019. Previous block-buys have yielded savings of several percent of the total cost of the ships when compared to annual procurements, which could be in excess of $1 billion for two Ford-class carriers. Total savings could grow to something closer to $2 billion if the procurement intervals between the ships are additionally shortened from five-***year*** centers to three- or four-***year*** centers, which would be consistent with the Navy's goal of achieving and maintaining the 12-carrier force called for in the Navy's 355-ship requirement. In light of the increased budgetary demands placed on the Department, we believe that revisiting a proven acquisition method, one that could be executed without reducing funding for other vital shipbuilding ***programs***, is not only warranted, but a sound investment. As recent events in the Pacific have shown, our nation's carrier fleet is under considerable demand, with 3 of 11 deployed and 7 of 11 carriers underway in recent weeks. A block-buy of Ford-class will help the Navy achieve its objective of 12 carriers that better meets combatant commander requirements and readiness goals to sustain worldwide operations. Additionally, a block-buy would continue to signal to the shipbuilding industrial base about our nation's resolve to field a 355 ship fleet. Over the past 25 ***years***, our shipbuilding industrial base has undergone a massive consolidation. The community, which used to tap into more than 17,000 suppliers now relies on fewer than 3,000 across the country. These remaining suppliers would significantly benefit from the predictability and stability of a known future workload. We believe the stability offered by a block-buy approach would enable suppliers to develop greater efficiencies and invest in their own businesses which would further benefit other Navy shipbuilding ***programs*** as well. At the forefront of today's Navy is the Nimitz class carrier and Virginia-class submarine, both of which are successful products of block-buy type initiatives. As we look to the next 50 ***years***, we believe a wise investment of our precious defense dollars would be in the time-proven acquisition method of block-buy for our next generation of aircraft carrier. Thank you for your consideration and service to our country. Sincerely, Roger F. Wicker, U.S Senator; Tammy Baldwin, U.S Senator; Cory Gardner, U.S Senator; James M. Inhofe, U.S Senator; Marco Rubio, U.S Senator; Luther Strange, U.S Senator; Sherrod Brown, U.S Senator; Tim Kaine, U.S Senator; Tom Cotton, U.S Senator; Mazie K. Hirono, U.S Senator; Bill Nelson, U.S Senator; Jeanne Shaheen, U.S Senator; Mark R. Warner, U.S Senator; Thom Tillis, U.S Senator; Patty Murray, U.S Senator; Tim Scott, U.S Senator; Maria Cantwell, U.S Senator. Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Cassidy). Without objection, it is so ordered. Amendment No. 3967 Mr. PAUL. Mr. President, Planned Parenthood ends the lives of 320,000 babies each ***year***. That is about 900 babies every day. Planned Parenthood receives over $400 million of taxpayer money. The government, with a wink and a nod, tells us that Planned Parenthood doesn't spend the money on abortions, but everybody knows that the taxpayer is really cross-subsidizing Planned Parenthood's abortion mills. My amendment would end the funding to Planned Parenthood. My amendment is already included in the House's version. Yet my amendment is now being blocked by Republicans. Why would Republicans block a vote on defunding Planned Parenthood? It may surprise some because so many Republicans go home and say they are against Planned Parenthood, but this vote could happen right now--right now, today--if Republicans don't object. Everybody knows that the Democrats love abortion and Planned Parenthood more than life itself. But Republicans? Many voters think Republicans actually care about the unborn. Many voters think Republicans are really opposed to government-funded abortions. But the dirty little secret is that Republican leadership is blocking my amendment to defund Planned Parenthood. That is right. The Republican leadership has filled the amendment tree to block my ``defund Planned Parenthood'' amendment. But how can that be? Surely, the Republican leadership doesn't favor abortion funding, so the answer is a curious one. The truth is that the Republican leadership favors bloated government spending more than it cares about Planned Parenthood. This appropriations bill before us exceeds the spending caps by nearly $100 billion. Big-spending Republicans fear that blocking funding for Planned Parenthood would derail their plans to greatly expand the welfare-warfare state. So be it. The public has long known that the Democrats are the abortion party. Now the public will know that many Republicans just give lipservice to pro-life issues and are really more concerned with bloated government spending than with saving lives. Of the 320,000 babies that Planned Parenthood will abort this ***year***, about 6,400 of these babies would be geniuses. They would develop into geniuses if [[Page S5892]] they would be allowed to live. Perhaps one of these potential geniuses would discover a cure for cancer or Lou Gehrig's disease. Of the 320,000 babies aborted by Planned Parenthood every ***year***, about 1,000 would become doctors, 1,500 would become engineers, 1,200 would become lawyers, 3,400 would become teachers, and 400 would become pastors. Yet all of that potential is lost each ***year*** as a consequence of Planned Parenthood. What I would say to my Republican colleagues is to please explain to voters at home why they allow Planned Parenthood to continue receiving taxpayer funds; to explain to those at home why they purposely filled the amendment tree in order to block an amendment to defund Planned Parenthood; to please explain to voters at home why passing huge deficit spending bills is more important than trying to save lives; and to please explain to America why anyone would trust politicians who continue to break their promises. Make no mistake about it--my amendment to block funding for Planned Parenthood is being blocked by Republicans. In a moment, one of the Democratic leaders will stand up and ask for a vote on my amendment as well as on a Democratic amendment. We don't agree on the policy, but we agree that if you allow an amendment from each side, that we could have some comity, that we could have some debate, and that we could live to disagree on another day. This amendment is not being blocked by the Democrats; this amendment is being blocked by Republicans who refuse to vote on a Democratic amendment. Republican leadership has the power to unblock the amendment tree and allow the vote. The question is, What is more important to these Republicans--saving lives or spending money? I ask unanimous consent to set aside the pending amendment in order to call up my amendment, No. 3967. The PRESIDING OFFICER. Is there objection? The Senator from Illinois. Mr. DURBIN. Reserving the right to object, Mr. President, at the outset, the issue of abortion is a divisive issue in America. Many people have different and strongly held beliefs on this particular issue. We have a law on the books now--and have for decades--that no Federal funds may be spent for the performance of abortion procedures, including at Planned Parenthood. Yet Planned Parenthood does much more than that. Planned Parenthood provides healthcare for millions of women across the United States, and Planned Parenthood provides family planning so that these women can avoid unplanned pregnancies, which, sadly, in many cases, lead to abortion. Regardless of your position on abortion, the position of Planned Parenthood is to counsel families so they can control the number of children they have and avoid unplanned pregnancies and the likelihood of abortion procedures to follow. It is for this reason that I have consistently voted against Senator Paul when he has stood here to defund Planned Parenthood, and I will today. Yet I am about to make a modification request in the hopes that we can have the vote that he just asked for, the vote on Planned Parenthood, as long as we can also have a Democratic vote--one of each--on an amendment that is being offered by Senator Joe Manchin of West Virginia, which basically states that we in the U.S Senate will join in an effort to preserve those portions of the Affordable Care Act that protect families who have members with preexisting conditions. That is basically it. Time and again, we have heard Republicans say they don't want there to be discrimination against families because there is a child who is a cancer survivor or because there is a spouse who has diabetes. They do not want them discriminated against and to be charged more for health insurance. That is all Senator Manchin is asking for. So we will have a vote on the Paul amendment on Planned Parenthood and on the Manchin amendment, which goes to the heart of the Affordable Care Act's preexisting condition protection. Those two amendments can bring us to a close on this debate. I think that is a fair, bipartisan conclusion. I agree with what Senator Rand Paul of Kentucky has said in that this is the right way to end this debate--with a Republican amendment and a Democratic amendment. I move to modify Senator Paul's request. I ask unanimous consent that the following amendments be called up en bloc and reported by number: Paul No. 3967 and Manchin No. 3865. I further ask consent that at 4 p.m , the Senate vote in relation to the amendments in the order listed and that there be no second-degree amendments in order to the amendments prior to the votes and that each amendment be subject to a 60-vote affirmative threshold for adoption. I further ask consent that following the disposition of the Paul amendment, the managers' package, which is at the desk, be agreed to--a bipartisan package--and that all postcloture time be yielded back. The PRESIDING OFFICER. Is there an objection to the modification? The Senator from Texas. Mr. CORNYN. Reserving the right to object, Mr. President, the Paul amendment is a germane amendment. It should be taken up and passed with a majority vote in the U.S Senate. This counterproposal asks that a 60-vote threshold be set for the Paul amendment, which, obviously, would make it much less likely to actually pass. What I think makes a whole lot more sense is to have a vote on the Paul amendment as a stand-alone to defund Planned Parenthood with a majority vote of 50, but I believe that the Manchin amendment has problems as well. Firstly, this Manchin amendment inserts itself into pending litigation in Federal court, which is being led by my home State of Texas, by intervening as a party only a few weeks prior to there being oral arguments. This is a role that is generally reserved for the executive branch, and I believe that the legislature--the Senate-- should exercise caution and deference to the constitutional role of other branches before injecting itself into a contested lawsuit at a late hour. Secondly, the Manchin amendment asserts that the Senate should defend all provisions of the Affordable Care Act. While that may be the position of the senior Senator from West Virginia, I have a number of concerns and objections to ObamaCare which are well-known, as do so many of my Republican colleagues. There are many problematic and possibly illegal provisions of ObamaCare that should not be defended by this body, as the Manchin amendment would urge. Finally, I strongly believe in protecting Americans who have preexisting conditions and in ensuring they have access to affordable healthcare. Our friends across the aisle act as if the only way you can protect against preexisting conditions is through ObamaCare. That is demonstrably false. There is a much better and more reasonable way to protect Americans who have preexisting conditions other than to shackle them to ObamaCare. I believe the best way for us to address this is by legislating--by working together and coming up with legislation that will actually solve the problem--rather than by injecting ourselves into ongoing litigation against ObamaCare. While I am opposed to the extraneous amendment by the senior Senator from West Virginia, I am completely in support of voting on Senator Paul's amendment. Frankly, I am a little confused by his statement that Republicans oppose his amendment when, at this point, I renew the request of the Senator from Kentucky. Yet I ask that it be set at a 50- vote threshold as a germane amendment to the pending legislation. The PRESIDING OFFICER. Is there an objection to this modification? Mr. DURBIN. Reserving the right to object, Mr. President, I would like some explanation as to where we are on the floor at this moment. The PRESIDING OFFICER. Senator Paul has the floor. He has a unanimous consent request to which there have been two modifications sought. Is there an objection to the modification for the Senator from Texas? Mr. DURBIN. I object. The PRESIDING OFFICER. Objection is heard. Is there an objection to the modification for the Senator from Illinois? [[Page S5893]] Mr. CORNYN. I object. The PRESIDING OFFICER. Objection is heard. Is there an objection to the original request by the Senator from Kentucky? Mr. DURBIN. Reserving the right to object, Mr. President, we have agreed that the Republican Senator from Kentucky is to offer an amendment to defund Planned Parenthood. I will be opposing that, but I believe he is entitled to a vote. On the Democratic side, we are asking to have an amendment, in a bipartisan nature, so that the Democratic amendment can be offered, which may be opposed by both of the Republican Senators. With that, there would be a real debate in the Senate, which we rarely have. Because Senator Paul and I agree that there should be both amendments--the Democratic and Republican amendments--and that we should move forward to close down debate on the overall bill, I will object until we get Senator Cornyn's agreement. The PRESIDING OFFICER. Objection is heard. The Senator from West Virginia. Amendment No. 3865 Mr. MANCHIN. Mr. President, I can't believe that we are getting into this tit-for-tat in politics and that politics always rules the day here. Do you know what? Whether or not you agree on the amendment that is up, we thought we had an agreement that both amendments would be voted on. My amendment is simply using the Senate's legal staff to intervene on preexisting conditions. This affects every one of us. This affects 1.8 million Kentuckians. This affects 800,000 West Virginians. Every State has people who have some form of preexisting condition, and every family has someone with one. What we are asking for is to be able to fight the good fight. The suit that we are dealing with right now is that of Texas v. United States, wherein 20 attorneys general are bringing suit to basically take preexisting conditions away and allow insurance companies to decide as to whether they are going to sell you insurance or not or how much they are going to charge you for the insurance or whether they are going to put caps back on and say you are just too sick for them to spend more money on or for them to invest any more money in you. All we are asking for is to give us a vote on it. Let's see if the Senate wants to intervene, and let's see if we can fight to save some of the people's healthcare around the country. There are 800,000 West Virginians who are depending on this. That is all we ask for. Senator Paul has asked for a vote on his amendment, and I think that should be granted. I think it is equally right that ours should be granted. We thought there was an agreement earlier. I don't know why I would believe that politics would not be involved, but I don't know why it got involved at this level of giving us a vote. Again, all I am asking for is for common sense and cooler heads to prevail here and to move on. We can get this accomplished. We thought we had it worked out. We were talking about cancer, heart disease, diabetes, arthritis, asthma, and other types of illnesses that can be determined to be preexisting conditions. We have 400,000 West Virginians who have severe preexisting conditions who will not even be able to buy insurance because the insurance companies will not sell it to them as it will just be too costly and there will not be enough profit in it. They will be too sick, so they will be out. Another 400,000 will have the rates raised to the point at which they probably won't be able to afford it. I just don't know why we are going down this path again. I don't think there is a Democrat or Republican--this is not a political issue. This is not a life-or-death issue. All I am asking my colleagues on the Republican side to do is to please consider this. Let us vote on it. You can vote the way you want to and go home and explain your vote. I am OK with that. If you want us to vote on Planned Parenthood, whether people think that they should or should not, that is OK. You can go home and explain it. But to not let us vote and to not even talk about it because--I look here at Kentucky. There are 1.8 million people in Kentucky who have been diagnosed with preexisting conditions. I am sure they would like to be able to buy insurance. I am sure they would like to have protection and not have the insurance companies say: I am sorry, not for you today. I hope you all consider this. Let's put it up for a vote and see where it goes, and let's go after them in court. This happens September 5th. I think Senator Cornyn said it is not germane, and he is using different terminology or different reasoning for that. But since they moved this court date from the 14th to the 5th, it is of urgent necessity for us to get in and intervene to see whether we can protect the people of America. I need to fight to protect the people of West Virginia, and I will continue to do that. Thank you. I yield the floor. The PRESIDING OFFICER. The Senator from North Carolina. Unanimous Consent Request--S. 896 Mr. BURR. Mr. President, I rise today to talk about the Land and Water Conservation Fund. I talked a lot yesterday about the benefits of the Land and Water Conservation Fund and how it is one of the most popular and successful bipartisan ***programs*** that exist for conservation. I shared with my colleagues and with those who listened a newsletter from the Blue Ridge Parkway Foundation that stated some of the great things they are doing with private sector dollars. They are taking what the Land and Water Conservation Fund provides--which is zero in taxpayer dollars but royalties off of exploration--and they are giving that to the States to protect treasures we have. In those States and localities, they use that Federal seed money to leverage private sector dollars to produce inholdings, edge-holdings, and outparcels, sometimes traded so that we protect the land that is most valuable to us and that leverages volunteers and private dollars. It is on the order of 10 to 1 private dollars to Federal dollars. Today, I want to give you a great example how LWCF money was used for acquisition of land that has made it safer for outdoor enthusiasts and also easier for local governments in my State of North Carolina. We have a falls called the Catawba Falls. It is a popular attraction in western North Carolina, but the trail to get to the falls is over private land; therefore, those who venture there for recreational benefits and the beauty of Catawba Falls find a circuitous route to get there, and in many cases, we have individuals who have gotten injured. This becomes very costly to local emergency services because when you extract somebody from an inholding that you have no public access to, you have to airlift those individuals. The Foothills Conservancy recognized the need, and this wonderful local land trust was able to move quickly when the landowner became willing to sell for public access. I think it is an interesting fact that this family who sold to Foothills was the first family in the United States to sell land to the U.S Forest Service in 1911 under the Weeks Act. The Forest Service was eventually able to acquire the land through the Land and Water Conservation Fund. Now there is a road and a parking lot for visitors. The cost of emergency services to get to the falls to respond to accidents has been dramatically reduced. Visiting the attraction is now safer for hikers. Visitor experiences were improved with parking and restrooms. A beautiful trail that belongs to the public was made, and local government's burden was eased. They average one medical situation a month. Since the Presiding Officer is a physician by practice, I know he understands the cost that is incurred with an emergency of that magnitude. Because of this access, they have saved one hour per extraction, and McDowell County Emergency Management is saving $1 million annually because they don't have to do helicopter extractions. It is an economic stimulus to the town of Old Fort and protects the headwaters of the Catawba River, which, I might add, is the drinking supply for the city of Charlotte, NC. Talk about a win-win-win. This is one of them. This is a perfect example of how LWCF helps make access for the public easier by purchasing an edge-holding. As Americans, we need more outdoor recreation and access opportunities, [[Page S5894]] not fewer. The ***program*** is widely supported by outdoor recreation industry enthusiasts, conservationists, anglers, hunters, birdwatchers, and all who appreciate access to America's unparalleled lands. If I didn't mention it, it requires zero in taxpayer money. Let me say that again. There is zero taxpayer money. The U.S outdoor recreation economy generates $87 billion in consumer spending. It generates $65 billion in tax revenue. If you don't utilize the outdoors as an individual and you are a budget hawk, it is a good ***program***. It grows the economy. It produces revenues for the Federal Government. The ***program*** has been so successful that just a decade after its original enactment, in 1977, the Congress decided to triple its authorization to a level of $900 million--the level it remains at today. I might add that the first two authorizations of this bill were for 25 ***years***--25 ***years***. Eventually, the authorization level for funding went to $900 million. It has only been funded at $900 million one time in the over 50 ***years*** since it has been established. In our great wisdom, for some reason, 3 ***years*** ago, we authorized it at 3 ***years***, and on September 30, it will expire. As of March 30, the Land and Water Conservation Fund had a credit in its account of $21.5 billion because over the ***years*** Congress chose not to allocate the full $900 million that has been credited to the fund. This bill puts the money toward deferred maintenance and returns the rest to Treasury. Very quickly, let me just tell you about a bill that I am going to ask unanimous consent that this body take up and pass. The base of the new bill is permanent authorization of the ***program***. It also includes a provision that I sprung on everybody yesterday. Members of the U.S Senate have expressed a concern about a permanent reauthorization with no ability to go in and alter that, so what I did was I added a provision that allows for the Congress to take up a dissolution resolution every 3 ***years*** where, with a 60-vote margin, they can disapprove the automatic renewal. We have tried to address all of the concerns that have been raised. Since the beginning of the 115th Congress, I have tried to come down here and get this bill on the floor, only to hear: Not today. It needs to be on something else. We can't have a vote on it. We have never been allowed to have a vote on it. I am sympathetic to individuals who have raised questions on the ability to vote. If future Congresses believe they need to review the ***program***, this provision allows them to do it by simply passing the joint resolution of disapproval. Every 3 ***years***, they are given the opportunity. Additionally, this bill shares funds currently available to the LWCF ***program***. Again, let me remind everybody of the background. Every ***year***-- $900 million is credited on an annual basis to the Land and Water Conservation Fund. That is in the statute. Every ***year***, appropriators determine how much money they intend to appropriate, and in only one of the ***years*** since 1977, when we raised the allocation to $900 million, has it actually been funded at $900 million. So each ***year***, $900 million goes in, and appropriators dole out what they want to. It is all royalty money; it doesn't have anything to do with taxpayer money. That has left a hefty chunk of change just sitting there, waiting for Congress to appropriate--$21.4 billion. To meet my colleagues halfway, in addition to a 3-***year*** review, with a vote to disapprove an automatic renewal, my bill does this. I have decided to put those available funds toward a ***program*** that many of my colleagues have been very vocally supportive of in the past ***year***. This bill would reallocate $11 billion out of the LWCF trust fund, and it would allocate that money and dedicate it to the National Park Service for maintenance. I know many Members are anxious to get a parks maintenance bill through, and we have had trouble doing that. I am giving you an opportunity and an option that would fund it at a level we haven't even talked about. We are talking about somewhere right around $1 billion. Yet we know we have $10 billion worth of deferred maintenance. With just the reauthorization of this one conservation ***program***, we would shift $11 billion out of the LWCF account and into the parks maintenance account. It doesn't take a mathematician to realize that the money would be available immediately. It would still require the appropriations process. There would be an additional $10 billion left in the LWCF fund, So what I propose in this legislation is that the bill would credit back to the General Treasury $10 billion to go toward paying down debt. I have heard a lot of my colleagues stand up here--as a matter of fact, many in this body voted for a rescissions package that had a $16 million reduction in the LWCF fund. I voted against it because I got no help in trying to understand why we were going to cut money out of a ***program*** that we had yet to fund at the level at which it was authorized. If they were willing to cut $16 million of LWCF to pay down debt, I am giving them a great opportunity--I am giving them $10 billion in this bill. So we are going to take $21 billion that the LWCF has accrued over its existence, that has been unallocated to them but is still there, and we are going to give $11 billion to the parks and recreation maintenance fund, and we are going to give $10 billion to the Treasury to pay down debt. I have been working on all aspects of LWCF for about 5 ***years***, if not longer. I think that in the last 24 hours, I have addressed every concern that has been expressed--budget, taxpayer money, parks maintenance, why we should do it. Let me suggest to the Presiding Officer and to my colleagues why we should do it. Because Americans really appreciate this ***program*** because across this country, there are generations today who believe that their children and their grandchildren will be able to experience the same experience they had because we have been smart enough to protect some of those treasures. I don't want to be greedy. I would love to appropriate $21 billion, as I am sure my colleague from Colorado, who I see standing over there, would love to do. It is probably not needed all at one time, but the credit is there. If we are willing to reauthorize this ***program*** and to give them some degree of permanency, then I believe every person who is the beneficiary of or interested in the Land and Water Conservation Fund will not argue with saying: OK, we will take the $21 billion we built up, and we will give $11 billion to the parks maintenance ***program*** and we will pay $10 billion to the Treasury. And we will start over at accruing at $900 billion a ***year*** what the American people, through their Congress, in the past have said we are going to invest in these conservation efforts. It is a significant gift. There are winners and winners and winners. There is no difference between this and the Catawba Falls example I gave you where the winners were the local community, the individual who sold the land, and the emergency services cost to the county. This is a win-win for America, and we are doing all of this with zero taxpayer money. We are using the royalties off of exploration to fund it. I am going to do something that is probably a first in this body. There are individuals who still would like to object to this. I am going to ask unanimous consent, and then I will object to my own unanimous consent request because I understand the rights of any one individual in the Senate. I could have waited hours to speak until one of them came to object, but I saw it more worthy of my time to come here and to raise this issue, to present solutions, and to object to my own unanimous consent request because I respect the rights of every individual. But I hope through doing this those colleagues that might have an objection to this would alleviate that objection. If you don't like the ***program***, that is one thing, but don't claim that it is because you want to reduce the debt. Don't claim that you don't want to use taxpayer money. Don't claim that you want to package this with the parks and maintenance ***program***. I am giving it all to you in one bill. The only thing I am asking in return for the Land and Water Conservation Fund is to give us the ability to know long-term that this is in place so that we can leverage every private sector dollar in this country that we possibly can toward whatever appropriations the appropriators decide on an annual basis to give to the fund. [[Page S5895]] So at this time, I ask unanimous consent that at a time determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of my bill in relation to LWCF, which is at the desk, with 1 hour of debate, and the Senate then vote on the bill with no intervening action or debate. The PRESIDING OFFICER. Is there objection? Mr. BURR. Mr. President, I reluctantly object. The PRESIDING OFFICER. Objection is heard. The Senator from Colorado. Climate Change Mr. BENNET. Mr. President, I would save my colleague from North Carolina from having to object to his own motion, but I so much believe in what he is trying to do that I can't object. I thank him for his leadership, through the Chair, on this issue over many ***years***. This should be a bipartisan issue. It is a bipartisan issue. My colleague from Colorado, Cory Gardner, and I wrote an op-ed piece together--can you believe that?--in the Denver Post, supporting the work that Senator Burr from North Carolina is trying to do. It is long past time for us to stop continuing to play these political games and actually do some work for the American people. There is not a county in America that doesn't have a Land and Water Conservation Fund project. That is not what I am here to talk about, but I thank him for his leadership. I am here to talk about another area that should be bipartisan, and that is addressing the urgent matter of climate change in the United States of America with the leadership of our government. Instead, this week, President Trump made his latest assault on our country's climate policy by gutting the Clean Power Plan. This decision creates more uncertainty for coal miners by delaying for 2 ***years*** what everyone knows we ultimately have to do, and it creates uncertainty for everybody else. President Trump has campaigned for ***years*** on the idea that there is a war on coal, ignoring his own Department of Energy's observation that the reason why coal has fallen as a source of our energy is that natural gas, because of the ingenuity of the American people, has become so cheap. That is what displaced coal, but he is ignoring it, just like he ignores economic reality after economic reality. This is not going to help Colorado. We have added 60,000 clean energy jobs and 230,000 outdoor recreation jobs, and we have 170,000 ***agriculture*** jobs that are inseparably linked to the stability of our climate. One of the reasons this sector is growing so rapidly is that Colorado does not have the luxury of operating in a fictitious economy. We see the threat of climate change every day, from an infestation of pine and spruce beetles that have destroyed our drought-stricken trees to wildfires that are no longer bound to a season because now they burn, or can burn, all ***year*** long, to shorter ski seasons and longer droughts that are affecting our farmers and ranchers. These consequences of climate change are costing Coloradans billions of dollars each ***year***, and this cost is only expected to increase. I have said it before. My State is one-third Republican, one-third Democratic, and one-third Independent. We have a consensus in my State that climate change is real and that humans are contributing to it. That doesn't mean everybody agrees with what the solution should be, but there is a consensus that if we do not act, we will not be fulfilling our obligation to the next generations of Coloradans. In Colorado, for that reason, we have made significant progress transitioning to a cleaner energy mix because we are betting on the economy as it actually exists, not as Donald Trump imagines. So far, that bet has paid off. We have had $6 billion invested in clean energy. We have created hundreds of thousands of clean energy jobs in construction, maintenance, and installation that cannot be outsourced and cannot be sent to China. Wind jobs alone are expected to triple by 2020, and our largest utility, Xcel Energy, announced this past June that it is retiring two coal plants early and replacing them with wind, solar, and natural gas, and energy storage. This has nothing to do with the Environmental Protection Agency-- nothing--or regulation. It is because it is cheaper. It is cleaner for the environment, but it is also cheaper for the rate base. That is what we are accomplishing in Colorado, and I know it is true across the country. This assault by President Trump on the Clean Power Plan, which so many States were already complying with, is just the latest in a ***year***- and-a-half attack on important environmental regulations: fuel economy standards for cars and trucks that he got rid of that will make our automobiles and our trucks less competitive overseas; commonsense rules to decrease methane leaks from oil and gas production; opening up of the Arctic National Wildlife Refuge and our coasts for drilling; attacking the Antiquities Act and the Endangered Species Act; appointing Scott Pruitt, a climate denier, to be the head of the EPA; trying to roll back the clean water rule; trying to use taxpayer dollars to revive retiring coal and nuclear plants on the taxpayers' dime; trying to delay ozone standards to limit smog to prevent our children and seniors from getting sick; and withdrawing from the global climate agreement. We now have the distinction of being the only country in the world not to be part of that agreement. Syria has now joined it, but we are by ourselves. I can tell you that the generation of people in this Chamber who are the age of the pages in this Chamber have a consensus that climate change is real. I know my colleague is here. So I am going to bring this to a close, but let me say that the Republican Party nationally has had a distinguished record on environmental matters until very recently. That may surprise people who have seen the debate and watched it, but it is true. Richard Nixon, a Republican President, signed the Clean Air Act and signed the Clean Water Act. He created the Environmental Protection Agency. Anybody who wants to remember what was going on back then only needs to think about the Cuyahoga River catching on fire and what that looked like. Anybody who remembers that knows that it is very hard to make the argument that net-net the Clean Air Act and the Clean Air Act haven't been good for our economy. That doesn't mean that it is perfect, but it is very hard to make that argument. People will, but I think it is very hard to make it convincingly. Ronald Reagan, one of the great conservative Republicans in the history of America, is the guy who was President when the ozone layer got a hole in it. He was a survivor of skin cancer. Kids who come to my meetings today don't know what the hole in the ozone layer is. They can thank Ronald Reagan for that. Both Bushes said that climate change is real and that humans are contributing and that we have to do something about it, and we need to work through multilateral organizations--in that case it was the U.N -- to do something about this. Then, what changed? In 2010 the Supreme Court made a decision in Citizens United that opened up our entire Federal Government to billions of dollars of outside money, and the threat of outside money came with a promise to sign something called the ``climate pledge,'' which denied that it was real. Ever since then, we haven't been able to do any bipartisan work on it. The Supreme Court in that opinion talked about its worries about the corruption of action. What we have is the corruption of inaction--the bills that aren't written, the amendments that never get a vote, and the committee hearings that are never held because of a distortion in our political system. We have to change that together because if we are serious about climate, we need an enduring solution. We can't have something that is ripped out like the Clean Power Plan after a ***year*** and a half. That will not fulfill the responsibility we have for the next generation of Americans--or to the planet, for that matter. So I am very sorry to be here today under the circumstances that I am here, but I thought it was important to note what the President had done, and I will say again that I hope the time will come when we can make bipartisan progress on climate change. Mr. President, I ask unanimous consent that an article from the Wall [[Page S5896]] Street Journal and an article from the Washington Post be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows: [From the Wall Street Journal, Mar. 8, 2016] Companies Go Green on Their Own Steam (By Cassandra Sweet) U.S companies are cutting emissions voluntarily and buying clean energy at the fastest pace ever, as lower renewable energy prices and easier availability of these sources makes these economical options. Companies such as Salesforce.com Inc. have started to embrace energy generated from wind, solar and other clean- energy sources in earnest this past ***year***, while General Motors Co. GM 1.18% , and Whole Foods Market Inc. have doubled down on their renewable energy usage. U.S companies, in 2015, agreed to buy 3,440 megawatts of solar and wind power under long-term contracts--enough to power Sacramento, Calif.--and, roughly three times the amount they bought in 2014, said Herve Touati, research director at the Rocky Mountain Institute, a clean-energy think tank. Displacing fossil fuel energy with that amount of renewable energy is roughly equivalent to taking 1.4 million cars off the road, according to the institute. ``It's a combination of social pressure on large, visible corporations to do good for the world, and the fact that today you can sign deals that are attractive economically,'' Mr. Touati said. A decline in renewable-energy prices alongside a larger energy slump are playing a key part in the shift. The price of wind power averaged $29 a megawatt-hour in 2015, down 27% from 2012, according to research firm Bloomberg New Energy Finance. Solar power bought under multiyear contracts also fell last ***year*** to $57 a megawatt-hour on average, down by nearly one- fifth from 2012. One megawatt of wind energy can serve about 270 average U.S homes, and the same amount of solar power can serve 164 average homes, according to wind and solar power industry groups. The price of fossil-fuel based power averaged $35 a megawatt-hour in 2015, according to a Wall Street Journal analysis of data compiled by the Energy Department. GM signed a deal last ***year*** to operate more than half its assembly line in a Dallas suburb on electricity generated by a West Texas wind farm. Workers at the plant in Arlington, Texas, are expected to assemble 1,200 Chevrolet Suburbans, GMC Yukons and Cadillac Escalades daily using a renewable power source when the wind farm goes online later this ***year***. GM says it has saved more than $80 million from green- energy purchases and investments since 1993, when it started on its renewable energy initiatives, said Rob Threlkeld, the company's global manager of renewable energy. ``Any renewable energy project has to provide a savings,'' he said, adding that in Michigan, Ohio and Indiana the auto maker is using electricity generated from burning landfill gas and trash to power its factories. Mounting solar panels on the roofs of its big-box stores and warehouses has helped Wal-Mart Stores Inc. trim its electric bills, the company says. With nearly 350 commercial solar installations on its buildings, the Bentonville, Ark.- based company outpaces every other corporation in America for on-site solar adoption, according to the Solar Energy Industries Association. ``The financial impact is important to us. Our customers vote with their pocket books,'' said David Ozment, Wal-Mart's senior director of energy. Wal-Mart buys enough wind, solar and other renewable energy every ***year*** to power 26% of its stores, warehouses and distribution centers around the world. By 2020, the retailer also aims to save $1 billion a ***year*** by more than doubling the amount of renewable energy it uses and trimming its electricity consumption at each store by 20%. ``Customers have said, `We love what Wal-Mart is doing in this space. We want you to continue doing this. But we don't want to pay a premium for our diapers for that,' '' Mr. Ozment said. Intel Corp., as part of efforts to shrink its carbon footprint, has installed a lot of solar panels. The company's green efforts help attract and retain top-flight talent in California's competitive hiring environment, according to a study by Bain & Co. ``We have a variety of awards and ***programs*** that are associated with sustainability objectives and actions,'' says Intel spokeswoman Claudine Mangano. For example, the company awards ``bonus points'' to employees who figure out ways for Intel to meet its annual environmental goals, such as cutting power use. The points can be converted to cash. Whole Foods, the chain that markets itself as a purveyor of organic food, has faced obstacles in trying to establish an environmentally friendly image. One of the grocery chain's main initiatives--the repurposing of used cooking oil to generate power in a kitchen outside Boston that made prepared meals for Whole Foods stores across New England--failed. Lower crude oil prices forced the cooking-oil supplier to abandon the project. Whole Foods is going solar, and plans to install solar panels at 100 stores after putting arrays on 25 others. \_\_\_\_ [From the Washington Post, Nov. 17, 2017] The U.S Has More Climate Skeptics Than Anywhere Else on Earth. Blame the GOP. (By Amanda Erickson) In most of the world, climate change is settled science. Not so in the United States. President Trump has called human-made climate change a ``hoax perpetuated by and for the Chinese in order to make U.S manufacturing noncompetitive.'' Former House speaker Newt Gingrich has suggested that climate change is the ``newest excuse to take control of our lives by left-leaning intellectuals.'' Conservative broadcaster Rush Limbaugh called it ``one of the most preposterous hoaxes in the history of the planet.'' In fact, the United States is home to more climate-change skeptics than most other countries. Don't believe me? The U.K -based market research firm surveyed 16,000 people in 20 countries about their attitudes on climate change. More people in the United States doubt that humans are responsible for climate change than just about any other country. What accounts for this discrepancy? Our politics. Climate-change denial is a core tenet of one of our two major political parties. Its skepticism is unmatched around the world. A paper from researchers at the University of Bergen in Norway found that among major political parties--even conservative ones--the GOP stands alone in its rejection of the need to tackle climate change. One analysis by PolitiFact agreed that ``virtually no Republican'' in Washington accepts climate-change science. It wasn't always this way. In 2008, Republican presidential candidate John McCain produced an ad praising him as a candidate who ``sounded the alarm on global warming.'' According to an insightful New York Times article, the party transformed itself into a party of skeptics in just a decade, thanks to ``big political money, Democratic hubris in the Obama ***years*** and a partisan chasm that grew over nine ***years*** like a crack in the Antarctic shelf, favoring extreme positions and uncompromising rhetoric over cooperation and conciliation.'' The Times explains that fossil fuel industry players, like Charles D. and David H. Koch, funded a powerful campaign to scare Republican lawmakers away from supporting climate- change legislation. Their group Americans for Prosperity pushed a ``No Climate Tax'' pledge and helped unseat supportive Democrats from Virginia. (When the smoke cleared from the 2010 midterms, 83 of the 92 new members of Congress had signed that pledge.) President Obama, frustrated by Congress's inability to act, pushed executive actions to combat climate change, moves that only further infuriated the right. (``It fell into this notion of executive overreach,'' Heather Zichal, an Obama climate adviser, told the New York Times.) The tea party, too, saw fighting climate change as one more big government ***program*** it wanted nothing to do with. That reality is reflected in our news coverage. A 2011 report by James Painter from the University of Oxford and the Reuters Institute for the Study of Journalism looked specifically at how climate change was covered in newspapers in six countries. He found that U.S and U.K print media quoted or mentioned climate change skeptics significantly more than outlets in Brazil, China, India and France. Together, outlets in the United States and Great Britain accounted for about 80 percent of all skeptic quotes and mentions. About 40 percent of those articles ran in opinion sections. American publications were much more likely to quote a skeptical politician than outlets in the other countries, in large part because politicians in the U.K and U.S are more skeptical, on the whole, of human-caused climate change. Painter also found that right-leaning outlets are much more likely to publish skeptics than left-leaning outlets. And it's reflected in how Americans think about climate change. Americans are unusually divided on climate change among major democracies. A large percentage of Democrats believe in human-made climate change; many Republicans don't. As Painter explained to me in an email, ``the polarization of attitudes towards climate change between Republicans and Democrats is very acute, and this is not replicated to the same extent in other countries.'' As Pew explained in a 2015 report, this polarization doesn't look so different than American divides on a lot of other things like abortion and gun control. In other countries, climate change just isn't a partisan issue. Broad majorities of people accept what scientists say--that climate change is being caused by humans, who are pumping carbon dioxide into the air at alarming and unprecedented rates. That might be because in many places, people are experiencing the impact of a changing climate directly, so they're more likely to believe the science. It's also true that in countries with the highest carbon emissions like the United States, concern about human-created climate change is lowest. Most other places, too, don't have big lobby groups or think tanks with links to fossil fuel companies pushing out their message into the public sphere and media. Mr. BENNET. I yield the floor. The PRESIDING OFFICER. The Senator from Nebraska. [[Page S5897]] Department of Justice Mr. SASSE. Mr. President, I rise today to speak to the issue of the leadership of the Department of Justice. It has been a strange couple of hours around this building with lots of talk about firing the Attorney General. I would just like to say in public what I have been saying to my colleagues in a message that I just communicated to the President of the United States; that is, that it would be a very, very, very bad idea to fire the Attorney General because he is not executing his job as a political hack. That is not the job of the Attorney General. The Attorney General's job is to be faithful to the Constitution and to the rule of law. Jeff Sessions just had to issue a statement about 2 hours ago that I would like to read. The Attorney General says: While I am Attorney General, the actions of the Department of Justice will not be improperly influenced by political considerations. I demand the highest standards, and where they are not met, I take action. However, no nation has a more talented, more dedicated group of law enforcement investigators and prosecutors than the United States. I am proud to serve with them and proud of the work we have done in successfully advancing the rule of law. That is his job. The Attorney General is a man who, when he served in this body, would have policy disputes with probably all 99 of us or 100 of us now, but the 99 people he served alongside. There are a bunch of issues where I agree with Jeff Sessions on policy, and there are some issues where I disagree with Jeff Sessions on policy. The Democrats disagree with Jeff Sessions on lots of policy, but I think everybody in this body knows that Jeff Sessions has been executing his job in a way faithful to his oath of office, to the Constitution, and to trying to defend the rule of law. I think Jeff Sessions' statement today that the U.S Department of Justice is filled with honorable, dispassionate, career prosecutors who execute their job in ways that the American people should be proud of is indisputably true. What he said is something that basically everybody in this body knows and agrees with. Yet, bizarrely, there are people in this body now talking like the Attorney General will be fired, should be fired. I am not sure how to interpret the comments of the last couple of hours. I guess I would just like to say, as a member of the Judiciary Committee and as a Member of this body, that I find it really difficult to envision any circumstance where I would vote to confirm a successor to Jeff Sessions if he is fired because he is executing his job rather than choosing to act as a partisan hack. I think everybody in this body knows that Jeff Sessions is doing his job honorably, and the Attorney General of the United States should not be fired for acting honorably and for being faithful to the rule of law. I yield the floor. The PRESIDING OFFICER. The Senator from Colorado. Mr. BENNET. Mr. President, I did want to thank my colleague for his statement about the Attorney General. I think he is absolutely correct about what he said. I used to work at the Department of Justice, and the FBI and the DOJ are filled with honorable civil servants who are doing their best to enforce the law. I thank him for his remarks. I yield to the Senator from Oregon. The PRESIDING OFFICER. The Senator from Oregon. Mr. MERKLEY. Mr. President, somebody once said: What is the use of a house if you don't have a tolerable planet to put it on? That is a question that we should all grapple with in this Chamber. It is a question that propels my colleagues from the Environment Committee to come to the floor and take note that the Trump administration's plan to replace the Clean Power Plan with a dirty power plan is one egregious step in damaging our planet. It is an egregious step to increase carbon pollution. Carbon pollution has all kinds of effects that we are seeing across the country, from raging forest fires in the Northwest, with my State covered in smoke, to the stronger, more powerful hurricanes that hit the city of Houston of my colleague from Texas and the cities in Florida of my colleague from Florida, to the impact across the country on ***agriculture***, to the impact with greater droughts in some cases and greater floods in others. One of the single most effective steps that can be taken is to reduce the amount of carbon pollution from powerplants and transportation. Let's be clear. This dirty power plan from the administration increases the damage to the citizens of the United States, all just to pander to polluters. We have seen so much of this in the last ***year*** and a half. I know that we are living in an era in which the administration has created a parallel universe of alternative facts, where truth isn't necessarily truth, as the President's lawyer said this past couple of weeks. But let's remember that if you are outside that parallel universe, if you are in the real world, there are real numbers. By 2030, the Clean Power Plan would stop 870 million tons of pollution from poisoning the air that you and I, our families, our children, and our friends breathe. That is represented here by looking at this blue line in the ***year*** 2030 and the descending line of carbon pollution that is driven both by the fuel economy standards and the electricity standards. What we see under the President's dirty power plan is that, from here into the future, there is no further reduction--essentially zero reduction--then, past 2030, an increase in the carbon pollution that is doing all this damage across the country. There is damage in every one of our States. This damage doesn't just happen in blue States. Texas is not a blue State. Texas suffered horrific consequences of this carbon pollution, so certainly representatives from that State would want to do something about it, and so on, through every single State. The amount of difference in the carbon pollution between the Clean Power Plan and the dirty power plan is equivalent to the pollution from 166 million cars on the road for a ***year***. It isn't just the impact on forest fires and the impact on hurricanes and the impact on drought, affecting ***agriculture***, and the impact on floods. It is also the impact on human health. The estimate is that, by the ***year*** 2030, the difference between the Clean Power Plan and the dirty power plan is 4,500 premature deaths. So this decision kills people. The difference between those two lines, by the ***year*** 2030, is 90,000 children's asthma attacks. The difference between those two lines is 1,700 heart attacks. Picture that many children with asthma attacks going to the hospital, 90,000 children. Picture that many heart attacks. Picture that many premature deaths. Aren't we here to make America stronger and better, not to kill Americans, not to put Americans in the hospital? Yet the President's plan does exactly that. Those health problems result in a lot more expenses. The Clean Power Plan could result in $54 billion in health and climate benefits, and it creates a lot of jobs by driving renovation of the energy industry. When you renovate a house, you create a number of jobs. When you renovate an energy economy, you create a lot of jobs--millions of jobs--millions of jobs in clean and renewable energy, in wind and solar and geothermal. The dirty power plan the President is putting forward says this: Instead of having a plan, we will simply tell the States to develop an idea of what they should do. In other words, the States have the responsibility, but no requirements, to act. There is a little bit in there about improving the efficiency of coal-fired plants. But the idea is that if you extend the plants for a couple of ***years*** by making them more efficient, then you will reduce the adoption of renewable energy that is cheaper. So we are also talking about more expensive power by keeping inefficient, expensive forms of power, producing into the future. These ideas that the administration has put forward about making the plants work a little bit more efficiently come with the caveat that, if you do that, you don't have to put the additional modernization pollution controls on them. It means more fine particulates, it means more sulfur, and it means more mercury--all things that damage human health. So it all keeps coming back to this assault on the health of Americans and on ag and on forests and on fishing. All three of those are affected by carbon pollution and climate chaos. That is the basic picture we are looking at. [[Page S5898]] Why don't we take a step back and just ask the simple question: What is the best outcome for America? Is it the adoption of cheaper renewable energy over more expensive fossil fuels? I would say: Yes, let's adopt the cheaper energy. Is it the adoption of cleaner energy over dirtier energy? Yes, let's keep our air cleaner. Is it doing what is right for the health of Americans? Yes, let's do right by the health of Americans. Is it taking and contributing to a strategy of driving carbon pollution hopefully, eventually, down to zero? We want a plan that drives carbon down, not a plan that drives it sideways--that is, no change--or works eventually upward. The question that David Thoreau put before us, ``What is the use of a house if you haven't got a tolerable planet to put it on?'' includes great significance for those American citizens who had their homes burned down this ***year*** because of carbon pollution. It would certainly be very relevant to those working in ***agriculture*** in America who are losing their farms because of drought or floods. It would certainly be relevant to those citizens living in Texas and Florida who have been deeply damaged by the hurricane storms of last ***year***. So let's do right for Americans, and let's reject this dirty power plan that will hurt us in every way possible. The PRESIDING OFFICER. The Senator from Rhode Island. Mr. WHITEHOUSE. Mr. President, I am very happy to join my colleagues to express our view of how pathetic this new Clean Power Plan replacement rule is and how it really makes fools of huge portions of the American people. For farmers who are out there facing drought and floods like they have never seen before as our weather extremes expand, this makes fools of them. This makes losers of them. For people who live near our forests or work in our forests or enjoy using our forests, and for the people Senator Merkley just spoke of, for those downwind from our forests when they burn--they are made a laughing stock by this new rule. The wildfires that are tearing through our forests are expanding both in season and severity. In some States, where there used to be a wildfire season, there isn't a season any longer. Any time could be wildfire time. This is all new and unprecedented. For hunters, for fishermen, for skiers, for outdoor enthusiasts of all kinds, the changes that are happening to the species and the weather patterns that folks have come to rely on are damaging. This plan ignores all of it. Its harm to coastal communities is particularly important to Rhode Island and to the Presiding Officer's home State of Louisiana. We have coastal communities facing dramatic sea level rise. We are seeing new risks for local communities from storm surge as well as from sea level rise. We are seeing great American cities filled with seawater on bright, sunny days just because high tide and sea level rise combine to bring flooding into what once was dry land. All of these concerns are made a mockery of by this phony EPA rule. Even if you are not a farmer or even if you don't care about or live near forests, even if you have no interest in the outdoors, even if you don't live on or visit the coast, you are a part of the American economy, and the American economy is going to take a whack from our failure to do right by the environment and from our failure to win the transition to a low-carbon economy. We are all involved in this together, and we are all, in that sense, made losers and made a mockery of by this ridiculous rule. The only other thing I would add is that we are a country that has for a long time been proud of our reputation and example. One of our Presidents said that the power of our American example has always mattered more in the world than any example of our power. Well, what an example we are setting now, the only Nation in the world not to participate in the Paris Agreement. Even the Syrians got in, for Pete's sake, and here we are, strange outliers. We try to compete in the international contest for the way that people live, putting forward our American system of government and our American way of life. Our American system of government is not looking so good right now on this question, and as the inevitable march of climate change and deep climate havoc continues, our failure to act is going to look worse and worse. People are going to ask questions, and we don't have good answers for those questions. The truth is, the reason we are not doing anything about this is the corrupt influence of the fossil fuel industry, period, end of story. I was here during the ***years*** when we had bipartisan activity in the Senate on climate change. There were multiple bipartisan bills floating around. There were bipartisan hearings. In fact, the first climate change hearing in the Senate was chaired by Republican Senator John Chafee of Rhode Island. All of that came to a shuddering halt in January of 2010, when the five Republican judges on the Supreme Court gave to the fossil fuel industry a pearl beyond price: the Citizens United decision that allowed unlimited political spending by big special interests--unlimited--and it took the fossil fuel industry about 2 minutes to figure out how to make that hidden dark money political spending. The result has been the absolute shutdown of bipartisanship as the fossil fuel industry has moved to exercise full dominion over a once great Republican political party. I see the majority leader on his feet, from which I deduce that he may seek the floor, in which case, as a courtesy, I am most inclined to yield it to him. Is that the case, Mr. Leader? Does the leader seek the floor? Mr. McCONNELL. Does the Senator yield the floor? Mr. WHITEHOUSE. I yield the floor. The PRESIDING OFFICER. The majority leader is recognized. Order of Procedure Mr. McCONNELL. Mr. President, I ask unanimous consent that the following amendment be called up: Paul No. 3967. I further ask that at 4:10 p.m , the Senate vote in relation to the amendment; that there be no second-degree amendments in order to the amendment prior to the vote; and that it be subject to a 60-vote affirmative threshold for adoption. I further ask unanimous consent that following disposition of the Paul amendment, the managers' package, which is at the desk, be agreed to and all postcloture time be yielded back; further, that Senator Enzi or his designee be recognized to offer a budget point of order and that Senator Leahy or his designee be recognized to make a motion to waive; finally, that following disposition of the motion to waive, amendment No. 3699 be withdrawn and the substitute amendment, as amended, be agreed to and the cloture motion on H.R 6157 be withdrawn, the bill be read a third time, and the Senate vote on passage of the bill, as amended, with no further intervening action or debate. The PRESIDING OFFICER. Is there objection? Mr. LEAHY. Mr. President, we have no objection. The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report. The bill clerk read as follows: The Senator from Kentucky [Mr. McConnell], for Mr. Paul, proposes an amendment numbered 3967 to amendment No. 3695. The amendment is as follows: (Purpose: To prohibit Federal funds being made available to a prohibited entity) At the appropriate place in title V of division B, insert the following: Sec. \_\_. (a) In General.--None of the funds made available by this Act may be available directly or through a State (including through managed care contracts with a State) to a prohibited entity. (b) Prohibited Entity.--The term ``prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics-- (1) that, as of the date of enactment of this Act-- (A) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; (B) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and (C) performs, or provides any funds to any other entity that performs abortions, other than an abortion performed-- (i) in the case of a pregnancy that is the result of an act of rape or incest; or (ii) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death [[Page S5899]] unless an abortion is performed, including a life endangering physical condition caused by, or arising from, the pregnancy itself; and (2) for which the total amount of Federal grants to such entity, including grants to any affiliates, subsidiaries, or clinics of such entity, under title X of the Public Health Service Act in fiscal ***year*** 2016 exceeded $23,000,000. (c) End of Prohibition.--The definition in subsection (b) shall cease to apply to an entity if such entity certifies that it, including its affiliates, subsidiaries, successors, and clinics, will not perform, and will not provide any funds to any other entity that performs, an abortion as described in subsection (b)(1)(C). The PRESIDING OFFICER. The Senator from Rhode Island. Mr. WHITEHOUSE. Mr. President, I will take a minute to conclude my remarks and then yield to Senator King of Maine, who I believe will be followed by Mr. Van Hollen of Maryland. The rule we are looking at is basically about 98 percent Scott Pruitt, if you look at the timing. Scott Pruitt had one of the most disgraceful tenures in any Cabinet position in the history of the United States. To the extent I have anything good to say about him, it is that he wasn't very good. The EPA, following the direction of the fossil fuel industry, lost over and over again as its phony sham activities, rulings, and regulations were challenged in court. What we saw over and over again was the process at the EPA was a sham; that the review of public comment was a sham; that the legal analysis they had to go through was a sham. As a result, they came up with rules, regulations, and policies that were a sham. Once you expose some of that stuff in court, where people have to tell the truth, discovery has to happen, you see documents, and you get judges who are not in tow to the fossil fuel industry, it doesn't look so good. I think probably our best hope for this phony-baloney dirty power plan that Pruitt 98 percent put out--and the new Administrator, I guess, we should give him 2 percent partial credit--is it is not likely to last very long. It is not likely to survive judicial scrutiny. It, like so much else the EPA has done in this administration, is completely fossil fuel-funded, phony, and a sham. I yield the floor. The PRESIDING OFFICER. The Senator from Maine. Mr. KING. Mr. President, my colleagues have spoken eloquently about the weaknesses of the supposed new Clean Power Plan, which is anything but. I wish to speak a minute about why this is such a detrimental idea for the country but also for my State. Let's put it in very stark terms. Even by the terms of the new plan that has been announced, the original Clean Power Plan would have reduced carbon emissions by 30 percent, CO2 by 30 percent, and the new plan by about 1 percent. That may be being generous. We have clean air and water in Maine, but pollution knows no boundaries. That is one of the problems with this plan. It essentially leaves up to each State how to regulate the plants within its borders. That is a good idea, except the pollution from these plants does not stay within those borders. This is a representation of the way air moves in the Northeast part of the United States. What you can see is, the arrows are coming up over Massachusetts, the Gulf of Maine, and then into Maine, west through Vermont, New Hampshire into Maine, through Quebec, and back into Maine. We are literally the end of the country's tailpipe. Therefore, anything that weakens pollution controls to our west or south or, indeed, north is a direct harm to my people. That is why I think this plan is so ill-conceived and will not achieve meaningful results. By its own terms, we will see more deaths as a result of this plan. In the data that has been submitted with the plan, they admit deaths will increase. In my State of Maine, we already have higher than average asthma rates. This will only exacerbate that. What this plan is doing, essentially, is extending the life of dirty polluting plants and shortening the life of real people. I don't think that is the direction we should be moving in. I think this body should correct that, and I believe this is important to the country, to the region, and particularly to the State I represent. The word ``clean'' should not be in this plan because that is not what it does. A Clean Power Plan should do what it says it is. It should improve the environment. It should improve the air for the people of this country, not make them worse, which is what this plan would do. Mr. President, I yield the floor to my colleague from Maryland. The PRESIDING OFFICER. The Senator from Maryland. Mr. VAN HOLLEN. Mr. President, I thank my colleagues from Maine and Rhode Island who were here today to draw attention to the Trump administration's very dangerous proposal that takes a wrecking ball to the Clean Power Plan that has been put in place. It has been put in place to try to reduce the costs we are facing from climate pollution and carbon pollution. What we see in the Trump administration's plan is going to drag us backward. In fact, an analysis was done of their plan, and it will be worse than doing nothing at all. We know, and my colleagues have talked about this, that every day the American people are already paying the costs of carbon pollution in extreme weather events, whether those are forest fires, whether they are droughts that are wreaking havoc on crops, whether it is flooding. My colleague from Maryland, Senator Cardin, and I were just in Ellicott City, MD, 2 days ago, where within a 2-***year*** period they have been hit by what are called 1,000-***year*** floods because there is only supposed to be one-tenth of 1 percent of a chance that happens. Yet we have seen two of them in 2 ***years***, causing loss of human life and incredible property damage. The cost of doing nothing is huge. That is why the previous administration adopted the Clean Power Plan. With this administration taking us backward, those costs of doing nothing are going to rise again. As the Senator from Maine said, it is not just incredible property damage, but you will see loss of life and greater asthma deaths and other negative healthcare effects. I know there is a vote coming up. I wanted to say a lot more about this, but the main point was made by the Senator from Rhode Island, which is, this is not going to stand. This will not be accepted in the courts. We will fight this in the courts because the American people deserve to have a system where the American people don't pay for the pollution being spewed out by others. Polluters should pay, not the public. Let's defeat this new plan put forward by the Trump administration that takes us backward, and let's try to work together to address what is a very serious national and international issue. The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Paul amendment No. 3967. Mr. LEAHY. 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 bill clerk called the roll. Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. Corker), the Senator from Texas (Mr. Cruz), the Senator from Nebraska (Mrs. Fischer), and the Senator from Arizona (Mr. McCain). Further, if present and voting, the Senator from Texas (Mr. Cruz) would have voted ``yea.'' Mr. DURBIN. I announce that the Senator from Hawaii (Ms. Hirono), the Senator from Washington (Mrs. Murray), and the Senator from Hawaii (Mr. Schatz) are necessarily absent. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced--yeas 45, nays 48, as follows: [Rollcall Vote No. 191 Leg.] YEAS--45 Alexander Barrasso Blunt Boozman Burr Capito Cassidy Cornyn Cotton Crapo Daines Enzi Ernst Flake Gardner Graham Grassley Hatch Heller Hoeven Hyde-Smith Inhofe Isakson Johnson Kennedy Lankford Lee McConnell Moran Paul Perdue Portman Risch Roberts Rounds Rubio Sasse Scott Shelby Sullivan Thune Tillis Toomey Wicker Young [[Page S5900]] NAYS--48 Baldwin Bennet Blumenthal Booker Brown Cantwell Cardin Carper Casey Collins Coons Cortez Masto Donnelly Duckworth Durbin Feinstein Gillibrand Harris Hassan Heinrich Heitkamp Jones Kaine King Klobuchar Leahy Manchin Markey McCaskill Menendez Merkley Murkowski Murphy Nelson Peters Reed Sanders Schumer Shaheen Smith Stabenow Tester Udall Van Hollen Warner Warren Whitehouse Wyden NOT VOTING--7 Corker Cruz Fischer Hirono McCain Murray Schatz The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 48. Under the previous order requiring 60 votes for adoption, the amendment is rejected. Amendment Nos. 3731, 3722, 3903, 3702, 3710, 3717, 3860, 3764, 3750, 3981, 3910, 3880, 3727, 3733, 3830, 3926, 3796, 3857, 3831, 3940, 3809, 3835, 3841, 3707, 3721, 3751, 3759, 3763, 3765, 3810, 3812, 3825, 3853, 3858, 3862, 3870, 3875, 3881, 3883, 3893, 3897, 3908, 3912, 3927, 3933, 3950, 3951, 3977, 3979, 3982, 3985, 3998, 3964 The PRESIDING OFFICER. Under the previous order, the managers' package at the desk is agreed to and all postcloture time is yielded back. The amendments were agreed to en bloc as follows: Amendment No. 3731 (Purpose: To make available $2,000,000 for a ***program*** to commemorate the 75th anniversary of World War II) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_. Of the amount appropriated by title II of this division under the heading ``Operation and Maintenance, Defense-Wide'', up to $2,000,000 may be available for a ***program*** to commemorate the 75th anniversary of World War II. Amendment No. 3722 (Purpose: To improve the bill) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. The Secretary of Defense shall post on a public Website in a searchable format awards of grants of the Department of Defense that are appropriate for public notice. Amendment No. 3903 (Purpose: To require a report on the portion of the Department of Defense's advertising budget that is spent on advertising and public relations contracts with socially and economically disadvantaged small businesses) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report estimating the portion of the Department of Defense's advertising budget that is spent on advertising and public relations contracts with socially and economically disadvantaged small businesses and women, low-income, veteran (as that term is defined in section 3(q) of the Small Business Act (15 U.S.C 632(q)), and minority entrepreneurs and business owners at the prime and subcontracting levels. Amendment No. 3702 (Purpose: To provide funding for the defense community infrastructure pilot ***program***) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_. Of the amount appropriated or otherwise made available by this division under the heading ``Operation and Maintenance, Defense-Wide'', up to $20,000,000 may be available for the defense community infrastructure pilot ***program*** under section 2391(d) of title 10, United States Code. Amendment No. 3710 (Purpose: To make available $4,000,000 for the Cyberspace Solarium Commission) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Of the amount appropriated or otherwise made available by title II of this division under the heading ``Operation and Maintenance, Defense-Wide'', up to $4,000,000 may be available to carry out section 1652 of the John S. McCain National Defense Authorization Act for Fiscal ***Year*** 2019. amendment no. 3717 (Purpose: To make available funds for Operation and Maintenance, Army for the sustainment of certain morale, welfare, and recreation facilities) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Of the amounts appropriated or otherwise made available by title II of this division under the heading ``Operation and Maintenance, Army'', up to $1,000,000 may be used to sustain morale, welfare, and recreation (MWR) facilities that-- (1) have been closed as a result of flooding, an earthquake, a wildfire, or a volcanic event in 2018; (2) have furloughed or put employees on administrative leave in connection with such closure; and (3) have used revenue or operating reserves to pay operation and maintenance expenses during such closure. amendment no. 3860 (Purpose: To express the sense of the Senate on research regarding blast exposure on the cellular level of the brain) At the appropriate place in title VIII of division A, insert the following: SEC. \_\_\_. SENSE OF SENATE ON RESEARCH REGARDING BLAST EXPOSURE ON THE CELLULAR LEVEL OF THE BRAIN. It is the sense of the Senate that-- (1) further research is necessary regarding blast exposure on the cellular level of the brain; (2) such research is needed to develop blast protection requirements for helmets and other personal protective equipment; and (3) the Department of Defense should increase ongoing efforts, to the maximum extent possible, to develop a predictive traumatic brain injury model for blast, in order to better understand the cellular response to blast impulses and the interaction of the human brain and protective equipment related to blast exposure. amendment no. 3764 (Purpose: To make available from amounts appropriated for Operation and Maintenance, Defense-Wide $7,000,000 for the Information Assurance Scholarship ***Program***) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Of the amount appropriated by title II of this Act under the heading ``Operation and Maintenance, Defense- Wide'', up to $7,000,000 may be available for the Office of the Secretary of Defense for the Information Assurance Scholarship ***Program***. amendment no. 3750 (Purpose: To require a report on investments of the Armed Forces in research on energetics) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Research and Engineering, submit to the congressional defense committees a report on current investments of the Armed Forces in research on energetics. The report shall include the following: (1) A comparison between current investments of the Navy in research on energetics and current investments of the other military departments in such research. (2) Recommendations for the most appropriate investments by the Armed Forces in research on energetics in the future, and a strategic roadmap for such investments. amendment no. 3981 (Purpose: To make available from Operation and Maintenance, Air Force and Operation and Maintenance, Air National Guard $45,000,000 for ***payments*** to local water authorities and States for treatment of certain acids in drinking water as a result of Air Force-supported activities) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Of the funds appropriated to the Department of Defense under the headings ``Operation and Maintenance, Air Force'' and ``Operation and Maintenance, Air National Guard'', not more than $45,000,000 shall be available to the Secretary of the Air Force for ***payments*** to a local water authority located in the vicinity of an Air Force or Air National Guard base (including a base not Federally-owned), or to a State in which the local water authority is located, for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the water source and/or wells owned and operated by the local water authority undertaken to attain the Environmental Protection Agency Lifetime Health Advisory level for such acids: Provided, That the applicable Lifetime Health Advisory shall be the one in effect on the date of the enactment of this Act: Provided further, That the local water authority or State must have requested such a ***payment*** from the Air Force or National Guard Bureau not later than the date that is 120 days after the date of the enactment of this Act: Provided further, That the elevated levels of such acids in the water was the result of activities conducted by or paid for by the Department of the Air Force or the Air National Guard: Provided further, That such funds may be expended without regard to existing contractual provisions in agreements between the Department of the Air Force or the National Guard Bureau, as the case may be, and the State in which the base is located relating to environmental response actions or indemnification: Provided further, That, in order to be eligible for ***payment*** under this section, such treatment must have taken place after January 1, 2016, and the local water authority or State, as the case may be, must waive all claims for treatment expenses incurred before such date: Provided further, That any ***payment*** under this section may not exceed the actual cost of such treatment resulting from the activities conducted by or paid for by the Department of the Air Force: Provided further, That the Secretary may enter into such agreements with the local water authority or State as may be necessary to implement this section: Provided further, That the Secretary may pay, utilizing the Defense State [[Page S5901]] Memorandum of Agreement, costs that would otherwise be eligible for ***payment*** under that agreement were those costs paid using funds appropriated to the Environmental Restoration Account, Air Force, established under section 2703(a)(4) of title 10, United States Code. amendment no. 3910 (Purpose: To make a technical amendment) In section 8010 of division A, in the matter immediately preceding the sixth proviso, insert after paragraph (5) the following: (6) SSN Virginia Class Submarines and Government-furnished equipment: amendment no. 3880 (Purpose: To prohibit ***payments*** to corporations that have delinquent federal tax liabilities) At the appropriate place, insert the following: Sec. \_\_. (a) None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liability. (b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection and has made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government. amendment no. 3727 (Purpose: To prohibit the use of funds for assistance to the Islamic Republic of Iran) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to the Islamic Republic of Iran unless specifically appropriated for that purpose. amendment no. 3733 (Purpose: To authorize the use of amounts to reimburse the Government of the Republic of Palau for land acquisition costs for defense sites) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_. From amounts appropriated or otherwise made available by title II of this division under the heading ``Operation and Maintenance, Air Force'', the Secretary of Defense may reimburse the Government of the Republic of Palau in an amount not to exceed $9,700,000 for land acquisition costs for defense sites. amendment no. 3830 (Purpose: To make available from Research, Development, Test and Evaluation, Navy $2,000,000 for research on means of reducing fighter aircraft engine noise at the source) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Of the amount appropriated or otherwise made available by title IV of this division under the heading ``Research, Development, Test and Evaluation, Navy'', up to $2,000,000 may be available for research on a practical means of reducing fighter aircraft engine noise (both near and far noise impacts) at the source while maintaining operational performance. Amendment No. 3926 (Purpose: To require the Secretary of Defense to submit to Congress a report on improving trauma training for trauma teams of the Department of Defense) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on improving trauma training for trauma teams of the Department of Defense, including through the use of the Joint Trauma Education and Training Directorate established under section 708 of the National Defense Authorization Act for Fiscal ***Year*** 2017 (Public Law 114-328; 10 U.S.C 1071 note). (b) The report required by subsection (a) shall include recommendations regarding how to best coordinate trauma teams of the Department of Defense with trauma partners in the civilian sector, including evaluating how trauma surgeons and physicians of the Department can best partner with civilian level 1 trauma centers verified by the American College of Surgeons, including those trauma centers coupled to a burn center that offers burn rotations and clinical experience, to provide adequate training and readiness for the next generation of medical providers to treat critically injured burn patients and other military trauma victims. Amendment No. 3796 (Purpose: To increase certain funding for the Air National Guard, and to provide an offset) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. (a)(1) The amount appropriated by title I of this division under the heading ``National Guard Personnel, Air Force'' is hereby increased by $450,000. (2) The amount appropriated by title II of this division under the heading ``Operation and Maintenance, Air National Guard'' is hereby increased by $50,000. (b)(1) The amount appropriated by title I of this division under the heading ``National Guard Personnel, Army'' is hereby decreased by $450,000. (2) The amount appropriated by title II of this division under the heading ``Operation and Maintenance, Army National Guard'' is hereby decreased by $50,000. Amendment No. 3857 (Purpose: To require a Comptroller General of the United States report on the monitoring, compliance, and remediation of lead in military housing) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. (a) Not later than one ***year*** after the date of the enactment of this Act, the Comptroller General of the United States shall, in consultation with the Secretary of Defense and the Secretaries of the military departments, submit to the appropriate committees of Congress a report on the monitoring, compliance, and remediation by the Department of Defense of lead in military housing, including the lead exposure monitoring protocols of the Department for military housing. (b) The report required by subsection (a) shall include the following: (1) A description and assessment of the effectiveness of the Department and its lead exposure monitoring protocols in monitoring lead exposure in military housing. (2) A description and assessment of the compliance of military housing with applicable lead exposure limitations. (3) A description and assessment of the remediation efforts of the Department with respect to lead in military housing. (4) Such recommendations as the Comptroller General considers appropriate for the expansion of blood testing for lead among children who have lived in military housing. (c) In this section, the term ``appropriate committees of Congress'' means-- (1) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and (2) the Committee on Armed Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives. Amendment No. 3831 (Purpose: To make available from Operation and Maintenance, Defense- Wide $20,000,000 for the Department of Defense Family Advocacy ***Program***) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Of the amount appropriated or otherwise made available by title II of this division under the heading ``Operation and Maintenance, Defense-Wide'', up to $20,000,000 may be available for the Department of Defense Family Advocacy ***Program*** to do the following: (1) To address allegations of juvenile problematic sexual behavior occurring on military installations, including to ensure that the ***Program*** has the resources necessary to ensure a consistent, standardized response to allegations of juvenile problematic sexual behavior across the Department of Defense (including the appropriate level of staff and training resources). (2) To maintain a centralized database with information on reported incidents of juvenile problematic sexual behavior. Amendment No. 3940 (Purpose: To require the Comptroller General of the United States to submit to Congress a report on maintenance of the E-8C Joint Surveillance Target Attack Radar System aircraft fleet) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. Not later than January 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees a report-- (1) comparing the cost expenditures of organic industrial depot maintenance of the E-8C Joint Surveillance Target Attack Radar System aircraft fleet versus contracted or non- organic maintenance; and (2) comparing the cost variance and cost savings of different ***programmed*** depot maintenance cycles or procedures for the E-8C, including comparisons to such other platforms as the Comptroller General considers appropriate. Amendment No. 3809 (Purpose: To limit the use of funds to implement the Arms Trade Treaty) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. None of the funds appropriated or otherwise made available by this division may be obligated or expended to implement the Arms Trade Treaty until the resolution of ratification of the Treaty is approved by the Senate. Amendment No. 3835 (Purpose: To prohibit the use of funds for the development of beerbots or other robot bartenders) At the appropriate place in title VIII of division A, insert the following: Sec. \_\_\_. None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for the development of a beerbot or other robot bartender. [[Page S5902]] Amendment No. 3841 (Purpose: To require the Secretary of Defense to use amounts appropriated or otherwise made available to the Department of Defense to provide testing for elevated blood lead levels at military treatment facilities for babies during their 12-month and 24-month wellness checks or annual physical examinations) At the appropriate place in division A, insert the following: Sec. \_\_\_\_. The Secretary of Defense shall use amounts appropriated or otherwise made available to the Department of Defense under this division to provide testing for elevated blood lead levels at military treatment facilities for babies during their 12-month and 24-month wellness checks or annual physical examinations. Amendment No. 3707 (Purpose: To increase funding for the guidelines for investigation of potential cancer clusters) At the appropriate place in title II of division B insert the following: Sec. \_\_. (a) There are appropriated under the heading ``Environmental Health'' under the heading ``Centers for Disease Control and Prevention,'' in addition to any other amounts made available under such heading, $1,000,000 to implement section 399V-6(c) of the PHS Act. (b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ``National Institute for Occupational Safety and Health'' under the heading ``Centers for Disease Control and Prevention'' is hereby reduced by $1,000,000. Amendment No. 3721 (Purpose: To authorize student aid administration funds to be available for ***payments*** for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans) At the appropriate place in title III of division B, under the heading ``Student Aid Administration'', insert the following before the period: ``: Provided further, That funds appropriated under this heading may be available for ***payments*** for student loan servicing to an institution of higher education that services outstanding Federal Perkins Loans under part E of title IV of the Higher Education Act of 1965 (20 U.S.C 1087aa et seq.)''. amendment no. 3751 (Purpose: To require a report on barriers to obtaining and paying for adequate medical care for survivors of childhood cancer) At the appropriate place in division B, insert the following: Sec. \_\_. Using amounts appropriated under this division, the Comptroller General of the United States shall, not later than 18 months after the date of enactment of this Act, conduct a review and submit a report to Congress on barriers to obtaining and paying for adequate medical care for survivors of childhood cancer. Such report shall identify existing barriers to the availability of complete and coordinated survivorship care for survivors of childhood cancer and of expert pediatric palliative care, and recommendations to provide improved access and ***payment*** plans for childhood cancer survivorship ***programs*** and palliative care, including psychosocial services and coverage of such services. amendment no. 3759 (Purpose: To increase funding for Lyme Disease activities) At the appropriate place in title II of division B, insert the following: Sec. \_\_. (a) There are appropriated under the heading ``Emerging and Zoonotic Infectious Diseases'' under the heading ``Centers for Disease Control and Prevention'', in addition to any other amounts made available under such heading and in order to provide additional funding for Lyme disease activities, $1,300,000. (b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ``Chronic Disease Prevention and Health Promotion'' under the heading ``Centers for Disease Control and Prevention'' is hereby reduced by $1,300,000. amendment no. 3763 (Purpose: To require a report to Congress on potential barriers to participation in the Coal Workers' Health Surveillance ***program***) At the appropriate place in title II of division B, insert the following: Sec. \_\_. Not later than 180 days after the enactment of this Act, and using funds appropriated under this title, the Director of the National Institute for Occupational Safety and Health shall submit to Congress a report that-- (1) includes a description of those active and non-active coal miner populations that are currently covered by the Coal Workers' Health Surveillance ***program***; (2) identifies and describes potential barriers that limit active and non-active coal miner participation in such ***program***; and (3) describes existing or planned outreach efforts to improve the participation of active and non-active coal miners in periodic health surveillance. amendment no. 3765 (Purpose: To require the Secretary of Health and Human Services to provide Congress a status update on rulemaking, with respect to conditions of certification of health information technology and information blocking, required by the 21st Century Cures Act) At the appropriate place in title II of division B insert the following: Sec. \_\_. Not later than November 1, 2018, the Secretary shall provide, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a status update on the rulemaking required under sections 3001(c)(5)(D), and 3022(a)(3), of the PHS Act. amendment no. 3810 (Purpose: To require the Secretary of Education to report to Congress regarding coordination between the Department of Education, the National Aeronautics and Space Administration, and the National Science Foundation on STEM ***programs*** for students in grades pre-kindergarten through 12) At the appropriate place in title III of division B, insert the following: Sec. \_\_\_. Using funds appropriated under the heading ``***program*** administration'' under the heading ``Departmental Management'' under the heading ``DEPARTMENT OF EDUCATION'', and not later than 180 days after the date of enactment of this Act, the Secretary of Education shall submit, to the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations, the Committee on Science, Space, and Technology, and the Committee on Education and the Workforce of the House of Representatives, a report on how the Department of Education is coordinating with the National Aeronautics and Space Administration and the National Science Foundation to promote science, technology, engineering, and mathematics ***programs*** that benefit students in grades pre- kindergarten through 12. AMENDMENT NO. 3812 (Purpose: To improve section 115 of title I of division B with regard to Unemployment Insurance State consortia) Section 115 of title I of division B is amended by striking ``shall be applied in fiscal ***year*** 2019 by substituting `seven' for `six' '' and inserting ``is amended by striking `six' and inserting `seven' ''. AMENDMENT NO. 3825 (Purpose: To provide for the conduct of a study on the relationship between intimate partner violence and traumatic brain injury) At the appropriate place in title II of division B, insert the following: SEC. \_\_. STUDY ON TRAUMATIC BRAIN INJURY. (a) Study.--The Comptroller General of the United States, in meaningful consultation with experts on the intersections of domestic violence, disabilities, trauma, and mental health, shall conduct a study to evaluate the status of-- (1) research on the relationship between intimate partner violence and traumatic brain injury experienced by victims; and (2) public awareness and education campaigns related to the effects of intimate partner violence on victims' brain health and its connection to traumatic brain injury experienced by victims. (b) Content.--The study conducted under subsection (a) shall include-- (1) a review on the outcomes of any previous research, the status of existing research activities, and efforts to address knowledge gaps across agencies of the Federal Government; and (2) recommendations to-- (A) encourage increased research to address existing knowledge gaps relating to the relationship between intimate partner violence and traumatic brain injury experienced by victims; (B) increase awareness of the effects of intimate partner violence on the brain health of victims for health care and other treatment providers; (C) increase victim service providers' awareness of the effects of intimate partner violence on victims' brain health, enhance their capacity to identify victims with traumatic brain injuries and provide services that support victims' healing and recovery; and (D) increase awareness of the links between intimate partner violence and the brain health of victims' for the general public. (c) Report.--Not later than one ***year*** after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Committee on Appropriations of the House of Representatives a report on the study conducted under subsection (a). AMENDMENT NO. 3853 (Purpose: To provide funds to enhance harmful algal bloom exposure activities) On page 201, line 2, strike the period and insert the following ``: Provided, that of the funds made available under this heading, $1,000,000 shall be available to enhance harmful algal bloom exposure activities, including surveillance, mitigation, and event response [[Page S5903]] efforts, with a priority given to geographic locations subject to a state of emergency designation related to toxic algae blooms within the past 12 months.''. AMENDMENT NO. 3858 (Purpose: To require the Director of the NIH shall conduct a comprehensive study and submit to Congress a report that includes a portfolio analysis of current funding levels of the NIH related to mental health and substance use disorder) At the appropriate place in title II of division B, insert the following: Sec. \_\_. Not later than 1 ***year*** after the date of enactment of this Act, and using funds appropriated under this division, the Director of the NIH shall conduct a comprehensive study and submit to Congress a report that-- (1) includes a portfolio analysis of current funding levels of the NIH related to mental health and substance use disorder; and (2) identifies the process by which the NIH set funding priorities for mental health and substance use disorder ***programs***, including how NIH takes into account newly developed public health needs, disease burden, emerging scientific opportunities, and scientific progress. AMENDMENT NO. 3862 (Purpose: To provide $10,000,000 to the Department of Education to fund a demonstration ***program*** to test and evaluate innovative partnerships between institutions of higher education and high-needs State or local educational agencies to train school counselors, social workers, psychologists, or other mental health professionals qualified to provide school-based mental health services in order to expand the employment pipeline and address employment shortages relating to school-based mental health services in low-income public elementary schools and secondary schools) In title III of division B, under the heading ``Safe Schools and Citizenship Education'', strike ``(`Project SERV') ***program***:''and insert ``(`Project Serve') ***program*** and not more than $10,000,000 may be for a demonstration ***program*** to test and evaluate innovative partnerships between institutions of higher education and high-needs State or local educational agencies to train school counselors, social workers, psychologists, or other mental health professionals qualified to provide school-based mental health services, with the goal of expanding the pipeline of these workers into low-income public elementary schools and secondary schools in order to address the shortages of mental health service professionals in such schools:''. AMENDMENT NO. 3870 (Purpose: To ensure youth are considered when the Substance Abuse and Mental Health Services Administration follows guidance on the medication-assisted treatment for prescription drug and opioid addiction ***program***) At the appropriate place in title II of division B, insert the following: Sec. \_\_. Not later than 180 days after the date of enactment of this Act, the Administrator of the Substance Abuse and Mental Health Services Administration shall submit to Congress a report on agency activities related to medication-assisted treatment. The report submitted by the Administrator under this section shall include a description of how the agency is taking steps to overcome barriers to medication-assisted treatment for adolescents and young adults. AMENDMENT NO. 3875 (Purpose: To provide funding for the Secretary of Health and Human Services to establish the Advisory Council to Support Grandparents Raising Grandchildren) At the appropriate place in title II of division B insert the following: Sec. \_\_. Out of amounts appropriated under the heading ``Administration for Community Living'', $300,000 shall be available for the Secretary to establish the Advisory Council to Support Grandparents Raising Grandchildren under section 3 of the Supporting Grandparents Raising Grandchildren Act (Public Law 115-196). AMENDMENT NO. 3881 (Purpose: To require the Secretary of Labor to provide a report to the Committees on Appropriations on the implementation of the plan to reduce improper ***payments*** published by the Department of Labor in the fiscal ***year*** 2017 Agency Financial Report) At the appropriate place in title I of division B, insert the following: Sec. \_\_. (a) From funds appropriated under this title, not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the implementation of the plan to reduce improper ***payments*** published by the Department of Labor in the fiscal ***year*** 2017 Agency Financial Report. (b) The report submitted under subsection (a) shall identify barriers to the reduction of improper ***payments*** that may require Congressional action to address. AMENDMENT NO. 3883 (Purpose: To provide a sense of Congress that computer science education ***programs***, including coding academies, can provide important benefits to local industries and the economy and help meet in-demand workforce needs, and the Department of Education and Department of Labor should work together with industry to improve and expand computer science education ***programs*** and opportunities, including through apprenticeships) At the appropriate place in title V of division B, insert the following: Sec. \_\_. It is the sense of Congress that-- (1) computer science education ***programs***, including coding academies, can provide important benefits to local industries and the economy and help meet in-demand workforce needs; and (2) the Department of Education and Department of Labor should work together with industry to improve and expand computer science education ***programs*** and opportunities, including through apprenticeships. AMENDMENT NO. 3893 (Purpose: To provide funding for the SOAR (Stop, Observe, Ask, Respond) to Health and Wellness ***Program***) At the appropriate place in title II of division B, insert the following: Sec. \_\_. Of the funds appropriated under the heading ``Refugee and Entrant Assistance'' for carrying out Victims of Trafficking ***programs***, the amount made available to continue carrying out the SOAR (Stop, Observe, Ask, Respond) to Health and Wellness ***Program***, to train health care and social service providers on how to identify, treat, and respond appropriately to human trafficking, shall be not less than the amount made available for such ***program*** in fiscal ***year*** 2018. amendment no. 3897 (Purpose: To assess the ongoing mental health impact to the children and families impacted by a volcanic eruption covered by a major disaster declared by the President in ***calendar*** ***year*** 2018) At the appropriate place in title II of division B insert the following: Sec. \_\_. Using amounts made available under this title, the Assistant Secretary for Mental Health and Substance Use shall provide technical assistance to any State or county impacted by a volcanic eruption covered by a major disaster declared by the President in ***calendar*** ***year*** 2018 in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Such technical assistance shall be-- (1) to conduct a needs assessment for supporting the mental health of the impacted children and families; and (2) to develop mental health crisis recovery plans for the impacted children and families. amendment no. 3908 (Purpose: To provide a sense of the Senate that dedicated funding for coding courses in kindergarten through grade 12 education should be a top priority) At the appropriate place in title III of division B, insert the following: Sec. \_\_\_. (a) It is the sense of the Senate that dedicated funding for coding courses in kindergarten through grade 12 education should be a top priority. (b) It is the sense of the Senate that the Secretary of Education should use the authority granted under section 114(e) of the Carl D. Perkins Career and Technical Education Act of 2006, as in effect on July 1, 2019, to award innovation and modernization grants. The use of such innovation and modernization grant funds for coding ***programs*** are especially important for rural and underserved areas that don't have access to coding resources in order to close the skills gap. These grants are opportunities for rural America to learn to read and write code to prepare students for the jobs of the future. amendment no. 3912 (Purpose: To provide additional funding for activities related to neonatal abstinence syndrome) At the appropriate place in title II of division B insert the following: Sec. \_\_\_. (a) There are appropriated under the heading ``Birth Defects, Developmental Disabilities, Disabilities and Health'' under the heading ``Centers for Disease Control and Prevention'', in addition to any other amounts made available under such heading and in order to provide additional funding for activities related to neonatal abstinence syndrome, $2,000,000: Provided, That funds shall make use of existing State biosurveillance and other surveillance tools to improve voluntary, de-identified prenatal and newborn health data, which may include opioid-related information during pregnancy and early motherhood, to reduce risks associated with neonatal abstinence syndrome and optimize care. (b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ``Chronic Disease Prevention and Health Promotion'' under the heading ``Centers for Disease Control and Prevention'' is hereby reduced by $2,000,000. amendment no. 3927 (Purpose: To provide for the establishment of the National Neurological Conditions Surveillance System) At the appropriate place in title II of division B, insert the following: Sec. \_\_. (a) There are appropriated under the heading ``Public Health Scientific Services'' under the heading ``Centers for Disease [[Page S5904]] Control and Prevention'', in addition to any other amounts made available under such heading, $5,000,000 to be available for the establishment of the National Neurological Conditions Surveillance System as authorized in 21st Century Cures Act (Public Law 114-255). (b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ``Substance Abuse and Mental Health Services Administration'' is hereby reduced by $5,000,000 amendment no. 3933 (Purpose: To improve obstetric care for pregnant women living in rural areas) At the appropriate place in title II of division B, insert the following: Sec. \_\_. From amounts appropriated under this title, under the heading ``Maternal and Child Health'', up to $1,000,000 shall be used for awarding grants for the purchase and implementation of telehealth services, including pilots and demonstrations for the use of electronic health records or other necessary technology and equipment (including ultra sound machines or other technology and equipment that is useful for caring for pregnant women) to coordinate obstetric care between pregnant women living in rural areas and obstetric care providers. amendment No. 3950 (Purpose: To increase funding for oversight of grant ***programs*** and operations of the National Institutes of Health) At the appropriate place in title II of division B, insert the following: Sec. \_\_. Of the funds appropriated under the heading ``Office of the Director'' under the heading ``National Institutes of Health'', $5,000,000 shall be ***transferred*** to and merged with the appropriation for the ``Office of the Inspector General'' for oversight of grant ***programs*** and operations of the National Institutes of Health, including agency efforts to ensure the integrity of its grant application evaluation and selection processes, and shall be in addition to funds otherwise made available for oversight of the National Institutes of Health: Provided, That funds may be ***transferred*** from one specified activity to another with 15 days prior approval of the Committees of Appropriations of the House of Representatives and the Senate: Provided further, That the Inspector General shall consult with the House and Senate Committees on Appropriations before submitting to the Committees an audit plan for fiscal ***years*** 2019 and 2020 no later than 30 days after the date of enactment of this Act. amendment No. 3951 (Purpose: To authorize the use of $2,000,000 to carry out a pilot ***program*** for preparing members of the Armed Forces transitioning to civilian life to qualify for, and for assisting in placing them in, apprenticeship ***programs***) At the appropriate place in division B, insert the following: Sec. \_\_\_. Of the amounts appropriated or otherwise made available under paragraph (2) under the heading ``veterans employment and training'' under title I, $2,000,000 may be used to carry out a pilot ***program*** for preparing members of the Armed Forces transitioning to civilian life to qualify for, and for assisting in placing them in, apprenticeship ***programs***. amendment No. 3977 (Purpose: To require a report on Civilian Conservation Centers) At the appropriate place in title I of division B, insert the following: Sec. \_\_\_. The Secretary, prior to July 1, 2019, shall prepare and submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that includes-- (1) a copy of the interagency agreement between the Secretary of Labor and the Secretary of ***Agriculture*** relating to the Civilian Conservation Centers; (2) a list of all active Civilian Conservation Centers and contractors administering such Centers; and (3) a cumulative record of the funding provided to Civilian Conservation Centers during the 10 ***years*** preceding the date of the report, including, for each Civilian Conservation Center-- (A) the funds allocated to the Civilian Conservation Center; (B) the number of enrollment slots maintained, disaggregated by gender and by residential or nonresidential training type; (C) the career technical training offerings available; (D) the staffing levels and staffing patterns at the Civilian Conservation Center; and ``(E) the number of Career Technical Skills Training slots available.''. amendment No. 3979 (Purpose: To promote school safety in rural areas) On page 199, line 3, strike the period and insert the following: ``: Provided further, that of the funds made available under this heading, $1,000,000 shall be available through the Telehealth Network grant to fund awards that use evidence-based practices that promote school safety and individual health, mental health, and well-being by providing assessment and referrals for health, mental health, or substance use disorder services to students who may be struggling with behavioral or mental health issues and providing training and support to teachers, school counselors, administrative staff, school resource officers, and other relevant staff to identify, refer, and intervene to help students experiencing mental health needs or who are considering harming themselves or others.''. amendment No. 3982 (Purpose: To increase amounts available for the Child Abuse Prevention and Treatment Act State grant ***program***) At the appropriate place in title II of division B, insert the following: Sec. \_\_. (a) In addition to amounts appropriated under the heading ``Children and Families Services ***Programs***'' under the heading ``Administration for Children and Families'', there is appropriated $10,000,000 for purposes of carrying out title I of the Child Abuse Prevention and Treatment Act. (b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ``Children and Families Services ***Programs***'' is hereby reduced by $10,000,000. amendment no. 3985 (Purpose: To require the Comptroller General of the United States to study and report on the condition of the public school facilities of the United States) At the appropriate place in title III of division B, insert the following: ``Sec. \_\_. (a) The Comptroller General of the United States shall conduct a study on the condition of the public school facilities of the United States. ``(b) In conducting the study under subsection (a), the Comptroller General shall study the following factors related to supporting a 21st century education: ``(1) Structural integrity. ``(2) Plumbing. ``(3) Heating, ventilation, and air conditioning systems. ``(4) Compliance with fire and safety codes. ``(5) Compliance with Federal laws, including the Americans with Disabilities Act of 1990 (42 U.S.C 12101 et seq.). ``(6) Lighting. ``(7) Indoor air quality. ``(8) Environmental conditions, such as exposure to asbestos, lead, and mold. ``(9) Physical security. ``(10) Sufficient space for instruction. ``(c) Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives, the findings of the study under this section.''. amendment no. 3998 (Purpose: To require a report on circumstances in which the Centers for Medicare & Medicaid Services may be providing Medicare or Medicaid ***payments*** to, or otherwise funding, entities that process genome or exome data in the People's Republic of China or the Russian Federation) At the appropriate place in title II of division B, insert the following: Sec. \_\_\_. Not later than 90 days after the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives, detailing the circumstances in which the Centers for Medicare & Medicaid Services may be providing Medicare or Medicaid ***payments*** to, or otherwise funding, entities that process genome or exome data in the People's Republic of China or the Russian Federation. The report shall outline the extent to which ***payments*** or other funding have been provided to such entities over the past 5 ***years***, including amounts paid to each entity, the implications of such ***payments***, including vulnerabilities, and specific recommendations on steps to ensure that ***payments*** are lawful and appropriate in the future. In developing the report, the Secretary shall also coordinate with other relevant agencies, as determined by the Secretary, to examine the potential effect of allowing beneficiaries' genome or exome data to be processed in the People's Republic of China or the Russian Federation on United States national security, United States intellectual property protections, HIPAA privacy protections, future biomedical development capabilities and competitiveness, and global competitiveness for United States laboratories. amendment no. 3964 (Purpose: To provide for the use of funds by the Secretary of Health and Human Services to issue regulations on direct-to-consumer advertising of prescription drugs and biological products) At the appropriate place in title II of division B, insert the following: Sec. \_\_. Of the funds made available under this Act, not more than $1,000,000 shall be used by the Secretary of Health and Human Services to issue a regulation requiring that direct-to-consumer prescription drug and biological product advertisements include an appropriate disclosure of pricing information with respect to such products. The PRESIDING OFFICER. The Senator from Wyoming. Budget Point of Order Mr. ENZI. Mr. President, immediately following some comments I will [[Page S5905]] be raising a budget point of order. I find this circumstance to be unfortunate, given that I have filed an amendment that would have cured the budget violation. The substitute increases the maximum discretionary Pell grant award. Under the Pell Grant ***Program***'s complicated funding structure, this increase triggers a point of order for a change in mandatory spending, or CHIMP, which results in a net increase in spending and would increase mandatory spending by a total of $390 million. While we are unable to consider my solution--one supported by the National Taxpayers Union and the Committee for a Responsible Federal Budget--I believe the only alternative I have as Budget chairman is to enforce the budget rules we have agreed to. In this case, the budget rule being violated is bipartisan. It was first created by the Senate Democrats in 2008. If this point of order is sustained, the bill can still move forward, but together we will have prevented $350 million in increased direct mandatory spending from being rolled into the baseline where it will evade budget enforcement. Now is the time to enforce our budget rules. I urge my colleagues to support fiscal discipline and not to waive this point of order. The provision on page 270 of the pending substitute amendment in division B, title III, lines 7 and 8 under ``Student Financial Assistance'' would result in a net increase in the cost of mandatory ***programs*** affected by the bill. Therefore, I raise a point of order against that provision pursuant to section 314(a) of S. Con. Res. 70, the concurrent resolution on the budget for fiscal ***year*** 2009. The PRESIDING OFFICER. The Senator from Vermont. Mr. LEAHY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that Act and applicable budget resolutions for purposes of the pending amendment. I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays have been ordered. The Senator from Vermont. Mr. LEAHY. Mr. President, the reason I did that--and I rarely disagree with my good friend from Wyoming; we are, after all, the only two Irish Italians in this body. But people are hurting. It is hard enough going to college, and cutting the Pell grant awards just adds to it. The student debt today exceeds one-half trillion dollars, and that is because of the erosion of Federal support. I am stating my point of order, standing with the middle class in this country, so their children and their families can be educated, and I am ready to vote. The PRESIDING OFFICER. The question is on the motion. The Senator from Missouri. The PRESIDING OFFICER. The Senator from Missouri. Mr. BLUNT. Mr. President, I appreciate the concern of my friend from Wyoming on this. I will be voting to waive the point of order. My colleague from Wyoming was exactly right when he said this is a complicated formula. It is a combination of discretionary and mandatory funding for the Higher Education Act. The discretionary portion of the maximum award is established annually in the Labor-HHS bill. We changed the maximum Pell for discretionary funding from $5,035 to $5,135 for the 2019-2020 school ***year***. That is an additional mandatory funding of $1,060. Maximum Pell will be $6,195. That is in line with the kind of increases we have had now for the last 12 ***years*** in a row. I will be voting to waive and urge my colleagues to do the same. The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays were previously ordered. The clerk will call the roll. The legislative clerk called the roll. Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. Corker), the Senator from Texas (Mr. Cornyn), the Senator from Texas (Mr. Cruz), the Senator from Nebraska (Mrs. Fischer), and the Senator from Arizona (Mr. McCain). Mr. DURBIN. I announce that the Senator from Hawaii (Ms. Hirono), the Senator from Washington (Mrs. Murray), and the Senator from Hawaii (Mr. Schatz) are necessarily absent. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced--yeas 68, nays 24, as follows: [Rollcall Vote No. 192 Leg.] YEAS--68 Alexander Baldwin Bennet Blumenthal Blunt Booker Brown Burr Cantwell Capito Cardin Carper Casey Collins Coons Cortez Masto Daines Donnelly Duckworth Durbin Feinstein Gardner Gillibrand Graham Harris Hassan Heinrich Heitkamp Heller Hoeven Hyde-Smith Jones Kaine King Klobuchar Leahy Manchin Markey McCaskill McConnell Menendez Merkley Moran Murkowski Murphy Nelson Peters Portman Reed Roberts Rubio Sanders Schumer Shaheen Shelby Smith Stabenow Sullivan Tester Tillis Udall Van Hollen Warner Warren Whitehouse Wicker Wyden Young NAYS--24 Barrasso Boozman Cassidy Cotton Crapo Enzi Ernst Flake Grassley Hatch Inhofe Isakson Johnson Kennedy Lankford Lee Paul Perdue Risch Rounds Sasse Scott Thune Toomey NOT VOTING--8 Corker Cornyn Cruz Fischer Hirono McCain Murray Schatz The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 24. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The point of order falls. The Senator from Alabama. Mr. SHELBY. Mr. President, I ask unanimous consent that I be given 2 minutes before the vote and that Senator Leahy, from Vermont, be given 2 minutes if he so desires. The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Mr. SHELBY. Mr. President, I will be brief here. I just want to mark what we have accomplished here today and thank the many folks--Senators and staff--who made it possible. Mr. President, 1999--nearly 20 ***years*** ago--was the last time the Senate passed nine appropriations bills by the end of August--1999. Some of us are still here. This is the milestone here today that we are about to mark with the passage of two appropriations bills and with the most moneys than in any appropriations bill. Earlier this ***year***, we collectively called for a return to regular order in the appropriations process because it was broken. The leaders on both sides, Senator McConnell and Senator Schumer, provided us with the opportunity to follow through. So I take a moment to thank both of them for their leadership. I believe that we, together in the Senate, are demonstrating that they made the right call. I also recognize the vice chairman of the Appropriations Committee, Senator Leahy, for his work in this regard. I can't say enough about the importance of his role in passing appropriations bills in a bipartisan manner, because that is the only way we are going to get them done. I thank Senator Leahy, the vice chairman. Senator Durbin, Senator Blunt, and Senator Murray also played vital roles in what we have been doing here today. Their diligence and commitment to work in a bipartisan manner have been essential in passing the bills that are currently before the Senate. I thank all of them for their work. Last but not least, I thank my staff on the Defense Subcommittee. I thank the majority clerk, Brian Potts, and his team: Jacqui Russell, Katy Hagan, Colleen Gaydos, Mike Clementi, Chris Hall, Hanz Heinrichs, Kate Kaufer, Will Todd, Carlos Elias, and Marisa Rhode. All of them worked day and night to make this happen. Without their dedication and expertise--and they have a lot of it--we would not be in a position today to send a Defense spending bill, on time, to the President's desk. I thank them for their work. Finally, I thank all of my colleagues here on both sides of the aisle for their [[Page S5906]] cooperation in passing these appropriations bills. I think it shows what the Senate can do when it works together, and I hope we will continue to do this. We all know it is not easy, but it works. I believe it is the right thing for the American people. Thank you. The PRESIDING OFFICER (Mr. Kennedy). The Senator from Vermont. Mr. LEAHY. Mr. President, the Senate, and Congress as a whole, best serves the American people when we reach real, bipartisan solutions. Today, the Senate will pass its third bipartisan appropriations package, completing Senate consideration of 9 of the 12 appropriations bills reported by the Senate Appropriations Committee and accounting for 87 percent of all discretionary spending. We are proving that when we put partisan politics aside, we can do the work of the American people. This progress would not have been possible without my dear friend, the chair of the Appropriations Committee, Senator Richard Shelby. Senator Shelby and I made a commitment, along with Leader McConnell and Leader Schumer, to only move forward on appropriations bills that have bipartisan support, are at spending levels agreed to in the bipartisan budget deal, and that reject poison pill riders and controversial authorizing language. This allowed us to complete our bills committee and pass three appropriations packages on the Senate floor. I am disappointed that House Republicans have thus far rejected this reasonable path in favor of partisan grandstanding by producing bills that have no chance of passing the Senate, but I remain hopeful that once they return from their 5-week recess, they will be ready to work with the Senate on real solutions for the American people and to pass these bills before the end of the fiscal ***year***. The Senate approach is what this bill represents: real, bipartisan solutions for the American people. We adopted 52 amendments in a bipartisan managers' package, allowing input on the floor from Members outside of the Appropriations Committee on matters that are important to them and to their constituents. We adhered to the bipartisan budget agreement and turned those priorities into policy solutions. We make good on our promise to families to invest in access to higher education and child care. We make a second major investment in addressing the opioid crisis. Everyone in this Chamber has experienced the opioid crisis firsthand. Whether it is a friend, a family member or a loved one, no one has escaped the grips of this scourge, and we put the force of the United States Government behind the search for cures to diseases like Alzheimer's, cancer, and diabetes by increasing funding for the National Institutes of Health. This bill invests in our military and their families, allowing the men and women in our Armed Forces to carry out their missions safely and effectively. By investing in both our immediate national security needs and our long-term domestic needs, like education and health care, this package recognizes the deep ties that run between defense and non- defense priorities. Ask any military leader, and he will tell you an investment in education is an investment in national security. By combining these bills in one package, we increase the certainty that they will be enacted into law, on time, avoiding the waste and inefficiency produced by long-term continuing resolutions. I urge our House counterparts to commit, as we have, to producing a conference report that contains both bills so we can move swiftly toward final passage and address the devastating consequences of sequestration on both sides of the ledger. I remain hopeful that we can continue the bipartisan momentum we have built in the Senate into our conference negotiations with the House. I want to thank Senators Blunt, Durbin, and Murray for their hard work on these bills and, of course, Senator Shelby. I also want to thank the Majority staff, Shannon Hines, David Adkins, and Jonathan Graffeo, as well as the Defense and Labor-HHS subcommittee staffs, for their hard work and cooperation on this bill. And I want to thank my staff for their long hours over the last few weeks, Charles Kieffer, Chanda Betourney, Jessica Berry, Erik Raven, and Alex Keenan and all of the Defense and Labor-HHS subcommittee staff. This package, which represents 65 percent of all discretionary spending, will improve lives in every State, and I urge an aye vote. Mr. President, I ask unanimous consent that a list of all Appropriations Committee staff, whose hard work made this bill happen, be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows: Charles Kieffer Chanda Betourney Jessica Berry Jay Tilton Jean Kwon Erik Raven Alex Keenan David Gillies Brigid Houton John Lucio Andy Vanlandingham Mark Laisch Lisa Bernhardt Kelly Brown Catie Finley Teri Curtin Shannon Hines Jonathan Graffeo David Adkins Brian Potts Laura Friedel Mike Clementi Colleen Gaydos Katy Hagan Chris Hall Hanz Heinrichs Kate Kaufer Jacqui Russell Will Todd Carlos Elias Michael Gentile Ashley Palmer Jeff Reczek Courtney Bradford Jenny Winkler Valerie Hutton Bob Putnam Mr. LEAHY. Mr. President, I yield back my time. The PRESIDING OFFICER. The Senator from Missouri. Mr. BLUNT. Mr. President, it has been 11 ***years*** since this bill has been on the floor. Consequently, none of these staffers have probably ever been mentioned on the floor before, even though every single ***year*** they have made this continued, great effort. Senator Shelby, Senator Leahy, and Senator Durbin decided, along with Senator Murray and me, that we would bring this combination of bills together that has never been on the floor at any time--Labor-H and Defense. The Defense staff has been recognized, but let me just mention the Labor, HHS, and Education staff: Mike Gentile, Jeff Reczek, Ashley Palmer, Courtney Bradford, and Laura Friedel, our staff director. All of them are on our side of the aisle. Obviously, Senator Murray's staff played a critically important part in this as well: Mark Laisch, Lisa Bernhardt, Kelly Brown, Catie Finley, and Teri Curtin. Clearly, this bill would not be here today, in the condition it is in, or we would not have been able to have responded to all of the suggestions this week without both of these staffs having worked to have made it happen. I yield back. The PRESIDING OFFICER. Under the previous order, amendment No. 3699 is withdrawn. Amendment No. 3695, as amended, is agreed to. The cloture motion with respect to H.R 6157 is withdrawn. The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time. The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? Mr. MENENDEZ. Mr. President, I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll. The senior assistant legislative clerk called the roll. Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. Corker), the Senator from Texas (Mr. Cornyn), the Senator from Texas (Mr. Cruz), the Senator from Nebraska (Mrs. Fischer), and the Senator from Arizona (Mr. McCain). [[Page S5907]] Further, if present and voting, the Senator from Texas (Mr. Cruz) would have voted ``yea.'' Mr. DURBIN. I announce that the Senator from Hawaii (Ms. Hirono), the Senator from Washington (Mrs. Murray), and the Senator from Hawaii (Mr. Schatz), are necessarily absent. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced--yeas 85, nays 7, as follows: [Rollcall Vote No. 193 Leg.] YEAS--85 Alexander Baldwin Barrasso Bennet Blumenthal Blunt Booker Boozman Brown Burr Cantwell Capito Cardin Carper Casey Cassidy Collins Coons Cortez Masto Cotton Daines Donnelly Duckworth Durbin Enzi Ernst Feinstein Gardner Gillibrand Graham Grassley Harris Hassan Hatch Heinrich Heitkamp Heller Hoeven Hyde-Smith Inhofe Isakson Johnson Jones Kaine Kennedy King Klobuchar Lankford Leahy Manchin Markey McCaskill McConnell Menendez Merkley Moran Murkowski Murphy Nelson Perdue Peters Portman Reed Roberts Rounds Rubio Sasse Schumer Scott Shaheen Shelby Smith Stabenow Sullivan Tester Thune Tillis Udall Van Hollen Warner Warren Whitehouse Wicker Wyden Young NAYS--7 Crapo Flake Lee Paul Risch Sanders Toomey NOT VOTING--8 Corker Cornyn Cruz Fischer Hirono McCain Murray Schatz The bill (H.R 6157), as amended, was passed. The PRESIDING OFFICER. The Senator from Utah. Mr. HATCH. Mr. President, is it appropriate to give a speech at this time? The PRESIDING OFFICER. The Senator is recognized.

**Load-Date:** August 29, 2018

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[***Foreign direct investment hits record high in the Philippines amid uncertainty over regulatory reforms***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4Y1-DXYV-703J-00000-00&context=1516831)

Oxford Business Group: Articles

June 2018

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**Length:** 3966 words

**Body**

Rapid macroeconomic growth has worked to strengthen trade and investment in the Philippines. Build, Build, Build (BBB) - the government's infrastructure development agenda - is supporting soaring imports, while the fast-growing manufacturing export base remains an economic mainstay. However, export revenue has failed to keep pace with import growth, leading to a record trade deficit in 2017. Foreign direct investment (FDI) hit an alltime high in 2017, bolstered by robust GDP growth, favourable demographics and the manufacturing segment, with inflows from Japan, Europe and China rising steadily in recent ***years***.

An ongoing geopolitical shift could have a profound impact on trade and investment in the Philippines, with the government increasingly turning to China as a favoured bilateral partner and relations with the US, an important historical trade and investment partner, cooling since President Rodrigo Duterte took office in June 2016. Tax reforms may also have mixed effects on trade and investment, with economic zone investors set to lose prized incentives, potentially leading to a decline in FDI.

However, the Philippines benefits from a diversified export market, with rising regional trade ties and strong demand from the EU, its second-largest export market, expected to maintain stability even as US investment in the country may ease. Surging manufacturing investment should keep both sectors on an upward trajectory in 2018.

**Sector Makeup**

The Department of Trade and Industry (DTI) holds primary responsibility for trade supervision and investment promotion. Seven bureaux operate under the DTI, including the Competitiveness and Ease of Doing Business Group, the Consumer Protection Group, the Industry Development and Trade Policy Group, and the Trade and Investments Promotion Group. Seven additional investment promotion bodies are also active. These are the Board of Investments (BOI), Philippine Economic Zone Authority (PEZA), Clark Development Corporation, Authority of the Freeport Area of Bataan, Subic Bay Metropolitan Authority, BOI-Autonomous Region in Muslim Mindanao and the Cagayan Economic Zone Authority.

The National Economic Development Authority (NEDA), the primary socio-economic planning body, unveiled the Philippine Economic Development Plan 2017-22 in February 2017. The three-pillar plan comprises reforms to improve trade and investment. Its second pillar, *Pagbabago*, or reform, emphasises an economic transformation to reduce inequality, with Rosemarie G Edillon, undersecretary of NEDA, saying this will include an bigger presence in global markets and streamlined business procedures.

**Reform Policies**

Launched in June 2016, Project Repeal is another key policy to help streamline business transactions, reduce red tape and eliminate laws that place a heavy regulatory burden on businesses. The Customs Modernisation and Tariff Act, which aims to simplify and modernise Customs rules and procedures in line with international best practices, was also signed into law one month prior to Project Repeal. The Tax Reform for Acceleration and Inclusion (TRAIN) ***programme***, the first package of which passed in December 2017, will also affect the business environment, with the second instalment prompting some concerns about results on trade. The draft being considered at the time of press reduced corporate tax rates from 30% to 25% but also eliminated certain investor incentives, which has led PEZA to criticise it (see analysis).

There is still room for improvement in the business environment: the Philippines ranked 113th out of 189 economies on the World Bank's "Doing Business 2018" report. Although the country's performance across most indicators has improved in recent ***years***, it continues to perform poorly in categories such as starting a business (173rd), enforcing contracts (149th), protecting minority investors (146th) and paying taxes (105th). It performed best in the getting electricity category, in which it placed 31st. This was largely because a new asset management system and office of scheduling and planning were established to reduce the time it takes to get an electricity connection (see Energy chapter). The World Bank also attributed this to the implementation of an electronic system for ***payment*** and collection of housing development fund contributions.

**Trade**

The Philippines benefits from a diversified export market - no single country accounts for more than 20% of its export receipts - and rapid macroeconomic growth that has led the country to become a popular manufacturing investment and relocation destination. Although exports have fallen below targets in recent ***years***, and the trade deficit has been increasing on the back of surging imports and the government's advancement of its BBB infrastructure ***programme***, the country remains well positioned to ramp up value-added manufacturing, with exports reversing a decline in 2016 to post positive growth in 2017.

Total trade volumes have risen sharply in the past decade, with the Observatory of Economic Complexity (OEC) reporting that export receipts grew from $57.4bn in 2009 to a peak of $80bn in 2014, before moderating to $77.9bn in 2015 and $54.3bn in 2016. Imports have largely followed the same pattern, but recorded even more robust expansion, with the value of incoming goods increasing from $50.8bn in 2009 to another high of $80.7bn in 2014, and subsequently moderating in 2015 and 2016 to hit $76.8bn and $80.5bn, respectively.

The trade balance fell into a deficit of $900m in 2012, with OEC data showing the deficit shrinking to $400m and $700m in 2013 and 2014, respectively, before rebounding into a $1.1bn surplus in 2015. However, declining export growth saw the deficit return at a higher level in 2016, to $26.2bn.

OEC data varies slightly from government figures: NEDA reports that the country has been in a trade deficit since 2005, with imports of $84.1bn and exports $57.4bn in 2016, for $141.5bn of combined external trade, an 8.9% increase from the previous ***year***. This matches data from the Philippine Statistics Authority (PSA), which reports that the value of export receipts declined 2.4% in 2016 from $58.53bn in 2015. According to the PSA, the Philippines' trade deficit that ***year*** was $12.24bn.

Meanwhile, the Asian Development Bank reports that merchandise exports in dollars rose by 12.8% in 2017, against a 14.2% increase in merchandise imports, leading to a $41.2bn trade deficit - equivalent to 13.1% of GDP - and up 11.7% from 2016.

**Recent Growth**

In 2017 merchandise trade increased by 9.9% over 2016 to reach $156bn, but the trade deficit also hit a record high. The PSA reports that imports rose by 10.2% to $92.7bn, while exports grew by 9.5% to $62.9bn, for a deficit of $29.8bn. Both imports and exports surpassed NEDA's growth targets, of 9% and 8%, respectively.

December 2017 saw total trade volumes grow 8.6% ***year***-on-***year*** (y-o-y), while imports rose by 17.6% to hit $8.74bn and exports fell by 4.9% to $4.72bn. This led to a record monthly deficit of $4.02bn, up significantly from $2.47bn in the same month of 2016 and the first decline in export receipts since November 2016, according to the PSA.

Trade growth remained robust in January 2018, with the PSA reporting that total external trade in goods rose 7% y-o-y to $13.75bn. Imports continued to outpace exports, expanding by 11.4% to $8.54bn, while exports grew by a more modest 0.5% to reach $5.22bn. Although this reduced the monthly trade deficit to $3.32bn, this figure was still 34.4% higher than the $2.47bn seen in January 2017.

**Manufacturing Movements**

The Philippines is a rising regional electronics manufacturer. Important manufacturing segments in the country include semiconductors, electronic components, refined petroleum, computers and processed food, with value-added electronics manufacturing the most significant export earner for the country.

In a February 2018 World Trade Organisation-mandated trade policy review, the government reported that manufacturing - which has dominated the export base for more than 30 ***years*** - has gradually declined in relative export value since 2000. Indeed, its share of goods exports fell from 93% in 2000 to 83% in 2016, as mineral exports have risen and global demand for electronics eased. The government noted that during this decline, there have been significant improvements in chemicals, wood and processed food exports. Business process management services have simultaneously jumped to comprise 70% of service exports, worth $17.3bn in 2014, although these gains are overshadowed by declining manufacturing revenues.

The Philippines is nonetheless a major regional electronics manufacturer, exporting more consumer electronics to Hong Kong than mainland China in 2016 - a rarity for an ASEAN country, according to a June 2017 report published by the Hong Kong Trade and Development Council (HKTDC).

**Still Strong**

Accounting for 34.1% of GDP, manufacturing grew by more than 7.3% in 2017, and the sector was the top contributor to GDP growth in the same ***year***, according to figures from the DTI. The Philippines ranks somewhere in the middle of similar countries in terms of manufacturing gross value added among ASEAN countries, falling behind Thailand but outpacing Vietnam and Myanmar, and recently moving ahead of Malaysia due to the ringgit's depreciation over the last few ***years***.

Manufacturing has also attracted FDI due to supportive, pro-business policies formulated by the DTI and other investment promotion agencies. Priority is generally given to export-oriented and low-pollution light industries that support job creation, most notably semiconductors and consumer electronics.

HKDTC reports that electronics have the highest potential for manufacturing relocation, with demand expected to rise on the back of sustained economic growth, strong domestic consumption and urban property development. Although employment in the Philippines is often more expensive than in other South-east Asian markets, the country benefits from a strong supply chain and solid base of parts manufacturers, with staff often better skilled and thus able to produce higher-value-added goods.

Currency depreciation is also supporting manufacturing exports. London-based consultancy Capital Economic reports that manufacturing output rose by 8.6% in 2017, supported by low interest rates, rising global demand and growth, and increased external price competitiveness, noting that the peso fell by 11% in trade-weighted terms between January 2017 and February 2018. This should boost export growth, even as it drives input costs higher.

**Export Trends**

According to PSA data, the country's top-10 export commodities accounted for 81.1% of total receipts. With 52% of the total value of exports, electronic products remained the largest earner in 2017, rising by 11.2% over the previous ***year*** to hit $32.7bn. Other manufactured goods held a 6.5% share, valued at $4.09bn, while machinery and transport equipment comprised 6% of total export receipts, standing at $3.8bn. Rounding out the top-10 export commodities were ignition wiring and other vehicle wiring sets, growing 1.5% to $2.03bn, woodcrafts and furniture (-48%, $1.55bn), coconut oil (31%, $1.5bn), metal components (24%, $1.5bn), chemicals (-15%, $1.37bn), cathodes and sections thereof (914%, $1.27bn), and gold (126%, $1.21bn).

The primary export base shifted somewhat by January 2018. Electronics remained the top export, growing by 10.8% y-o-y to hit $2.62bn, with semiconductor exports, which comprise 36.4% of total electronic product exports, rising by 16.9% y-o-y to $1.9bn. Machinery and transport equipment was the second-largest export category, and receipts increased by 23.6% y-o-y to hit $419m in January 2018, while other manufactured goods fell by 21% to $375m. Gold exports soared by 359% y-o-y in January 2018 to reach $183m, followed by metal components, which rose by 18.9% to $176.94m, electronic equipment and parts at $143m, coconut oil at $134m, ignition wiring at $127m, chemicals at $87m and cathodes at $85m.

Ernesto Pernia, the secretary of socio-economic planning, projects that export volumes, particularly of ***agricultural*** products such as banana and coconut, will increase in 2018 as a result of the implementation of new tariff structures and free trade agreements. The DTI has reported plans to increase marketing activities for the halal industry, including sharia-compliant food, fashion and textiles, in a bid to promote the diversification of export goods.

At the same time, the TRAIN ***programme***, which aims to support BBB, could see investor incentives at the country's network of 376 economic zones reduced or eliminated, which could negatively affect export and FDI growth (see analysis).

**Imports**

The top-10 import categories accounted for 71.9% of receipts in 2017. The PSA reported that electronic products were also the top import, with their value rising by 4.6% to $23.3bn, followed by mineral fuels, lubricants and related materials which grew by 32.9% to $10.6bn. Transport equipment ranked third, with receipts increasing by 6% to $10bn, while industrial machinery and equipment imports eased by 2% to $5.9bn, a significant drop from the 45% growth in 2016. Iron and steel imports expanded sharply by 22.6% to $4.07bn.

This was followed by food and live animal imports, which declined by 3.6% to close the ***year*** at $3.07bn, miscellaneous manufactured articles, on an increase of 7.8% to $2.78bn, telecommunications equipment (up 11% to $2.56bn), plastics (-0.4%, $2.23bn), and metal ores and scraps (364%, $2.06bn).

Imports continued to rise in early 2018, with the PSA reporting that raw materials and intermediate goods, which comprise 40.9% of import receipts, grew 14.9% y-o-y in January 2018 to hit $3.49bn. Meanwhile, semi-processed raw materials, which account for 36.6% of imports, expanded by 20.4% to $3.12bn, the value of capital goods imports increased by 16.9% to $2.33bn, and consumer goods imports grew by 8.1% to $1.36bn.

**Trade Partners**

The country's largest trading partner by value in 2017 was China, although the country maintains a large and growing trade deficit, with PSA figures showing $6.91bn of exports against $16.8bn of imports from China that ***year***. Japan followed, with $10.2bn of exports against $10.6bn of imports, and the US was the third largest, with exports of $9.16bn and imports of $7.04bn. The Philippines continues to benefit from the generalised scheme of preferences (GSP) with the US, which eliminates import tariffs on thousands of Philippine products, as well as GSP+ status with the EU.

This has been a major competitive advantage for exporters, and the Philippines - along with Brazil, Indonesia, Thailand and Turkey - is one of the top beneficiaries of the US GSP system, with 5000 product lines granted duty-free treatment. The European Commission reports that since the Philippines received GSP+ status in December 2014, exports to the EU have risen by 27%, creating more than 200,000 new jobs in ***agriculture*** and manufacturing.

The positive impact has been mirrored by negative effects when GSP status is revoked, as was the case with ready-made garments. In 2015 the US excluded textiles, apparel and footwear from the Philippines' GSP benefits, with the HKTDC reporting that the sector was heavily hit by the decision.

**West vs. East**

The status of the US as the Philippines' third-largest trade market in 2016 is certainly facilitated by the GSP. Although the PSA does not report aggregate data for trade with the EU, the European Commission reports that it was the Philippines' second-largest export market during the first half of 2017, with total trade rising by 17% y-o-y to $7.8bn and exports to the EU increasing by 36% y-o-y to hit $4.6bn, or 15% of total exports.

Despite the rising threat of a Sino-American trade war, the US remained a major trade partner in early 2018. Japan was the largest export market in January that ***year***, with exports rising by 0.7% y-o-y to $895m. The US ranked second, although exports fell by 12.2% y-o-y in January 2018 to $745m, followed by Hong Kong, with exports rising by 37.1% to hit $726m. Outbound trade to mainland China simultaneously increased by 17.7% to $592m. China was the Philippines' largest import market in January 2018, with imports growing 3.5% y-o-y to hit $1.61bn.

**Investment**

The Philippines actively seeks foreign investment to support economic development and job creation, with the BOI and PEZA leading the provision of incentives and special investment packages. In a February 2018 report on the investment climate, the US International Trade Administration (ITA) reported that the Philippines offers many competitive advantages, including a vast network of economic zones; a large, well-educated and English-speaking workforce; and policies that offer foreign companies - outside of sectors reserved for citizens under the constitution and Foreign Investment Act - the same benefits as domestic ones.

However, restrictions on foreign ownership, inadequate infrastructure and a lack of transparency continue to hinder flows of foreign investment, with the regulatory regime remaining ambiguous and large conglomerates dominating the economy, according to the ITA. Furthermore, foreigners are constitutionally prohibited from owning land, although the 1993 Investors' Lease Act allows for non-citizens to lease land for up to 75 ***years***.

**Foreign Investment Restrictions**

The 1991 Philippine Foreign Investment Act included a provision for the foreign investment negative list (FINL), which forbids foreign ownership of businesses in mass media, small-scale mining, private security, marine resources and fireworks manufacturing. Only Filipinos are permitted to practise in certain professions, including law, pharmacy, radiology and x-ray technology, criminology and forestry.

There is also a 40% foreign ownership limit for industries such as explosives, firearms and military arms manufacturing; public utilities operation and management; operation of commercial deepsea fishing vessels; operations of public utilities' build-operate-***transfer*** projects; government procurement contracts; rice and corn processing; educational institutions; natural resources exploration and extraction; and massage clinics. Industries with lower limits include private radio communications networks (20%); private recruitment firms, and public works construction and repair (25%); and advertising agencies (30%).

A new list of investment areas and activities had reportedly been submitted to President Duterte in November 2017, with NEDA reporting that retail, trade, professional industries, public utilities and contractors could be opened to further foreign investment. In addition, NEDA is considering lowering the minimum capital requirements for foreign retail investors from $2.5m to $200,000, according to local media reports, with the goal of boosting foreign - especially ASEAN - investment. In the same month President Duterte issued Memorandum Order 16, which directed NEDA to relax or remove restrictions on a number of professions and areas of business, including post-secondary teaching, construction and public works contracts.

**Investment High**

FDI has risen significantly in recent ***years***, with the UN Conference on Trade and Development (UNCTAD) reporting that inflows hit $5.74bn in 2014 and $4.94bn in 2015, before surging to a peak of $7.91bn in 2016. Total FDI stock rose from $54.65bn in 2014 to $58.52bn in 2015 and $64.25bn in 2016. FDI stock as a percentage of GDP has also been increasing steadily, from 19.9% in 2014, 20% in 2015 and 21.1% in 2016.

Meanwhile, net FDI has grown nearly 10-fold in recent ***years***, rising from $1.1bn in 2010 to $2bn in 2011, $3.2bn in 2012, $3.7bn in 2013, $5.7bn in 2014 and $5.6bn in 2015, before reaching an all-time high of $8bn in 2016, according to NEDA. FDI once again hit a new record in 2017, with the BSP announcing in March 2018 that inflows rose by 21.4% to $10.1bn. Monthly FDI peaked at nearly $2bn in October 2017, and it exceeded $1bn in both April and August, easily exceeding the country's full-***year*** target of $8bn.

Capital investments increased by 25.9% in 2017 to $3.3bn, concentrated in gas, steam and air-conditioning supply, manufacturing, real estate, construction, and wholesale and retail trade. Similarly, intercompany borrowing between investors and their Philippine subsidiaries also jumped in 2017, rising by 20.7% to $6bn, while reinvestment from earnings increased by 9.3% to $776m.

However, the value of approved investments, or new investment pledges, simultaneously fell by 51.8% to P106bn ($2.1bn) in 2017 - its lowest level in 12 ***years*** - owing to a decline in economic zone investment attributed to plans to remove or rationalise tax incentives as part of the second phase of the TRAIN ***programme*** (see analysis).

**Major Investors**

Europe, Japan and the US have long been significant investors in the Philippines, with the PSA reporting that the top investors in 2016 were the Netherlands, with 22.6% of the total, Australia (14.8%), the US (14.3%), Japan (12.4%) and Singapore (11%). Electricity, gas, steam and air conditioning supply accounted for 31.5% of FDI in 2016, followed by real estate (20.9%), manufacturing (19.9%), and transport and storage (15%).

The top FDI partners remained quite similar in 2017, with BSP statistics demonstrating that with $1.57bn of investment, the Netherlands accounted for the largest share of net FDI by far, followed by Singapore with $683m and the US with $470m.

**Powers of Attraction**

In a March 2018 report, *Forbes* wrote that the Philippines had never in its recent history attracted as much greenfield investment, noting that the Philippines was the best investment destination in 2018 in an analysis put together by *US News & World Report*with BAV Group and the University of Pennsylvania's Wharton School. This was largely based on the assumption that the Philippines will become a major beneficiary of Chinese FDI, despite the relatively low net FDI of $28.8m from its neighbour in 2017. Although this was more than double the 2016 level, it pales in comparison to Japanese-sourced FDI, which eased significantly from a peak of $1.09bn in 2016 to $56.3m in 2017, but remained nearly double that from China. Meanwhile, FDI from the US rebounded from its 13-***year*** low of $84m in 2016 - potentially a result of the cooling bilateral ties between the two countries upon the election of President Duterte - to $470m.

**Outlook**

The investment outlook is somewhat unclear due to the ongoing expansive tax reform ***programme*** that will see the removal of some major incentives. In February 2018 the PSA reported that total foreign investment pledges approved by the country's seven investment promotion agencies fell by 51.8% in 2017 to P105.6bn ($2.1bn) and dipping by 82.8% y-o-y during the fourth quarter of 2017 alone.

Despite the fact that domestic investment pledges pushed the sector to 2.8% growth in 2017, with total approved investment reaching P275bn ($5.4bn), investment promotion agencies have been increasingly vocal in criticising the TRAIN ***programme***, and PEZA attributes a drop in pledged investments to related reforms. Nonetheless, the PSA reports that total approved investment rose by 187.9% y-o-y in the first two months of 2018 to P153bn ($3bn), with BOI-approved investment soaring by 402.32% to hit P132bn ($2.6bn), from just P26.2bn ($518m) during the same period in 2017, even as PEZA-approved investment shrank by 21.7% to P21bn ($415m).

Although robust domestic demand and an increasingly competitive manufacturing sector are likely to keep the momentum of trade and investment high in 2018, TRAIN reforms, surging imports and a potential trade war-induced slowdown in global growth pose risks to stable near-term expansion.

**Load-Date:** March 12, 2020

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[***Airtel Africa - Q2 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RVX-7FR1-F0J5-83X7-00000-00&context=1516831)

Business Monitor Online

March 13, 2018 Tuesday

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**Length:** 1189 words

**Highlight:** Airtel Africa is a wholly owned subsidiary of India's Bharti Airtel. The company, which oversees Bharti Airtel's African operations, was formed following the acquisition of Kuwait-based Zain Group's telecoms assets in 17 Sub-Saharan African countries for USD10.7bn in March 2010.

**Body**

**SWOT Analysis**

|  |  |
| --- | --- |
| Strengths | Backed by major international player Bharti Airtel. Extensive regional footprint with operations in 15 countries across Africa. Present in key regional markets, including Nigeria, Ghana, Kenya and Tanzania. Airtel is in one of the top three positions in most of its markets, enabling it to influence competition dynamics. |
| Weaknesses | Low-margin strategy failed spectacularly in Africa, impacting revenue growth and profitability. Presence in many low-ARPU countries weighs on average regional ARPU levels. Limited investment in submarine cable systems compared to some of its regional rivals. Lags some major rivals in the development of enterprise services. |
| Opportunities | Market consolidation in Kenya and Uganda would improve Airtel's competitiveness in those markets. Airtel is well placed to take advantage of growing opportunities in m-commerce services with its Airtel Money platform. Investments in 3G/HSPA+ networks would enable Airtel to serve the rising demand for data services. Proposed divestment of tower assets could free-up much-needed capital and improve cost efficiencies. |
| Threats | Insecurity and political conflicts in some of Airtel's markets could threaten the operator's investments. Airtel's large footprint intensifies the challenge of managing multiple cultural and macroeconomic factors at play in different markets, including language, inflation and forex movements. |

Company OverviewAirtel Africa is a wholly owned subsidiary of India's Bharti Airtel. The company, which oversees Bharti Airtel's African operations, was formed following the acquisition of Kuwait-based Zain Group's telecoms assets in 17 Sub-Saharan African countries for USD10.7bn in March 2010.It has mobile operations in 15 Sub-Saharan countries, being in the top three in most of them. As of February 2018, Airtel Africa is present in: Chad, the Democratic Republic of the Congo, Gabon, Ghana, Kenya, Madagascar, Malawi, Niger, Nigeria, Congo-Brazzaville, Rwanda, Seychelles, Tanzania, Uganda and Zambia.StrategyAlthough successful in India, Bharti Airtel's ''Minute Factory Model'' strategy has not taken off in Africa. Low population density, lack of purchasing power and the outsourcing partners' inability to measure up to the challenge prevented Airtel's low-margin high-volume strategy from flourishing.In response, in January 2017 it was reported that Airtel was considering divesting or merging some of its African units in order to reduce its overall company debt. Airtel reportedly named Chad, Kenya, Niger, Congo-Brazzaville, Rwanda and Tanzania as markets where it could benefit from reducing its exposure. In 2016, it had sold its operations in Burkina Faso and Sierra Leone to Orange for a reported USD900mn. To further cut debt, it has also raised more than USD2bn from tower sales. The sale of an estimated remaining 11,900 towers across Africa should help reduce operating costs and boost the operator's capex budget over the coming ***years***.At the same time, Airtel increased its ownership of Airtel Nigeria in November 2016, purchasing Econet Wireless Limited's 4.2% shareholding in the Nigerian subsidiary. It also acquired Warid Telecoms' assets in Uganda in May 2013 and part of YU Mobile's assets in Kenya in March 2014.Airtel has also expanded its portfolio of non-voice services for consumers and enterprise solutions for businesses. Since 2013, Airtel has been forming partnerships with content providers across different interests, including education, entertainment, financial services, health, ***agriculture*** and information, to launch new non-voice services for consumers. The company is also investing its terrestrial fibre-optic infrastructure to power its recently launched Airtel Connect initiative, a network of fibre and satellite networks, with 42 points of presence (PoP) throughout Airtel's African footprint targeted at enterprise customers.We expect future investments to be geared primarily towards building up coverage and capacity of its 3G and 4G networks across the continent and further developing VAS, such as its MFS platform in order to maintain growth momentum in non-voice revenues.Recent Developments **2017** In October 2017, Millicom and Bharti Airtel completed the merger of their Ghana subsidiaries. The deal created Ghana's second largest mobile operator with nearly 10mn subscribers and USD300mn in revenue. Airtel and Millicom have equal ownership and enjoy governance rights in the combined entity. The two also have board representations and management positions in the merged entity.In February, Airtel announced a MWK15.2bn (USD20.98mn) network upgrade to expand and improve the coverage and quality of its voice and data services in Malawi. **2016** In November, Bharti Airtel reached an agreement with Zain for the Kuwaiti company to pay Bharti approximately USD129mn for the settlement of a long-running legal disagreement with Econet over its Nigerian unit. Later that month Bharti bought Econet's 4.2% stake in Airtel Nigeria, bringing the dispute to a close.In March, Airtel sold 1,350 communication towers and 100 infrastructure development sites in Tanzania to the American Tower Corporation in a USD180mn deal. **2015** In November, Airtel announced an agreement with Facebook, which saw it become the first Sub-Saharan African partner operator to expand access to the Free Basics ***programme*** across its entire footprint. The Free Basics initiative provides free internet access to 18 partner websites covering news, information, education, health and communication.In October, Airtel closed the sale of 2,500 towers in Burkina Faso, Ghana, Uganda and Kenya to Eaton Towers. The mobile operator has committed to a 10-***year*** tenancy contract in each country. Airtel further confirmed that by October it had concluded the sale of 9,000 towers across eight African countries.In September, Airtel Africa agreed to use Liquid Telecom's 20,000km fibre optic backbone to interconnect its various mobile networks in East, Central and Southern Africa. Backhauling voice and data traffic in this way will free up capacity on the wireless elements of its networks, increasing data ***transfer*** speeds and eliminating congestion. The company - which has, so far, used very low prices to tempt customers away from rivals' networks - now needs to emphasise quality of service in order to retain users.In March, Airtel partnered with Visa to launch mobile ***payment*** services in seven African countries (Kenya, Gabon, Ghana, Madagascar, Rwanda, Seychelles and Tanzania). The two firms are building on the existing capabilities of Airtel's Mobile Money service, enabling subscribers to pay in stores and online - wherever Visa is accepted - through their Airtel Money account. Subscribers are also able to withdraw money and make ***payments*** from their Airtel Money account with their Airtel Money Visa companion card.Financial Data **Annual Revenues (Airtel Africa)** 2014: USD4.552bn 2015: USD4.015bn 2016: USD3.553bn Q117: USD744mn Q217: USD736mn **Net Income/Loss** Net Loss (2014): USD502mn Net Loss (2015): USD581mn Net Loss (2016): USD318mn

**Load-Date:** March 13, 2018

**End of Document**



[***DOCUMENTATION: S&P puts Poland back to A- from BBB+ outlook to stable; Following is the statement from S&P***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:64R8-NRF1-JCG5-H3BX-00000-00&context=1516831)

PAP Market Insider

October 12, 2018 Friday 10:59 PM CET

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**Length:** 2492 words

**Byline:** Tyrpa Glenn

**Highlight:** Standard & Poor's reversed its January 2016 rating move, putting Poland back to A- just over two and a half ***years*** after a surprise downgrade, a ratings statement from the agency showed.

**Body**

Following is the statement from S&P

OVERVIEW

· Since 2015, the Polish economy has posted strong, balanced growth and better-than-projected budgetary outcomes.

· In addition, Poland's public and external debt continues to decline as a percentage of GDP.

· As a consequence, we are raising our long-term foreign currency rating on Poland to 'A-' from 'BBB+' and our long-term local currency rating to 'A' from 'A-'.

· The outlook is stable.

RATING ACTION

On Oct. 12, 2018, S&P Global Ratings raised its long-term foreign currency sovereign credit rating on Poland to 'A-' from 'BBB+' and its long-term local currency sovereign credit rating to 'A' from 'A-'. The outlooks on both ratings are stable.

At the same time, we raised our short-term local currency sovereign credit rating to 'A-1' from 'A-2', while affirming our 'A-2' short-term foreign currency sovereign credit rating.

OUTLOOK

The stable outlooks reflect our view of balanced risks to our ratings on Poland.

We could raise the ratings if real income growth in Poland continued to outpace that of key trading partners without creating external imbalances; or if the government posted budgetary surpluses leading to a reduction in outstanding public debt in absolute terms. We could also consider an upgrade if the new auto-enrollment pension plan, once implemented, were to boost private savings, hence reducing the government's contingent liability related to the aging and declining working-age population.

The ratings could come under pressure if Poland's fiscal performance deteriorated significantly, or if rapid wage growth led to a faster-than-expected increase in net external borrowing, a potential sign of eroding competitiveness.

RATIONALE

The upgrade reflects Poland's strong track record of balanced economic growth and fiscal prudence, as well as the diversity and competitiveness of its economy. In particular, Poland's export sector accounted for 55% of GDP this ***year*** versus 27% in 2000, displaying a degree of openness unusual for large economies. The services sector has been a key engine of growth over the past decade. Indeed, over the last five ***years***, transport and business services exports have increased by 47% in dollar terms. As a consequence, for 2018, we expect Poland to generate a services surplus of over 4% of GDP, compared with less than half that amount in 2013.

Overall growth has been both balanced and strong. Partly reflecting the strength of the German economic recovery, Poland has posted real GDP growth of over 4% on average since 2016, and is set to record 4.8% real GDP growth this ***year*** even as it remains a net lender to the rest of the world for the eighth consecutive ***year***. Part of Poland's ability to expand without incurring higher external debt is owing to the recurrent and sizable ***transfers*** it receives from EU Structural and Cohesion Funds, which we expect will amount to a capital inflow of 2.1% of GDP per ***year*** in 2018-2020. After that, we expect these ***transfers*** to decline to about 1.5% of GDP annually, but the final figure will depend on upcoming EU negotiations. We also project that growth will slow over the next few ***years*** but not be below 3% per ***year***, unless the external environment deteriorates beyond our current expectations. Longer term growth prospects are more difficult to project. A shrinking working-age population and skills shortages are likely to dampen growth beyond our forecast horizon.

Our projection of a decline in EU funding, while partly due to Poland's rising prosperity, also reflects disagreement between the European Commission and Poland on the constitutionality of recent national legislation. In particular, the European Commission, backed by several member states, maintains that Poland is failing to fulfil its EU Treaty obligations after changes to the law on the Supreme Court. In December 2017, the Commission referred the Polish Law on Ordinary Courts to the European Court of Justice, on the grounds that its retirement provisions constrain the independence of Poland's judiciary. We take the view that, over the long term, Poland will remain committed to its EU membership, given compelling economic and security interests to do so.

Institutional and Economic Profile: Resilient growth but challenging demographics

· We expect Poland's economy to expand by 4.8% this ***year***, before decelerating in 2019.

· Poland's economy is rebalancing toward services, including service exports.

· Private-sector investment, particularly in the small and midsize enterprise sector, continues to lag that in other sectors.

Poland's economy is on track to achieve 4.8% growth this ***year***, with recent data suggesting a moderating economy during the second half. At 3.7% as of second-quarter 2018, the unemployment rate is at its lowest since Eurostat started compiling Polish labor-market data in 1997. For 2019, we forecast GDP growth of 3.4%, reflecting the constraints on the supply of labor including from Ukraine, rising labor costs, weak credit demand from SMEs, and less flattering base effects. Nevertheless, we continue to expect the Polish economy to expand by more than 3% through 2021. Despite the strength of the recovery and the acceleration of wage growth to almost 7%, so far there is little evidence of companies substituting capital for labor, except in a few sectors oriented to international markets. During the second quarter of this ***year***, fixed investment growth decelerated to 4.5% ***year*** on ***year*** versus 8.1% in the first quarter. However, capital expenditure by large companies and the public sector has remained buoyant, implying that smaller companies are lagging in this regard.

Despite the strength of domestic demand, net exports contributed an estimated 0.5 percentage points to headline GDP in the second quarter of 2018, again proving less of a drag on growth than we originally projected. Nevertheless, as real wages increase and public investment rises, import absorption should accelerate and, combined with higher oil prices, gradually push the current account into a deficit.

We continue to believe that average nominal wage growth of 6.8% during the first seven months of 2018 is unlikely to impinge on Poland's competitiveness, for several reasons:

· Poland's ***agricultural*** work force, which Statistics Poland estimates at 19.7% of the private-sector workforce, is declining by around 0.8 percentage points per ***year***, with these workers migrating to metropolitan areas to work in the higher-paying services sector (Labor Survey Data may not fully reflect this).

· The services sector is showing an external surplus of over 4% of GDP, twice that reported in 2013, and this is a key reason why Poland's current account remained in a slight surplus last ***year***.

· As of ***year***-end 2017, Poland's hourly labor costs were just 30% of the euro area average. Further income convergence is inevitable, in our opinion.

· Recent simplification of the employment process for nationals from Belarus, Moldova, Russia, and Ukraine may help ensure that immigration flows from the east endure, although there is a longer-term risk that Ukrainians may gain work permit eligibility in the EU.

· Poland's floating currency, implying that a wage imbalance could be quickly realigned via an adjustment of the exchange rate, which determines the ratio of domestic to foreign wages and prices.

In our view, these factors explain the recent acceleration of real wage growth, even though we expect the pace will slow over the period to 2021.

Since Poland acceded to the EU in 2004, its per capita GDP has increased 2.3x, and inbound equity and direct investment have more than tripled to 64% of GDP. As a consequence, we judge Poland's EU membership to have benefited the economy.

When assessing a sovereign's institutional effectiveness, we take into account factors that we think enable an economy to attract investment. Such factors include legal guarantees on property rights, and their enforcement. In our opinion, recent decisions to weaken the independence and authority of the Constitutional Tribunal and other judicial bodies could weigh on Poland's long-term growth performance by damaging potential investors' perception of the rule of law. Broader institutional uncertainty may already explain the slower recovery of investment among smaller companies, and disappointing net foreign direct investment figures, which we estimate slipped below 0.8% of GDP last ***year***, or less than one-quarter of the 2008-2014 average.

Poland has been a major beneficiary of EU Structural and Cohesion Funds, grants (not loans) that are recorded principally in Poland's capital account, which we expect will show an average surplus of about 2% of GDP in 2018-2020. We expect that Poland will speed up the allocation and expenditure of EU funds this ***year*** and continue to do so until the current Multiannual Financial Framework ends in 2020. In our view, EU ***transfers*** explain a large share of Poland's current GDP growth rate. We estimate that, without them, Poland's potential growth rate is about 2.0%; however, we acknowledge that this may underestimate Poland's increasing comparative advantage in services.

Flexibility and Performance Profile: Growth tailwinds benefit fiscal performance

· Rapid nominal GDP growth and tax administration reforms are supporting headline fiscal outcomes, although the underlying budgetary position remains somewhat procyclical.

· We consider that Poland's floating exchange rate regime boosts the flexibility of public finances.

We project a general government deficit of less than 1% of GDP in 2018, given the fiscal windfall from strengthening demand, spurred by rising employment and wages. This is a notable outperformance versus the original 2.1% of GDP target established in Poland's Convergence ***Program***. Given the government's strong record on improving compliance with value-added tax and managing expenditure growth, we think it will likely achieve next ***year***'s 1.8% of GDP deficit target, even against a background of slowing growth. Recently, public-sector workers have started pressing more aggressively for an increase in wages, frozen since 2010. In view of this, and upcoming general elections in the second half of 2019, we think the deficit could widen somewhat next ***year***, but remain well within the target.

Apart from the long-term challenges to public finances from Poland's adverse demographics, exacerbated by the recent reduction in the retirement age, we regard fiscal policy to be a credit strength for Poland.

Of Poland's central government debt, 69% is domestic and denominated in its own currency, the zloty. Nonresidents own an estimated 31% of domestic currency debt issued by the state treasury. We consider that Poland's floating exchange rate regime indirectly boosts the flexibility of its public finances; the government's ability to finance itself predominantly in local currency at longer maturities is a key credit strength.

Weak import prices continue to depress headline inflation. In September, the consumer price index was at 1.8% ***year*** on ***year***, with core inflation having remained reliably below 1%. The recent rise in oil prices will likely start pushing up headline inflation early next ***year***, albeit only modestly. Over the longer term, if public wage hikes are greater than currently expected, this might translate into price pressures, which are also likely to be boosted by the government's decision to increase the minimum wage by 7.1% next ***year***. So far however, there is only limited evidence that real wages are contributing to price inflation, with some upward pressure on services prices observable; low inflation in Poland's key trading partners may be another contributor to generally weak price pressures.

One of our key macroeconomic assumptions is that rising real wages, public investment, and private demand will increase imports, causing the trade component of Poland's current account to shift back into deficit. By 2021, we expect Poland to post a current account deficit of 2.3% of GDP. We think there will be ample sources of funding for the current account deficit, and/or large errors and omissions deficits, which for Poland have averaged -1.3% of GDP over the past three ***years***. Poland's expected capital account surplus (largely due to EU ***transfers***) should comfortably cover over half of any external deficits. Only an outright suspension of EU fund ***transfers*** would change that, in our view.

Poland's net external debt is not particularly high and is expected to remain at around 50% of current account receipts (excluding the external assets of the corporate sector) on average between 2018 and 2021. For the past six ***years***, Poland's net external borrowing has remained below zero, indicating a steady reduction of net foreign debt during that period. Two-thirds of Poland's net external liability to the rest of the world, at 61% of GDP (in local currency terms), consists of equity and direct investment rather than debt. But that still costs an average of 4% of GDP per ***year***, mainly in dividend ***payments***. Most of those dividends have, however, historically been reinvested, although the proportion reinvested has declined significantly over the past several ***years***. When growth weakens, the cost of servicing foreign equity ownership declines, in contrast with the servicing of net debt, which makes up less than one-third of Poland's net external liability position vis-a-vis the rest of the world.

In 2017, for the third consecutive ***year***, Poland posted both a services surplus and a trade surplus, although we expect the latter to shift into deficit this ***year***. The services surplus now measures 4.0% of GDP, having doubled in the past four ***years***. Moreover, while exports of goods and services have increased by almost 10% of GDP since 2011, income ***payments*** have been flat, suggesting that more of the surplus is accruing to domestic residents than in the past. Poland's financial sector is generally profitable, well capitalized, and predominantly (88%) deposit funded, and we classify it in group '5' in our Banking Industry Country Risk Assessments (see "Banking Industry Country Risk Assessment: Poland," published June 21, 2018, on RatingsDirect).

Nonetheless, several developments over the past few ***years*** may weigh on banks' profitability, in particular the banking sector tax of 0.44% on assets (excluding Polish government securities). Still pending is a possible parliamentary decision to force banks to return past foreign currency spreads. In our view, the probability of any unprepared and radical loan conversion at historical exchange rates has diminished, but this debate may resurface ahead of the 2019 parliamentary elections. Moreover, the government's efforts to increase the share of Polish banks could increase concentration risk and contingent liabilities to the state over time.

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**Load-Date:** February 25, 2022

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[***Washington: EXECUTIVE AND OTHER COMMUNICATIONS (Senate - April 16, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S4D-JCB1-JDG9-Y3HM-00000-00&context=1516831)

Impact News Service

April 17, 2018 Tuesday

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**Length:** 2796 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated: EC-4872. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ``Tetraconazole; Pesticide Tolerances'' (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on ***Agriculture***, Nutrition, and Forestry. EC-4873. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ``Sulfentrazone; Pesticide Tolerances'' (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on ***Agriculture***, Nutrition, and Forestry. EC-4874. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ``Fluensulfone; Pesticide Tolerances'' (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on ***Agriculture***, Nutrition, and Forestry. EC-4875. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ``Clethodim; Pesticide Tolerances'' (40 CFR Part 180) received in the Office of the President of the Senate on April 11, 2018; to the Committee on ***Agriculture***, Nutrition, and Forestry.

EC-4876. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of ***Agriculture***, transmitting, pursuant to law, the report of a rule entitled ``Rinderpest; Update of Communicable Animal Disease Provisions'' (Docket No. APHIS- 2017-0070) received in the Office of the President of the Senate on April 11, 2018; to the Committee on ***Agriculture***, Nutrition, and Forestry. EC-4877. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, the fiscal ***year*** 2018 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems (OSS-2018-0437); to the Committees on Armed Services; Appropriations; and Foreign Relations. EC-4878. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) for the Army and Air Force Major Defense Acquisition ***Programs*** [[Page S2140]] (MDAPs) (OSS-2018-0418); to the Committee on Armed Services. EC-4879. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, the quarterly exception Selected Acquisition Reports (SARs) for the Navy/Marine Corps Major Defense Acquisition ***Programs*** (MDAPs) (OSS-2018-0352); to the Committee on Armed Services. EC-4880. A communication from the President of the United States, transmitting, pursuant to law, the fiscal ***year*** 2017 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, United States Strategic Command (OSS-2018-0353); to the Committee on Armed Services. EC-4881. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Christopher F. Burne, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services. EC-4882. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces'' (RIN0790-AJ97) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Armed Services. EC-4883. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Defense Federal Acquisition Regulation Supplement: Competition for Religious-Related Services Contracts'' ((RIN0750-AJ06) (DFARS Case 2016-D015)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services. EC-4884. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Defense Federal Acquisition Regulation Supplement: Consolidation of Contract Requirements'' ((RIN0750-AJ43) (DFARS Case 2017-D004)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services. EC-4885. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Defense Federal Acquisition Regulation Supplement: Definition of `Information Technology' '' ((RIN0750-AJ39) (DFARS Case 2017-D033)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services. EC-4886. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Defense Federal Acquisition Regulation Supplement: Educational Service Agreements'' ((RIN0750-AJ49) (DFARS Case 2017-D039)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services. EC-4887. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Defense Federal Acquisition Regulation Supplement: Safe Access to Projects in Afghanistan'' ((RIN0750-AJ38) (DFARS Case 2018-D007)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services. EC-4888. A communication from the Director of Defense Pricing and Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ``Defense Federal Acquisition Regulation Supplement: Temporary Extension of Test ***Program*** for Comprehensive Small Business Subcontracting Plan'' ((RIN0750-AJ00) (DFARS Case 2015-D013)) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Armed Services. EC-4889. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy for the position of Administrator, Federal Transit Administration, Department of Transportation, received in the Office of the President of the Senate on April 12, 2018; to the Committee on Banking, Housing, and Urban Affairs. EC-4890. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ``Suspension of Community Eligibility (Iowa, Hancock County, City or Corwith, et al.)'' ((44 CFR Part 64) (Docket No. FEMA-2018-0002)) received in the Office of the President of the Senate on April 12, 2018; to the Committee on Banking, Housing, and Urban Affairs. EC-4891. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ``Amendment to the Export Administration Regulations to Reclassify Targets for the Production of Tritium and Related Development and Production Technology Initially Classified Under the 0Y521 Series'' (RIN0694-AG90) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Banking, Housing, and Urban Affairs. EC-4892. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ``Real Estate Appraisals'' (RIN3064-AE56) received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2019; to the Committee on Banking, Housing, and Urban Affairs. EC-4893. A communication from the Acting Chairman, Federal Maritime Commission, transmitting, pursuant to law, the 56th Annual Report of the activities of the Federal Maritime Commission for fiscal ***year*** 2017; to the Committee on Commerce, Science, and Transportation. EC-4894. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) ***program*** for fiscal ***year*** 2017; to the Committee on Energy and Natural Resources. EC-4895. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ``Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen'' ((RIN2060-AR57) (FRL No. 9976-78-OAR)) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Environment and Public Works. EC-4896. 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; Illinois; Regional Haze Progress Report'' (FRL No. 9976-70-Region 5) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Environment and Public Works. EC-4897. 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; Florida Update to Materials Incorporated by Reference'' (FRL No. 9975-70-Region 4) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Environment and Public Works. EC-4898. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ``Remedial actions for tax-advantaged bonds'' (Rev. Proc. 2018-26) received in the Office of the President of the Senate on April 12, 2018; to the Committee on Finance. EC-4899. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ``Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2018'' (Rev. Proc. 2018-33) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Finance. EC-4900. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ``Section 911(d)(4)-- 2017 Update'' (Rev. Proc. 2018-23) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Finance. EC-4901. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ``Request for Comments on Scope of Determination Letter ***Program*** for Individually Designed Plans During ***Calendar*** ***Year*** 2019'' (Rev. Proc. 2018- 24) received in the Office of the President of the Senate on April 10, 2018; to the Committee on Finance. EC-4902. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2018; to the Committee on Finance. EC-4903. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Act, a report relative to targeted missile strikes on Syrian military chemical weapons-related facilities, received during adjournment of the Senate on April 15, 2018; to the Committee on Foreign Relations. EC-4904. 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-2018-0400); to the Committee on Foreign Relations. EC-4905. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's annual report concerning military assistance and military exports (OSS-2018-0417); to the Committee on Foreign Relations. EC-4906. A communication from the Deputy Director, Office of Acquisition and Assistance, U.S Agency for International Development, transmitting, pursuant to law, the report of a rule entitled ``Amend the USAID Acquisition Regulation (AIDAR) [[Page S2141]] Clause `Government Property--USAID Reporting Requirements' '' (RIN0412-AA89) received in the Office of the President of the Senate on March 22, 2018; to the Committee on Foreign Relations. EC-4907. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ``Patient Protection and Affordable Care Act; HHS Notice of Benefit and ***Payment***'' received in the Office of the President of the Senate on April 10, 2018; to the Committee on Health, Education, Labor, and Pensions. EC-4908. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ``Examinations of Working Places in Metal and Nonmetal Mines'' (RIN1219- AB87) received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2018; to the Committee on Health, Education, Labor, and Pensions. EC-4909. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Health, Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2018; to the Committee on Health, Education, Labor, and Pensions. EC-4910. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal ***year*** 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs. EC-4911. A communication from the Acting Deputy Assistant Secretary for Civil Rights, Department of ***Agriculture***, transmitting, pursuant to law, the Department's fiscal ***year*** 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs. EC-4912. A communication from the Vice Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's fiscal ***year*** 2017 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs. EC-4913. A communication from the Acting Chief Privacy and Civil Liberties Officer, Federal Bureau of Investigation, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ``Privacy Act of 1974; Implementation' '' (CPCLO Order No. 001-2018) received in the Office of the President of the Senate on April 11, 2018; to the Committee on the Judiciary. EC-4914. A communication from the Impact Analyst, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ``Schedule for Rating Disabilities; Gynecological Conditions and Disorders of the Breast'' (RIN2900-AP13) received in the Office of the President of the Senate on April 11, 2018; to the Committee on Veterans' Affairs.

**Load-Date:** April 18, 2018

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[***Airtel Africa - Q1 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5R17-G431-F0J5-84N0-00000-00&context=1516831)

Congo-Brazzaville, Congo, Dem. Rep. and Burundi Telecommunications Report

January 1, 2018 Monday

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**Length:** 1229 words

**Highlight:** Airtel Africa is a wholly owned subsidiary of India's Bharti Airtel. The company, which oversees Bharti Airtel's African operations, was formed following the acquisition of Kuwait-based Zain Group's telecoms assets in 17 Sub-Saharan African countries for USD10.7bn in March 2010.

**Body**

**SWOT Analysis**

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| Strengths | Backed by major international player Bharti Airtel. Extensive regional footprint with operations in 15 countries across Africa. Present in key regional markets, including Nigeria, Ghana, Kenya and Tanzania. Airtel is in the top three position in most of its markets, enabling it to influence competition dynamics. |
| Weaknesses | Low-margin strategy failed spectacularly in Africa, impacting revenue growth and profitability. Presence in many low-ARPU countries weighs on average regional ARPU levels. Limited investment in submarine cable systems compared to some of its regional rivals. Lags some major rivals in the development of enterprise services. |
| Opportunities | Market consolidation in Kenya and Uganda would improve Airtel's competitiveness in those markets. Airtel is well placed to take advantage of growing opportunities in m-commerce services with its Airtel Money platform. Investments in 3G/HSPA+ networks would enable Airtel to serve the rising demand for data services. Proposed divestment of tower assets could free-up much needed capital and improve cost efficiencies. |
| Threats | Insecurity and political conflicts in some of Airtel's markets could threaten the operator's investments. Airtel's large footprint intensifies the challenge of managing multiple cultural and macroeconomic factors at play in different markets, including language, inflation and forex movements. |

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| **Company Overview** | Airtel Africa is a wholly owned subsidiary of India's Bharti Airtel. The company, which oversees Bharti Airtel's African operations, was formed following the acquisition of Kuwait-based Zain Group's telecoms assets in 17 Sub-Saharan African countries for USD10.7bn in March 2010. It has mobile operations in 15 Sub-Saharan countries, being in the top three in most of them. As of October 2017, Airtel Africa is present in: Chad, the Democratic Republic of the Congo, Gabon, Ghana, Kenya, Madagascar, Malawi, Niger, Nigeria, Congo-Brazzaville, Rwanda, Seychelles, Tanzania, Uganda and Zambia. |

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| **Strategy** | Although successful in India, Bharti Airtel's ''Minute Factory Model'' strategy has not taken off in Africa. Low population density, lack of purchasing power and the outsourcing partners'' inability to measure up to the challenge prevented Airtel's low-margin high-volume strategy from flourishing. In response, in January 2017 it was reported that Airtel is considering divesting or merging some of its African units in order to reduce its overall company debt. Airtel has reportedly named Chad, Kenya, Niger, Congo-Brazzaville, Rwanda and Tanzania as markets where it could benefit from reducing its exposure. In 2016, it already sold its operations in Burkina Faso and Sierra Leone to Orange for a reported USD900mn. To further cut debt, it has also raised more than USD2bn from tower sales. The sale of an estimated remaining 11,900 towers across Africa should help reduce operating costs and boost the operator's capex budget over the coming ***years***. At the same time, Airtel increased its ownership of Airtel Nigeria in November 2016, purchasing Econet Wireless Limited's 4.2% shareholding in the Nigerian subsidiary. It also acquired Warid Telecoms'' assets in Uganda in May 2013 and part of YU Mobile's assets in Kenya in March 2014. Airtel has also expanded its portfolio of non-voice services for consumers and enterprise solutions for businesses. Since 2013, Airtel has been forming partnerships with content providers across different interests, including education, entertainment, financial services, health, ***agriculture*** and information, to launch new non-voice services for consumers. The company is also investing its terrestrial fibre-optic infrastructure to power its recently launched Airtel Connect initiative, a network of fibre and satellite networks, with 42 points of presence (PoP) throughout Airtel's African footprint targeted at enterprise customers. We expect future investments to be geared primarily towards building up coverage and capacity of its 3G and 4G networks across the continent and further developing VAS such as its MFS platform in order to maintain growth momentum in non-voice revenues. |

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| **Developments** | **2017** In October 2017, Millicom and Bharti Airtel completed the merger of their Ghana subsidiaries. The deal will create Ghana's second largest mobile operator with nearly 10mn subscribers and USD300mn in revenue. Airtel and Millicom will have equal ownership and enjoy governance rights in the combined entity. The two will also have board representations and management positions in the merged entity. In February, Airtel announced a MWK15.2bn (USD20.98mn) network upgrade to expand and improve the coverage and quality of its voice and data services in Malawi. The improvements are scheduled to take place between March and July 2017. **2016** In November, Bharti Airtel reached an agreement with Zain for the Kuwaiti company to pay Bharti approximately USD129mn for the settlement of a long-running legal disagreement with Econet over its Nigerian unit. Later that month Bharti bought Econet's 4.2% stake in Airtel Nigeria, bringing the dispute to a close. In March, Airtel sold 1,350 communication towers and 100 infrastructure development sites in Tanzania to the American Tower Corporation in a USD180mn deal. **2015** In November, Airtel announced an agreement with Facebook, which will see it become the first Sub-Saharan African partner operator to expand access to the Free Basics (rebranded from ) ***programme*** across its entire footprint. The Free Basics initiative provides free internet access to 18 partner websites covering news, information, education, health and communication. In October, Airtel closed the sale of 2,500 towers in Burkina Faso, Ghana, Uganda and Kenya to Eaton Towers. The mobile operator has committed to a 10-***year*** tenancy contract in each country. Airtel further confirmed that by October it had concluded the sale of 9,000 towers across eight African countries. In September, Airtel Africa agreed to use Liquid Telecom's 20,000km fibre optic backbone to interconnect its various mobile networks in East, Central and Southern Africa. Backhauling voice and data traffic in this way will free up capacity on the wireless elements of its networks, increasing data ***transfer*** speeds and eliminating congestion. The company - which has, so far, used very low prices to tempt customers away from rivals' networks - now needs to emphasise quality of service in order to retain users. In March, Airtel partnered with Visa to launch mobile ***payment*** services in seven African countries (Kenya, Gabon, Ghana, Madagascar, Rwanda, Seychelles and Tanzania). The two firms will build on the existing capabilities of Airtel's Mobile Money service, enabling subscribers to pay in stores and online - wherever Visa is accepted - through their Airtel Money account. Subscribers will also be able to withdraw money and make ***payments*** from their Airtel Money account with their Airtel Money Visa companion card. |

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| **Financial Data** | **Annual Revenues(Airtel Africa)** 2014: USD4.552bn 2015: USD4.015bn 2016: USD3.553bn Q117: USD744mn Q217: USD736mn **Net Income/Loss** Net Loss (2014): USD502mn Net Loss (2015): USD581mn Net Loss (2016): USD318mn |

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| **Operational Data** | **Mobile Subscriptions** 2014: 74.599mn 2015: 82.070mn 2016: 80.356mn |

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| **Company Details** |  |

**Load-Date:** November 22, 2017

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[***Washington: SECURING AMERICA'S FUTURE ACT OF 2018 (House of Representatives - June 21, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SMX-0DH1-JDG9-Y51K-00000-00&context=1516831)

Impact News Service

June 23, 2018 Saturday

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**Length:** 93950 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 954, I call up the bill (H.R 4760) to amend the immigration laws and the homeland security laws, and for other purposes, and ask for its immediate consideration. The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 954, the amendments printed in House Report 115-772 are adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows: H.R 4760 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE; TABLE OF CONTENTS. (a) Short Title.--This Act may be cited as the ``Securing America's Future Act of 2018''. (b) Table of Contents.--The table of contents for this Act is as follows: Sec. 1. Short title; table of contents. DIVISION A--LEGAL IMMIGRATION REFORM TITLE I--IMMIGRANT VISA ALLOCATIONS AND PRIORITIES Sec. 1101. Family-sponsored immigration priorities. Sec. 1102. Elimination of diversity visa ***program***. Sec. 1103. Employment-based immigration priorities. Sec. 1104. Waiver of rights by B visa nonimmigrants. TITLE II--***AGRICULTURAL*** WORKER REFORM Sec. 2101. Short title. Sec. 2102. H-2C temporary ***agricultural*** work visa ***program***. Sec. 2103. Admission of temporary H-2C workers. Sec. 2104. Mediation. Sec. 2105. Migrant and seasonal ***agricultural*** worker protection. Sec. 2106. Binding arbitration. Sec. 2107. Eligibility for health care subsidies and refundable tax credits; required health insurance coverage. Sec. 2108. Study of establishment of an ***agricultural*** worker employment pool. Sec. 2109. Prevailing wage. Sec. 2110. Effective dates; sunset; regulations. Sec. 2111. Report on compliance and violations. TITLE III--VISA SECURITY Sec. 3101. Cancellation of additional visas. Sec. 3102. Visa information sharing. Sec. 3103. Restricting waiver of visa interviews. Sec. 3104. Authorizing the Department of State to not interview certain ineligible visa applicants. Sec. 3105. Visa refusal and revocation. Sec. 3106. Petition and application processing for visas and immigration benefits. Sec. 3107. Fraud prevention. Sec. 3108. Visa ineligibility for spouses and children of drug traffickers. Sec. 3109. DNA testing. Sec. 3110. Access to NCIC criminal history database for diplomatic visas. Sec. 3111. Elimination of signed photograph requirement for visa applications. Sec. 3112. Additional fraud detection and prevention. DIVISION B--INTERIOR IMMIGRATION ENFORCEMENT TITLE I--LEGAL WORKFORCE ACT Sec. 1101. Short title. Sec. 1102. Employment eligibility verification process. Sec. 1103. Employment eligibility verification system. Sec. 1104. Recruitment, referral, and continuation of employment. Sec. 1105. Good faith defense. Sec. 1106. Preemption and States' rights. Sec. 1107. Repeal. Sec. 1108. Penalties. Sec. 1109. Fraud and misuse of documents. Sec. 1110. Protection of Social Security Administration ***programs***. Sec. 1111. Fraud prevention. Sec. 1112. Use of employment eligibility verification photo tool. Sec. 1113. Identity authentication employment eligibility verification pilot ***programs***. Sec. 1114. Inspector General audits. TITLE II--SANCTUARY CITIES AND STATE AND LOCAL LAW ENFORCEMENT COOPERATION Sec. 2201. Short title. [[Page H5381]] Sec. 2202. State noncompliance with enforcement of immigration law. Sec. 2203. Clarifying the authority of ice detainers. Sec. 2204. Sarah and Grant's law. Sec. 2205. Clarification of congressional intent. Sec. 2206. Penalties for illegal entry or presence. TITLE III--CRIMINAL ALIENS Sec. 3301. Precluding admissibility of aliens convicted of aggravated felonies or other serious offenses. Sec. 3302. Increased penalties barring the admission of convicted sex offenders failing to register and requiring deportation of sex offenders failing to register. Sec. 3303. Grounds of inadmissibility and deportability for alien gang members. Sec. 3304. Inadmissibility and deportability of drunk drivers. Sec. 3305. Definition of aggravated felony. Sec. 3306. Precluding withholding of removal for aggravated felons. Sec. 3307. Protecting immigrants from convicted sex offenders. Sec. 3308. Clarification to crimes of violence and crimes involving moral turpitude. Sec. 3309. Detention of dangerous aliens. Sec. 3310. Timely repatriation. Sec. 3311. Illegal reentry. TITLE IV--ASYLUM REFORM Sec. 4401. Clarification of intent regarding taxpayer-provided counsel. Sec. 4402. Credible fear interviews. Sec. 4403. Recording expedited removal and credible fear interviews. Sec. 4404. Safe third country. Sec. 4405. Renunciation of asylum status pursuant to return to home country. Sec. 4406. Notice concerning frivolous asylum applications. Sec. 4407. Anti-fraud investigative work product. Sec. 4408. Penalties for asylum fraud. Sec. 4409. Statute of limitations for asylum fraud. Sec. 4410. Technical amendments. TITLE V--UNACCOMPANIED AND ACCOMPANIED ALIEN MINORS APPREHENDED ALONG THE BORDER Sec. 5501. Repatriation of unaccompanied alien children. Sec. 5502. Special immigrant juvenile status for immigrants unable to reunite with either parent. Sec. 5503. Jurisdiction of asylum applications. Sec. 5504. Quarterly report to Congress. Sec. 5505. Biannual report to Congress. Sec. 5506. Clarification of standards for family detention. DIVISION C--BORDER ENFORCEMENT Sec. 1100. Short title. TITLE I--BORDER SECURITY Sec. 1101. Definitions. Subtitle A--Infrastructure and Equipment Sec. 1111. Strengthening the requirements for barriers along the southern border. Sec. 1112. Air and Marine Operations flight hours. Sec. 1113. Capability deployment to specific sectors and transit zone. Sec. 1114. U.S Border Patrol activities. Sec. 1115. Border security technology ***program*** management. Sec. 1116. Reimbursement of States for deployment of the National Guard at the southern border. Sec. 1117. National Guard support to secure the southern border. Sec. 1118. Prohibitions on actions that impede border security on certain Federal land. Sec. 1119. Landowner and rancher security enhancement. Sec. 1120. Eradication of carrizo cane and salt cedar. Sec. 1121. Southern border threat analysis. Sec. 1122. Amendments to U.S Customs and Border Protection. Sec. 1123. Agent and officer technology use. Sec. 1124. Integrated Border Enforcement Teams. Sec. 1125. Tunnel Task Forces. Sec. 1126. Pilot ***program*** on use of electromagnetic spectrum in support of border security operations. Sec. 1127. Homeland security foreign assistance. Subtitle B--Personnel Sec. 1131. Additional U.S Customs and Border Protection agents and officers. Sec. 1132. U.S Customs and Border Protection retention incentives. Sec. 1133. Anti-Border Corruption Reauthorization Act. Sec. 1134. Training for officers and agents of U.S Customs and Border Protection. Subtitle C--Grants Sec. 1141. Operation Stonegarden. Subtitle D--Authorization of Appropriations Sec. 1151. Authorization of appropriations. TITLE II--EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING Sec. 2101. Ports of entry infrastructure. Sec. 2102. Secure communications. Sec. 2103. Border security deployment ***program***. Sec. 2104. Pilot and upgrade of license plate readers at ports of entry. Sec. 2105. Non-intrusive inspection operational demonstration. Sec. 2106. Biometric exit data system. Sec. 2107. Sense of Congress on cooperation between agencies. Sec. 2108. Authorization of appropriations. Sec. 2109. Definition. TITLE III--VISA SECURITY AND INTEGRITY Sec. 3101. Visa security. Sec. 3102. Electronic passport screening and biometric matching. Sec. 3103. Reporting of visa overstays. Sec. 3104. Student and exchange visitor information system verification. Sec. 3105. Social media review of visa applicants. TITLE IV--TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND ELIMINATION Sec. 4101. Short title. Sec. 4102. Unlawfully hindering immigration, border, and customs controls. DIVISION D--LAWFUL STATUS FOR CERTAIN CHILDHOOD ARRIVALS Sec. 1101. Definitions. Sec. 1102. Contingent nonimmigrant status for certain aliens who entered the United States as minors. Sec. 1103. Administrative and judicial review. Sec. 1104. Penalties and signature requirements. Sec. 1105. Rulemaking. Sec. 1106. Statutory construction. DIVISION A--LEGAL IMMIGRATION REFORM TITLE I--IMMIGRANT VISA ALLOCATIONS AND PRIORITIES SEC. 1101. FAMILY-SPONSORED IMMIGRATION PRIORITIES. (a) Immediate Relative Redefined.--Section 201 of the Immigration and Nationality Act (8 U.S.C 1151) is amended-- (1) in subsection (b)(2)(A)-- (A) in clause (i), by striking ``children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 ***years*** of age.'' and inserting ``children and spouse of a citizen of the United States.''; and (B) in clause (ii), by striking ``such an immediate relative'' and inserting ``the immediate relative spouse of a United States citizen''; (2) by striking subsection (c) and inserting the following: ``(c) Worldwide Level of Family-Sponsored Immigrants.--(1) The worldwide level of family-sponsored immigrants under this subsection for a fiscal ***year*** is equal to 87,934 minus the number computed under paragraph (2). ``(2) The number computed under this paragraph for a fiscal ***year*** is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal ***year*** who-- ``(A) did not depart from the United States (without advance parole) within 365 days; and ``(B)(i) did not acquire the status of an alien lawfully admitted to the United States for permanent residence during the two preceding fiscal ***years***; or ``(ii) acquired such status during such period under a provision of law (other than subsection (b)) that exempts adjustment to such status from the numerical limitation on the worldwide level of immigration under this section.''; and (3) in subsection (f)-- (A) in paragraph (2), by striking ``section 203(a)(2)(A)'' and inserting ``section 203(a)''; (B) by striking paragraph (3); (C) by redesignating paragraph (4) as paragraph (3); and (D) in paragraph (3), as redesignated, by striking ``(1) through (3)'' and inserting ``(1) and (2)''. (b) Family-Based Visa Preferences.--Section 203(a) of the Immigration and Nationality Act (8 U.S.C 1153(a)) is amended to read as follows: ``(a) Spouses and Minor Children of Permanent Resident Aliens.--Family-sponsored immigrants described in this subsection are qualified immigrants who are the spouse or a child of an alien lawfully admitted for permanent residence. Such immigrants shall be allocated visas in accordance with the number computed under section 201(c).''. (c) Aging Out.--Section 203(h) of the Immigration and Nationality Act (8 U.S.C 1153(h)) is amended-- (1) by striking ``(a)(2)(A)'' each place such term appears and inserting ``(a)(2)''; (2) by amending paragraph (1) to read as follows: ``(1) In general.--Subject to paragraph (2), for purposes of subsections (a)(2) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which a petition is filed with the Secretary of Homeland Security.''. (3) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; [[Page H5382]] (4) by inserting after paragraph (1) the following: ``(2) Limitation.--Notwithstanding the age of an alien on the date on which a petition is filed, an alien who marries or turns 25 ***years*** of age prior to being issued a visa pursuant to subsection (a)(2) or (d), no longer satisfies the age requirement described in paragraph (1).''; and (5) in paragraph (5), as so redesignated, by striking ``(3)'' and inserting ``(4)''. (d) Conforming Amendments.-- (1) Definition of v nonimmigrant.--Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(V)) is amended by striking ``section 203(a)(2)(A)'' each place such term appears and inserting ``section 203(a)''. (2) Numerical limitation to any single foreign state.-- Section 202 of such Act (8 U.S.C 1152) is amended-- (A) in subsection (a)(4)-- (i) by striking subparagraphs (A) and (B) and inserting the following: ``(A) 75 percent of family-sponsored immigrants not subject to per country limitation.--Of the visa numbers made available under section 203(a) in any fiscal ***year***, 75 percent shall be issued without regard to the numerical limitation under paragraph (2). ``(B) Treatment of remaining 25 percent for countries subject to subsection (e).-- ``(i) In general.--Of the visa numbers made available under section 203(a) in any fiscal ***year***, 25 percent shall be available, in the case of a foreign state or dependent area that is subject to subsection (e) only to the extent that the total number of visas issued in accordance with subparagraph (A) to natives of the foreign state or dependent area is less than the subsection (e) ceiling. ``(ii) Subsection (e) ceiling defined.--In clause (i), the term `subsection (e) ceiling' means, for a foreign state or dependent area, 77 percent of the maximum number of visas that may be made available under section 203(a) to immigrants who are natives of the state or area, consistent with subsection (e).''; and (ii) by striking subparagraphs (C) and (D); and (B) in subsection (e)-- (i) in paragraph (1), by adding ``and'' at the end; (ii) by striking paragraph (2); (iii) by redesignating paragraph (3) as paragraph (2); and (iv) in the undesignated matter after paragraph (2), as redesignated, by striking ``, respectively,'' and all that follows and inserting a period. (3) Procedure for granting immigrant status.--Section 204 of such Act (8 U.S.C 1154) is amended-- (A) in subsection (a)(1)-- (i) in subparagraph (A)(i), by striking ``to classification by reason of a relationship described in paragraph (1), (3), or (4) of section 203(a) or''; (ii) in subparagraph (B)-- (I) in clause (i), by redesignating the second subclause (I) as subclause (II); and (II) by striking ``203(a)(2)(A)'' each place such terms appear and inserting ``203(a)''; and (iii) in subparagraph (D)(i)(I), by striking ``a petitioner'' and all that follows through ``section 204(a)(1)(B)(iii).'' and inserting ``an individual younger than 21 ***years*** of age for purposes of adjudicating such petition and for purposes of admission as an immediate relative under section 201(b)(2)(A)(i) or a family-sponsored immigrant under section 203(a), as appropriate, notwithstanding the actual age of the individual.''; (B) in subsection (f)(1), by striking ``, 203(a)(1), or 203(a)(3), as appropriate''; and (C) by striking subsection (k). (4) Waivers of inadmissibility.--Section 212 of such Act (8 U.S.C 1182) is amended-- (A) in subsection (a)(6)(E)(ii), by striking ``section 203(a)(2)'' and inserting ``section 203(a)''; and (B) in subsection (d)(11), by striking ``(other than paragraph (4) thereof)''. (5) Employment of v nonimmigrants.--Section 214(q)(1)(B)(i) of such Act (8 U.S.C 1184(q)(1)(B)(i)) is amended by striking ``section 203(a)(2)(A)'' each place such term appears and inserting ``section 203(a)''. (6) Definition of alien spouse.--Section 216(h)(1)(C) of such Act (8 U.S.C 1186a(h)(1)(C)) is amended by striking ``section 203(a)(2)'' and inserting ``section 203(a)''. (7) Classes of deportable aliens.--Section 237(a)(1)(E)(ii) of such Act (8 U.S.C 1227(a)(1)(E)(ii)) is amended by striking ``section 203(a)(2)'' and inserting ``section 203(a)''. (e) Creation of Nonimmigrant Classification for Alien Parents of Adult United States Citizens.-- (1) In general.--Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)) is amended-- (A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semicolon; (B) in subparagraph (U)(iii), by striking ``or'' at the end; (C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting ``; or''; and (D) by adding at the end the following: ``(W) Subject to section 214(s), an alien who is a parent of a citizen of the United States, if the citizen-- ``(i) is at least 21 ***years*** of age; and ``(ii) has never received contingent nonimmigrant status under division D of the Securing America's Future Act.''. (2) Conditions on admission.--Section 214 of such Act (8 U.S.C 1184) is amended by adding at the end the following: ``(s)(1) The initial period of authorized admission for a nonimmigrant described in section 101(a)(15)(W) shall be 5 ***years***, but may be extended by the Secretary of Homeland Security for additional 5-***year*** periods if the United States citizen son or daughter of the nonimmigrant is still residing in the United States. ``(2) A nonimmigrant described in section 101(a)(15)(W)-- ``(A) is not authorized to be employed in the United States; and ``(B) is not eligible for any Federal, State, or local public benefit. ``(3) Regardless of the resources of a nonimmigrant described in section 101(a)(15)(W), the United States citizen son or daughter who sponsored the nonimmigrant parent shall be responsible for the nonimmigrant's support while the nonimmigrant resides in the United States. ``(4) An alien is ineligible to receive a visa or to be admitted into the United States as a nonimmigrant described in section 101(a)(15)(W) unless the alien provides satisfactory proof that the United States citizen son or daughter has arranged for health insurance coverage for the alien, at no cost to the alien, during the anticipated period of the alien's residence in the United States.''. (f) Effective Date; Applicability.-- (1) Effective date.--The amendments made by this section shall take effect on October 1, 2018. (2) Invalidity of certain petitions and applications.-- (A) In general.--No person may file, and the Secretary of Homeland Security and the Secretary of State may not accept, adjudicate, or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C 1154) filed on or after the date of enactment of this Act seeking classification of an alien under section 201(b)(2)(A)(i) with respect to a parent of a United States citizen, or under section 203(a)(1), (2)(B), (3) or (4) of such Act (8 U.S.C 1151(b)(2)(A)(i), 1153(a)(1), (2)(B), (3), or (4)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid. (B) Pending petitions.--Neither the Secretary of Homeland Security nor the Secretary of State may adjudicate or approve any petition under section 204 of the Immigration and Nationality Act (8 U.S.C 1154) pending as of the date of enactment of this Act seeking classification of an alien under section 201(b)(2)(A)(i) with respect to a parent of a United States citizen, or under section 203(a)(1), (2)(B), (3) or (4) of such Act (8 U.S.C 1151(b)(2)(A)(i), 1153(a)(1), (2)(B), (3), or (4)). Any application for adjustment of status or an immigrant visa based on such a petition shall be invalid. (3) Applicability to waitlisted applicants.-- (A) In general.--Notwithstanding the amendments made by this section, an alien with regard to whom a petition or application for status under paragraph (1), (2)(B), (3) or (4) of section 203(a) of the Immigration and Nationality Act (8 U.S.C 1153(a)), as in effect on September 30, 2018, was approved prior to the date of the enactment of this Act, may be issued a visa pursuant to that paragraph in accordance with the availability of visas under subparagraph (B). (B) Availability of visas.--Visas may be issued to beneficiaries of approved petitions under each category described in subparagraph (A), but only until such time as the number of visas that would have been allocated to that category in fiscal ***year*** 2019, notwithstanding the amendments made by this section, have been issued. When the number of visas described in the previous sentence have been issued for each category described in subparagraph (A), no additional visas may be issued for that category. SEC. 1102. ELIMINATION OF DIVERSITY VISA ***PROGRAM***. (a) In General.--Section 203 of the Immigration and Nationality Act (8 U.S.C 1153) is amended by striking subsection (c). (b) Technical and Conforming Amendments.-- (1) Immigration and nationality act.--The Immigration and Nationality Act (8 U.S.C 1101 et seq.) is amended-- (A) in section 101(a)(15)(V), by striking ``section 203(d)'' and inserting ``section 203(c)''; (B) in section 201-- (i) in subsection (a)-- (I) in paragraph (1), by adding ``and'' at the end; and (II) by striking paragraph (3); and (ii) by striking subsection (e); (C) in section 203-- (i) in subsection (b)(2)(B)(ii)(IV), by striking ``section 203(b)(2)(B)'' each place such term appears and inserting ``clause (i)''; (ii) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (c), (d), (e), (f), and (g), respectively; (iii) in subsection (c), as redesignated, by striking ``subsection (a), (b), or (c)'' and inserting ``subsection (a) or (b)''; (iv) in subsection (d), as redesignated-- (I) by striking paragraph (2); and (II) by redesignating paragraph (3) as paragraph (2); (v) in subsection (e), as redesignated, by striking ``subsection (a), (b), or (c) of this section'' and inserting ``subsection (a) or (b)''; (vi) in subsection (f), as redesignated, by striking ``subsections (a), (b), and (c)'' and inserting ``subsections (a) and (b)''; and (vii) in subsection (g), as redesignated-- [[Page H5383]] (I) by striking ``(d)'' each place such term appears and inserting ``(c)''; and (II) in paragraph (2)(B), by striking ``subsection (a), (b), or (c)'' and inserting ``subsection (a) or (b)''; (D) in section 204-- (i) in subsection (a)(1), by striking subparagraph (I); (ii) in subsection (e), by striking ``subsection (a), (b), or (c) of section 203'' and inserting ``subsection (a) or (b) of section 203''; and (iii) in subsection (l)(2)-- (I) in subparagraph (B), by striking ``section 203 (a) or (d)'' and inserting ``subsection (a) or (c) of section 203''; and (II) in subparagraph (C), by striking ``section 203(d)'' and inserting ``section 203(c)''; (E) in section 214(q)(1)(B)(i), by striking ``section 203(d)'' and inserting ``section 203(c)''; (F) in section 216(h)(1), in the undesignated matter following subparagraph (C), by striking ``section 203(d)'' and inserting ``section 203(c)''; and (G) in section 245(i)(1)(B), by striking ``section 203(d)'' and inserting ``section 203(c)''. (2) Immigrant investor pilot ***program***.--Section 610(d) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102-395) is amended by striking ``section 203(e) of such Act (8 U.S.C 1153(e))'' and inserting ``section 203(d) of such Act (8 U.S.C 1153(d))''. (c) Effective Date.--The amendments made by this section shall take effect on the first day of the first fiscal ***year*** beginning on or after the date of the enactment of this Act. SEC. 1103. EMPLOYMENT-BASED IMMIGRATION PRIORITIES. (a) Increase in Visas for Skilled Workers.--The Immigration and Nationality Act (8 U.S.C 1101 et seq.) is amended-- (1) in section 201(d)(1)(A), by striking ``140,000'' and inserting ``195,000''; and (2) in section 203(b)-- (A) in paragraph (1), by striking ``28.6 percent of such worldwide level'' and inserting ``58,374''; (B) in paragraphs (2) and (3), by striking ``28.6 percent of such worldwide level'' each place it appears and inserting ``58,373''; and (C) by striking ``7.1 percent of such worldwide level'' each place it appears and inserting ``9,940''. (b) Effective Date.--The amendments made by subsection (a) shall take effect on the first day of fiscal ***year*** 2019 and shall apply to the visas made available in that and subsequent fiscal ***years***. SEC. 1104. WAIVER OF RIGHTS BY B VISA NONIMMIGRANTS. Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(B)) is amended by adding before the semicolon at the end the following: ``, and who has waived any right to review or appeal of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or to contest, other than on the basis of an application for asylum, any action for removal of the alien''. TITLE II--***AGRICULTURAL*** WORKER REFORM SEC. 2101. SHORT TITLE. This title may be cited as-- (1) the ``***Agricultural*** Guestworker Act''; or (2) the ``AG Act''. SEC. 2102. H-2C TEMPORARY ***AGRICULTURAL*** WORK VISA ***PROGRAM***. (a) In General.--Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(H)) is amended by striking ``; or (iii)'' and inserting ``, or (c) who is coming temporarily to the United States to perform ***agricultural*** labor or services; or (iii)''. (b) Definition.--Section 101(a) of such Act (8 U.S.C 1101(a)) is amended by adding at the end the following: ``(53) The term `***agricultural*** labor or services' has the meaning given such term by the Secretary of ***Agriculture*** in regulations and includes-- ``(A) ***agricultural*** labor as defined in section 3121(g) of the Internal Revenue Code of 1986; ``(B) ***agriculture*** as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C 203(f)); ``(C) the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any ***agricultural*** or horticultural commodity in its unmanufactured state; ``(D) all activities required for the preparation, processing or manufacturing of a product of ***agriculture*** (as such term is defined in such section 3(f)), or fish or shellfish, for further distribution; ``(E) forestry-related activities; and ``(F) aquaculture activities, except that in regard to labor or services consisting of meat or poultry processing, the term `***agricultural*** labor or services' only includes the killing of animals and the breakdown of their carcasses.''. SEC. 2103. ADMISSION OF TEMPORARY H-2C WORKERS. (a) Procedure for Admission.--Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C 1181 et seq.) is amended by inserting after section 218 the following: ``SEC. 218A. ADMISSION OF TEMPORARY H-2C WORKERS. ``(a) Definitions.--In this section and section 218B: ``(1) Displace.--The term `displace' means to lay off a United States worker from the job for which H-2C workers are sought. ``(2) Job.--The term `job' refers to all positions with an employer that-- ``(A) involve essentially the same responsibilities; ``(B) are held by workers with substantially equivalent qualifications and experience; and ``(C) are located in the same place or places of employment. ``(3) Employer.--The term `employer' includes a single or joint employer, including an association acting as a joint employer with its members, who hires workers to perform ***agricultural*** labor or services. ``(4) Forestry-related activities.--The term `forestry- related activities' includes tree planting, timber harvesting, logging operations, brush clearing, vegetation management, herbicide application, the maintenance of rights- of-way (including for roads, trails, and utilities), regardless of whether such right-of-way is on forest land, and the harvesting of pine straw. ``(5) H-2C worker.--The term `H-2C worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(c). ``(6) Lay off.-- ``(A) In general.--The term `lay off'-- ``(i) means to cause a worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract (other than a temporary employment contract entered into in order to evade a condition described in paragraph (4) of subsection (b)); and ``(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar position with the same employer at equivalent or higher wages and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer. ``(B) Construction.--Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract. ``(7) United states worker.--The term `United States worker' means any worker who is-- ``(A) a citizen or national of the United States; or ``(B) an alien who is lawfully admitted for permanent residence, is admitted as a refugee under section 207, or is granted asylum under section 208. ``(8) Special procedures industry.--The term `special procedures industry' includes sheepherding, goat herding, and the range production of livestock, itinerant commercial beekeeping and pollination, itinerant animal shearing, and custom combining and harvesting. ``(b) Petition.--An employer that seeks to employ aliens as H-2C workers under this section shall file with the Secretary of Homeland Security a petition attesting to the following: ``(1) Offer of employment.--The employer will offer employment to the aliens on a contractual basis as H-2C workers under this section for a specific period of time during which the aliens may not work on an at-will basis (as provided for in section 218B), and such contract shall only be required to include a description of each place of employment, period of employment, wages and other benefits to be provided, and the duties of the positions. ``(2) Temporary labor or services.-- ``(A) In general.--The employer is seeking to employ a specific number of H-2C workers on a temporary basis and will provide compensation to such workers at a wage rate no less than that set forth in subsection (j)(2). ``(B) Definition.--For purposes of this paragraph, a worker is employed on a temporary basis if the employer intends to employ the worker for no longer than the time period set forth in subsection (m)(1) (subject to the exceptions in subsection (m)(3)). ``(3) Benefits, wages, and working conditions.--The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (k) to all workers employed in the job for which the H-2C workers are sought. ``(4) Nondisplacement of united states workers.--The employer did not displace and will not displace United States workers employed by the employer during the period of employment of the H-2C workers and during the 30-day period immediately preceding such period of employment in the job for which the employer seeks approval to employ H-2C workers. ``(5) Recruitment.-- ``(A) In general.--The employer-- ``(i) conducted adequate recruitment before filing the petition; and ``(ii) was unsuccessful in locating sufficient numbers of willing and qualified United States workers for the job for which the H-2C workers are sought. ``(B) Other requirements.--The recruitment requirement under subparagraph (A) is satisfied if the employer places a local job order with the State workforce agency serving each place of employment, except that nothing in this subparagraph shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations. The State workforce agency shall post the job order on its official agency website for a minimum of 30 days and not later than 3 days after receipt using the employment statistics system authorized under section 15 of the Wagner- Peyser Act (29 U.S.C 49l-2). The Secretary of Labor shall include links to the official Web sites of all State workforce agencies on a single [[Page H5384]] webpage of the official Web site of the Department of Labor. ``(C) End of recruitment requirement.--The requirement to recruit United States workers for a job shall terminate on the first day that work begins for the H-2C workers. ``(6) Offers to united states workers.--The employer has offered or will offer the job for which the H-2C workers are sought to any eligible United States workers who-- ``(A) apply; ``(B) are qualified for the job; and ``(C) will be available at the time, at each place, and for the duration, of need. This requirement shall not apply to United States workers who apply for the job on or after the first day that work begins for the H-2C workers. ``(7) Provision of insurance.--If the job for which the H- 2C workers are sought is not covered by State workers' compensation law, the employer will provide, at no cost to the workers unless State law provides otherwise, insurance covering injury and disease arising out of, and in the course of, the workers' employment, which will provide benefits at least equal to those provided under the State workers compensation law for comparable employment. ``(8) Strike or lockout.--The job that is the subject of the petition is not vacant because the former workers in that job are on strike or locked out in the course of a labor dispute. ``(c) List.-- ``(1) In general.--The Secretary of Homeland Security shall maintain a list of the petitions filed under this subsection, which shall-- ``(A) be sorted by employer; and ``(B) include the number of H-2C workers sought, the wage rate, the period of employment, each place of employment, and the date of need for each alien. ``(2) Availability.--The Secretary of Homeland Security shall make the list available for public examination. ``(d) Petitioning for Admission.-- ``(1) Consideration of petitions.--For petitions filed and considered under this subsection-- ``(A) the Secretary of Homeland Security may not require such petition to be filed more than 28 days before the first date the employer requires the labor or services of H-2C workers; ``(B) within the appropriate time period under subparagraph (C) or (D), the Secretary of Homeland Security shall-- ``(i) approve the petition; ``(ii) reject the petition; or ``(iii) determine that the petition is incomplete or obviously inaccurate or that the employer has not complied with the requirements of subsection (b)(5)(A)(i) (which the Secretary can ascertain by verifying whether the employer has placed a local job order as provided for in subsection (b)(5)(B)); ``(C) if the Secretary determines that the petition is incomplete or obviously inaccurate, or that the employer has not complied with the requirements of subsection (b)(5)(A)(i) (which the Secretary can ascertain by verifying whether the employer has placed a local job order as provided for in subsection (b)(5)(B)), the Secretary shall-- ``(i) within 5 business days of receipt of the petition, notify the petitioner of the deficiencies to be corrected by means ensuring same or next day delivery; and ``(ii) within 5 business days of receipt of the corrected petition, approve or reject the petition and provide the petitioner with notice of such action by means ensuring same or next day delivery; and ``(D) if the Secretary does not determine that the petition is incomplete or obviously inaccurate, the Secretary shall not later than 10 business days after the date on which such petition was filed, either approve or reject the petition and provide the petitioner with notice of such action by means ensuring same or next day delivery. ``(2) Access.--By filing an H-2C petition, the petitioner and each employer (if the petitioner is an association that is a joint employer of workers who perform ***agricultural*** labor or services) consent to allow access to each place of employment to the Department of ***Agriculture*** and the Department of Homeland Security for the purpose of investigations and audits to determine compliance with the immigration laws (as defined in section 101(a)(17)). ``(e) Roles of ***Agricultural*** Associations.-- ``(1) Treatment of associations acting as employers.--If an association is a joint employer of workers who perform ***agricultural*** labor or services, H-2C workers may be ***transferred*** among its members to perform the ***agricultural*** labor or services on a temporary basis for which the petition was approved. ``(2) Treatment of violations.-- ``(A) Individual member.--If an individual member of an association that is a joint employer commits a violation described in paragraph (2) or (3) of subsection (h) or subsection (i)(1), the Secretary of ***Agriculture*** shall invoke penalties pursuant to subsections (h) and (i) against only that member of the association unless the Secretary of ***Agriculture*** determines that the association participated in, had knowledge of, or had reason to know of the violation. ``(B) Association of ***agricultural*** employers.--If an association that is a joint employer commits a violation described in subsections (h)(2) and (3) or (i)(1), the Secretary of ***Agriculture*** shall invoke penalties pursuant to subsections (h) and (i) against only the association and not any individual members of the association, unless the Secretary determines that the member participated in the violation. ``(f) Expedited Administrative Appeals.--The Secretary of Homeland Security shall promulgate regulations to provide for an expedited procedure for the review of a denial of a petition under this section by the Secretary. At the petitioner's request, the review shall include a de novo administrative hearing at which new evidence may be introduced. ``(g) Fees.--The Secretary of Homeland Security shall require, as a condition of approving the petition, the ***payment*** of a fee to recover the reasonable cost of processing the petition. ``(h) Enforcement.-- ``(1) Investigations and audits.--The Secretary of ***Agriculture*** shall be responsible for conducting investigations and audits, including random audits, of employers to ensure compliance with the requirements of the H-2C ***program***. All monetary fines levied against employers shall be paid to the Department of ***Agriculture*** and used to enhance the Department of ***Agriculture***'s investigative and auditing abilities to ensure compliance by employers with their obligations under this section. ``(2) Violations.--If the Secretary of ***Agriculture*** finds, after notice and opportunity for a hearing, a failure to fulfill an attestation required by this subsection, or a material misrepresentation of a material fact in a petition under this subsection, the Secretary-- ``(A) may impose such administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary determines to be appropriate; and ``(B) may disqualify the employer from the employment of H- 2C workers for a period of 1 ***year***. ``(3) Willful violations.--If the Secretary of ***Agriculture*** finds, after notice and opportunity for a hearing, a willful failure to fulfill an attestation required by this subsection, or a willful misrepresentation of a material fact in a petition under this subsection, the Secretary-- ``(A) may impose such administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation, or not to exceed $15,000 per violation if in the course of such failure or misrepresentation the employer displaced one or more United States workers employed by the employer during the period of employment of H-2C workers or during the 30-day period immediately preceding such period of employment) in the job the H-2C workers are performing as the Secretary determines to be appropriate; ``(B) may disqualify the employer from the employment of H- 2C workers for a period of 2 ***years***; ``(C) may, for a subsequent failure to fulfill an attestation required by this subsection, or a misrepresentation of a material fact in a petition under this subsection, disqualify the employer from the employment of H- 2C workers for a period of 5 ***years***; and ``(D) may, for a subsequent willful failure to fulfill an attestation required by this subsection, or a willful misrepresentation of a material fact in a petition under this subsection, permanently disqualify the employer from the employment of H-2C workers. ``(i) Failure To Pay Wages or Required Benefits.-- ``(1) In general.--If the Secretary of ***Agriculture*** finds, after notice and opportunity for a hearing, that the employer has failed to provide the benefits, wages, and working conditions that the employer has attested that it would provide under this subsection, the Secretary shall require ***payment*** of back wages, or such other required benefits, due any United States workers or H-2C workers employed by the employer. ``(2) Amount.--The back wages or other required benefits described in paragraph (1)-- ``(A) shall be equal to the difference between the amount that should have been paid and the amount that was paid to such workers; and ``(B) shall be distributed to the workers to whom such wages or benefits are due. ``(j) Minimum Wages, Benefits, and Working Conditions.-- ``(1) Preferential treatment of h-2c workers prohibited.-- ``(A) In general.--Each employer seeking to hire United States workers for the job the H-2C workers will perform shall offer such United States workers not less than the same benefits, wages, and working conditions that the employer will provide to the H-2C workers, except that if an employer chooses to provide H-2C workers with housing or a housing allowance, the employer need not offer housing or a housing allowance to such United States workers. No job offer may impose on United States workers any restrictions or obligations which will not be imposed on H-2C workers. ``(B) Interpretation.--Every interpretation and determination made under this section or under any other law, regulation, or interpretative provision regarding the nature, scope, and timing of the provision of these and any other benefits, wages, and other terms and conditions of employment shall be made so that-- ``(i) the services of workers to their employers and the employment opportunities [[Page H5385]] afforded to workers by the employers, including those employment opportunities that require United States workers or H-2C workers to travel or relocate in order to accept or perform employment-- ``(I) mutually benefit such workers, as well as their families, and employers; and ``(II) principally benefit neither employer nor employee; and ``(ii) employment opportunities within the United States benefit the United States economy. ``(2) Required wages.-- ``(A) In general.--Each employer petitioning for H-2C workers under this subsection (other than in the case of workers who will perform ***agricultural*** labor or services consisting of meat or poultry processing) will offer the H-2C workers, during the period of authorized employment as H-2C workers, wages that are at least the greatest of-- ``(i) the applicable State or local minimum wage; ``(ii) 115 percent of the Federal minimum wage; or ``(iii) the actual wage level paid by the employer to all other individuals in the job. ``(B) Special rules.-- ``(i) Alternate wage ***payment*** systems.--An employer can utilize a piece rate or other alternative wage ***payment*** system so long as the employer guarantees each worker a wage rate that equals or exceeds the amount required under subparagraph (A) for the total hours worked in each pay period. Compensation from a piece rate or other alternative wage ***payment*** system shall include time spent during rest breaks, moving from job to job, clean up, or any other nonproductive time, provided that such time does not exceed 20 percent of the total hours in the work day. ``(ii) Meat or poultry processing.--Each employer petitioning for H-2C workers under this subsection who will perform ***agricultural*** labor or services consisting of meat or poultry processing will offer the H-2C workers, during the period of authorized employment as H-2C workers, wages that are at least the greatest of-- ``(I) the applicable State or local minimum wage; ``(II) 150 percent of the Federal minimum wage; ``(III) the prevailing wage level for the occupational classification in the area of employment; or ``(IV) the actual wage level paid by the employer to all other individuals in the job. ``(3) Employment guarantee.-- ``(A) In general.-- ``(i) Requirement.--Each employer petitioning for workers under this subsection shall guarantee to offer the H-2C workers and United States workers performing the same job employment for the hourly equivalent of not less than 50 percent of the work hours set forth in the work contract. ``(ii) Failure to meet guarantee.--If an employer affords the United States workers or the H-2C workers less employment than that required under this subparagraph, the employer shall pay such workers the amount which the workers would have earned if the workers had worked for the guaranteed number of hours. ``(B) Calculation of hours.--Any hours which workers fail to work, up to a maximum of the number of hours specified in the work contract for a work day, when the workers have been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the work contract in a work day) may be counted by the employer in calculating whether the period of guaranteed employment has been met. ``(C) Limitation.--If the workers abandon employment before the end of the work contract period, or are terminated for cause, the workers are not entitled to the 50 percent guarantee described in subparagraph (A). ``(D) Termination of employment.-- ``(i) In general.--If, before the expiration of the period of employment specified in the work contract, the services of the workers are no longer required due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease, pest infestation, regulatory action, or any other reason beyond the control of the employer before the employment guarantee in subparagraph (A) is fulfilled, the employer may terminate the workers' employment. ``(ii) Requirements.--If a worker's employment is terminated under clause (i), the employer shall-- ``(I) fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed during the period beginning on the first work day and ending on the date on which such employment is terminated; ``(II) make efforts to ***transfer*** the worker to other comparable employment acceptable to the worker; and ``(III) not later than 72 hours after termination, notify the Secretary of ***Agriculture*** of such termination and stating the nature of the contract impossibility. ``(k) Nondelegation.--The Department of ***Agriculture*** and the Department of Homeland Security shall not delegate their investigatory, enforcement, or administrative functions relating to this section or section 218B to other agencies or departments of the Federal Government. ``(l) Compliance With Bio-Security Protocols.--Except in the case of an imminent threat to health or safety, any personnel from a Federal agency or Federal grantee seeking to determine the compliance of an employer with the requirements of this section or section 218B shall, when visiting such employer's place of employment, make their presence known to the employer and sign-in in accordance with reasonable bio- security protocols before proceeding to any other area of the place of employment. ``(m) Limitation on H-2C Workers' Stay in Status.-- ``(1) Maximum period.--The maximum continuous period of authorized status as an H-2C worker (including any extensions) is 24 months for workers employed in a job that is of a temporary or seasonal nature. For H-2C workers employed in a job that is not of a temporary or seasonal nature, the initial maximum continuous period of authorized status is 36 months and subsequent maximum continuous periods of authorized status are 24 months. ``(2) Requirement to remain outside the united states.--In the case of H-2C workers who were employed in a job of a temporary or seasonal nature whose maximum continuous period of authorized status as H-2C workers (including any extensions) have expired, the aliens may not again be eligible to be H-2C workers until they remain outside the United States for a continuous period equal to at least the lesser of \1/12\ of the duration of their previous period of authorized status an H-2C workers or 45 days. For H-2C workers who were employed in a job not of a temporary or seasonal nature whose maximum continuous period of authorized status as H-2C workers (including any extensions) have expired, the aliens may not again be eligible to be H-2C workers until they remain outside the United States for a continuous period equal to at least the lesser of \1/12\ of the duration of their previous period of authorized status as H-2C workers or 45 days. ``(3) Exceptions.-- ``(A) The Secretary of Homeland Security shall deduct absences from the United States that take place during an H- 2C worker's period of authorized status from the period that the alien is required to remain outside the United States under paragraph (2), if the alien or the alien's employer requests such a deduction, and provides clear and convincing proof that the alien qualifies for such a deduction. Such proof shall consist of evidence such as arrival and departure records, copies of tax returns, and records of employment abroad. ``(B) There is no maximum continuous period of authorized status as set forth in paragraph (1) or a requirement to remain outside the United States as set forth in paragraph (2) for H-2C workers employed as a sheepherder, goatherder, in the range production of livestock, or who return to the workers' permanent residence outside the United States each day. ``(n) Period of Admission.-- ``(1) In general.--In addition to the maximum continuous period of authorized status, workers' authorized period of admission shall include-- ``(A) a period of not more than 7 days prior to the beginning of authorized employment as H-2C workers for the purpose of travel to the place of employment; and ``(B) a period of not more than 14 days after the conclusion of their authorized employment for the purpose of departure from the United States or a period of not more than 30 days following the employment for the purpose of seeking a subsequent offer of employment by an employer pursuant to a petition under this section (or pursuant to at-will employment under section 218B during such times as that section is in effect) if they have not reached their maximum continuous period of authorized employment under subsection (m) (subject to the exceptions in subsection (m)(3)) unless they accept subsequent offers of employment as H-2C workers or are otherwise lawfully present. ``(2) Failure to depart.--H-2C workers who do not depart the United States within the periods referred to in paragraph (1) or, as applicable, paragraph (3), will be considered to have failed to maintain nonimmigrant status as H-2C workers and shall be subject to removal under section 237(a)(1)(C)(i). Such aliens shall be considered to be inadmissible pursuant to section 212(a)(9)(B)(i) for having been unlawfully present, with the aliens considered to have been unlawfully present for 181 days as of the 15th day following their period of employment for the purpose of departure or as of the 31st day following their period of employment for the purpose of seeking subsequent offers of employment. ``(3) Application for maximum period.--Notwithstanding the duration of the work requested by the employer petitioning for the admission of an H-2C worker, if the alien is granted a visa, at the request of the alien, the term of the visa shall be for the maximum period described in subsection (m)(1), except that if such an alien is unable to secure subsequent employment 30 days after the conclusion of their authorized employment, the alien shall be required to depart the United States as described in paragraph (1)(B). ``(o) Abandonment of Employment.-- ``(1) Report by employer.--Not later than 72 hours after an employer learns of the abandonment of employment by H-2C workers before the conclusion of their work contracts, the employer shall notify the Secretary of ***Agriculture*** and the Secretary of Homeland Security of such abandonment. [[Page H5386]] ``(2) Replacement of aliens.--An employer may designate eligible aliens to replace H-2C workers who abandon employment notwithstanding the numerical limitation found in section 214(g)(1)(C). ``(p) Change to H-2C Status.-- ``(1) Waiver.--In the case of an alien described in paragraph (2), the Secretary of Homeland Security shall waive the grounds of inadmissibility under paragraphs (5)(A), (6)(A), (6)(C), (7), (9)(B), and (9)(C) of section 212(a), and the grounds of deportability under paragraphs (1)(A) (with respect to the grounds of inadmissibility waived under this paragraph), (1)(B), (1)(C), (3)(A), and (3)(C) of section 237(a), with respect to conduct that occurred prior to the alien first receiving status as an H-2C worker, solely in order to provide the alien with such status. ``(2) Alien described.--An alien described in this paragraph is an alien who-- ``(A) was unlawfully present in the United States on October 23, 2017; and ``(B) performed ***agricultural*** labor or services in the United States for at least 5.75 hours during each of at least 180 days during the 2-***year*** period ending on October 23, 2017. ``(3) Special approval procedures.--Before an alien described in paragraph (2) can be provided with nonimmigrant status under section 101(a)(15)(H)(ii)(C), the alien must depart the United States for a period during the interval between the date of issuance of final rules carrying out the AG Act and the date that is 12 months after such issuance. If such an alien is the beneficiary of an approved H-2C petition, for the purpose of meeting such requirement to depart the United States before being provided with nonimmigrant status under section 101(a)(15)(H)(ii)(C), the Secretary shall authorize parole for the alien to travel to the United States without a visa and shall issue an appropriate document authorizing such travel. Prior to authorizing parole for the alien, the Secretary shall conduct an in person interview, as appropriate, and a background check to determine that the alien is not inadmissible to the United States under section 212(a) or deportable under section 237(a), except with regard to the grounds of inadmissibility and grounds of deportability waived under paragraph (1). ``(q) Trust Fund To Assure Worker Return.-- ``(1) Establishment.--There is established in the Treasury of the United States a trust fund (in this section referred to as the `Trust Fund') for the purpose of providing a monetary incentive for H-2C workers to return to their country of origin upon expiration of their visas. ``(2) Withholding of wages; ***payment*** into the trust fund.-- ``(A) In general.--Notwithstanding the Fair Labor Standards Act of 1938 (29 U.S.C 201 et seq.) and State and local wage laws, all employers of H-2C workers shall withhold from the wages of all H-2C workers other than those employed as sheepherders, goatherders, in the range production of livestock, or who return to the their permanent residence outside the United States each day, an amount equivalent to 10 percent of the gross wages of each worker in each pay period and, on behalf of each worker, ***transfer*** such withheld amount to the Trust Fund. ``(B) Jobs that are not of a temporary or seasonal nature.--Employers of H-2C workers employed in jobs that are not of a temporary or seasonal nature, other than those employed as a sheepherder, goatherder, or in the range production of livestock, shall also pay into the Trust Fund an amount equivalent to the Federal tax on the wages paid to H-2C workers that the employer would be obligated to pay under chapters 21 and 23 of the Internal Revenue Code of 1986 had the H-2C workers been subject to such chapters. ``(3) Distribution of funds.--Amounts paid into the Trust Fund on behalf of an H-2C worker, and held pursuant to paragraph (2)(A) and interest earned thereon, shall be ***transferred*** from the Trust Fund to the Secretary of Homeland Security, who shall distribute them to the worker if the worker-- ``(A) applies to the Secretary of Homeland Security (or the designee of the Secretary) for ***payment*** within 120 days of the expiration of the alien's last authorized stay in the United States as an H-2C worker, for which they seek amounts from the Trust Fund; ``(B) establishes to the satisfaction of the Secretary of Homeland Security that they have complied with the terms and conditions of the H-2C ***program***; ``(C) once approved by the Secretary of Homeland Security for ***payment***, physically appears at a United States embassy or consulate in the worker's home country; and ``(D) establishes their identity to the satisfaction of the Secretary of Homeland Security. ``(4) Administrative expenses.--The amounts paid into the Trust Fund and held pursuant to paragraph (2)(B), and interest earned thereon, shall be distributed annually to the Secretary of ***Agriculture*** and the Secretary of Homeland Security in amounts proportionate to the expenses incurred by such officials in the administration and enforcement of the terms of the H-2C ***program***. ``(5) Law enforcement.--Notwithstanding any other provision of law, amounts paid into the Trust Fund under paragraph (2), and interest earned thereon, that are not needed to carry out paragraphs (3) and (4) shall, to the extent provided in advance in appropriations Acts, be made available until expended without fiscal ***year*** limitation to the Secretary of Homeland Security to apprehend, detain, and remove aliens inadmissible to or deportable from the United States. ``(6) Investment of trust fund.-- ``(A) In general.--It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest- bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. ``(B) Credits to trust fund.--The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund. ``(C) Report to congress.--It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Homeland Security) to report to the Congress each ***year*** on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal ***year*** and on its expected condition and operations during the next fiscal ***year***. Such report shall be printed as both a House and a Senate document of the session of the Congress in which the report is made. ``(r) Procedures for Special Procedures Industries.-- ``(1) Work locations.--The Secretary of Homeland Security shall permit an employer in a special procedures industry or that engages in a forestry-related activity that does not operate at a single fixed place of employment to provide, as part of its petition, a list of places of employment, which-- ``(A) may include an itinerary; and ``(B) may be subsequently amended at any time by the employer, after notice to the Secretary. ``(2) Wages.--Notwithstanding subsection (j)(2), the Secretary of ***Agriculture*** may establish monthly, weekly, or biweekly wage rates for occupations in a Special Procedures Industry for a State or other geographic area. For an employer in a Special Procedures Industry that typically pays a monthly wage, the Secretary shall require that H-2C workers be paid not less frequently than monthly and at a rate no less than the legally required monthly cash wage in an amount as re-determined annually by the Secretary. ``(3) Allergy limitation.--An employer engaged in the commercial beekeeping or pollination services industry may require that job applicants be free from bee-related allergies, including allergies to pollen and bee venom. ``(s) Flexibility With Respect to Start Dates.--Upon approval of a petition with regard to jobs that are of a temporary or seasonal nature, the employer may begin the employment of petitioned-for H-2C workers up to ten months after the first date the employer requires the labor or services of H-2C workers. ``(t) Adjustment of Status.--In applying section 245 to an alien who is an H-2C worker who was the beneficiary of a waiver under subsection (p)(1)-- ``(1) such alien shall be deemed to have been inspected and admitted into the United States; and ``(2) in determining the alien's admissibility as an immigrant, paragraphs (5)(A), (6)(A), (6)(C), (7), (9)(B), and (9)(C)(i)(I) of section 212(a) shall not apply with respect to conduct that occurred prior to the alien first receiving status as an H-2C worker.''. (b) At-Will Employment.--Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C 1181 et seq.) is amended by inserting after section 218A (as inserted by subsection (a) of this section) the following: ``SEC. 218B. AT-WILL EMPLOYMENT OF TEMPORARY H-2C WORKERS. ``(a) In General.--An employer that is designated as a `registered ***agricultural*** employer' pursuant to subsection (c) may employ aliens as H-2C workers. However, an H-2C worker may only perform labor or services pursuant to this section if the worker is already lawfully present in the United States as an H-2C worker, having been admitted or otherwise provided nonimmigrant status pursuant to section 218A, and has completed the period of employment specified in the job offer the worker accepted pursuant to section 218A or the employer has terminated the worker's employment pursuant to section 218A(j)(3)(D)(i). An H-2C worker who abandons the employment which was the basis for admission or status pursuant to section 218A may not perform labor or services pursuant to this section until the worker has returned to their home country, been readmitted as an H-2C worker pursuant to section 218A and has completed the period of employment specified in the job offer the worker accepted pursuant to section 218A or the employer has terminated the worker's employment pursuant to section 218A(j)(3)(D)(i). ``(b) Period of Stay.--H-2C workers performing at-will labor or services for a registered ***agricultural*** employer are subject to the period of admission, limitation of stay in status, and requirement to remain outside the United States contained in subsections (m) and (n) of section 218A, except that subsection (m)(3)(A) does not apply. ``(c) Registered ***Agricultural*** Employers.--The Secretary of ***Agriculture*** shall establish a process to accept and adjudicate applications by employers to be designated as registered ***agricultural*** employers. The Secretary shall require, as a condition of approving the application, the ***payment*** of a fee to recover the reasonable cost of processing [[Page H5387]] the application. The Secretary shall designate an employer as a registered ***agricultural*** employer if the Secretary determines that the employer-- ``(1) employs (or plans to employ) individuals who perform ***agricultural*** labor or services; ``(2) has not been subject to debarment from receiving temporary ***agricultural*** labor certifications pursuant to section 101(a)(15)(H)(ii)(a) within the last three ***years***; ``(3) has not been subject to disqualification from the employment of H-2C workers within the last five ***years***; ``(4) agrees to, if employing H-2C workers pursuant to this section, fulfill the attestations contained in section 218A(b) as if it had submitted a petition making those attestations (excluding subsection (j)(3) of such section) and not to employ H-2C workers who have reached their maximum continuous period of authorized status under section 218A(m) (subject to the exceptions contained in section 218A(m)(3)) or if the workers have complied with the terms of section 218A(m)(2); and ``(5) agrees to notify the Secretary of ***Agriculture*** and the Secretary of Homeland Security each time it employs H-2C workers pursuant to this section within 72 hours of the commencement of employment and within 72 hours of the cessation of employment. ``(d) Length of Designation.--An employer's designation as a registered ***agricultural*** employer shall be valid for 3 ***years***, and the Secretary may extend such designation for additional 3-***year*** terms upon the reapplication of the employer. The Secretary shall revoke a designation before the expiration of its 3-***year*** term if the employer is subject to disqualification from the employment of H-2C workers subsequent to being designated as a registered ***agricultural*** employer. ``(e) Enforcement.--The Secretary of ***Agriculture*** shall be responsible for conducting investigations and audits, including random audits, of employers to ensure compliance with the requirements of this section. All monetary fines levied against employers shall be paid to the Department of ***Agriculture*** and used to enhance the Department of ***Agriculture***'s investigatory and audit abilities to ensure compliance by employers with their obligations under this section and section 218A. The Secretary of ***Agriculture***'s enforcement powers and an employer's liability described in subsections (h) through (i) of section 218A are applicable to employers employing H-2C workers pursuant to this section.''. (c) Prohibition on Family Members.--Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(H)) is amended by striking ``him;'' at the end and inserting ``him, except that no spouse or child may be admitted under clause (ii)(c);''. (d) Numerical Cap.--Section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C 1184(g)(1)) is amended-- (1) in subparagraph (A), by striking ``or'' at the end; (2) in subparagraph (B), by striking the period at the end and inserting ``; or''; and (3) by adding at the end the following: ``(C) under section 101(a)(15)(H)(ii)(c)-- ``(i) may not exceed 40,000 for aliens issued visas or otherwise provided nonimmigrant status under such section for the purpose of performing ***agricultural*** labor or services consisting or meat or poultry processing; ``(ii) except as otherwise provided under this subparagraph, may not exceed 410,000 for aliens issued visas or otherwise provided nonimmigrant status under such section for the purpose of performing ***agricultural*** labor or services other than ***agricultural*** labor or services consisting of meat or poultry processing; ``(iii) if the base allocation under clause (ii) is exhausted during any fiscal ***year***, the base allocation for that and subsequent fiscal ***years*** shall be increased by the lesser of 10 percent or a percentage representing the number of petitioned-for aliens (as a percentage of the base allocation) who would be eligible to be issued visas or otherwise provided nonimmigrant status described in that clause during that fiscal ***year*** but for the base allocation being exhausted, and if the increased base allocation is itself exhausted during a subsequent fiscal ***year***, the base allocation for that and subsequent fiscal ***years*** shall be further increased by the lesser of 10 percent or a percentage representing the number of petitioned-for aliens (as a percentage of the increased base allocation) who would be eligible to be issued visas or otherwise provided nonimmigrant status described in that clause during that fiscal ***year*** but for the increased base allocation being exhausted (subject to clause (iv)); ``(iv) if the base allocation under clause (ii) is not exhausted during any fiscal ***year***, the base allocation under such clause for subsequent fiscal ***years*** shall be decreased by the greater of 5 percent or a percentage representing the unutilized portion of the base allocation (as a percentage of the base allocation) during that fiscal ***year***, and if in a subsequent fiscal ***year*** the decreased base allocation is itself not exhausted, the base allocation for fiscal ***years*** subsequent to that fiscal ***year*** shall be further decreased by the greater of 5 percent or a percentage representing the unutilized portion of the decreased base allocation (as a percentage of the decreased base allocation) during that fiscal ***year*** (subject to clause (iii) and except that the base allocation shall not fall below 410,000); and ``(v) for purposes of clause (ii), the numerical limitations shall not apply to any alien-- ``(I) who-- ``(aa) was physically present in the United States on October 23, 2017; and ``(bb) performed ***agricultural*** labor or services in the United States for at least 5.75 hours during each of at least 180 days during the 2-***year*** period ending on October 23, 2017; or ``(II) who has previously been issued a visa or otherwise provided nonimmigrant status pursuant to subclause (a) or (b) of section 101(a)(15)(H)(ii), but only to the extent that the alien is being petitioned for by an employer pursuant to section 218A(b) who previously employed the alien pursuant to subclause (a) or (b) of section 101(a)(15)(H)(ii) beginning no later than October 23, 2017.''. (e) Intent.--Section 214(b) of the Immigration and Nationality Act (8 U.S.C 1184(b)) is amended by striking ``section 101(a)(15)(H)(i) except subclause (b1) of such section'' and inserting ``clause (i), except subclause (b1), or (ii)(c) of section 101(a)(15)(H)''. (f) Clerical Amendment.--The table of contents for the Immigration and Nationality Act (8 U.S.C 1101 et seq.) is amended by inserting after the item relating to section 218 the following: ``Sec. 218B. At-will employment of temporary H-2C workers.''. SEC. 2104. MEDIATION. Nonimmigrants having status under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(H)(ii)(c)) may not bring civil actions for damages against their employers, nor may any other attorneys or individuals bring civil actions for damages on behalf of such nonimmigrants against the nonimmigrants' employers, unless at least 90 days prior to bringing an action a request has been made to the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute and mediation has been attempted. SEC. 2105. MIGRANT AND SEASONAL ***AGRICULTURAL*** WORKER PROTECTION. Section 3(8)(B)(ii) of the Migrant and Seasonal ***Agricultural*** Worker Protection Act (29 U.S.C 1802(8)(B)(ii)) is amended by striking ``under sections 101(a)(15)(H)(ii)(a) and 214(c) of the Immigration and Nationality Act.'' and inserting ``under subclauses (a) and (c) of section 101(a)(15)(H)(ii), and section 214(c), of the Immigration and Nationality Act.''. SEC. 2106. BINDING ARBITRATION. (a) Applicability.--H-2C workers may, as a condition of employment with an employer, be subject to mandatory binding arbitration and mediation of any grievance relating to the employment relationship. An employer shall provide any such workers with notice of such condition of employment at the time it makes job offers. (b) Allocation of Costs.--Any cost associated with such arbitration and mediation process shall be equally divided between the employer and the H-2C workers, except that each party shall be responsible for the cost of its own counsel, if any. (c) Definitions.--As used in this section: (1) The term ``condition of employment'' means a term, condition, obligation, or requirement that is part of the job offer, such as the term of employment, job responsibilities, employee conduct standards, and the grievance resolution process, and to which applicants or prospective H-2C workers must consent or accept in order to be hired for the position. (2) The term ``H-2C worker'' means a nonimmigrant described in section 218A(a)(5) of the Immigration and Nationality Act, as added by this title. SEC. 2107. ELIGIBILITY FOR HEALTH CARE SUBSIDIES AND REFUNDABLE TAX CREDITS; REQUIRED HEALTH INSURANCE COVERAGE. (a) Health Care Subsidies.--H-2C workers (as defined in section 218A(a)(5) of the Immigration and Nationality Act, as added by this title)-- (1) are not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and (2) shall be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C 18071(e)). (b) Refundable Tax Credits.--H-2C workers (as defined in section 218A(a)(5) of the Immigration and Nationality Act, as added by this title), shall not be allowed any credit under sections 24 and 32 of the Internal Revenue Code of 1986. In the case of a joint return, no credit shall be allowed under either such section if both spouses are such workers or aliens. (c) Requirement Regarding Health Insurance Coverage.-- Notwithstanding the Fair Labor Standards Act of 1938 (29 U.S.C 201 et seq.) and State and local wage laws, not later than 21 days after being issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(H)(ii)(c)), an alien must obtain health insurance coverage accepted in their State or States of employment and residence for the period of employment specified in section 218A(b)(1) of the Immigration and Nationality Act. H-2C workers under sections 218A or 218B of the Immigration and Nationality Act who do not obtain and maintain the required insurance coverage will be [[Page H5388]] considered to have failed to maintain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act and shall be subject to removal under section 237(a)(1)(C)(i) of the Immigration and Nationality Act (8 U.S.C 1227(a)(1)(C)(i)). SEC. 2108. STUDY OF ESTABLISHMENT OF AN ***AGRICULTURAL*** WORKER EMPLOYMENT POOL. (a) Study.--The Secretary of ***Agriculture*** shall conduct a study on the feasibility of establishing an ***agricultural*** worker employment pool and an electronic Internet-based portal to assist H-2C workers (as such term is defined in section 218A of the Immigration and Nationality Act), prospective H-2C workers, and employers to identify job opportunities in the H-2C ***program*** and willing, able and available workers for the ***program***, respectively. (b) Contents.--The study required under subsection (a) shall include an analysis of-- (1) the cost of creating such a pool and portal; (2) potential funding sources or mechanisms to support the creation and maintenance of the pool and portal; (3) with respect to H-2C workers and prospective H-2C workers in the pool, the data that would be relevant for employers; (4) the merits of assisting H-2C workers and employers in identifying job opportunities and willing, able, and available workers, respectively; and (5) other beneficial uses for such a pool and portal. (c) Report.--Not later than 1 ***year*** after the date of the enactment of this Act, the Secretary of ***Agriculture*** shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study required under subsection (a). SEC. 2109. PREVAILING WAGE. Section 212(p) of the Immigration and Nationality Act (8 U.S.C 1182(p)) is amended-- (1) in paragraph (1), by inserting after ``subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)'' the following: ``of this section and section 218A(j)(2)(B)(ii)''; and (2) in paragraph (3), by inserting after ``subsections (a)(5)(A), (n)(1)(A)(i)(II), and (t)(1)(A)(i)(II)'' the following: ``of this section and section 218A(j)(2)(B)(ii)''. SEC. 2110. PORTABILITY OF H-2C STATUS. Section 214(n)(1) of the Immigration and Nationality Act (8 U.S.C 1184(n)(1)) is amended by inserting after ``section 101(a)(15)(H)(i)(b)'' the following: ``or 101(a)(15)(H)(ii)(c)''. SEC. 2111. EFFECTIVE DATES; SUNSET; REGULATIONS. (a) Effective Dates; Regulations.-- (1) In general.--Sections 2102 and 2104 through 2106 of this title, subsections (a) and (c) through (f) of section 2103 of this title, and the amendments made by the sections, shall take effect on the date on which the Secretary issues the rules under paragraph (3), and the Secretary of Homeland Security shall accept petitions pursuant to section 218A of the Immigration and Nationality Act, as inserted by this Act, beginning no later than that date. Sections 2107 and 2109 of this title shall take effect on the date of the enactment of this Act. (2) At-will employment.--Section 2103(b) of this title and the amendments made by that subsection shall take effect when-- (A) it becomes unlawful for all persons or other entities to hire, or to recruit or refer for a fee, for employment in the United States an individual (as provided in section 274A(a)(1) of the Immigration and Nationality Act (8 U.S.C 1324a(a)(1))) without using the verification system set forth in section 274A(d) of such Act, as amended by section 1103 of title I of division B of this Act, to seek verification of the employment eligibility of an individual; and (B) such verification system, in providing confirmation of an individual's employment eligibility, indicates whether an individual is eligible to be employed in all occupations or only to perform ***agricultural*** labor or services as a nonimmigrant who has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(ii)(C) of the Immigration and Nationality Act. (3) Regulations.--Notwithstanding any other provision of law, not later than the first day of the seventh month that begins after the date of the enactment of this Act, the Secretary of Homeland Security shall issue final rules, on an interim or other basis, to carry out this title. (b) Operation and Sunset of the H-2A ***Program***.-- (1) Application of existing regulations.--The Department of Labor H-2A ***program*** regulations published at 73 Federal Register 77110 et seq. (2008) shall be in force for all petitions approved under sections 101(a)(15)(H)(ii)(a) and 218 of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(h)(ii)(a); 8 U.S.C 1188) beginning on the date of the enactment of this Act, except that the following, as in effect on such date, shall remain in effect, and, to the extent that any rule published at 73 Federal Register 77110 et seq. is in conflict, such rule shall have no force and effect: (A) Paragraph (a) and subparagraphs (1) and (3) of paragraph (b) of section 655.200 of title 20, Code of Federal Regulations. (B) Section 655.201 of title 20, Code of Federal Regulations, except the paragraphs entitled ``Production of Livestock'' and ``Range''. (C) Paragraphs (c), (d) and (e) of section 655.210 of title 20, Code of Federal Regulations. (D) Section 655.230 of title 20, Code of Federal Regulations. (E) Section 655.235 of title 20, Code of Federal Regulations. (F) The Special Procedures Labor Certification Process for Employers in the Itinerant Animal Shearing Industry under the H-2A ***Program*** in effect under the Training and Employment Guidance Letter No. 17-06, Change 1, Attachment B, Section II, with an effective date of October 1, 2011. (2) Sunset.--Beginning on the date on which employers can file petitions pursuant to section 218A of the Immigration and Nationality Act, as added by section 2103(a) of this title, no new petitions under sections 101(a)(15)(H)(ii)(a) and 218 of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(H)(ii)(a); 8 U.S.C 1188) shall be accepted. SEC. 2112. REPORT ON COMPLIANCE AND VIOLATIONS. (a) In General.--Not later than 1 ***year*** after the first day on which employers can file petitions pursuant to section 218A of the Immigration and Nationality Act, as added by section 2103(a) of this title, the Secretary of Homeland Security, in consultation with the Secretary of ***Agriculture***, shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on compliance by H-2C workers with the requirements of this title and the Immigration and Nationality Act, as amended by this title. In the case of a violation of a term or condition of the temporary ***agricultural*** work visa ***program*** established by this title, the report shall identify the provision or provisions of law violated. (b) Definition.--As used in this section, the term ``H-2C worker'' means a nonimmigrant described in section 218A(a)(4) of the Immigration and Nationality Act, as added by section 2103(a) of this title. TITLE III--VISA SECURITY SEC. 3101. CANCELLATION OF ADDITIONAL VISAS. (a) In General.--Section 222(g) of the Immigration and Nationality Act (8 U.S.C 1202(g)) is amended-- (1) in paragraph (1)-- (A) by striking ``Attorney General'' and inserting ``Secretary''; and (B) by inserting ``and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ``such visa''; and (2) in paragraph (2)(A), by striking ``(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ``(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''. (b) Effective Date.--The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date. SEC. 3102. VISA INFORMATION SHARING. (a) In General.--Section 222(f) of the Immigration and Nationality Act (8 U.S.C 1202(f)(2)) is amended-- (1) by striking ``issuance or refusal'' and inserting ``issuance, refusal, or revocation''; (2) in paragraph (2), in the matter preceding subparagraph (A), by striking ``and on the basis of reciprocity'' and all that follows and inserting the following ``may provide to a foreign government information in a Department of State computerized visa database and, when necessary and appropriate, other records covered by this section related to information in such database--''; (3) in paragraph (2)(A)-- (A) by inserting at the beginning ``on the basis of reciprocity,''; (B) by inserting ``(i)'' after ``for the purpose of''; and (C) by striking ``illicit weapons; or'' and inserting ``illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;''; (4) in paragraph (2)(B)-- (A) by inserting at the beginning ``on the basis of reciprocity,''; (B) by striking ``in the database'' and inserting ``such database''; (C) by striking ``for the purposes'' and inserting ``for one of the purposes''; and (D) by striking ``or to deny visas to persons who would be inadmissible to the United States.'' and inserting ``; or''; and (5) in paragraph (2), by adding at the end the following: ``(C) with regard to any or all aliens in the database specified data elements from each record, if the Secretary of State determines that it is in the national interest to provide such information to a foreign government.''. (b) Effective Date.--The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of this Act. SEC. 3103. RESTRICTING WAIVER OF VISA INTERVIEWS. Section 222(h) of the Immigration and Nationality Act (8 U.S.C 1202(h)(1)(B)) is amended-- (1) in paragraph (1)(C), by inserting ``, in consultation with the Secretary of Homeland Security,'' after ``if the Secretary''; (2) in paragraph (1)(C)(i), by inserting ``, where such national interest shall not include facilitation of travel of foreign nationals to the United States, reduction of visa application processing times, or the allocation of consular resources'' before the semicolon at the end; and [[Page H5389]] (3) in paragraph (2)-- (A) by striking ``or'' at the end of subparagraph (E); (B) by striking the period at the end of subparagraph (F) and inserting ``; or''; and (C) by adding at the end the following: ``(G) is an individual-- ``(i) determined to be in a class of aliens determined by the Secretary of Homeland Security to be threats to national security; ``(ii) identified by the Secretary of Homeland Security as a person of concern; or ``(iii) applying for a visa in a visa category with respect to which the Secretary of Homeland Security has determined that a waiver of the visa interview would create a high risk of degradation of visa ***program*** integrity.''. SEC. 3104. AUTHORIZING THE DEPARTMENT OF STATE TO NOT INTERVIEW CERTAIN INELIGIBLE VISA APPLICANTS. (a) In General.--Section 222(h)(1) of the Immigration and Nationality Act (8 U.S.C 1202(h)(1)) is amended by inserting ``the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application or'' after ``unless''. (b) Guidance.--Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall issue guidance to consular officers on the standards and processes for implementing the authority to deny visa applications without interview in cases where the alien is determined by the Secretary of State to be ineligible for a visa based upon review of the application. (c) Reports.--Not less frequently than once each quarter, the Secretary of State shall submit to the Congress a report on the denial of visa applications without interview, including-- (1) the number of such denials; and (2) a post-by-post breakdown of such denials. SEC. 3105. VISA REFUSAL AND REVOCATION. (a) Authority of the Secretary of Homeland Security and the Secretary of State.-- (1) In general.--Section 428 of the Homeland Security Act of 2002 (6 U.S.C 236) is amended by striking subsections (b) and (c) and inserting the following: ``(b) Authority of the Secretary of Homeland Security.-- ``(1) In general.--Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C 1104(a)) or any other provision of law, and except as provided in subsection (c) and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)), the Secretary-- ``(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and ``(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary, or designee, determines that such refusal or revocation is necessary or advisable in the security or foreign policy interests of the United States. ``(2) Effect of revocation.--The revocation of any visa under paragraph (1)(B)-- ``(A) shall take effect immediately; and ``(B) shall automatically cancel any other valid visa that is in the alien's possession. ``(3) Judicial review.--Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a refusal or revocation. ``(c) Authority of the Secretary of State.-- ``(1) In general.--The Secretary of State may direct a consular officer to refuse a visa requested by an alien if the Secretary of State determines such refusal to be necessary or advisable in the security or foreign policy interests of the United States. ``(2) Limitation.--No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).''. (2) Authority of the secretary of state.--Section 221(i) of the Immigration and Nationality Act (8 U.S.C 1201(i)) is amended by striking ``subsection, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).'' and inserting ``subsection.''. (3) Conforming amendment.--Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C 1227(a)(1)(B)) is amended by striking ``under section 221(i)''. (4) Effective date.--The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to visa refusals and revocations occurring before, on, or after such date. (b) Technical Corrections to the Homeland Security Act.-- Section 428(a) of the Homeland Security Act of 2002 (6 U.S.C 236(a)) is amended-- (1) by striking ``subsection'' and inserting ``section''; and (2) by striking ``consular office'' and inserting ``consular officer''. SEC. 3106. PETITION AND APPLICATION PROCESSING FOR VISAS AND IMMIGRATION BENEFITS. (a) In General.--Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C 1181 et seq.) is amended by inserting after section 211 the following: ``SEC. 211A. PETITION AND APPLICATION PROCESSING. ``(a) Signature Requirement.-- ``(1) In general.--No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless the petition or application is signed by each party required to sign such petition or application. ``(2) Applications for immigrant visas.--Except as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer. ``(b) Completion Requirement.--No petition or application filed with the Secretary of Homeland Security or with a consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant may be approved unless each applicable portion of the petition or application has been completed. ``(c) Translation Requirement.--No document submitted in support of a petition or application for a nonimmigrant or immigrant visa may be accepted by a consular officer if such document contains information in a foreign language, unless such document is accompanied by a full English translation, which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. ``(d) Requests for Additional Information.--In the case that the Secretary of Homeland Security or a consular officer requests any additional information relating to a petition or application filed with the Secretary or consular officer relating to the issuance of a visa or to the admission of an alien to the United States as an immigrant or as a nonimmigrant, such petition or application may not be approved unless all of the additional information requested is provided, or is shown to have been previously provided, in complete form and is provided on or before any reasonably established deadline included in the request.''. (b) Clerical Amendment.--The table of contents for the Immigration and Nationality Act (8 U.S.C 1101 et seq.) is amended by inserting after the item relating to section 211 the following: ``Sec. 211A. Petition and application processing.''. (c) Application.--The amendments made by this section shall apply with respect to applications and petitions filed after the date of the enactment of this Act. SEC. 3107. FRAUD PREVENTION. (a) Prospective Analytics Technology.-- (1) Plan for implementation.--Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a plan for the use of advanced analytics software to ensure the proactive detection of fraud in immigration benefits applications and petitions and to ensure that any such applicant or petitioner does not pose a threat to national security. (2) Implementation of plan.--Not later than 1 ***year*** after the date of the submission of the plan under paragraph (1), the Secretary of Homeland Security shall begin implementation of the plan. (b) Benefits Fraud Assessment.-- (1) In general.--The Secretary of Homeland Security, acting through the Fraud Detection and Nationality Security Directorate, shall complete a benefit fraud assessment by fiscal ***year*** 2021 on each of the following: (A) Petitions by VAWA self-petitioners (as such term is defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C 1101(a)(51)). (B) Applications or petitions for visas or status under section 101(a)(15)(K) of such Act or under section 201(b)(2) of such Act, in the case of spouses (8 U.S.C 1101(a)(15)(K)). (C) Applications for visas or status under section 101(a)(27)(J) of such Act (8 U.S.C 1101(a)(27)(J)). (D) Applications for visas or status under section 101(a)(15)(U) of such Act (8 U.S.C 1101(a)(15)(U)). (E) Petitions for visas or status under section 101(a)(27)(C) of such Act (8 U.S.C 1101(a)(27)(C)). (F) Applications for asylum under section 208 of such Act (8 U.S.C 1158). (G) Applications for adjustment of status under section 209 of such Act (8 U.S.C 1159). (H) Petitions for visas or status under section 201(b) of such Act (8 U.S.C 1151(b)). (2) Reporting on findings.--Not later than 30 days after the completion of each benefit fraud assessment under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate such assessment and recommendations on how to reduce the occurrence of instances of fraud identified by the assessment. [[Page H5390]] SEC. 3108. VISA INELIGIBILITY FOR SPOUSES AND CHILDREN OF DRUG TRAFFICKERS. Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C 1182(a)(2)) is amended-- (1) in subparagraph (C)(ii), by striking ``is the spouse, son, or daughter'' and inserting ``is or has been the spouse, son, or daughter''; and (2) in subparagraph (H)(ii), by striking ``is the spouse, son, or daughter'' and inserting ``is or has been the spouse, son, or daughter''. SEC. 3109. DNA TESTING. Section 222(b) of the Immigration and Nationality Act (8 U.S.C 1202(b)) is amended by inserting ``Where considered necessary, by the consular officer or immigration official, to establish family relationships, the immigrant shall provide DNA evidence of such a relationship in accordance with procedures established for submitting such evidence. The Secretary and the Secretary of State may, in consultation, issue regulations to require DNA evidence to establish family relationship, from applicants for certain visa classifications.'' after ``and a certified copy of all other records or documents concerning him or his case which may be required by the consular officer.''. SEC. 3110. ACCESS TO NCIC CRIMINAL HISTORY DATABASE FOR DIPLOMATIC VISAS. Subsection (a) of article V of section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (34 U.S.C 40316(V)(a)) is amended by inserting ``, except for diplomatic visa applications for which only full biographical information is required'' before the period at the end. SEC. 3111. ELIMINATION OF SIGNED PHOTOGRAPH REQUIREMENT FOR VISA APPLICATIONS. Section 221(b) of the Immigration and Nationality Act (8 U.S.C 1201(b)) is amended by striking the first sentence and insert the following: ``Each alien who applies for a visa shall be registered in connection with his or her application and shall furnish copies of his or her photograph for such use as may be required by regulation.''. SEC. 3112. ADDITIONAL FRAUD DETECTION AND PREVENTION. Section 286(v)(2)(A) of the Immigration and Nationality Act (8 U.S.C 1356(v)(2)(A)) is amended-- (1) in the matter preceding clause (i), by striking ``at United States embassies and consulates abroad''; (2) by amending clause (i) to read as follows: ``(i) to increase the number of diplomatic security personnel assigned exclusively or primarily to the function of preventing and detecting visa fraud;''; and (3) in clause (ii), by striking ``, including primarily fraud by applicants for visas described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15)''. DIVISION B--INTERIOR IMMIGRATION ENFORCEMENT TITLE I--LEGAL WORKFORCE ACT SEC. 1101. SHORT TITLE. This title may be cited as the ``Legal Workforce Act''. SEC. 1102. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS. (a) In General.--Section 274A(b) of the Immigration and Nationality Act (8 U.S.C 1324a(b)) is amended to read as follows: ``(b) Employment Eligibility Verification Process.-- ``(1) New hires, recruitment, and referral.--The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the following: ``(A) Attestation after examination of documentation.-- ``(i) Attestation.--During the verification period (as defined in subparagraph (E)), the person or entity shall attest, under penalty of perjury and on a form, including electronic and telephonic formats, designated or established by the Secretary by regulation not later than 6 months after the date of the enactment of the Legal Workforce Act, that it has verified that the individual is not an unauthorized alien by-- ``(I) obtaining from the individual the individual's social security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and ``(II) examining-- ``(aa) a document relating to the individual presenting it described in clause (ii); or ``(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv). ``(ii) Documents evidencing employment authorization and establishing identity.--A document described in this subparagraph is an individual's-- ``(I) unexpired United States passport or passport card; ``(II) unexpired permanent resident card that contains a photograph; ``(III) unexpired employment authorization card that contains a photograph; ``(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status as long as the period of status has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified in the documentation; ``(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A, or other documentation as designated by the Secretary, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI; or ``(VI) other document designated by the Secretary of Homeland Security, if the document-- ``(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary of Homeland Security finds, by regulation, sufficient for purposes of this clause; ``(bb) is evidence of authorization of employment in the United States; and ``(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use. ``(iii) Documents evidencing employment authorization.--A document described in this subparagraph is an individual's social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States). ``(iv) Documents establishing identity of individual.--A document described in this subparagraph is-- ``(I) an individual's unexpired driver's license or identification card if it was issued by a State or American Samoa and contains a photograph and information such as name, date of birth, gender, height, eye color, and address; ``(II) an individual's unexpired U.S military identification card; ``(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or ``(IV) in the case of an individual under 18 ***years*** of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual. ``(v) Authority to prohibit use of certain documents.--If the Secretary of Homeland Security finds, by regulation, that any document described in clause (i), (ii), or (iii) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this paragraph. ``(vi) Signature.--Such attestation may be manifested by either a handwritten or electronic signature. ``(B) Individual attestation of employment authorization.-- During the verification period (as defined in subparagraph (E)), the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment. Such attestation may be manifested by either a handwritten or electronic signature. The individual shall also provide that individual's social security account number or United States passport number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify. ``(C) Retention of verification form and verification.-- ``(i) In general.--After completion of such form in accordance with subparagraphs (A) and (B), the person or entity shall-- ``(I) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period beginning on the date of the recruiting or referral of the individual, or, in the case of the hiring of an individual, the date on which the verification is completed, and ending-- ``(aa) in the case of the recruiting or referral of an individual, 3 ***years*** after the date of the recruiting or referral; and ``(bb) in the case of the hiring of an individual, the later of 3 ***years*** after the date the verification is completed or one ***year*** after the date the individual's employment is terminated; and ``(II) during the verification period (as defined in subparagraph (E)), make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual. ``(ii) Confirmation.-- ``(I) Confirmation received.--If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the [[Page H5391]] system and that indicates a final confirmation of such identity and work eligibility of the individual. ``(II) Tentative nonconfirmation received.--If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonconfirmation within the time period specified, the nonconfirmation shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a final nonconfirmation. If the individual does contest the nonconfirmation, the individual shall utilize the process for secondary verification provided under subsection (d). The nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure. In no case shall an employer rescind the offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a rescission of the offer of employment for any reason other than because of such a failure. ``(III) Final confirmation or nonconfirmation received.--If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual. ``(IV) Extension of time.--If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry. ``(V) Consequences of nonconfirmation.-- ``(aa) Termination or notification of continued employment.--If the person or other entity has received a final nonconfirmation regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify. ``(bb) Failure to notify.--If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual. ``(VI) Continued employment after final nonconfirmation.-- If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A). ``(D) Effective dates of new procedures.-- ``(i) Hiring.--Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity hiring an individual for employment in the United States as follows: ``(I) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of the Legal Workforce Act, on the date that is 6 months after the date of the enactment of such Act. ``(II) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of the Legal Workforce Act, on the date that is 12 months after the date of the enactment of such Act. ``(III) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of the Legal Workforce Act, on the date that is 18 months after the date of the enactment of such Act. ``(IV) With respect to employers having 1 or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of the Legal Workforce Act, on the date that is 24 months after the date of the enactment of such Act. ``(ii) Recruiting and referring.--Except as provided in clause (iii), the provisions of this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States on the date that is 12 months after the date of the enactment of the Legal Workforce Act. ``(iii) ***Agricultural*** labor or services.--With respect to an employee performing ***agricultural*** labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 24 months after the date of the enactment of the Legal Workforce Act. For purposes of the preceding sentence, the term `***agricultural*** labor or services' has the meaning given such term by the Secretary of ***Agriculture*** in regulations and includes ***agricultural*** labor as defined in section 3121(g) of the Internal Revenue Code of 1986, ***agriculture*** as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any ***agricultural*** or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing or manufacturing of a product of ***agriculture*** (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this clause shall not be counted for purposes of clause (i). ``(iv) Extensions.--Upon request by an employer having 50 or fewer employees, the Secretary shall allow a one-time 6- month extension of the effective date set out in this subparagraph applicable to such employer. Such request shall be made to the Secretary and shall be made prior to such effective date. ``(v) Transition rule.--Subject to paragraph (4), the following shall apply to a person or other entity hiring, recruiting, or referring an individual for employment in the United States until the effective date or dates applicable under clauses (i) through (iii): ``(I) This subsection, as in effect before the enactment of the Legal Workforce Act. ``(II) Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note), as in effect before the effective date in section 7(c) of the Legal Workforce Act. ``(III) Any other provision of Federal law requiring the person or entity to participate in the E-Verify ***Program*** described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note), as in effect before the effective date in section 7(c) of the Legal Workforce Act, including Executive Order 13465 (8 U.S.C 1324a note; relating to Government procurement). ``(E) Verification period defined.-- ``(i) In general.--For purposes of this paragraph: ``(I) In the case of recruitment or referral, the term `verification period' means the period ending on the date recruiting or referring commences. ``(II) In the case of hiring, the term `verification period' means the period beginning on the date on which an offer of employment is extended and ending on the date that is three business days after the date of hire, except as provided in clause (iii). The offer of employment may be conditioned in accordance with clause (ii). ``(ii) Job offer may be conditional.--A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph. ``(iii) Special rule.--Notwithstanding clause (i)(II), in the case of an alien who is authorized for employment and who provides evidence from the Social Security Administration that the alien has applied for a social security account number, the verification period ends three business days after the alien receives the social security account number. ``(2) Reverification for individuals with limited work authorization.-- ``(A) In general.--Except as provided in subparagraph (B), a person or entity shall make an inquiry, as provided in subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the three business days after the date on which the employee's work authorization expires as follows: ``(i) With respect to employers having 10,000 or more employees in the United States on the date of the enactment of the Legal Workforce Act, beginning on the date that is 6 months after the date of the enactment of such Act. ``(ii) With respect to employers having 500 or more employees in the United States, but less than 10,000 employees in the United States, on the date of the enactment of the Legal Workforce Act, beginning on the date that is 12 months after the date of the enactment of such Act. ``(iii) With respect to employers having 20 or more employees in the United States, but less than 500 employees in the United States, on the date of the enactment of the Legal Workforce Act, beginning on the date that is 18 months after the date of the enactment of such Act. ``(iv) With respect to employers having 1 or more employees in the United States, but less than 20 employees in the United States, on the date of the enactment of the Legal Workforce Act, beginning on the date that is 24 months after the date of the enactment of such Act. [[Page H5392]] ``(B) ***Agricultural*** labor or services.--With respect to an employee performing ***agricultural*** labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal ***Agricultural*** Worker Protection Act (29 U.S.C 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 24 months after the date of the enactment of the Legal Workforce Act. For purposes of the preceding sentence, the term `***agricultural*** labor or services' has the meaning given such term by the Secretary of ***Agriculture*** in regulations and includes ***agricultural*** labor as defined in section 3121(g) of the Internal Revenue Code of 1986, ***agriculture*** as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C 203(f)), the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any ***agricultural*** or horticultural commodity in its unmanufactured state, all activities required for the preparation, processing, or manufacturing of a product of ***agriculture*** (as such term is defined in such section 3(f)) for further distribution, and activities similar to all the foregoing as they relate to fish or shellfish facilities. An employee described in this subparagraph shall not be counted for purposes of subparagraph (A). ``(C) Reverification.--Paragraph (1)(C)(ii) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall-- ``(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and ``(ii) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 ***years*** after the date of such reverification or 1 ***year*** after the date the individual's employment is terminated. ``(3) Previously hired individuals.-- ``(A) On a mandatory basis for certain employees.-- ``(i) In general.--Not later than the date that is 6 months after the date of the enactment of the Legal Workforce Act, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E- Verify ***Program*** described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note). ``(ii) Individuals described.--An individual described in this clause is any of the following: ``(I) An employee of any unit of a Federal, State, or local government. ``(II) An employee who requires a Federal security clearance working in a Federal, State or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential (TWIC). ``(III) An employee assigned to perform work in the United States under a Federal contract, except that this subclause-- ``(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12 (HSPD 12 clearance), are administrative or overhead personnel, or are working solely on contracts that provide Commercial Off The Shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and ``(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations. ``(B) On a mandatory basis for multiple users of same social security account number.--In the case of an employer who is required by this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, the employer shall make inquiries to the system in accordance with the following: ``(i) The Commissioner of Social Security shall notify annually employees (at the employee address listed on the Wage and Tax Statement) who submit a social security account number to which more than one employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported as well as sufficient information notifying the employee of the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft. ``(ii) If the person to whom the social security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the social security account number was used without their knowledge, the Secretary and the Commissioner shall lock the social security account number for employment eligibility verification purposes and shall notify the employers of the individuals who wrongfully submitted the social security account number that the employee may not be work eligible. ``(iii) Each employer receiving such notification of an incorrect social security account number under clause (ii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee within 10 business days of receipt of the notification. ``(C) On a voluntary basis.--Subject to paragraph (2), and subparagraphs (A) through (C) of this paragraph, beginning on the date that is 30 days after the date of the enactment of the Legal Workforce Act, an employer may make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer. If an employer chooses voluntarily to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system. An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review provided for in this Act. ``(D) Verification.--Paragraph (1)(C)(ii) shall apply to verifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall-- ``(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and ``(ii) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the verification commences and ending on the date that is the later of 3 ***years*** after the date of such verification or 1 ***year*** after the date the individual's employment is terminated. ``(4) Early compliance.-- ``(A) Former e-verify required users, including federal contractors.--Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of the Legal Workforce Act, the Secretary is authorized to commence requiring employers required to participate in the E-Verify ***Program*** described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note), including employers required to participate in such ***program*** by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements of this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify ***Program***. ``(B) Former e-verify voluntary users and others desiring early compliance.--Notwithstanding the deadlines in paragraphs (1) and (2), beginning on the date of the enactment of the Legal Workforce Act, the Secretary shall provide for the voluntary compliance with the requirements of this subsection by employers voluntarily electing to participate in the E-Verify ***Program*** described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note) before such date, as well as by other employers seeking voluntary early compliance. ``(5) Copying of documentation permitted.--Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection. ``(6) Limitation on use of forms.--A form designated or established by the Secretary of Homeland Security under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law. ``(7) Good faith compliance.-- ``(A) In general.--Except as otherwise provided in this subsection, a person or entity is considered to have complied with a requirement of this subsection notwithstanding a technical or procedural failure to meet such requirement if there was a good faith attempt to comply with the requirement. ``(B) Exception if failure to correct after notice.-- Subparagraph (A) shall not apply if-- ``(i) the failure is not de minimus; ``(ii) the Secretary of Homeland Security has explained to the person or entity the basis for the failure and why it is not de minimus; ``(iii) the person or entity has been provided a period of not less than 30 ***calendar*** days (beginning after the date of the explanation) within which to correct the failure; and ``(iv) the person or entity has not corrected the failure voluntarily within such period. ``(C) Exception for pattern or practice violators.-- Subparagraph (A) shall not apply to a person or entity that has or is engaging in a pattern or practice of violations of subsection (a)(1)(A) or (a)(2). [[Page H5393]] ``(8) Single extension of deadlines upon certification.--In a case in which the Secretary of Homeland Security has certified to the Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of the Legal Workforce Act, each deadline established under this section for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).''. (b) Date of Hire.--Section 274A(h) of the Immigration and Nationality Act (8 U.S.C 1324a(h)) is amended by adding at the end the following: ``(4) Definition of date of hire.--As used in this section, the term `date of hire' means the date of actual commencement of employment for wages or other remuneration, unless otherwise specified.''. SEC. 1103. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM. Section 274A(d) of the Immigration and Nationality Act (8 U.S.C 1324a(d)) is amended to read as follows: ``(d) Employment Eligibility Verification System.-- ``(1) In general.--Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note), the Secretary of Homeland Security shall establish and administer a verification system through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)-- ``(A) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and ``(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section. ``(2) Initial response.--The verification system shall provide confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing confirmation or tentative nonconfirmation, the verification system shall provide an appropriate code indicating such confirmation or such nonconfirmation. ``(3) Secondary confirmation process in case of tentative nonconfirmation.--In cases of tentative nonconfirmation, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation not later than 10 working days after the date on which the notice of the tentative nonconfirmation is received by the employee. The Secretary, in consultation with the Commissioner, may extend this deadline once on a case-by- case basis for a period of 10 working days, and if the time is extended, shall document such extension within the verification system. The Secretary, in consultation with the Commissioner, shall notify the employee and employer of such extension. The Secretary, in consultation with the Commissioner, shall create a standard process of such extension and notification and shall make a description of such process available to the public. When final confirmation or nonconfirmation is provided, the verification system shall provide an appropriate code indicating such confirmation or nonconfirmation. ``(4) Design and operation of system.--The verification system shall be designed and operated-- ``(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information; ``(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received; ``(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; ``(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including-- ``(i) the selective or unauthorized use of the system to verify eligibility; or ``(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; ``(E) to maximize the prevention of identity theft use in the system; and ``(F) to limit the subjects of verification to the following individuals: ``(i) Individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b). ``(ii) Employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b). ``(iii) Individuals seeking to confirm their own employment eligibility on a voluntary basis. ``(5) Responsibilities of commissioner of social security.--As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation) under the verification system except as provided for in this section or section 205(c)(2)(I) of the Social Security Act. ``(6) Responsibilities of secretary of homeland security.-- As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, whether the alien is authorized to be employed in the United States, or to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States. ``(7) Updating information.--The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in paragraph (3). ``(8) Limitation on use of the verification system and any related systems.-- ``(A) No national identification card.--Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card. ``(B) Critical infrastructure.--The Secretary may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C 5195c(e))) to use the verification system to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure. ``(9) Remedies.--If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this paragraph.''. SEC. 1104. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT. (a) Additional Changes to Rules for Recruitment, Referral, and Continuation of Employment.--Section 274A(a) of the Immigration and Nationality Act (8 U.S.C 1324a(a)) is amended-- (1) in paragraph (1)(A), by striking ``for a fee''; (2) in paragraph (1), by amending subparagraph (B) to read as follows: ``(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).''; and (3) in paragraph (2), by striking ``after hiring an alien for employment in accordance with paragraph (1),'' and inserting ``after complying with paragraph (1),''. (b) Definition.--Section 274A(h) of the Immigration and Nationality Act (8 U.S.C 1324a(h)), as amended by this title, is further amended by adding at the end the following: ``(5) Definition of recruit or refer.--As used in this section, the term `refer' means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person. Only persons or entities referring for remuneration (whether on a retainer or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in the definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party. As used in this section, the term `recruit' means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person. Only persons or entities referring for remuneration (whether on a retainer [[Page H5394]] or contingency basis) are included in the definition, except that union hiring halls that refer union members or nonunion individuals who pay union membership dues are included in this definition whether or not they receive remuneration, as are labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.''. (c) Effective Date.--The amendments made by this section shall take effect on the date that is 1 ***year*** after the date of the enactment of this Act, except that the amendments made by subsection (a) shall take effect 6 months after the date of the enactment of this Act insofar as such amendments relate to continuation of employment. SEC. 1105. GOOD FAITH DEFENSE. Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C 1324a(a)(3)) is amended to read as follows: ``(3) Good faith defense.-- ``(A) Defense.--An employer (or person or entity that hires, employs, recruits, or refers (as defined in subsection (h)(5)), or is otherwise obligated to comply with this section) who establishes that it has complied in good faith with the requirements of subsection (b)-- ``(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the system established under subsection (d); and ``(ii) has established compliance with its obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien. ``(B) Mitigation element.--For purposes of subparagraph (A)(i), if an employer proves by a preponderance of the evidence that the employer uses a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the system established under subsection (d). ``(C) Failure to seek and obtain verification.--Subject to the effective dates and other deadlines applicable under subsection (b), in the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply: ``(i) Failure to seek verification.-- ``(I) In general.--If the person or entity has not made an inquiry, under the mechanism established under subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II). ``(II) Special rule for failure of verification mechanism.--If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense. ``(ii) Failure to obtain verification.--If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (d)(2) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.''. SEC. 1106. PREEMPTION AND STATES' RIGHTS. Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C 1324a(h)(2)) is amended to read as follows: ``(2) Preemption.-- ``(A) Single, national policy.--The provisions of this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, insofar as they may now or hereafter relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens. ``(B) State enforcement of federal law.-- ``(i) Business licensing.--A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility when and as required under subsection (b). ``(ii) General rules.--A State, at its own cost, may enforce the provisions of this section, but only insofar as such State follows the Federal regulations implementing this section, applies the Federal penalty structure set out in this section, and complies with all Federal rules and guidance concerning implementation of this section. Such State may collect any fines assessed under this section. An employer may not be subject to enforcement, including audit and investigation, by both a Federal agency and a State for the same violation under this section. Whichever entity, the Federal agency or the State, is first to initiate the enforcement action, has the right of first refusal to proceed with the enforcement action. The Secretary must provide copies of all guidance, training, and field instructions provided to Federal officials implementing the provisions of this section to each State.''. SEC. 1107. REPEAL. (a) In General.--Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note) is repealed. (b) References.--Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1324a note) is deemed to refer to the employment eligibility confirmation system established under section 274A(d) of the Immigration and Nationality Act, as amended by this title. (c) Effective Date.--This section shall take effect on the date that is 24 months after the date of the enactment of this Act. (d) Clerical Amendment.--The table of sections, in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV. SEC. 1108. PENALTIES. Section 274A of the Immigration and Nationality Act (8 U.S.C 1324a) is amended-- (1) in subsection (e)(1)-- (A) by striking ``Attorney General'' each place such term appears and inserting ``Secretary of Homeland Security''; and (B) in subparagraph (D), by striking ``Service'' and inserting ``Department of Homeland Security''; (2) in subsection (e)(4)-- (A) in subparagraph (A), in the matter before clause (i), by inserting ``, subject to paragraph (10),'' after ``in an amount''; (B) in subparagraph (A)(i), by striking ``not less than $250 and not more than $2,000'' and inserting ``not less than $2,500 and not more than $5,000''; (C) in subparagraph (A)(ii), by striking ``not less than $2,000 and not more than $5,000'' and inserting ``not less than $5,000 and not more than $10,000''; (D) in subparagraph (A)(iii), by striking ``not less than $3,000 and not more than $10,000'' and inserting ``not less than $10,000 and not more than $25,000''; and (E) by moving the margin of the continuation text following subparagraph (B) two ems to the left and by amending subparagraph (B) to read as follows: ``(B) may require the person or entity to take such other remedial action as is appropriate.''; (3) in subsection (e)(5)-- (A) in the paragraph heading, strike ``paperwork''; (B) by inserting ``, subject to paragraphs (10) through (12),'' after ``in an amount''; (C) by striking ``$100'' and inserting ``$1,000''; (D) by striking ``$1,000'' and inserting ``$25,000''; and (E) by adding at the end the following: ``Failure by a person or entity to utilize the employment eligibility verification system as required by law, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).''; (4) by adding at the end of subsection (e) the following: ``(10) Exemption from penalty for good faith violation.--In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith. ``(11) Mitigation element.--For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty. ``(12) Authority to debar employers for certain violations.-- ``(A) In general.--If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation. ``(B) Does not have contract, grant, agreement.--If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such an person or entity does not hold a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall refer the matter to the Administrator of General Services to determine whether to [[Page H5395]] list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope. ``(C) Has contract, grant, agreement.--If the Secretary of Homeland Security or the Attorney General wishes to have a person or entity considered for debarment in accordance with this paragraph, and such person or entity holds a Federal contract, grant or cooperative agreement, the Secretary or Attorney General shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the person or entity of the Government's interest in having the person or entity considered for debarment, and after soliciting and considering the views of all such agencies and departments, the Secretary or Attorney General may refer the matter to any appropriate lead agency to determine whether to list the person or entity on the List of Parties Excluded from Federal Procurement, and if so, for what duration and under what scope. ``(D) Review.--Any decision to debar a person or entity in accordance with this paragraph shall be reviewable pursuant to part 9.4 of the Federal Acquisition Regulation. ``(13) Office for state and local government complaints.-- The Secretary of Homeland Security shall establish an office-- ``(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality; ``(B) that is required to indicate to the complaining State or local agency within five business days of the filing of such a complaint by identifying whether the Secretary will further investigate the information provided; ``(C) that is required to investigate those complaints filed by State or local government agencies that, on their face, have a substantial probability of validity; ``(D) that is required to notify the complaining State or local agency of the results of any such investigation conducted; and ``(E) that is required to report to the Congress annually the number of complaints received under this paragraph, the States and localities that filed such complaints, and the resolution of the complaints investigated by the Secretary.''; and (5) by amending paragraph (1) of subsection (f) to read as follows: ``(1) Criminal penalty.--Any person or entity which engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both, notwithstanding the provisions of any other Federal law relating to fine levels.''. SEC. 1109. FRAUD AND MISUSE OF DOCUMENTS. Section 1546(b) of title 18, United States Code, is amended-- (1) in paragraph (1), by striking ``identification document,'' and inserting ``identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''; and (2) in paragraph (2), by striking ``identification document'' and inserting ``identification document or document meant to establish work authorization (including the documents described in section 274A(b) of the Immigration and Nationality Act),''. SEC. 1110. PROTECTION OF SOCIAL SECURITY ADMINISTRATION ***PROGRAMS***. (a) Funding Under Agreement.--Effective for fiscal ***years*** beginning on or after October 1, 2019, the Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain an agreement which shall-- (1) provide funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C 1324a(d)), as amended by this title, including (but not limited to)-- (A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and (B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section; (2) provide such funds annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except in such instances where the delayed enactment of an annual appropriation may preclude such quarterly ***payments***); and (3) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspectors General of the Social Security Administration and the Department of Homeland Security. (b) Continuation of Employment Verification in Absence of Timely Agreement.--In any case in which the agreement required under subsection (a) for any fiscal ***year*** beginning on or after October 1, 2019, has not been reached as of October 1 of such fiscal ***year***, the latest agreement between the Commissioner and the Secretary of Homeland Security providing for funding to cover the costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C 1324a(d)) shall be deemed in effect on an interim basis for such fiscal ***year*** until such time as an agreement required under subsection (a) is subsequently reached, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system. In any case in which an interim agreement applies for any fiscal ***year*** under this subsection, the Commissioner and the Secretary shall, not later than October 1 of such fiscal ***year***, notify the Committee on Ways and Means, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives and the Committee on Finance, the Committee on the Judiciary, and the Committee on Appropriations of the Senate of the failure to reach the agreement required under subsection (a) for such fiscal ***year***. Until such time as the agreement required under subsection (a) has been reached for such fiscal ***year***, the Commissioner and the Secretary shall, not later than the end of each 90-day period after October 1 of such fiscal ***year***, notify such Committees of the status of negotiations between the Commissioner and the Secretary in order to reach such an agreement. SEC. 1111. FRAUD PREVENTION. (a) Blocking Misused Social Security Account Numbers.--The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a ***program*** in which social security account numbers that have been identified to be subject to unusual multiple use in the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C 1324a(d)), as amended by this title, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of the number. (b) Allowing Suspension of Use of Certain Social Security Account Numbers.--The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a ***program*** which shall provide a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their social security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act (8 U.S.C 1324a(d)), as amended by this title. The Secretary may implement the ***program*** on a limited pilot ***program*** basis before making it fully available to all individuals. (c) Allowing Parents To Prevent Theft of Their Child's Identity.--The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a ***program*** which shall provide a reliable, secure method by which parents or legal guardians may suspend or limit the use of the social security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act (8 U.S.C 1324a(d)), as amended by this title. The Secretary may implement the ***program*** on a limited pilot ***program*** basis before making it fully available to all individuals. SEC. 1112. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL. An employer or entity who uses the photo matching tool, if required by the Secretary as part of the verification system, shall match, either visually, or using facial recognition or other verification technology approved or required by the Secretary, the photo matching tool photograph to the photograph on the identity or employment eligibility document provided by the individual or to the face of the employee submitting the document for employment verification purposes, or both, as determined by the Secretary. SEC. 1113. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT ***PROGRAMS***. Not later than 24 months after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish by regulation not less than 2 Identity Authentication Employment Eligibility Verification pilot ***programs***, each using a separate and distinct technology (the ``Authentication Pilots''). The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees which shall be available to any employer that elects to participate in either of the Authentication Pilots. Any participating employer may cancel the employer's participation in the Authentication Pilot after one ***year*** after electing to participate without prejudice to future participation. The Secretary shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the [[Page H5396]] Senate the Secretary's findings on the Authentication Pilots, including the authentication technologies chosen, not later than 12 months after commencement of the Authentication Pilots. SEC. 1114. INSPECTOR GENERAL AUDITS. (a) In General.--Not later than 1 ***year*** after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall complete audits of the following categories in order to uncover evidence of individuals who are not authorized to work in the United States: (1) Workers who dispute wages reported on their social security account number when they believe someone else has used such number and name to report wages. (2) Children's social security account numbers used for work purposes. (3) Employers whose workers present significant numbers of mismatched social security account numbers or names for wage reporting. (b) Submission.--The Inspector General of the Social Security Administration shall submit the audits completed under subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate for review of the evidence of individuals who are not authorized to work in the United States. The Chairmen of those Committees shall then determine information to be shared with the Secretary of Homeland Security so that such Secretary can investigate the unauthorized employment demonstrated by such evidence. TITLE II--SANCTUARY CITIES AND STATE AND LOCAL LAW ENFORCEMENT COOPERATION SEC. 2201. SHORT TITLE. This title may be cited as the ``No Sanctuary for Criminals Act''. SEC. 2202. STATE NONCOMPLIANCE WITH ENFORCEMENT OF IMMIGRATION LAW. (a) In General.--Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1373) is amended-- (1) by striking subsection (a) and inserting the following: ``(a) In General.--Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit or in any way restrict, a Federal, State, or local government entity, official, or other personnel from complying with the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C 1101(a)(17))), or from assisting or cooperating with Federal law enforcement entities, officials, or other personnel regarding the enforcement of these laws.''; (2) by striking subsection (b) and inserting the following: ``(b) Law Enforcement Activities.--Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity, and no individual, may prohibit, or in any way restrict, a Federal, State, or local government entity, official, or other personnel from undertaking any of the following law enforcement activities as they relate to information regarding the citizenship or immigration status, lawful or unlawful, the inadmissibility or deportability, or the custody status, of any individual: ``(1) Making inquiries to any individual in order to obtain such information regarding such individual or any other individuals. ``(2) Notifying the Federal Government regarding the presence of individuals who are encountered by law enforcement officials or other personnel of a State or political subdivision of a State. ``(3) Complying with requests for such information from Federal law enforcement entities, officials, or other personnel.''; (3) in subsection (c), by striking ``Immigration and Naturalization Service'' and inserting ``Department of Homeland Security''; and (4) by adding at the end the following: ``(d) Compliance.-- ``(1) Eligibility for certain grant ***programs***.--A State, or a political subdivision of a State, that is found not to be in compliance with subsection (a) or (b) shall not be eligible to receive-- ``(A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C 1231(i)), the `Cops on the Beat' ***program*** under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C 10381 et seq.), or the Edward Byrne Memorial Justice Assistance Grant ***Program*** under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C 10151 et seq.); or ``(B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, enforcement of the immigration laws, or naturalization or administered by the Department of Homeland Security that is substantially related to immigration, the enforcement of the immigration laws, or naturalization. ``(2) ***Transfer*** of custody of aliens pending removal proceedings.--The Secretary, at the Secretary's discretion, may decline to ***transfer*** an alien in the custody of the Department of Homeland Security to a State or political subdivision of a State found not to be in compliance with subsection (a) or (b), regardless of whether the State or political subdivision of the State has issued a writ or warrant. ``(3) ***Transfer*** of custody of certain aliens prohibited.-- The Secretary shall not ***transfer*** an alien with a final order of removal pursuant to paragraph (1)(A) or (5) of section 241(a) of the Immigration and Nationality Act (8 U.S.C 1231(a)) to a State or a political subdivision of a State that is found not to be in compliance with subsection (a) or (b). ``(4) Annual determination.--The Secretary shall determine for each ***calendar*** ***year*** which States or political subdivision of States are not in compliance with subsection (a) or (b) and shall report such determinations to Congress by March 1 of each succeeding ***calendar*** ***year***. ``(5) Reports.--The Secretary of Homeland Security shall issue a report concerning the compliance with subsections (a) and (b) of any particular State or political subdivision of a State at the request of the House or the Senate Judiciary Committee. Any jurisdiction that is found not to be in compliance shall be ineligible to receive Federal financial assistance as provided in paragraph (1) for a minimum period of 1 ***year***, and shall only become eligible again after the Secretary of Homeland Security certifies that the jurisdiction has come into compliance. ``(6) Reallocation.--Any funds that are not allocated to a State or to a political subdivision of a State due to the failure of the State or of the political subdivision of the State to comply with subsection (a) or (b) shall be reallocated to States or to political subdivisions of States that comply with both such subsections. ``(e) Construction.--Nothing in this section shall require law enforcement officials from States, or from political subdivisions of States, to report or arrest victims or witnesses of a criminal offense.''. (b) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act, except that subsection (d) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1373), as added by this section, shall apply only to prohibited acts committed on or after the date of the enactment of this Act. SEC. 2203. CLARIFYING THE AUTHORITY OF ICE DETAINERS. (a) In General.--Section 287(d) of the Immigration and Nationality Act (8 U.S.C 1357(d)) is amended to read as follows: ``(d) Detainer of Inadmissible or Deportable Aliens.-- ``(1) In general.--In the case of an individual who is arrested by any Federal, State, or local law enforcement official or other personnel for the alleged violation of any criminal or motor vehicle law, the Secretary may issue a detainer regarding the individual to any Federal, State, or local law enforcement entity, official, or other personnel if the Secretary has probable cause to believe that the individual is an inadmissible or deportable alien. ``(2) Probable cause.--Probable cause is deemed to be established if-- ``(A) the individual who is the subject of the detainer matches, pursuant to biometric confirmation or other Federal database records, the identity of an alien who the Secretary has reasonable grounds to believe to be inadmissible or deportable; ``(B) the individual who is the subject of the detainer is the subject of ongoing removal proceedings, including matters where a charging document has already been served; ``(C) the individual who is the subject of the detainer has previously been ordered removed from the United States and such an order is administratively final; ``(D) the individual who is the subject of the detainer has made voluntary statements or provided reliable evidence that indicate that they are an inadmissible or deportable alien; or ``(E) the Secretary otherwise has reasonable grounds to believe that the individual who is the subject of the detainer is an inadmissible or deportable alien. ``(3) ***Transfer*** of custody.--If the Federal, State, or local law enforcement entity, official, or other personnel to whom a detainer is issued complies with the detainer and detains for purposes of ***transfer*** of custody to the Department of Homeland Security the individual who is the subject of the detainer, the Department may take custody of the individual within 48 hours (excluding weekends and holidays), but in no instance more than 96 hours, following the date that the individual is otherwise to be released from the custody of the relevant Federal, State, or local law enforcement entity.''. (b) Immunity.-- (1) In general.--A State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), and a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, acting in compliance with a Department of Homeland Security detainer issued pursuant to this section who temporarily holds an alien in its custody pursuant to the terms of a detainer so that the alien may be taken into the custody of the Department of Homeland Security, shall be considered to be acting under color of Federal authority for purposes of determining their liability and shall be held harmless for their compliance with the detainer in any suit seeking any punitive, compensatory, or other monetary damages. [[Page H5397]] (2) Federal government as defendant.--In any civil action arising out of the compliance with a Department of Homeland Security detainer by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention, the United States Government shall be the proper party named as the defendant in the suit in regard to the detention resulting from compliance with the detainer. (3) Bad faith exception.--Paragraphs (1) and (2) shall not apply to any mistreatment of an individual by a State or a political subdivision of a State (and the officials and personnel of the State or subdivision acting in their official capacities), or a nongovernmental entity (and its personnel) contracted by the State or political subdivision for the purpose of providing detention. (c) Private Right of Action.-- (1) Cause of action.--Any individual, or a spouse, parent, or child of that individual (if the individual is deceased), who is the victim of a murder, rape, or any felony, as defined by the State, for which an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C 1101(a)(3))) has been convicted and sentenced to a term of imprisonment of at least 1 ***year***, may bring an action against a State or political subdivision of a State or public official acting in an official capacity in the appropriate Federal court if the State or political subdivision, except as provided in paragraph (3)-- (A) released the alien from custody prior to the commission of such crime as a consequence of the State or political subdivision's declining to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C 1357(d)(1)); (B) has in effect a statute, policy, or practice not in compliance with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1373) as amended, and as a consequence of its statute, policy, or practice, released the alien from custody prior to the commission of such crime; or (C) has in effect a statute, policy, or practice requiring a subordinate political subdivision to decline to honor any or all detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C 1357(d)(1)), and, as a consequence of its statute, policy or practice, the subordinate political subdivision declined to honor a detainer issued pursuant to such section, and as a consequence released the alien from custody prior to the commission of such crime. (2) Limitations on bringing action.--An action may not be brought under this subsection later than 10 ***years*** following the occurrence of the crime, or death of a person as a result of such crime, whichever occurs later. (3) Proper defendant.--If a political subdivision of a State declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C 1357(d)) as a consequence of the State or another political subdivision with jurisdiction over the subdivision prohibiting the subdivision through a statute or other legal requirement of the State or other political subdivision-- (A) from honoring the detainer; or (B) fully complying with section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1373), and, as a consequence of the statute or other legal requirement of the State or other political subdivision, the subdivision released the alien referred to in paragraph (1) from custody prior to the commission of the crime referred to in that paragraph, the State or other political subdivision that enacted the statute or other legal requirement, shall be deemed to be the proper defendant in a cause of action under this subsection, and no such cause of action may be maintained against the political subdivision which declined to honor the detainer. (4) Attorney's fee and other costs.--In any action or proceeding under this subsection the court shall allow a prevailing plaintiff a reasonable attorneys`` fee as part of the costs, and include expert fees as part of the attorneys'' fee. (d) Eligibility for Certain Grant ***Programs***.-- (1) In general.--Except as provided in paragraph (2), a State or political subdivision of a State that has in effect a statute, policy or practice providing that it not comply with any or all Department of Homeland Security detainers issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C 1357(d)) shall not be eligible to receive-- (A) any of the funds that would otherwise be allocated to the State or political subdivision under section 241(i) of the Immigration and Nationality Act (8 U.S.C 1231(i)), the ``Cops on the Beat'' ***program*** under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C 10301 et seq.), or the Edward Byrne Memorial Justice Assistance Grant ***Program*** under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C 10151 et seq.); or (B) any other grant administered by the Department of Justice that is substantially related to law enforcement (including enforcement of the immigration laws), immigration, or naturalization or grant administered by the Department of Homeland Security that is substantially related to immigration, enforcement of the immigration laws, or naturalization. (2) Exception.--A political subdivision described in subsection (c)(3) that declines to honor a detainer issued pursuant to section 287(d)(1) of the Immigration and Nationality Act (8 U.S.C 1357(d)(1)) as a consequence of being required to comply with a statute or other legal requirement of a State or another political subdivision with jurisdiction over that political subdivision, shall remain eligible to receive grant funds described in paragraph (1). In the case described in the previous sentence, the State or political subdivision that enacted the statute or other legal requirement shall not be eligible to receive such funds. SEC. 2204. SARAH AND GRANT'S LAW. (a) Detention of Aliens During Removal Proceedings.-- (1) Clerical amendments.--(A) Section 236 of the Immigration and Nationality Act (8 U.S.C 1226) is amended by striking ``Attorney General'' each place it appears (except in the second place that term appears in section 236(a)) and inserting ``Secretary of Homeland Security''. (B) Section 236(a) of such Act (8 U.S.C 1226(a)) is amended by inserting ``the Secretary of Homeland Security or'' before ``the Attorney General--''. (C) Section 236(e) of such Act (8 U.S.C 1226(e)) is amended by striking ``Attorney General's'' and inserting ``Secretary of Homeland Security's''. (2) Length of detention.--Section 236 of such Act (8 U.S.C 1226) is amended by adding at the end the following: ``(f) Length of Detention.-- ``(1) In general.--Notwithstanding any other provision of this section, an alien may be detained, and for an alien described in subsection (c) shall be detained, under this section without time limitation, except as provided in subsection (h), during the pendency of removal proceedings. ``(2) Construction.--The length of detention under this section shall not affect detention under section 241.''. (3) Detention of criminal aliens.--Section 236(c)(1) of such Act (8 U.S.C 1226(c)(1)) is amended-- (A) in subparagraph (C), by striking ``or'' at the end; (B) by inserting after subparagraph (D) the following: ``(E) is unlawfully present in the United States and has been convicted for driving while intoxicated (including a conviction for driving while under the influence or impaired by alcohol or drugs) without regard to whether the conviction is classified as a misdemeanor or felony under State law, or ``(F)(i)(I) is inadmissible under section 212(a)(6)(i), ``(II) is deportable by reason of a visa revocation under section 221(i), or ``(III) is deportable under section 237(a)(1)(C)(i), and ``(ii) has been arrested or charged with a particularly serious crime or a crime resulting in the death or serious bodily injury (as defined in section 1365(h)(3) of title 18, United States Code) of another person;''; and (C) by amending the matter following subparagraph (F) (as added by subparagraph (B) of this paragraph) to read as follows: ``any time after the alien is released, without regard to whether an alien is released related to any activity, offense, or conviction described in this paragraph; to whether the alien is released on parole, supervised release, or probation; or to whether the alien may be arrested or imprisoned again for the same offense. If the activity described in this paragraph does not result in the alien being taken into custody by any person other than the Secretary, then when the alien is brought to the attention of the Secretary or when the Secretary determines it is practical to take such alien into custody, the Secretary shall take such alien into custody.''. (4) Administrative review.--Section 236 of the Immigration and Nationality Act (8 U.S.C 1226), as amended by paragraph (2), is further amended by adding at the end the following: ``(g) Administrative Review.--The Attorney General's review of the Secretary's custody determinations under subsection (a) for the following classes of aliens shall be limited to whether the alien may be detained, released on bond (of at least $1,500 with security approved by the Secretary), or released with no bond: ``(1) Aliens in exclusion proceedings. ``(2) Aliens described in section 212(a)(3) or 237(a)(4). ``(3) Aliens described in subsection (c). ``(h) Release on Bond.-- ``(1) In general.--An alien detained under subsection (a) may seek release on bond. No bond may be granted except to an alien who establishes by clear and convincing evidence that the alien is not a flight risk or a danger to another person or the community. ``(2) Certain aliens ineligible.--No alien detained under subsection (c) may seek release on bond.''. (5) Clerical amendments.--(A) Section 236(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C 1226(a)(2)(B)) is amended by striking ``conditional parole'' and inserting ``recognizance''. (B) Section 236(b) of such Act (8 U.S.C 1226(b)) is amended by striking ``parole'' and inserting ``recognizance''. (b) Effective Date.--The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and [[Page H5398]] shall apply to any alien in detention under the provisions of section 236 of the Immigration and Nationality Act (8 U.S.C 1226), as so amended, or otherwise subject to the provisions of such section, on or after such date. SEC. 2205. CLARIFICATION OF CONGRESSIONAL INTENT. Section 287(g) of the Immigration and Nationality Act (8 U.S.C 1357(g)) is amended-- (1) in paragraph (1) by striking ``may enter'' and all that follows through the period at the end and inserting the following: ``shall enter into a written agreement with a State, or any political subdivision of a State, upon request of the State or political subdivision, pursuant to which officers or employees of the State or subdivision, who are determined by the Secretary to be qualified to perform a function of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law. No request from a bona fide State or political subdivision or bona fide law enforcement agency shall be denied absent a compelling reason. No limit on the number of agreements under this subsection may be imposed. The Secretary shall process requests for such agreements with all due haste, and in no case shall take not more than 90 days from the date the request is made until the agreement is consummated.''; (2) by redesignating paragraph (2) as paragraph (5) and paragraphs (3) through (10) as paragraphs (7) through (14), respectively; (3) by inserting after paragraph (1) the following: ``(2) An agreement under this subsection shall accommodate a requesting State or political subdivision with respect to the enforcement model or combination of models, and shall accommodate a patrol model, task force model, jail model, any combination thereof, or any other reasonable model the State or political subdivision believes is best suited to the immigration enforcement needs of its jurisdiction. ``(3) No Federal ***program*** or technology directed broadly at identifying inadmissible or deportable aliens shall substitute for such agreements, including those establishing a jail model, and shall operate in addition to any agreement under this subsection. ``(4)(A) No agreement under this subsection shall be terminated absent a compelling reason. ``(B)(i) The Secretary shall provide a State or political subdivision written notice of intent to terminate at least 180 days prior to date of intended termination, and the notice shall fully explain the grounds for termination, along with providing evidence substantiating the Secretary's allegations. ``(ii) The State or political subdivision shall have the right to a hearing before an administrative law judge and, if the ruling is against the State or political subdivision, to appeal the ruling to the Federal Circuit Court of Appeals and, if the ruling is against the State or political subdivision, to petition the Supreme Court for certiorari. ``(C) The agreement shall remain in full effect during the course of any and all legal proceedings.''; and (4) by inserting after paragraph (5) (as redesignated) the following: ``(6) The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including through residential training at the Center for Domestic Preparedness and the Federal Law Enforcement Training Center, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. Distance learning through a secure, encrypted, distributed learning system that has all its servers based in the United States, is scalable, survivable, and can have a portal in place not later than 30 days after the date of the enactment of the Securing America's Future Act of 2018, shall be made available by the COPS Office of the Department of Justice and the Federal Law Enforcement Training Center Distributed Learning ***Program*** for State and local law enforcement personnel. Preference shall be given to private sector-based, web-based immigration enforcement training ***programs*** for which the Federal Government has already provided support to develop.''. SEC. 2206. PENALTIES FOR ILLEGAL ENTRY OR PRESENCE. (a) In General.--Section 275 of the Immigration and Nationality Act (8 U.S.C 1325) is amended to read as follows: ``illegal entry or presence ``Sec. 275. (a) In General.-- ``(1) Illegal entry or presence.--An alien shall be subject to the penalties set forth in paragraph (2) if the alien-- ``(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security; ``(B) knowingly eludes, at any time or place, examination or inspection by an authorized immigration, customs, or ***agriculture*** officer (including by failing to stop at the command of such officer); ``(C) knowingly enters or crosses the border to the United States and, upon examination or inspection, knowingly makes a false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, ***agriculture*** laws, or shipping laws); ``(D) knowingly violates the terms or conditions of the alien's admission or parole into the United States and has remained in violation for an aggregate period of 90 days or more; or ``(E) knowingly is unlawfully present in the United States (as defined in section 212(a)(9)(B)(ii) subject to the exceptions set forth in section 212(a)(9)(B)(iii)) and has remained in violation for an aggregate period of 90 days or more. ``(2) Criminal penalties.--Any alien who violates any provision under paragraph (1)-- ``(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both; ``(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 ***years*** (or not more than 6 months in the case of a second or subsequent violation of paragraph (1)(E)), or both; ``(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 ***years***, or both; ``(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 ***years***, or both; and ``(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 ***years***, or both. ``(3) Prior convictions.--The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are-- ``(A) alleged in the indictment or information; and ``(B) proven beyond a reasonable doubt at trial or admitted by the defendant. ``(4) Duration of offense.--An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or ***agriculture*** officer, or until the alien is granted a valid visa or relief from removal. ``(5) Attempt.--Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense. ``(b) Improper Time or Place; Civil Penalties.--Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to-- ``(1) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or ``(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''. (b) Clerical Amendment.--The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 275 and inserting the following: ``Sec. 275. Illegal entry or presence.''. (c) Effective Dates and Applicability.-- (1) Criminal penalties.--Section 275(a) of the Immigration and Nationality Act (8 U.S.C 1325(a)), as amended by subsection (a), shall take effect 90 days after the date of the enactment of this Act, and shall apply to acts, conditions, or violations described in such section 275(a) that occur or exist on or after such effective date. (2) Civil penalties.--Section 275(b) of the Immigration and Nationality Act (8 U.S.C 1325(b)), as amended by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to acts described in such section 275(b) that occur before, on, or after such date. TITLE III--CRIMINAL ALIENS SEC. 3301. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES. (a) Inadmissibility on Criminal and Related Grounds; Waivers.--Section 212 of the Immigration and Nationality Act (8 U.S.C 1182) is amended-- (1) in subsection (a)(2)(A)(i)-- (A) in subclause (I), by striking ``or'' at the end; (B) in subclause (II), by adding ``or'' at the end; and (C) by inserting after subclause (II) the following: ``(III) a violation of (or a conspiracy or attempt to violate) an offense described in section 208 of the Social Security Act (42 U.S.C 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information),''; (2) by adding at the end of subsection (a)(2) the following: [[Page H5399]] ``(J) Procurement of citizenship or naturalization unlawfully.--Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible. ``(K) Certain firearm offenses.--Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible. ``(L) Aggravated felons.--Any alien who has been convicted of an aggravated felony at any time is inadmissible. ``(M) Crimes of domestic violence, stalking, or violation of protection orders, crimes against children.-- ``(i) Domestic violence, stalking, and child abuse.--Any alien who at any time is convicted of, or who admits having committed or admits committing acts which constitute the essential elements of, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible. For purposes of this clause, the term `crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government. ``(ii) Violators of protection orders.--Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible. For purposes of this clause, the term `protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a independent order in another proceeding. ``(iii) Waiver authorized.--The waiver authority available under section 237(a)(7) with respect to section 237(a)(2)(E)(i) shall be available on a comparable basis with respect to this subparagraph. ``(iv) Clarification.--If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence.''; and (3) in subsection (h)-- (A) by striking ``The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ``The Attorney General or the Secretary of Homeland Security may, in the discretion of the Attorney General or the Secretary, waive the application of subparagraphs (A)(i)(I), (III), (B), (D), (E), (K), and (M) of subsection (a)(2)''; (B) by striking ``a criminal act involving torture.'' and inserting ``a criminal act involving torture, or has been convicted of an aggravated felony.''; (C) by striking ``if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ``if since the date of such admission the alien''; and (D) by inserting ``or Secretary of Homeland Security'' after ``the Attorney General'' each place it appears. (b) Deportability; Criminal Offenses.--Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C 1227(a)(3)(B)) is amended-- (1) in clause (ii), by striking ``or'' at the end; (2) in clause (iii), by inserting ``or'' at the end; and (3) by inserting after clause (iii) the following: ``(iv) of a violation of, or an attempt or a conspiracy to violate, section 1425(a) or (b) of title 18 (relating to the procurement of citizenship or naturalization unlawfully),''. (c) Deportability; Other Criminal Offenses.--Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C 1227(a)(2)) is amended by adding at the end the following: ``(G) Fraud and related activity associated with social security act benefits and identification documents.--Any alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) section 208 of the Social Security Act (42 U.S.C 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification) is deportable.''. (d) Effective Date.--The amendments made by this section shall apply-- (1) to any act that occurred before, on, or after the date of the enactment of this Act; and (2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date. (e) Construction.--The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act where such eligibility did not exist before these amendments became effective. SEC. 3302. INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER. (a) Inadmissibility.--Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C 1182(a)(2)(A)(i)), as amended by this title, is further amended-- (1) in subclause (II), by striking ``or'' at the end; (2) in subclause (III), by adding ``or'' at the end; and (3) by inserting after subclause (III) the following: ``(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender),''. (b) Deportability.--Section 237(a)(2) of such Act (8 U.S.C 1227(a)(2)), as amended by this title, is further amended-- (1) in subparagraph (A), by striking clause (v); and (2) by adding at the end the following: ``(I) Failure to register as a sex offender.--Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender) is deportable.''. (c) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act. SEC. 3303. GROUNDS OF INADMISSIBILITY AND DEPORTABILITY FOR ALIEN GANG MEMBERS. (a) Definition of Gang Member.--Section 101(a) of the Immigration and Nationality Act (8 U.S.C 1101(a)) is amended by adding at the end the following: ``(53) The term `criminal gang' means an ongoing group, club, organization, or association of 5 or more persons that has as one of its primary purposes the commission of 1 or more of the following criminal offenses and the members of which engage, or have engaged within the past 5 ***years***, in a continuing series of such offenses, or that has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting these criteria. The offenses described, whether in violation of Federal or State law or foreign law and regardless of whether the offenses occurred before, on, or after the date of the enactment of this paragraph, are the following: ``(A) A `felony drug offense' (as defined in section 102 of the Controlled Substances Act (21 U.S.C 802)). ``(B) A felony offense involving firearms or explosives or in violation of section 931 of title 18, United States Code (relating to purchase, ownership, or possession of body armor by violent felons). ``(C) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose). ``(D) A crime of violence (as defined in section 16 of title 18, United States Code). ``(E) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant. ``(F) Any conduct punishable under sections 1028A and 1029 of title 18, United States Code (relating to aggravated identity theft or fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery, and trafficking in persons), section 1951 of such title (relating to interference with commerce by threats or violence), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property). ``(G) A conspiracy to commit an offense described in subparagraphs (A) through (F).''. (b) Inadmissibility.--Section 212(a)(2) of such Act (8 U.S.C 1182(a)(2)) is amended by adding at the end the following: [[Page H5400]] ``(J) Aliens associated with criminal gangs.--(i) Any alien is inadmissible who a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe-- ``(I) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or ``(II) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang. ``(ii) Any alien for whom a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe has participated in, been a member of, promoted, or conspired with a criminal gang, either inside or outside of the United States, is inadmissible. ``(iii) Any alien for whom a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General has reasonable grounds to believe seeks to enter the United States or has entered the United States in furtherance of the activities of a criminal gang, either inside or outside of the United States, is inadmissible.''. (c) Deportability.--Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C 1227(a)(2)) is amended by adding at the end the following: ``(G) Aliens associated with criminal gangs.--Any alien is deportable who-- ``(i) is or has been a member of a criminal gang (as defined in section 101(a)(53)); or ``(ii) has participated in the activities of a criminal gang (as so defined), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''. (d) Designation.-- (1) In general.--Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C 1182) is amended by inserting after section 219 the following: ``designation of criminal gang ``Sec. 220. ``(a) Designation.-- ``(1) In General.--The Secretary of Homeland Security, in consultation with the Attorney General, may designate a group, club, organization, or association of 5 or more persons as a criminal gang if the Secretary finds that their conduct is described in section 101(a)(53). ``(2) Procedure.-- ``(A) Notification.--Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group, club, organization, or association of 5 or more persons under this subsection and the factual basis therefor. ``(B) Publication in the federal register.--The Secretary shall publish the designation in the Federal Register seven days after providing the notification under subparagraph (A). ``(3) Record.-- ``(A) In general.--In making a designation under this subsection, the Secretary shall create an administrative record. ``(B) Classified information.--The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c). ``(4) Period of Designation.-- ``(A) In general.--A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c). ``(B) Review of designation upon petition.-- ``(i) In general.--The Secretary shall review the designation of a criminal gang under the procedures set forth in clauses (iii) and (iv) if the designated group, club, organization, or association of 5 or more persons files a petition for revocation within the petition period described in clause (ii). ``(ii) Petition period.--For purposes of clause (i)-- ``(I) if the designated group, club, organization, or association of 5 or more persons has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 ***years*** after the date on which the designation was made; or ``(II) if the designated group, club, organization, or association of 5 or more persons has previously filed a petition for revocation under this subparagraph, the petition period begins 2 ***years*** after the date of the determination made under clause (iv) on that petition. ``(iii) Procedures.--Any group, club, organization, or association of 5 or more persons that submits a petition for revocation under this subparagraph of its designation as a criminal gang must provide evidence in that petition that it is not described in section 101(a)(53). ``(iv) Determination.-- ``(I) In general.--Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation. ``(II) Classified information.--The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c). ``(III) Publication of determination.--A determination made by the Secretary under this clause shall be published in the Federal Register. ``(IV) Procedures.--Any revocation by the Secretary shall be made in accordance with paragraph (6). ``(C) Other review of designation.-- ``(i) In general.--If in a 5-***year*** period no review has taken place under subparagraph (B), the Secretary shall review the designation of the criminal gang in order to determine whether such designation should be revoked pursuant to paragraph (6). ``(ii) Procedures.--If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court. ``(iii) Publication of results of review.--The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register. ``(5) Revocation by Act of Congress.--The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1). ``(6) Revocation Based on Change in Circumstances.-- ``(A) In general.--The Secretary may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Secretary finds that-- ``(i) the group, club, organization, or association of 5 or more persons that has been designated as a criminal gang is no longer described in section 101(a)(53); or ``(ii) the national security or the law enforcement interests of the United States warrants a revocation. ``(B) Procedure.--The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified. ``(7) Effect of Revocation.--The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation. ``(8) Use of Designation in Trial or Hearing.--If a designation under this subsection has become effective under paragraph (2) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection. ``(b) Amendments to a Designation.-- ``(1) In general.--The Secretary may amend a designation under this subsection if the Secretary finds that the group, club, organization, or association of 5 or more persons has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another group, club, organization, or association of 5 or more persons. ``(2) Procedure.--Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Paragraphs (2), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation. ``(3) Administrative record.--The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments. ``(4) Classified information.--The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c) of this section. ``(c) Judicial Review of Designation.-- ``(1) In general.--Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated group, club, organization, or association of 5 or more persons may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit. ``(2) Basis of review.--Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation. ``(3) Scope of review.--The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be-- [[Page H5401]] ``(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; ``(B) contrary to constitutional right, power, privilege, or immunity; ``(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right; ``(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2); or ``(E) not in accord with the procedures required by law. ``(4) Judicial review invoked.--The pendency of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation. ``(d) Definitions.--As used in this section-- ``(1) the term `classified information' has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C App.); ``(2) the term `national security' means the national defense, foreign relations, or economic interests of the United States; ``(3) the term `relevant committees' means the Committees on the Judiciary of the Senate and of the House of Representatives; and ``(4) the term `Secretary' means the Secretary of Homeland Security, in consultation with the Attorney General.''. (2) Clerical amendment.--The table of contents for such Act is amended by inserting after the item relating to section 219 the following: ``Sec. 220. Designation.''. (e) Mandatory Detention of Criminal Gang Members.-- (1) In general.--Section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C 1226(c)(1)), as amended by this title, is further amended-- (A) in subparagraph (D), by striking ``or'' at the end; (B) in subparagraph (E), by inserting ``or'' at the end; and (C) by inserting after subparagraph (E) the following: ``(F) is inadmissible under section 212(a)(2)(J) or deportable under section 217(a)(2)(G),''. (2) Annual report.--Not later than March 1 of each ***year*** (beginning 1 ***year*** after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by paragraph (1). (f) Asylum Claims Based on Gang Affiliation.-- (1) Inapplicability of restriction on removal to certain countries.--Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ``who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) or who is'' after ``to an alien''. (2) Ineligibility for asylum.--Section 208(b)(2)(A) of such Act (8 U.S.C 1158(b)(2)(A)) is amended-- (A) in clause (v), by striking ``or'' at the end; (B) by redesignating clause (vi) as clause (vii); and (C) by inserting after clause (v) the following: ``(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i); or''. (g) Temporary Protected Status.--Section 244 of such Act (8 U.S.C 1254a) is amended-- (1) by striking ``Attorney General'' each place it appears and inserting ``Secretary of Homeland Security''; (2) in subparagraph (c)(2)(B)-- (A) in clause (i), by striking ``or'' at the end; (B) in clause (ii), by striking the period and inserting ``; or''; and (C) by adding at the end the following: ``(iii) the alien is, or at any time has been, described in section 212(a)(2)(J) or section 237(a)(2)(G).''; and (3) in subsection (d)-- (A) by striking paragraph (3); and (B) in paragraph (4), by adding at the end the following: ``The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision of law.''. (h) Special Immigrant Juvenile Visas.--Section 101(a)(27)(J)(iii) of the Immigration and Nationality Act (8 U.S.C 1101(a)(27)(J)(iii)) is amended-- (1) in subclause (I), by striking ``and''; (2) in subclause (II), by adding ``and'' at the end; and (3) by adding at the end the following: ``(III) no alien who is, or at any time has been, described in section 212(a)(2)(J) or section 237(a)(2)(G) shall be eligible for any immigration benefit under this subparagraph;''. (i) Parole.--An alien described in section 212(a)(2)(J) of the Immigration and Nationality Act, as added by subsection (b), shall not be eligible for parole under section 212(d)(5)(A) of such Act unless-- (1) the alien is assisting or has assisted the United States Government in a law enforcement matter, including a criminal investigation; and (2) the alien's presence in the United States is required by the Government with respect to such assistance. (j) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act. SEC. 3304. INADMISSIBILITY AND DEPORTABILITY OF DRUNK DRIVERS. (a) In General.--Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C 1101(a)(43)), is amended-- (1) in subparagraph (T), by striking ``and''; (2) in subparagraph (U), by striking the period at the end and inserting ``; and''; and (3) by inserting after subparagraph (U) the following: ``(V)(i) a single conviction for driving while intoxicated (including a conviction for driving while under the influence of or impairment by alcohol or drugs), when such impaired driving was a cause of the serious bodily injury or death of another person; or ``(ii) a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or drugs).''. (b) Effective Date.--The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply to convictions entered on or after such date. SEC. 3305. DEFINITION OF AGGRAVATED FELONY. (a) Definition of Aggravated Felony.--Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C 1101(a)(43)), as amended by this title, is further amended-- (1) by striking ``The term `aggravated felony' means--'' and inserting ``Notwithstanding any other provision of law, the term `aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, or in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 ***years***, even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means-- ''; (2) in subparagraph (A), by striking ``murder, rape, or sexual abuse of a minor;'' and inserting ``an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under the age of 18 ***years***;''; (3) in subparagraph (B)-- (A) by inserting ``an offense relating to'' before ``illicit trafficking''; and (B) by inserting before the semicolon at the end the following: ``and any offense under State law relating to a controlled substance (as so classified under State law) which is classified as a felony in that State, regardless of whether the substance is classified as a controlled substance under section 102 of the Controlled Substances Act (8 U.S.C 802)''; (4) in subparagraph (C), by inserting ``an offense relating to'' before ``illicit trafficking in firearms''; (5) in subparagraph (I), by striking ``or 2252'' and inserting ``2252, or 2252A''; (6) in subparagraph (F), by striking ``for which the term of imprisonment is at least one ***year***;'' and inserting ``, including offenses of assault and battery under State or Federal law, for which the term of imprisonment is at least one ***year***, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence;''; (7) by striking subparagraph (G) and inserting the following: ``(G) an offense relating to a theft under State or Federal law (including theft by deceit, theft by fraud, and receipt of stolen property) regardless of whether any taking was temporary or permanent, or burglary offense under State or Federal law for which the term of imprisonment is at least one ***year***, except that if the conviction records do not conclusively establish whether a crime constitutes a theft or burglary offense, the Attorney General or Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;''; (8) in subparagraph (N)-- (A) by striking ``paragraph (1)(A) or (2) of''; and (B) by inserting a semicolon at the end; (9) in subparagraph (O), by striking ``section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ``section 275 or 276 for which the term of imprisonment is at least 1 ***year***''; (10) in subparagraph (P)-- (A) by striking ``(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ``which is described in any section of chapter 75 of title 18, United States Code, and''; and [[Page H5402]] (B) by striking ``, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act''; (11) in subparagraph (U), by striking ``an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ``attempting or conspiring to commit an offense described in this paragraph, or aiding, abetting, counseling, procuring, commanding, inducing, or soliciting the commission of such an offense''; and (12) by striking the undesignated matter following subparagraph (U). (b) Effective Date; Application of Amendments.-- (1) In general.--The amendments made by subsection (a)-- (A) shall take effect on the date of the enactment of this Act; and (B) shall apply to any act or conviction that occurred before, on, or after such date. (2) Application of iirira amendments.--The amendments to section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C 1101(a)(43)) made by section 321 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-627) shall continue to apply, whether the conviction was entered before, on, or after September 30, 1996. SEC. 3306. PRECLUDING WITHHOLDING OF REMOVAL FOR AGGRAVATED FELONS. (a) In General.--Section 241(b)(3)(B) (8 U.S.C 1231(b)(3)(B)), is amended by inserting after clause (v) the following: ``(vi) the alien is convicted of an aggravated felony.''. (b) Effective Date.--The amendment made by subsection (a) shall apply-- (1) to any act that occurred before, on, or after the date of the enactment of this Act; and (2) to all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened on or after such date. SEC. 3307. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS. (a) Immigrants.--Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C 1154(a)(1)), is amended-- (1) in subparagraph (A), by amending clause (viii) to read as follows: ``(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and (2) in subparagraph (B)(i)-- (A) by redesignating the second subclause (I) as subclause (II); and (B) by amending such subclause (II) to read as follows: ``(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''. (b) Nonimmigrants.--Section 101(a)(15)(K) of such Act (8 U.S.C 1101(a)(15)(K)), is amended by striking ``204(a)(1)(A)(viii)(I))'' each place such term appears and inserting ``204(a)(1)(A)(viii))''. (c) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date. SEC. 3308. CLARIFICATION TO CRIMES OF VIOLENCE AND CRIMES INVOLVING MORAL TURPITUDE. (a) Inadmissible Aliens.--Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C 1182(a)(2)(A)) is amended by adding at the end the following: ``(iii) Clarification.--If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''. (b) Deportable Aliens.-- (1) General crimes.--Section 237(a)(2)(A) of such Act (8 U.S.C 1227(a)(2)(A)), as amended by this title, is further amended by inserting after clause (iv) the following: ``(v) Crimes involving moral turpitude.--If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''. (2) Domestic violence.--Section 237(a)(2)(E) of such Act (8 U.S.C 1227(a)(2)(E)) is amended by adding at the end the following: ``(iii) Crimes of violence.--If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence (as defined in section 16 of title 18, United States Code), the Attorney General or the Secretary of Homeland Security, as appropriate, may consider other evidence related to the conviction that establishes that the conduct for which the alien was engaged constitutes a crime of violence.''. (c) Effective Date.--The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act. SEC. 3309. DETENTION OF DANGEROUS ALIENS. Section 241(a) of the Immigration and Nationality Act (8 U.S.C 1231(a)) is amended-- (1) by striking ``Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ``Secretary of Homeland Security''; (2) in paragraph (1), by amending subparagraph (B) to read as follows: ``(B) Beginning of period.--The removal period begins on the latest of the following: ``(i) The date the order of removal becomes administratively final. ``(ii) If the alien is not in the custody of the Secretary on the date the order of removal becomes administratively final, the date the alien is taken into such custody. ``(iii) If the alien is detained or confined (except under an immigration process) on the date the order of removal becomes administratively final, the date the alien is taken into the custody of the Secretary, after the alien is released from such detention or confinement.''; (3) in paragraph (1), by amending subparagraph (C) to read as follows: ``(C) Suspension of period.-- ``(i) Extension.--The removal period shall be extended beyond a period of 90 days and the Secretary may, in the Secretary's sole discretion, keep the alien in detention during such extended period if-- ``(I) the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure or conspires or acts to prevent the alien's removal that is subject to an order of removal; ``(II) a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal; ``(III) the Secretary ***transfers*** custody of the alien pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency; or ``(IV) a court or the Board of Immigration Appeals orders a remand to an immigration judge or the Board of Immigration Appeals, during the time period when the case is pending a decision on remand (with the removal period beginning anew on the date that the alien is ordered removed on remand). ``(ii) Renewal.--If the removal period has been extended under subparagraph (C)(i), a new removal period shall be deemed to have begun on the date-- ``(I) the alien makes all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order; ``(II) the stay of removal is no longer in effect; or ``(III) the alien is returned to the custody of the Secretary. ``(iii) Mandatory detention for certain aliens.--In the case of an alien described in subparagraphs (A) through (D) of section 236(c)(1), the Secretary shall keep that alien in detention during the extended period described in clause (i). ``(iv) Sole form of relief.--An alien may seek relief from detention under this subparagraph only by filing an application for a writ of habeas corpus in accordance with chapter 153 of title 28, United States Code. No alien whose period of detention is extended under this subparagraph shall have the right to seek release on bond.''; (4) in paragraph (3)-- (A) by adding after ``If the alien does not leave or is not removed within the removal period'' the following: ``or is not detained pursuant to paragraph (6) of this subsection''; and (B) by striking subparagraph (D) and inserting the following: ``(D) to obey reasonable restrictions on the alien's conduct or activities that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.''; (5) in paragraph (4)(A), by striking ``paragraph (2)'' and inserting ``subparagraph (B)''; and (6) by striking paragraph (6) and inserting the following: ``(6) Additional rules for detention or release of certain aliens.-- ``(A) Detention review process for cooperative aliens established.--For an alien who is not otherwise subject to mandatory detention, who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and who [[Page H5403]] has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien. ``(B) Authority to detain beyond removal period.-- ``(i) In general.--The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)). An alien whose detention is extended under this subparagraph shall have no right to seek release on bond. ``(ii) Specific circumstances.--The Secretary of Homeland Security, in the exercise of the Secretary's sole discretion, may continue to detain an alien beyond the 90 days authorized in clause (i)-- ``(I) until the alien is removed, if the Secretary, in the Secretary's sole discretion, determines that there is a significant likelihood that the alien-- ``(aa) will be removed in the reasonably foreseeable future; or ``(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent removal; ``(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing-- ``(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety; ``(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States; ``(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or ``(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 ***years***; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or ``(III) pending a certification under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in paragraph (1)(C)). ``(iii) No right to bond hearing.--An alien whose detention is extended under this subparagraph shall have no right to seek release on bond, including by reason of a certification under clause (ii)(II). ``(C) Renewal and delegation of certification.-- ``(i) Renewal.--The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II). ``(ii) Delegation.--Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (dd) of subparagraph (B)(ii)(II) below the level of the Director of Immigration and Customs Enforcement. ``(iii) Hearing.--The Secretary of Homeland Security may request that the Attorney General or the Attorney General's designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II). ``(D) Release on conditions.--If it is determined that an alien should be released from detention by a Federal court, the Board of Immigration Appeals, or if an immigration judge orders a stay of removal, the Secretary of Homeland Security, in the exercise of the Secretary's discretion, may impose conditions on release as provided in paragraph (3). ``(E) Redetention.--The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody, if removal becomes likely in the reasonably foreseeable future, the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary, in the Secretary's sole discretion, determines that the alien can be detained under subparagraph (B). This section shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention. ``(F) Review of determinations by secretary.--A determination by the Secretary under this paragraph shall not be subject to review by any other agency.''. SEC. 3310. TIMELY REPATRIATION. (a) Listing of Countries.--Beginning on the date that is 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Homeland Security shall publish a report including the following: (1) A list of the following: (A) Countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country since the date of the enactment of this Act and the total number of such aliens, disaggregated by nationality. (B) Countries that have an excessive repatriation failure rate. (2) A list of each country that was included under subparagraph (B) or (C) of paragraph (1) in both the report preceding the current report and the current report. (b) Sanctions.--Beginning on the date on which a country is included in a list under subsection (a)(2) and ending on the date on which that country is not included in such list, that country shall be subject to the following: (1) The Secretary of State may not issue visas under section 101(a)(15)(A)(iii) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(A)(iii)) to attendants, servants, personal employees, and members of their immediate families, of the officials and employees of that country who receive nonimmigrant status under clause (i) or (ii) of section 101(a)(15)(A) of such Act. (2) Each 6 months thereafter that the country is included in that list, the Secretary of State shall reduce the number of visas available under clause (i) or (ii) of section 101(a)(15)(A) of the Immigration and Nationality Act in a fiscal ***year*** to nationals of that country by an amount equal to 10 percent of the baseline visa number for that country. Except as provided under section 243(d) of the Immigration and Nationality Act (8 U.S.C 1253), the Secretary may not reduce the number to a level below 20 percent of the baseline visa number. (c) Waivers.-- (1) National security waiver.--If the Secretary of State submits to Congress a written determination that significant national security interests of the United States require a waiver of the sanctions under subsection (b), the Secretary may waive any reduction below 80 percent of the baseline visa number. The Secretary of Homeland Security may not delegate the authority under this subsection. (2) Temporary exigent circumstances.--If the Secretary of State submits to Congress a written determination that temporary exigent circumstances require a waiver of the sanctions under subsection (b), the Secretary may waive any reduction below 80 percent of the baseline visa number during 6-month renewable periods. The Secretary of Homeland Security may not delegate the authority under this subsection. (d) Exemption.--The Secretary of Homeland Security, in consultation with the Secretary of State, may exempt a country from inclusion in a list under subsection (a)(2) if the total number of nonrepatriations outstanding is less than 10 for the preceding 3-***year*** period. (e) Unauthorized Visa Issuance.--Any visa issued in violation of this section shall be void. (f) Notice.--If an alien who has been convicted of a criminal offense before a Federal or State court whose repatriation was refused or unreasonably delayed is to be released from detention by the Secretary of Homeland Security, the Secretary shall provide notice to the State and local law enforcement agency for the jurisdictions in which the alien is required to report or is to be released. When possible, and particularly in the case of violent crime, the Secretary shall make a reasonable effort to provide notice of such release to any crime victims and their immediate family members. (g) Definitions.--For purposes of this section: (1) Refused or unreasonably delayed.--A country is deemed to have refused or unreasonably delayed the acceptance of an alien who is a citizen, subject, national, or resident of that country if, not later than 90 days after receiving a request to repatriate such alien from an official of the United States who is authorized to make such a request, the country does not accept the alien or issue valid travel documents. [[Page H5404]] (2) Failure rate.--The term ``failure rate'' for a period means the percentage determined by dividing the total number of repatriation requests for aliens who are citizens, subjects, nationals, or residents of a country that that country refused or unreasonably delayed during that period by the total number of such requests during that period. (3) Excessive repatriation failure rate.--The term ``excessive repatriation failure rate'' means, with respect to a report under subsection (a), a failure rate greater than 10 percent for any of the following: (A) The period of the 3 full fiscal ***years*** preceding the date of publication of the report. (B) The period of 1 ***year*** preceding the date of publication of the report. (4) Number of nonrepatriations outstanding.--The term ``number of nonrepatriations outstanding'' means, for a period, the number of unique aliens whose repatriation a country has refused or unreasonably delayed and whose repatriation has not occurred during that period. (5) Baseline visa number.--The term ``baseline visa number'' means, with respect to a country, the average number of visas issued each fiscal ***year*** to nationals of that country under clauses (i) and (ii) of section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(A)) for the 3 full fiscal ***years*** immediately preceding the first report under subsection (a) in which that country is included in the list under subsection (a)(2). (h) GAO Report.--On the date that is 1 day after the date that the President submits a budget under section 1105(a) of title 31, United States Code, for fiscal ***year*** 2016, the Comptroller General of the United States shall submit a report to Congress regarding the progress of the Secretary of Homeland Security and the Secretary of State in implementation of this section and in making requests to repatriate aliens as appropriate. SEC. 3311. ILLEGAL REENTRY. Section 276 of the Immigration and Nationality Act (8 U.S.C 1326) is amended to read as follows: ``SEC. 276. REENTRY OF REMOVED ALIEN. ``(a) Reentry After Removal.-- ``(1) In general.--Any alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 2 ***years***, or both. ``(2) Exception.--If an alien sought and received the express consent of the Secretary to reapply for admission into the United States, or, with respect to an alien previously denied admission and removed, the alien was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act, the alien shall not be subject to the fine and imprisonment provided for in paragraph (1). ``(b) Reentry of Criminal Offenders.--Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection was convicted before such removal or departure-- ``(1) for 3 or more misdemeanors or for a felony, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 ***years***, or both; ``(2) for a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 ***years***, or both; ``(3) for a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 ***years***, or both; or ``(4) for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, or for 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 ***years***, or both. ``(c) Reentry After Repeated Removal.--Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 ***years***, or both. ``(d) Proof of Prior Convictions.--The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are-- ``(1) alleged in the indictment or information; and ``(2) proven beyond a reasonable doubt at trial or admitted by the defendant. ``(e) Reentry of Alien Removed Prior to Completion of Term of Imprisonment.--Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the alien's reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law. ``(f) Definitions.--For purposes of this section and section 275, the following definitions shall apply: ``(1) Crosses the border to the united states.--The term `crosses the border' refers to the physical act of crossing the border free from official restraint. ``(2) Official restraint.--The term `official restraint' means any restraint known to the alien that serves to deprive the alien of liberty and prevents the alien from going at large into the United States. Surveillance unbeknownst to the alien shall not constitute official restraint. ``(3) Felony.--The term `felony' means any criminal offense punishable by a term of imprisonment of more than 1 ***year*** under the laws of the United States, any State, or a foreign government. ``(4) Misdemeanor.--The term `misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 ***year*** under the applicable laws of the United States, any State, or a foreign government. ``(5) Removal.--The term `removal' includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal. ``(6) State.--The term `State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''. TITLE IV--ASYLUM REFORM SEC. 4401. CLARIFICATION OF INTENT REGARDING TAXPAYER- PROVIDED COUNSEL. Section 292 of the Immigration and Nationality Act (8 U.S.C 1362) is amended-- (1) by striking ``In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings'' and inserting ``In any removal proceedings before an immigration judge, or any other immigration proceedings before the Attorney General, the Secretary of Homeland Security, or any appeal of such a proceeding''. (2) by striking ``(at no expense to the Government)''; and (3) by adding at the end the following ``Notwithstanding any other provision of law, in no instance shall the Government bear any expense for counsel for any person in proceedings described in this section.''. SEC. 4402. CREDIBLE FEAR INTERVIEWS. Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C 1225(b)(1)(B)(v)) is amended by striking ``claim'' and all that follows, and inserting ``claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 1158 of this title, and it is more probable than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''. SEC. 4403. RECORDING EXPEDITED REMOVAL AND CREDIBLE FEAR INTERVIEWS. (a) In General.--The Secretary of Homeland Security shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department of Homeland Security exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C 1225(b)) are asked in a uniform manner, to the extent possible, and that both these questions and the answers provided in response to them are recorded in a uniform fashion. (b) Factors Relating to Sworn Statements.--Where practicable, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement. (c) Interpreters.--The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien. (d) Recordings in Immigration Proceedings.--There shall be an audio or audio visual recording of interviews of aliens subject to expedited removal. The recording shall be included in the record of proceeding and shall be considered as evidence in any further proceedings involving the alien. (e) No Private Right of Action.--Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding. SEC. 4404. SAFE THIRD COUNTRY. Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C 1158(a)(2)(A)) is amended-- (1) by striking ``Attorney General'' each place it appears and inserting ``Secretary of Homeland Security''; and (2) by striking ``removed, pursuant to a bilateral or multilateral agreement, to'' and inserting ``removed to''. SEC. 4405. RENUNCIATION OF ASYLUM STATUS PURSUANT TO RETURN TO HOME COUNTRY. (a) In General.--Section 208(c) of the Immigration and Nationality Act (8 U.S.C [[Page H5405]] 1158(c)) is amended by adding at the end the following new paragraph: ``(4) Renunciation of status pursuant to return to home country.-- ``(A) In general.--Except as provided in subparagraphs (B) and (C), any alien who is granted asylum status under this Act, who, absent changed country conditions, subsequently returns to the country of such alien's nationality or, in the case of an alien having no nationality, returns to any country in which such alien last habitually resided, and who applied for such status because of persecution or a well- founded fear of persecution in that country on account of race, religion, nationality, membership in a particular social group, or political opinion, shall have his or her status terminated. ``(B) Waiver.--The Secretary has discretion to waive subparagraph (A) if it is established to the satisfaction of the Secretary that the alien had a compelling reason for the return. The waiver may be sought prior to departure from the United States or upon return. ``(C) Exception for certain aliens from cuba.--Subparagraph (A) shall not apply to an alien who is eligible for adjustment to that of an alien lawfully admitted for permanent residence pursuant to the Cuban Adjustment Act of 1966 (Public Law 89-732).''. (b) Conforming Amendment.--Section 208(c)(3) of the Immigration and Nationality Act (8 U.S.C 1158(c)(3)) is amended by inserting after ``paragraph (2)'' the following: ``or (4)''. SEC. 4406. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS. (a) In General.--Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C 1158(d)(4)) is amended-- (1) in the matter preceding subparagraph (A), by inserting ``the Secretary of Homeland Security or'' before ``the Attorney General''; (2) in subparagraph (A), by striking ``and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon; (3) in subparagraph (B), by striking the period and inserting ``; and''; and (4) by adding at the end the following: ``(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''. (b) Conforming Amendment.--Section 208(d)(6) of the Immigration and Nationality Act (8 U.S.C 1158(d)(6)) is amended by striking ``If the'' and all that follows and inserting: ``(A) If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice under paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application; ``(B) An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that-- ``(i) it is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part to delay removal from the United States, to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2), or to seek issuance of a Notice to Appeal in order to pursue Cancellation of Removal under section 240A(b); or ``(ii) any of its material elements are deliberately fabricated. ``(C) In determining that an application is frivolous, the Secretary or the Attorney General, must be satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of the claim. ``(D) For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3).) or protection pursuant to the Convention Against Torture.''. SEC. 4407. ANTI-FRAUD INVESTIGATIVE WORK PRODUCT. (a) Asylum Credibility Determinations.--Section 208(b)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C 1158(b)(1)(B)(iii)) is amended by inserting after ``all relevant factors'' the following: ``, including statements made to, and investigative reports prepared by, immigration authorities and other government officials''. (b) Relief for Removal Credibility Determinations.--Section 240(c)(4)(C) of the Immigration and Nationality Act (8 U.S.C 1229a(c)(4)(C)) is amended by inserting after ``all relevant factors'' the following: ``, including statements made to, and investigative reports prepared by, immigration authorities and other government officials''. SEC. 4408. PENALTIES FOR ASYLUM FRAUD. Section 1001 of title 18 is amended by inserting at the end of the paragraph-- ``(d) Whoever, in any matter before the Secretary of Homeland Security or the Attorney General pertaining to asylum under section 208 of the Immigration and Nationality Act or withholding of removal under section 241(b)(3) of such Act, knowingly and willfully-- ``(1) makes any materially false, fictitious, or fraudulent statement or representation; or ``(2) makes or uses any false writings or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 10 ***years***, or both.''. SEC. 4409. STATUTE OF LIMITATIONS FOR ASYLUM FRAUD. Section 3291 of title 18 is amended-- (1) by striking ``1544,'' and inserting ``1544 and 1546,''; (2) by striking ``offense.'' and inserting ``offense or within 10 ***years*** after the fraud is discovered.''. SEC. 4410. TECHNICAL AMENDMENTS. Section 208 of the Immigration and Nationality Act (8 U.S.C 1158) is amended-- (1) in subsection (a)-- (A) in paragraph (2)(D), by inserting ``Secretary of Homeland Security or the'' before ``Attorney General''; and (B) in paragraph (3), by inserting ``Secretary of Homeland Security or the'' before ``Attorney General''; (2) in subsection (b)(2), by inserting ``Secretary of Homeland Security or the'' before ``Attorney General'' each place such term appears; (3) in subsection (c)-- (A) in paragraph (1), by striking ``Attorney General'' each place such term appears and inserting ``Secretary of Homeland Security''; and (B) in paragraph (3), by inserting ``Secretary of Homeland Security or the'' before ``Attorney General''; and (4) in subsection (d)-- (A) in paragraph (1), by inserting ``Secretary of Homeland Security or the'' before ``Attorney General'' each place such term appears; (B) in paragraph (2), by striking ``Attorney General'' and inserting ``Secretary of Homeland Security''; and (C) in paragraph (5)-- (i) in subparagraph (A), by striking ``Attorney General'' and inserting ``Secretary of Homeland Security''; and (ii) in subparagraph (B), by inserting ``Secretary of Homeland Security or the'' before ``Attorney General''. TITLE V--UNACCOMPANIED AND ACCOMPANIED ALIEN MINORS APPREHENDED ALONG THE BORDER SEC. 5501. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN. (a) In General.--Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C 1232) is amended-- (1) in subsection (a)-- (A) in paragraph (2)-- (i) by amending the heading to read as follows: ``Rules for unaccompanied alien children.--''; (ii) in subparagraph (A)-- (I) in the matter preceding clause (i), by striking ``who is a national or habitual resident of a country that is contiguous with the United States''; (II) in clause (i), by inserting ``and'' at the end; (III) in clause (ii), by striking ``; and'' and inserting a period; and (IV) by striking clause (iii); (iii) in subparagraph (B)-- (I) in the matter preceding clause (i), by striking ``(8 U.S.C 1101 et seq.) may--'' and inserting ``(8 U.S.C 1101 et seq.)--''; (II) in clause (i), by inserting before ``permit such child to withdraw'' the following: ``may''; and (III) in clause (ii), by inserting before ``return such child'' the following: ``shall''; and (iv) in subparagraph (C)-- (I) by amending the heading to read as follows: ``Agreements with foreign countries.--''; and (II) in the matter preceding clause (i), by striking ``The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States'' and inserting ``The Secretary of State may negotiate agreements between the United States and any foreign country that the Secretary determines appropriate''; (B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following: ``(3) Special rules for interviewing unaccompanied alien children.--An unaccompanied alien child shall be interviewed by a dedicated U.S Citizenship and Immigration Services immigration officer with specialized training in interviewing child trafficking victims. Such officer shall be in plain clothes and shall not carry a weapon. The interview shall occur in a private room.''; and (C) in paragraph (6)(D) (as so redesignated)-- (i) in the matter preceding clause (i), by striking ``, except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ``who does not meet the criteria listed in paragraph (2)(A)''; and (ii) in clause (i), by inserting before the semicolon at the end the following: ``, which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)''; (2) in subsection (b)-- (A) in paragraph (2)-- (i) in subparagraph (A), by inserting before the semicolon the following: ``believed not to meet the criteria listed in subsection (a)(2)(A)''; and (ii) in subparagraph (B), by inserting before the period the following: ``and does not meet the criteria listed in subsection (a)(2)(A)''; and [[Page H5406]] (B) in paragraph (3), by striking ``an unaccompanied alien child in custody shall'' and all that follows, and inserting the following: ``an unaccompanied alien child in custody-- ``(A) in the case of a child who does not meet the criteria listed in subsection (a)(2)(A), shall ***transfer*** the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or ``(B) in the case of child who meets the criteria listed in subsection (a)(2)(A), may ***transfer*** the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and (3) in subsection (c)-- (A) in paragraph (3), by inserting at the end the following: ``(D) Information about individuals with whom children are placed.-- ``(i) Information to be provided to homeland security.-- Before placing a child with an individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, regarding the individual with whom the child will be placed, the following information: ``(I) The name of the individual. ``(II) The social security number of the individual. ``(III) The date of birth of the individual. ``(IV) The location of the individual's residence where the child will be placed. ``(V) The immigration status of the individual, if known. ``(VI) Contact information for the individual. ``(ii) Special rule.--In the case of a child who was apprehended on or after June 15, 2012, and before the date of the enactment of this subparagraph, who the Secretary of Health and Human Services placed with an individual, the Secretary shall provide the information listed in clause (i) to the Secretary of Homeland Security not later than 90 days after such date of enactment. ``(iii) Activities of the secretary of homeland security.-- Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security shall-- ``(I) in the case that the immigration status of an individual with whom a child is placed is unknown, investigate the immigration status of that individual; and ``(II) upon determining that an individual with whom a child is placed is unlawfully present in the United States, initiate removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C 1221 et seq.).''; and (B) in paragraph (5)-- (i) by inserting after ``to the greatest extent practicable'' the following: ``(at no expense to the Government)''; and (ii) by striking ``have counsel to represent them'' and inserting ``have access to counsel to represent them''. (b) Effective Date.--The amendments made by this section shall apply to any unauthorized alien child apprehended on or after June 15, 2012. SEC. 5502. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT. Section 101(a)(27)(J)(i) of the Immigration and Nationality Act (8 U.S.C 1101(a)(27)(J)(i)) is amended by striking ``1 or both of the immigrant's parents'' and inserting ``either of the immigrant's parents''. SEC. 5503. JURISDICTION OF ASYLUM APPLICATIONS. Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C 1158) is amended by striking subparagraph (C). SEC. 5504. QUARTERLY REPORT TO CONGRESS. Not later than January 5, 2019, and every 3 months thereafter-- (1) the Attorney General shall submit a report on-- (A) the total number of asylum cases filed by unaccompanied alien children and completed by an immigration judge during the 3-month period preceding the date of the report, and the percentage of those cases in which asylum was granted; and (B) the number of unaccompanied alien children who failed to appear for any proceeding before an immigration judge during the 3-month period preceding the date of the report; and (2) the Secretary of Homeland Security shall submit a report on the total number of applications for asylum, filed by unaccompanied alien children, that were adjudicated during the 3-month period preceding the date of the report and the percentage of those applications that were granted. SEC. 5505. BIANNUAL REPORT TO CONGRESS. Not later than January 5, 2019, and every 6 months thereafter, the Attorney General shall submit a report to Congress on each crime for which an unaccompanied alien child is charged or convicted during the previous 6-month period following their release from the custody of the Secretary of Homeland Security pursuant to section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C 1232). SEC. 5506. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION. (a) In General.--Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C 1232) is amended by adding at the end the following: ``(j) Construction.-- ``(1) In general.--Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C 1187, 1225, 1226, and 1231). There exists no presumption that an alien child who is not an unaccompanied alien child should not be detained, and all such determinations shall be in the discretion of the Secretary of Homeland Security. ``(2) Release of minors other than unaccompanied aliens.-- In no circumstances shall an alien minor who is not an unaccompanied alien child be released by the Secretary of Homeland Security other than to a parent or legal guardian.''. (b) Effective Date.--The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all actions that occur before, on, or after the date of the enactment of this Act. DIVISION C--BORDER ENFORCEMENT SEC. 1100. SHORT TITLE. This division may be cited as the ``Border Security for America Act of 2018''. TITLE I--BORDER SECURITY SEC. 1101. DEFINITIONS. In this title: (1) Advanced unattended surveillance sensors.--The term ``advanced unattended surveillance sensors'' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission. (2) Appropriate congressional committee.--The term ``appropriate congressional committee'' has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C 101(2)). (3) Commissioner.--The term ``Commissioner'' means the Commissioner of U.S Customs and Border Protection. (4) High traffic areas.--The term ``high traffic areas'' has the meaning given such term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 1111 of this division. (5) Operational control.--The term ``operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C 1701 note; Public Law 109-367). (6) Secretary.--The term ``Secretary'' means the Secretary of Homeland Security. (7) Situational awareness.--The term ``situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal ***Year*** 2017 (Public Law 114-328; 6 U.S.C 223(a)(7)). (8) Small unmanned aerial vehicle.--The term ``small unmanned aerial vehicle'' has the meaning given the term ``small unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C 40101 note). (9) Transit zone.--The term ``transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal ***Year*** 2017 (Public Law 114-328; 6 U.S.C 223(a)(7)). (10) Unmanned aerial system.--The term ``unmanned aerial system'' has the meaning given the term ``unmanned aircraft system'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C 40101 note). (11) Unmanned aerial vehicle.--The term ``unmanned aerial vehicle'' has the meaning given the term ``unmanned aircraft'' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C 40101 note). Subtitle A--Infrastructure and Equipment SEC. 1111. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER. Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104-208; 8 U.S.C 1103 note) is amended-- (1) by amending subsection (a) to read as follows: ``(a) In General.--The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the United States border to achieve situational awareness and operational control of the border and deter, impede, and detect illegal activity in high traffic areas.''; (2) in subsection (b)-- (A) in the subsection heading, by striking ``Fencing and Road Improvements'' and inserting ``Physical Barriers''; (B) in paragraph (1)-- (i) in subparagraph (A)-- (I) by striking ``subsection (a)'' and inserting ``this section''; (II) by striking ``roads, lighting, cameras, and sensors'' and inserting ``tactical infrastructure, and technology''; and (III) by striking ``gain'' inserting ``achieve situational awareness and''; and (ii) by amending subparagraph (B) to read as follows: ``(B) Physical barriers and tactical infrastructure.-- [[Page H5407]] ``(i) In general.--Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective physical barriers and tactical infrastructure available for achieving situational awareness and operational control of the border. ``(ii) Consideration for certain physical barriers and tactical infrastructure.--The deployment of physical barriers and tactical infrastructure under this subparagraph shall not apply in any area or region along the border where natural terrain features, natural barriers, or the remoteness of such area or region would make any such deployment ineffective, as determined by the Secretary, for the purposes of achieving situational awareness or operational control of such area or region.''; (iii) in subparagraph (C)-- (I) by amending clause (i) to read as follows: ``(i) In general.--In carrying out this section, the Secretary of Homeland Security shall, before constructing physical barriers in a specific area or region, consult with the Secretary of the Interior, the Secretary of ***Agriculture***, appropriate representatives of Federal, State, local, and tribal governments, and appropriate private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such physical barriers are to be constructed.''; (II) by redesignating clause (ii) as clause (iii); and (III) by inserting after clause (i), as amended, the following new clause: ``(ii) Notification.--Not later than 60 days after the consultation required under clause (i), the Secretary of Homeland Security shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate of the type of physical barriers, tactical infrastructure, or technology the Secretary has determined is most practical and effective to achieve situational awareness and operational control in a specific area or region and the other alternatives the Secretary considered before making such a determination.''; and (iv) by striking subparagraph (D); (C) in paragraph (2)-- (i) by striking ``Attorney General'' and inserting ``Secretary of Homeland Security''; (ii) by striking ``this subsection'' and inserting ``this section''; and (iii) by striking ``construction of fences'' and inserting ``the construction of physical barriers''; and (D) by amending paragraph (3) to read as follows: ``(3) Agent safety.--In carrying out this section, the Secretary of Homeland Security, when designing, constructing, and deploying physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, construction, or deployment of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines, in the Secretary's sole discretion, are necessary to maximize the safety and effectiveness of officers or agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; (3) in subsection (c), by amending paragraph (1) to read as follows: ``(1) In general.--Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive all legal requirements the Secretary, in the Secretary's sole discretion, determines necessary to ensure the expeditious design, testing, construction, installation, deployment, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. Any such decision by the Secretary shall be effective upon publication in the Federal Register.''; and (4) by adding after subsection (d) the following new subsections: ``(e) Technology.--Not later than September 30, 2022, the Secretary of Homeland Security, in carrying out this section, shall deploy along the United States border the most practical and effective technology available for achieving situational awareness and operational control of the border. ``(f) Limitation on Requirements.--Nothing in this section may be construed as requiring the Secretary of Homeland Security to install tactical infrastructure, technology, and physical barriers in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain situational awareness and operational control over the international border at such location. ``(g) Definitions.--In this section: ``(1) High traffic areas.--The term `high traffic areas' means areas in the vicinity of the United States border that-- ``(A) are within the responsibility of U.S Customs and Border Protection; and ``(B) have significant unlawful cross-border activity, as determined by the Secretary of Homeland Security. ``(2) Operational control.--The term `operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C 1701 note; Public Law 109-367). ``(3) Physical barriers.--The term `physical barriers' includes reinforced fencing, border wall system, and levee walls. ``(4) Situational awareness.--The term `situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal ***Year*** 2017 (Public Law 114-328). ``(5) Tactical infrastructure.--The term `tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads. ``(6) Technology.--The term `technology' includes border surveillance and detection technology, including the following: ``(A) Tower-based surveillance technology. ``(B) Deployable, lighter-than-air ground surveillance equipment. ``(C) Vehicle and Dismount Exploitation Radars (VADER). ``(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology. ``(E) Advanced unattended surveillance sensors. ``(F) Mobile vehicle-mounted and man-portable surveillance capabilities. ``(G) Unmanned aerial vehicles. ``(H) Other border detection, communication, and surveillance technology. ``(7) Unmanned aerial vehicles.--The term `unmanned aerial vehicle' has the meaning given the term `unmanned aircraft' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 49 U.S.C 40101 note).''. SEC. 1112. AIR AND MARINE OPERATIONS FLIGHT HOURS. (a) Increased Flight Hours.--The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S Customs and Border Protection. (b) Unmanned Aerial System.--The Secretary shall ensure that Air and Marine Operations operate unmanned aerial systems on the southern border of the United States for not less than 24 hours per day for five days per week. (c) Contract Air Support Authorization.--The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S Border Patrol. (d) Primary Mission.--The Commissioner shall ensure that-- (1) the primary missions for Air and Marine Operations are to directly support U.S Border Patrol activities along the southern border of the United States and Joint Interagency Task Force South operations in the transit zone; and (2) the Executive Assistant Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act. (e) High-Demand Flight Hour Requirements.--In accordance with subsection (d), the Commissioner shall ensure that U.S Border Patrol Sector Chiefs-- (1) identify critical flight hour requirements; and (2) direct Air and Marine Operations to support requests from Sector Chiefs as their primary mission. (f) Small Unmanned Aerial Vehicles.-- (1) In general.--The Chief of the U.S Border Patrol shall be the executive agent for U.S Customs and Border Protection's use of small unmanned aerial vehicles for the purpose of meeting the U.S Border Patrol's unmet flight hour operational requirements and to achieve situational awareness and operational control. (2) Coordination.--In carrying out paragraph (1), the Chief of the U.S Border Patrol shall-- (A) coordinate flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the National Airspace System; and (B) coordinate with the Executive Assistant Commissioner for Air and Marine Operations of U.S Customs and Border Protection to ensure the safety of other U.S Customs and Border Protection aircraft flying in the vicinity of small unmanned aerial vehicles operated by the U.S Border Patrol. (3) Conforming amendment.--Paragraph (3) of section 411(e) of the Homeland Security Act of 2002 (6 U.S.C 211(e)) is amended-- (A) in subparagraph (B), by striking ``and'' after the semicolon at the end; (B) by redesignating subparagraph (C) as subparagraph (D); and (C) by inserting after subparagraph (B) the following new subparagraph: ``(C) carry out the small unmanned aerial vehicle requirements pursuant to subsection (f) of section 1112 of the Border Security for America Act of 2018; and''. (g) Saving Clause.--Nothing in this section shall confer, ***transfer***, or delegate to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations of U.S Customs and Border Protection, or the Chief of the U.S Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety. SEC. 1113. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND TRANSIT ZONE. (a) In General.--Not later than September 30, 2022, the Secretary, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as [[Page H5408]] amended by section 1111 of this division), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities: (1) San diego sector.--For the San Diego sector, the following: (A) Tower-based surveillance technology. (B) Subterranean surveillance and detection technologies. (C) To increase coastal maritime domain awareness, the following: (i) Deployable, lighter-than-air surface surveillance equipment. (ii) Unmanned aerial vehicles with maritime surveillance capability. (iii) U.S Customs and Border Protection maritime patrol aircraft. (iv) Coastal radar surveillance systems. (v) Maritime signals intelligence capabilities. (D) Ultralight aircraft detection capabilities. (E) Advanced unattended surveillance sensors. (F) A rapid reaction capability supported by aviation assets. (G) Mobile vehicle-mounted and man-portable surveillance capabilities. (H) Man-portable unmanned aerial vehicles. (I) Improved agent communications capabilities. (2) El centro sector.--For the El Centro sector, the following: (A) Tower-based surveillance technology. (B) Deployable, lighter-than-air ground surveillance equipment. (C) Man-portable unmanned aerial vehicles. (D) Ultralight aircraft detection capabilities. (E) Advanced unattended surveillance sensors. (F) A rapid reaction capability supported by aviation assets. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications capabilities. (3) Yuma sector.--For the Yuma sector, the following: (A) Tower-based surveillance technology. (B) Deployable, lighter-than-air ground surveillance equipment. (C) Ultralight aircraft detection capabilities. (D) Advanced unattended surveillance sensors. (E) A rapid reaction capability supported by aviation assets. (F) Mobile vehicle-mounted and man-portable surveillance systems. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications capabilities. (4) Tucson sector.--For the Tucson sector, the following: (A) Tower-based surveillance technology. (B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (C) Deployable, lighter-than-air ground surveillance equipment. (D) Ultralight aircraft detection capabilities. (E) Advanced unattended surveillance sensors. (F) A rapid reaction capability supported by aviation assets. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications capabilities. (5) El paso sector.--For the El Paso sector, the following: (A) Tower-based surveillance technology. (B) Deployable, lighter-than-air ground surveillance equipment. (C) Ultralight aircraft detection capabilities. (D) Advanced unattended surveillance sensors. (E) Mobile vehicle-mounted and man-portable surveillance systems. (F) A rapid reaction capability supported by aviation assets. (G) Mobile vehicle-mounted and man-portable surveillance capabilities. (H) Man-portable unmanned aerial vehicles. (I) Improved agent communications capabilities. (6) Big bend sector.--For the Big Bend sector, the following: (A) Tower-based surveillance technology. (B) Deployable, lighter-than-air ground surveillance equipment. (C) Improved agent communications capabilities. (D) Ultralight aircraft detection capabilities. (E) Advanced unattended surveillance sensors. (F) A rapid reaction capability supported by aviation assets. (G) Mobile vehicle-mounted and man-portable surveillance capabilities. (H) Man-portable unmanned aerial vehicles. (I) Improved agent communications capabilities. (7) Del rio sector.--For the Del Rio sector, the following: (A) Tower-based surveillance technology. (B) Increased monitoring for cross-river dams, culverts, and footpaths. (C) Improved agent communications capabilities. (D) Improved maritime capabilities in the Amistad National Recreation Area. (E) Advanced unattended surveillance sensors. (F) A rapid reaction capability supported by aviation assets. (G) Mobile vehicle-mounted and man-portable surveillance capabilities. (H) Man-portable unmanned aerial vehicles. (I) Improved agent communications capabilities. (8) Laredo sector.--For the Laredo sector, the following: (A) Tower-based surveillance technology. (B) Maritime detection resources for the Falcon Lake region. (C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (D) Increased monitoring for cross-river dams, culverts, and footpaths. (E) Ultralight aircraft detection capability. (F) Advanced unattended surveillance sensors. (G) A rapid reaction capability supported by aviation assets. (H) Man-portable unmanned aerial vehicles. (I) Improved agent communications capabilities. (9) Rio grande valley sector.--For the Rio Grande Valley sector, the following: (A) Tower-based surveillance technology. (B) Deployable, lighter-than-air ground surveillance equipment. (C) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (D) Ultralight aircraft detection capability. (E) Advanced unattended surveillance sensors. (F) Increased monitoring for cross-river dams, culverts, footpaths. (G) A rapid reaction capability supported by aviation assets. (H) Increased maritime interdiction capabilities. (I) Mobile vehicle-mounted and man-portable surveillance capabilities. (J) Man-portable unmanned aerial vehicles. (K) Improved agent communications capabilities. (10) Blaine sector.--For the Blaine sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Coastal radar surveillance systems. (C) Increased maritime interdiction capabilities. (D) Mobile vehicle-mounted and man-portable surveillance capabilities. (E) Advanced unattended surveillance sensors. (F) Ultralight aircraft detection capabilities. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications capabilities. (11) Spokane sector.--For the Spokane sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Increased maritime interdiction capabilities. (C) Mobile vehicle-mounted and man-portable surveillance capabilities. (D) Advanced unattended surveillance sensors. (E) Ultralight aircraft detection capabilities. (F) Completion of six miles of the Bog Creek road. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications systems. (12) Havre sector.--For the Havre sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Mobile vehicle-mounted and man-portable surveillance capabilities. (C) Advanced unattended surveillance sensors. (D) Ultralight aircraft detection capabilities. (E) Man-portable unmanned aerial vehicles. (F) Improved agent communications systems. (13) Grand forks sector.--For the Grand Forks sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Mobile vehicle-mounted and man-portable surveillance capabilities. (C) Advanced unattended surveillance sensors. (D) Ultralight aircraft detection capabilities. (E) Man-portable unmanned aerial vehicles. (F) Improved agent communications systems. (14) Detroit sector.--For the Detroit sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. [[Page H5409]] (B) Coastal radar surveillance systems. (C) Increased maritime interdiction capabilities. (D) Mobile vehicle-mounted and man-portable surveillance capabilities. (E) Advanced unattended surveillance sensors. (F) Ultralight aircraft detection capabilities. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications systems. (15) Buffalo sector.--For the Buffalo sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Coastal radar surveillance systems. (C) Increased maritime interdiction capabilities. (D) Mobile vehicle-mounted and man-portable surveillance capabilities. (E) Advanced unattended surveillance sensors. (F) Ultralight aircraft detection capabilities. (G) Man-portable unmanned aerial vehicles. (H) Improved agent communications systems. (16) Swanton sector.--For the Swanton sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Mobile vehicle-mounted and man-portable surveillance capabilities. (C) Advanced unattended surveillance sensors. (D) Ultralight aircraft detection capabilities. (E) Man-portable unmanned aerial vehicles. (F) Improved agent communications systems. (17) Houlton sector.--For the Houlton sector, the following: (A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability. (B) Mobile vehicle-mounted and man-portable surveillance capabilities. (C) Advanced unattended surveillance sensors. (D) Ultralight aircraft detection capabilities. (E) Man-portable unmanned aerial vehicles. (F) Improved agent communications systems. (18) Transit zone.--For the transit zone, the following: (A) Not later than two ***years*** after the date of the enactment of this Act, an increase in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal ***years***. (B) Increased maritime signals intelligence capabilities. (C) To increase maritime domain awareness, the following: (i) Unmanned aerial vehicles with maritime surveillance capability. (ii) Increased maritime aviation patrol hours. (D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard. (E) Coastal radar surveillance systems with long range day and night cameras capable of providing full maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix. (b) Tactical Flexibility.-- (1) Southern and northern land borders.-- (A) In general.--Beginning on September 30, 2021, or after the Secretary has deployed at least 25 percent of the capabilities required in each sector specified in subsection (a), whichever comes later, the Secretary may deviate from such capability deployments if the Secretary determines that such deviation is required to achieve situational awareness or operational control. (B) Notification.--If the Secretary exercises the authority described in subparagraph (A), the Secretary shall, not later than 90 days after such exercise, notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the deviation under such subparagraph that is the subject of such exercise. If the Secretary makes any changes to such deviation, the Secretary shall, not later than 90 days after any such change, notify such committees regarding such change. (2) Transit zone.-- (A) Notification.--The Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments for the transit zone specified in paragraph (18) of subsection (a), including information relating to-- (i) the number and types of assets and personnel deployed; and (ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a). (B) Alteration.--The Secretary may alter the capability deployments referred to in this section if the Secretary-- (i) determines, after consultation with the committees referred to in subparagraph (A), that such alteration is necessary; and (ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to-- (I) the number and types of assets and personnel deployed pursuant to such alteration; and (II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in the transit zone referred to in paragraph (18) of subsection (a). (c) Exigent Circumstances.-- (1) In general.--Notwithstanding subsection (b), the Secretary may deploy the capabilities referred to in subsection (a) in a manner that is inconsistent with the requirements specified in such subsection if, after the Secretary has deployed at least 25 percent of such capabilities, the Secretary determines that exigent circumstances demand such an inconsistent deployment or that such an inconsistent deployment is vital to the national security interests of the United States. (2) Notification.--The Secretary shall notify the Committee on Homeland Security of the House of Representative and the Committee on Homeland Security and Governmental Affairs of the Senate not later than 30 days after making a determination under paragraph (1). Such notification shall include a detailed justification regarding such determination. SEC. 1114. U.S BORDER PATROL ACTIVITIES. The Chief of the U.S Border Patrol shall prioritize the deployment of U.S Border Patrol agents to as close to the physical land border as possible, consistent with border security enforcement priorities and accessibility to such areas. SEC. 1115. BORDER SECURITY TECHNOLOGY ***PROGRAM*** MANAGEMENT. (a) In General.--Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C 231 et seq.) is amended by adding at the end the following new section: ``SEC. 435. BORDER SECURITY TECHNOLOGY ***PROGRAM*** MANAGEMENT. ``(a) Major Acquisition ***Program*** Defined.--In this section, the term `major acquisition ***program***' means an acquisition ***program*** of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal ***year*** 2017 constant dollars) over its life cycle cost. ``(b) Planning Documentation.--For each border security technology acquisition ***program*** of the Department that is determined to be a major acquisition ***program***, the Secretary shall-- ``(1) ensure that each such ***program*** has a written acquisition ***program*** baseline approved by the relevant acquisition decision authority; ``(2) document that each such ***program*** is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and ``(3) have a plan for meeting ***program*** implementation objectives by managing contractor performance. ``(c) Adherence to Standards.--The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S Customs and Border Protection, shall ensure border security technology acquisition ***program*** managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition ***programs*** under this section. ``(d) Plan.--The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing, evaluating, and using independent verification and validation resources for border security technology. Under the plan, new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure-- ``(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and ``(2) the effective use of taxpayer dollars.''. (b) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following new item: ``Sec. 435. Border security technology ***program*** management.''. (c) Prohibition on Additional Authorization of Appropriations.--No additional funds are authorized to be appropriated to carry out section 435 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using [[Page H5410]] amounts otherwise authorized for such purposes. SEC. 1116. REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER. (a) In General.--With the approval of the Secretary and the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border for the purposes of assisting U.S Customs and Border Protection to achieve situational awareness and operational control of the border. (b) Assignment of Operations and Missions.-- (1) In general.--National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border. (2) Nature of duty.--The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code. (c) Range of Operations and Missions.--The operations and missions assigned under subsection (b) shall include the temporary authority to-- (1) construct reinforced fencing or other physical barriers; (2) operate ground-based surveillance systems; (3) operate unmanned and manned aircraft; (4) provide radio communications interoperability between U.S Customs and Border Protection and State, local, and tribal law enforcement agencies; (5) construct checkpoints along the Southern border to bridge the gap to long-term permanent checkpoints; and (6) provide intelligence support. (d) Materiel and Logistical Support.--The Secretary of Defense shall deploy such materiel, equipment, and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section. (e) Reimbursement Required.-- (1) In general.--The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to perform operations and missions in full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary for any reimbursements paid to States for the costs of such deployments. (2) Limitation.--The total amount of reimbursements under this section may not exceed $35,000,000 for any fiscal ***year***. SEC. 1117. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER. (a) In General.--The Secretary of Defense, with the concurrence of the Secretary, shall provide assistance to U.S Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern border. (b) Types of Assistance Authorized.--The assistance provided under subsection (a) may include-- (1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and (2) intelligence analysis support. (c) Materiel and Logistical Support.--The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a). (d) Authorization of Appropriations.--There are authorized to be appropriated for the Department of Defense $75,000,000 to provide assistance under this section. The Secretary of Defense may not seek reimbursement from the Secretary for any assistance provided under this section. (e) Reports.-- (1) In general.--Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of Defense shall submit a report to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under subsection (a) during the period specified in paragraph (3). (2) Elements.--Each report under paragraph (1) shall include, for the period specified in paragraph (3), a description of-- (A) the assistance provided; (B) the sources and amounts of funds used to provide such assistance; and (C) the amounts obligated to provide such assistance. (3) Period specified.--The period specified in this paragraph is-- (A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and (B) in the case of any subsequent report submitted under paragraph (1), the ***calendar*** ***year*** for which the report is submitted. SEC. 1118. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND. (a) Prohibition on Interference With U.S Customs and Border Protection.-- (1) In general.--The Secretary concerned may not impede, prohibit, or restrict activities of U.S Customs and Border Protection on covered Federal land to carry out the activities described in subsection (b). (2) Applicability.--The authority of U.S Customs and Border Protection to conduct activities described in subsection (b) on covered Federal land applies without regard to whether a state of emergency exists. (b) Authorized Activities of U.S Customs and Border Protection.-- (1) In general.--U.S Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border. (2) Activities described.--The activities described in this paragraph are-- (A) the execution of search and rescue operations; (B) the use of motorized vehicles, foot patrols, and horseback to patrol the border area, apprehend illegal entrants, and rescue individuals; and (C) the design, testing, construction, installation, deployment, and operation of physical barriers, tactical infrastructure, and technology pursuant to section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this division). (c) Clarification Relating to Waiver Authority.-- (1) In general.--The activities of U.S Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2). (2) Provisions of law specified.--The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws: (A) The National Environmental Policy Act of 1969 (42 U.S.C 4321 et seq.). (B) The Endangered Species Act of 1973 (16 U.S.C 1531 et seq.). (C) The Federal Water Pollution Control Act (33 U.S.C 1251 et seq.) (commonly referred to as the ``Clean Water Act''). (D) Division A of subtitle III of title 54, United States Code (54 U.S.C 300301 et seq.) (formerly known as the ``National Historic Preservation Act''). (E) The Migratory Bird Treaty Act (16 U.S.C 703 et seq.). (F) The Clean Air Act (42 U.S.C 7401 et seq.). (G) The Archaeological Resources Protection Act of 1979 (16 U.S.C 470aa et seq.). (H) The Safe Drinking Water Act (42 U.S.C 300f et seq.). (I) The Noise Control Act of 1972 (42 U.S.C 4901 et seq.). (J) The Solid Waste Disposal Act (42 U.S.C 6901 et seq.). (K) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C 9601 et seq.). (L) Chapter 3125 of title 54, United States Code (formerly known as the ``Archaeological and Historic Preservation Act''). (M) The Antiquities Act (16 U.S.C 431 et seq.). (N) Chapter 3203 of title 54, United States Code (formerly known as the ``Historic Sites, Buildings, and Antiquities Act''). (O) The Wild and Scenic Rivers Act (16 U.S.C 1271 et seq.). (P) The Farmland Protection Policy Act (7 U.S.C 4201 et seq.). (Q) The Coastal Zone Management Act of 1972 (16 U.S.C 1451 et seq.). (R) The Wilderness Act (16 U.S.C 1131 et seq.). (S) The Federal Land Policy and Management Act of 1976 (43 U.S.C 1701 et seq.). (T) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C 668dd et seq.). (U) The Fish and Wildlife Act of 1956 (16 U.S.C 742a et seq.). (V) The Fish and Wildlife Coordination Act (16 U.S.C 661 et seq.). (W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ``Administrative Procedure Act''). (X) The Otay Mountain Wilderness Act of 1999 (Public Law 106-145). (Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Public Law 103-433). (Z) Division A of subtitle I of title 54, United States Code (formerly known as the ``National Park Service Organic Act''. (AA) The National Park Service General Authorities Act (Public Law 91-383, 16 U.S.C 1a-1 et seq.). (BB) Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Public Law 95-625). (CC) Sections 301(a) through (f) of the Arizona Desert Wilderness Act (Public Law 101-628). (DD) The Rivers and Harbors Act of 1899 (33 U.S.C 403). (EE) The Eagle Protection Act (16 U.S.C 668 et seq.). (FF) The Native American Graves Protection and Repatriation Act (25 U.S.C 3001 et seq.). (GG) The American Indian Religious Freedom Act (42 U.S.C 1996). (II) The National Forest Management Act of 1976 (16 U.S.C 1600 et seq.). (JJ) The Multiple Use and Sustained Yield Act of 1960 (16 U.S.C 528 et seq.). (3) Applicability of waiver to successor laws.--If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of [[Page H5411]] this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent the waiver applied to that provision of law. (4) Savings clause.--The waiver authority under this subsection may not be construed as affecting, negating, or diminishing in any manner the applicability of section 552 of title 5, United States Code (commonly referred to as the ``Freedom of Information Act''), in any relevant matter. (d) Protection of Legal Uses.--This section may not be construed to provide-- (1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of backcountry airstrips, on land under the jurisdiction of the Secretary of the Interior or the Secretary of ***Agriculture***; or (2) any additional authority to restrict legal access to such land. (e) Effect on State and Private Land.--This section shall-- (1) have no force or effect on State lands or private lands; and (2) not provide authority on or access to State lands or private lands. (f) Tribal Sovereignty.--Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes. (g) Memoranda of Understanding.--The requirements of this section shall not apply to the extent that such requirements are incompatible with any memorandum of understanding or similar agreement entered into between the Commissioner and a National Park Unit before the date of the enactment of this Act. (h) Definitions.--In this section: (1) Covered federal land.--The term ``covered Federal land'' includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border. (2) Secretary concerned.--The term ``Secretary concerned'' means-- (A) with respect to land under the jurisdiction of the Department of ***Agriculture***, the Secretary of ***Agriculture***; and (B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior. SEC. 1119. LANDOWNER AND RANCHER SECURITY ENHANCEMENT. (a) Establishment of National Border Security Advisory Committee.--The Secretary shall establish a National Border Security Advisory Committee, which-- (1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including-- (A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal ***Year*** 2017 (Public Law 114-328; 6 U.S.C 223); and (B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and (2) may provide, through the Secretary, recommendations to Congress. (b) Consideration of Views.--The Secretary shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security. (c) Membership.--The National Border Security Advisory Committee shall consist of at least one member from each State who-- (1) has at least five ***years*** practical experience in border security operations; or (2) lives and works in the United States within 80 miles from the southern border or the northern border. (d) Nonapplicability of Federal Advisory Committee Act.-- The Federal Advisory Committee Act (5 U.S.C App.) shall not apply to the National Border Security Advisory Committee. SEC. 1120. ERADICATION OF CARRIZO CANE AND SALT CEDAR. (a) In General.--Not later than September 30, 2022, the Secretary, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. (b) Extent.--The waiver authority under subsection (c) of section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1103 note), as amended by section 1111 of this division, shall extend to activities carried out pursuant to this section. SEC. 1121. SOUTHERN BORDER THREAT ANALYSIS. (a) Threat Analysis.-- (1) Requirement.--Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a Southern border threat analysis. (2) Contents.--The analysis submitted under paragraph (1) shall include an assessment of-- (A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking-- (i) to unlawfully enter the United States through the Southern border; or (ii) to exploit security vulnerabilities along the Southern border; (B) improvements needed at and between ports of entry along the Southern border to prevent terrorists and instruments of terror from entering the United States; (C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts; (D) the current percentage of situational awareness achieved by the Department along the Southern border; (E) the current percentage of operational control achieved by the Department on the Southern border; and (F) traveler crossing times and any potential security vulnerability associated with prolonged wait times. (3) Analysis requirements.--In compiling the Southern border threat analysis required under this subsection, the Secretary shall consider and examine-- (A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought; (B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring; (C) the infrastructure needs and challenges; (D) the roles and authorities of State, local, and tribal law enforcement in general border security activities; (E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security; (F) the terrain, population density, and climate along the Southern border; and (G) the international agreements between the United States and Mexico related to border security. (4) Classified form.--To the extent possible, the Secretary shall submit the Southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate. (b) U.S Border Patrol Strategic Plan.-- (1) In general.--Not later than 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five ***years*** thereafter, the Secretary, acting through the Chief of the U.S Border Patrol, shall issue a Border Patrol Strategic Plan. (2) Contents.--The Border Patrol Strategic Plan required under this subsection shall include a consideration of-- (A) the Southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis; (B) efforts to analyze and disseminate border security and border threat information between border security components of the Department and other appropriate Federal departments and agencies with missions associated with the Southern border; (C) efforts to increase situational awareness, including-- (i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and (ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets; (D) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States; (E) efforts to detect, interdict, and disrupt aliens and illicit drugs at the earliest possible point; (F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; (G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department; (H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary determines to be necessary; (I) operational coordination unity of effort initiatives of the border security components of the Department, including any relevant task forces of the Department; (J) lessons learned from Operation Jumpstart and Operation Phalanx; (K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border; (L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the Northern border or the Southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border ***agricultural*** and ranching organizations and representatives from business and civic organizations along the Northern border or the Southern border; (M) staffing requirements for all departmental border security functions; [[Page H5412]] (N) a prioritized list of departmental research and development objectives to enhance the security of the Southern border; (O) an assessment of training ***programs***, including training ***programs*** for-- (i) identifying and detecting fraudulent documents; (ii) understanding the scope of enforcement authorities and the use of force policies; and (iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and (P) an assessment of how border security operations affect border crossing times. SEC. 1122. AMENDMENTS TO U.S CUSTOMS AND BORDER PROTECTION. (a) Duties.--Subsection (c) of section 411 of the Homeland Security Act of 2002 (6 U.S.C 211) is amended-- (1) in paragraph (18), by striking ``and'' after the semicolon at the end; (2) by redesignating paragraph (19) as paragraph (21); and (3) by inserting after paragraph (18) the following new paragraphs: ``(19) administer the U.S Customs and Border Protection public private partnerships under subtitle G; ``(20) administer preclearance operations under the Preclearance Authorization Act of 2015 (19 U.S.C 4431 et seq.; enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C 4301 et seq.); and''. (b) Office of Field Operations Staffing.--Subparagraph (A) of section 411(g)(5) of the Homeland Security Act of 2002 (6 U.S.C 211(g)(5)) is amended by inserting before the period at the end the following: ``compared to the number indicated by the current fiscal ***year*** work flow staffing model''. (c) Implementation Plan.--Subparagraph (B) of section 814(e)(1) of the Preclearance Authorization Act of 2015 (19 U.S.C 4433(e)(1); enacted as subtitle B of title VIII of the Trade Facilitation and Trade Enforcement Act of 2015; 19 U.S.C 4301 et seq.) is amended to read as follows: ``(B) a port of entry vacancy rate which compares the number of officers identified in subparagraph (A) with the number of officers at the port at which such officer is currently assigned.''. (d) Definition.--Subsection (r) of section 411 of the Homeland Security Act of 2002 (6 U.S.C 211) is amended-- (1) by striking ``this section, the terms'' and inserting the following: ``this section: ``(1) the terms''; (2) in paragraph (1), as added by subparagraph (A), by striking the period at the end and inserting ``; and''; and (3) by adding at the end the following new paragraph: ``(2) the term `unmanned aerial systems' has the meaning given the term `unmanned aircraft system' in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112- 95; 49 U.S.C 40101 note).''. SEC. 1123. AGENT AND OFFICER TECHNOLOGY USE. In carrying out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 1111 of this division) and section 1113 of this division, the Secretary shall, to the greatest extent practicable, ensure that technology deployed to gain situational awareness and operational control of the border be provided to front-line officers and agents of the Department of Homeland Security. SEC. 1124. INTEGRATED BORDER ENFORCEMENT TEAMS. (a) In General.--Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C 231 et seq.), as amended by section 1115 of this division, is further amended by adding at the end the following new section: ``SEC. 436. INTEGRATED BORDER ENFORCEMENT TEAMS. ``(a) Establishment.--The Secretary shall establish within the Department a ***program*** to be known as the Integrated Border Enforcement Team ***program*** (referred to in this section as `IBET'). ``(b) Purpose.--The Secretary shall administer the IBET ***program*** in a manner that results in a cooperative approach between the United States and Canada to-- ``(1) strengthen security between designated ports of entry; ``(2) detect, prevent, investigate, and respond to terrorism and violations of law related to border security; ``(3) facilitate collaboration among components and offices within the Department and international partners; ``(4) execute coordinated activities in furtherance of border security and homeland security; and ``(5) enhance information-sharing, including the dissemination of homeland security information among such components and offices. ``(c) Composition and Location of IBETs.-- ``(1) Composition.--IBETs shall be led by the United States Border Patrol and may be comprised of personnel from the following: ``(A) Other subcomponents of U.S Customs and Border Protection. ``(B) U.S Immigration and Customs Enforcement, led by Homeland Security Investigations. ``(C) The Coast Guard, for the purpose of securing the maritime borders of the United States. ``(D) Other Department personnel, as appropriate. ``(E) Other Federal departments and agencies, as appropriate. ``(F) Appropriate State law enforcement agencies. ``(G) Foreign law enforcement partners. ``(H) Local law enforcement agencies from affected border cities and communities. ``(I) Appropriate tribal law enforcement agencies. ``(2) Location.--The Secretary is authorized to establish IBETs in regions in which such teams can contribute to IBET missions, as appropriate. When establishing an IBET, the Secretary shall consider the following: ``(A) Whether the region in which the IBET would be established is significantly impacted by cross-border threats. ``(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in an IBET. ``(C) Whether, in accordance with paragraph (3), other joint cross-border initiatives already take place within the region in which the IBET would be established, including other Department cross-border ***programs*** such as the Integrated Cross-Border Maritime Law Enforcement Operation ***Program*** established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C 70101 note) or the Border Enforcement Security Task Force established under section 432. ``(3) Duplication of efforts.--In determining whether to establish a new IBET or to expand an existing IBET in a given region, the Secretary shall ensure that the IBET under consideration does not duplicate the efforts of other existing interagency task forces or centers within such region, including the Integrated Cross-Border Maritime Law Enforcement Operation ***Program*** established under section 711 of the Coast Guard and Maritime Transportation Act of 2012 (46 U.S.C 70101 note) or the Border Enforcement Security Task Force established under section 432. ``(d) Operation.-- ``(1) In general.--After determining the regions in which to establish IBETs, the Secretary may-- ``(A) direct the assignment of Federal personnel to such IBETs; and ``(B) take other actions to assist Federal, State, local, and tribal entities to participate in such IBETs, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with such participation. ``(2) Limitation.--Coast Guard personnel assigned under paragraph (1) may be assigned only for the purposes of securing the maritime borders of the United States, in accordance with subsection (c)(1)(C). ``(e) Coordination.--The Secretary shall coordinate the IBET ***program*** with other similar border security and antiterrorism ***programs*** within the Department in accordance with the strategic objectives of the Cross-Border Law Enforcement Advisory Committee. ``(f) Memoranda of Understanding.--The Secretary may enter into memoranda of understanding with appropriate representatives of the entities specified in subsection (c)(1) necessary to carry out the IBET ***program***. ``(g) Report.--Not later than 180 days after the date on which an IBET is established and biannually thereafter for the following six ***years***, the Secretary shall submit to the appropriate congressional committees, including the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, and in the case of Coast Guard personnel used to secure the maritime borders of the United States, additionally to the Committee on Transportation and Infrastructure of the House of Representatives, a report that-- ``(1) describes the effectiveness of IBETs in fulfilling the purposes specified in subsection (b); ``(2) assess the impact of certain challenges on the sustainment of cross-border IBET operations, including challenges faced by international partners; ``(3) addresses ways to support joint training for IBET stakeholder agencies and radio interoperability to allow for secure cross-border radio communications; and ``(4) assesses how IBETs, Border Enforcement Security Task Forces, and the Integrated Cross-Border Maritime Law Enforcement Operation ***Program*** can better align operations, including interdiction and investigation activities.''. (b) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding after the item relating to section 435 the following new item: ``Sec. 436. Integrated Border Enforcement Teams.''. SEC. 1125. TUNNEL TASK FORCES. The Secretary is authorized to establish Tunnel Task Forces for the purposes of detecting and remediating tunnels that breach the international border of the United States. SEC. 1126. PILOT ***PROGRAM*** ON USE OF ELECTROMAGNETIC SPECTRUM IN SUPPORT OF BORDER SECURITY OPERATIONS. (a) In General.--The Commissioner of U.S Customs and Border Protection, in consultation with the Assistant Secretary of Commerce for Communications and Information, shall conduct a pilot ***program*** to test and evaluate the use of electromagnetic spectrum by U.S Customs and Border Protection in support of border security operations through-- [[Page H5413]] (1) ongoing management and monitoring of spectrum to identify threats such as unauthorized spectrum use, and the jamming and hacking of United States communications assets, by persons engaged in criminal enterprises; (2) automated spectrum management to enable greater efficiency and speed for U.S Customs and Border Protection in addressing emerging challenges in overall spectrum use on the United States border; and (3) coordinated use of spectrum resources to better facilitate interoperability and interagency cooperation and interdiction efforts at or near the United States border. (b) Report to Congress.--Not later than 180 days after the conclusion of the pilot ***program*** conducted under subsection (a), the Commissioner of U.S Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings and data derived from such ***program***. SEC. 1127. HOMELAND SECURITY FOREIGN ASSISTANCE. (a) In General.--Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C 231 et seq.), as amended by sections 1115 and 1124 of this division, is further amended by adding at the end the following new section: ``SEC. 437. SECURITY ASSISTANCE. ``(a) In General.--The Secretary, with the concurrence of the Secretary of State, may provide to a foreign government, financial assistance and, with or without reimbursement, security assistance, including equipment, training, maintenance, supplies, and sustainment support. ``(b) Determination.--The Secretary may only provide financial assistance or security assistance pursuant to subsection (a) if the Secretary determines that such assistance would enhance the recipient government's capacity to-- ``(1) mitigate the risk or threat of transnational organized crime and terrorism; ``(2) address irregular migration flows that may affect the United States, including any detention or removal operations of the recipient government; or ``(3) protect and expedite legitimate trade and travel. ``(c) Limitation on ***Transfer***.--The Secretary may not-- ``(1) ***transfer*** any equipment or supplies that are designated as a munitions item or controlled on the United States Munitions List, pursuant to section 38 of the Foreign Military Sales Act (22 U.S.C 2778); or ``(2) ***transfer*** any vessel or aircraft pursuant to this section. ``(d) Related Training.--In conjunction with a ***transfer*** of equipment pursuant to subsection (a), the Secretary may provide such equipment-related training and assistance as the Secretary determines necessary. ``(e) Maintenance of ***Transferred*** Equipment.--The Secretary may provide for the maintenance of ***transferred*** equipment through service contracts or other means, with or without reimbursement, as the Secretary determines necessary. ``(f) Reimbursement of Expenses.-- ``(1) In general.--The Secretary may collect ***payment*** from the receiving entity for the provision of security assistance under this section, including equipment, training, maintenance, supplies, sustainment support, and related shipping costs. ``(2) ***Transfer***.--Notwithstanding any other provision of law, to the extent the Secretary does not collect ***payment*** pursuant to paragraph (1), any amounts appropriated or otherwise made available to the Department of Homeland Security may be ***transferred*** to the account that finances the security assistance provided pursuant to subsection (a). ``(g) Receipts Credited as Offsetting Collections.-- Notwithstanding section 3302 of title 31, United States Code, any reimbursement collected pursuant to subsection (f) shall-- ``(1) be credited as offsetting collections to the account that finances the security assistance under this section for which such reimbursement is received; and ``(2) remain available until expended for the purpose of carrying out this section. ``(h) Rule of Construction.--Nothing in this section may be construed as affecting, augmenting, or diminishing the authority of the Secretary of State.''. (b) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following new item: ``Sec. 437. Security assistance.''. Subtitle B--Personnel SEC. 1131. ADDITIONAL U.S CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS. (a) Border Patrol Agents.--Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents. (b) CBP Officers.--In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S Customs and Border Protection as of such date, the Commissioner shall hire, train, and assign to duty, not later than September 30, 2022-- (1) sufficient U.S Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and (2) 350 full-time support staff distributed among all United States ports of entry. (c) Air and Marine Operations.--Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents and not fewer than 264 Marine and Air Interdiction Agents for southern border air and maritime operations. (d) U.S Customs and Border Protection K-9 Units and Handlers.-- (1) K-9 units.--Not later than September 30, 2022, the Commissioner shall deploy not fewer than 300 new K-9 units, with supporting officers of U.S Customs and Border Protection and other required staff, at land ports of entry and checkpoints, on the southern border and the northern border. (2) Use of canines.--The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints. (e) U.S Customs and Border Protection Horseback Units.-- (1) Increase.--Not later than September 30, 2022, the Commissioner shall increase the number of horseback units, with supporting officers of U.S Customs and Border Protection and other required staff, by not fewer than 100 officers and 50 horses for security patrol along the Southern border. (2) Horseback unit support.--The Commissioner shall construct new stables, maintain and improve existing stables, and provide other resources needed to maintain the health and well-being of the horses that serve in the horseback units of U.S Customs and Border Protection. (f) U.S Customs and Border Protection Search Trauma and Rescue Teams.--Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border. (g) U.S Customs and Border Protection Tunnel Detection and Technology ***Program***.--Not later than September 30, 2022, the Commissioner shall increase by not fewer than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling. (h) ***Agricultural*** Specialists.--Not later than September 30, 2022, the Secretary shall hire, train, and assign to duty, in addition to the officers and agents authorized under subsections (a) through (g), 631 U.S Customs and Border Protection ***agricultural*** specialists to ports of entry along the southern border and the northern border. (i) Office of Professional Responsibility.--Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Professional Responsibility special agents to maintain an active duty presence of not fewer than 550 full-time equivalent special agents. (j) U.S Customs and Border Protection Office of Intelligence.--Not later than September 30, 2022, the Commissioner shall hire, train, and assign sufficient Office of Intelligence personnel to maintain not fewer than 700 full-time equivalent employees. (k) GAO Report.--If the staffing levels required under this section are not achieved by September 30, 2022, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved. SEC. 1132. U.S CUSTOMS AND BORDER PROTECTION RETENTION INCENTIVES. (a) In General.--Chapter 97 of title 5, United States Code, is amended by adding at the end the following: ``Sec. 9702. U.S Customs and Border Protection temporary employment authorities ``(a) Definitions.--In this section-- ``(1) the term `CBP employee' means an employee of U.S Customs and Border Protection described under any of subsections (a) through (h) of section 1131 of the Border Security for America Act of 2018; ``(2) the term `Commissioner' means the Commissioner of U.S Customs and Border Protection; ``(3) the term `Director' means the Director of the Office of Personnel Management; ``(4) the term `Secretary' means the Secretary of Homeland Security; and ``(5) the term `appropriate congressional committees' means the Committee on Oversight and Government Reform, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate. ``(b) Direct Hire Authority; Recruitment and Relocation Bonuses; Retention Bonuses.-- ``(1) Statement of purpose and limitation.--The purpose of this subsection is to allow U.S Customs and Border Protection to expeditiously meet the hiring goals and staffing levels required by section 1131 of the Border Security for America Act of 2018. The Secretary shall not use this authority beyond meeting the requirements of such section. ``(2) Direct hire authority.--The Secretary may appoint, without regard to any provision of sections 3309 through 3319, candidates to positions in the competitive service as CBP employees if the Secretary has given public notice for the positions. [[Page H5414]] ``(3) Recruitment and relocation bonuses.--The Secretary may pay a recruitment or relocation bonus of up to 50 percent of the annual rate of basic pay to an individual CBP employee at the beginning of the service period multiplied by the number of ***years*** (including a fractional part of a ***year***) in the required service period to an individual (other than an individual described in subsection (a)(2) of section 5753) if-- ``(A) the Secretary determines that conditions consistent with the conditions described in paragraphs (1) and (2) of subsection (b) of such section 5753 are satisfied with respect to the individual (without regard to the regulations referenced in subsection (b)(2)(B(ii)(I) of such section or to any other provision of that section); and ``(B) the individual enters into a written service agreement with the Secretary-- ``(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 ***years***; and ``(ii) that includes-- ``(I) the commencement and termination dates of the required service period (or provisions for the determination thereof); ``(II) the amount of the bonus; and ``(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including-- ``(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and ``(bb) the effect of a termination described in item (aa). ``(4) Retention bonuses.--The Secretary may pay a retention bonus of up to 50 percent of basic pay to an individual CBP employee (other than an individual described in subsection (a)(2) of section 5754) if-- ``(A) the Secretary determines that-- ``(i) a condition consistent with the condition described in subsection (b)(1) of such section 5754 is satisfied with respect to the CBP employee (without regard to any other provision of that section); ``(ii) in the absence of a retention bonus, the CBP employee would be likely to leave-- ``(I) the Federal service; or ``(II) for a different position in the Federal service, including a position in another agency or component of the Department of Homeland Security; and ``(B) the individual enters into a written service agreement with the Secretary-- ``(i) under which the individual is required to complete a period of employment as a CBP employee of not less than 2 ***years***; and ``(ii) that includes-- ``(I) the commencement and termination dates of the required service period (or provisions for the determination thereof); ``(II) the amount of the bonus; and ``(III) other terms and conditions under which the bonus is payable, subject to the requirements of this subsection, including-- ``(aa) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and ``(bb) the effect of a termination described in item (aa). ``(5) Rules for bonuses.-- ``(A) Maximum bonus.--A bonus paid to an employee under-- ``(i) paragraph (3) may not exceed 100 percent of the annual rate of basic pay of the employee as of the commencement date of the applicable service period; and ``(ii) paragraph (4) may not exceed 50 percent of the annual rate of basic pay of the employee. ``(B) Relationship to basic pay.--A bonus paid to an employee under paragraph (3) or (4) shall not be considered part of the basic pay of the employee for any purpose, including for retirement or in computing a lump-sum ***payment*** to the covered employee for accumulated and accrued annual leave under section 5551 or section 5552. ``(C) Period of service for recruitment, relocation, and retention bonuses.-- ``(i) A bonus paid to an employee under paragraph (4) may not be based on any period of such service which is the basis for a recruitment or relocation bonus under paragraph (3). ``(ii) A bonus paid to an employee under paragraph (3) or (4) may not be based on any period of service which is the basis for a recruitment or relocation bonus under section 5753 or a retention bonus under section 5754. ``(c) Special Rates of Pay.--In addition to the circumstances described in subsection (b) of section 5305, the Director may establish special rates of pay in accordance with that section to assist the Secretary in meeting the requirements of section 1131 of the Border Security for America Act of 2018. The Director shall prioritize the consideration of requests from the Secretary for such special rates of pay and issue a decision as soon as practicable. The Secretary shall provide such information to the Director as the Director deems necessary to evaluate special rates of pay under this subsection. ``(d) OPM Oversight.-- ``(1) Not later than September 30 of each ***year***, the Secretary shall provide a report to the Director on U.S Customs and Border Protection's use of authorities provided under subsections (b) and (c). In each report, the Secretary shall provide such information as the Director determines is appropriate to ensure appropriate use of authorities under such subsections. Each report shall also include an assessment of-- ``(A) the impact of the use of authorities under subsections (b) and (c) on implementation of section 1131 of the Border Security for America Act of 2018; ``(B) solving hiring and retention challenges at the agency, including at specific locations; ``(C) whether hiring and retention challenges still exist at the agency or specific locations; and ``(D) whether the Secretary needs to continue to use authorities provided under this section at the agency or at specific locations. ``(2) Consideration.--In compiling a report under paragraph (1), the Secretary shall consider-- ``(A) whether any CBP employee accepted an employment incentive under subsection (b) and (c) and then ***transferred*** to a new location or left U.S Customs and Border Protection; and ``(B) the length of time that each employee identified under subparagraph (A) stayed at the original location before ***transferring*** to a new location or leaving U.S Customs and Border Protection. ``(3) Distribution.--In addition to the Director, the Secretary shall submit each report required under this subsection to the appropriate congressional committees. ``(e) OPM Action.--If the Director determines the Secretary has inappropriately used authorities under subsection (b) or a special rate of pay provided under subsection (c), the Director shall notify the Secretary and the appropriate congressional committees in writing. Upon receipt of the notification, the Secretary may not make any new appointments or issue any new bonuses under subsection (b), nor provide CBP employees with further special rates of pay, until the Director has provided the Secretary and the appropriate congressional committees a written notice stating the Director is satisfied safeguards are in place to prevent further inappropriate use. ``(f) Improving CBP Hiring and Retention.-- ``(1) Education of cbp hiring officials.--Not later than 180 days after the date of the enactment of this section, and in conjunction with the Chief Human Capital Officer of the Department of Homeland Security, the Secretary shall develop and implement a strategy to improve the education regarding hiring and human resources flexibilities (including hiring and human resources flexibilities for locations in rural or remote areas) for all employees, serving in agency headquarters or field offices, who are involved in the recruitment, hiring, assessment, or selection of candidates for locations in a rural or remote area, as well as the retention of current employees. ``(2) Elements.--Elements of the strategy under paragraph (1) shall include the following: ``(A) Developing or updating training and educational materials on hiring and human resources flexibilities for employees who are involved in the recruitment, hiring, assessment, or selection of candidates, as well as the retention of current employees. ``(B) Regular training sessions for personnel who are critical to filling open positions in rural or remote areas. ``(C) The development of pilot ***programs*** or other ***programs***, as appropriate, consistent with authorities provided to the Secretary to address identified hiring challenges, including in rural or remote areas. ``(D) Developing and enhancing strategic recruiting efforts through the relationships with institutions of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C 1002), veterans transition and employment centers, and job placement ***program*** in regions that could assist in filling positions in rural or remote areas. ``(E) Examination of existing agency ***programs*** on how to most effectively aid spouses and families of individuals who are candidates or new hires in a rural or remote area. ``(F) Feedback from individuals who are candidates or new hires at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for new hires and their families. ``(G) Feedback from CBP employees, other than new hires, who are stationed at locations in a rural or remote area, including feedback on the quality of life in rural or remote areas for those CBP employees and their families. ``(H) Evaluation of Department of Homeland Security internship ***programs*** and the usefulness of those ***programs*** in improving hiring by the Secretary in rural or remote areas. ``(3) Evaluation.-- ``(A) In general.--Each ***year***, the Secretary shall-- ``(i) evaluate the extent to which the strategy developed and implemented under paragraph (1) has improved the hiring and retention ability of the Secretary; and ``(ii) make any appropriate updates to the strategy under paragraph (1). ``(B) Information.--The evaluation conducted under subparagraph (A) shall include-- ``(i) any reduction in the time taken by the Secretary to fill mission-critical positions, including in rural or remote areas; ``(ii) a general assessment of the impact of the strategy implemented under paragraph (1) on hiring challenges, including in rural or remote areas; and ``(iii) other information the Secretary determines relevant. [[Page H5415]] ``(g) Inspector General Review.--Not later than two ***years*** after the date of the enactment of this section, the Inspector General of the Department of Homeland Security shall review the use of hiring and pay flexibilities under subsections (b) and (c) to determine whether the use of such flexibilities is helping the Secretary meet hiring and retention needs, including in rural and remote areas. ``(h) Report on Polygraph Requests.--The Secretary shall report to the appropriate congressional committees on the number of requests the Secretary receives from any other Federal agency for the file of an applicant for a position in U.S Customs and Border Protection that includes the results of a polygraph examination. ``(i) Exercise of Authority.-- ``(1) Sole discretion.--The exercise of authority under subsection (b) shall be subject to the sole and exclusive discretion of the Secretary (or the Commissioner, as applicable under paragraph (2) of this subsection), notwithstanding chapter 71 and any collective bargaining agreement. ``(2) Delegation.--The Secretary may delegate any authority under this section to the Commissioner. ``(j) Rule of Construction.--Nothing in this section shall be construed to exempt the Secretary or the Director from applicability of the merit system principles under section 2301. ``(k) Sunset.--The authorities under subsections (b) and (c) shall terminate on September 30, 2022. Any bonus to be paid pursuant to subsection (b) that is approved before such date may continue until such bonus has been paid, subject to the conditions specified in this section.''. (b) Technical and Conforming Amendment.--The table of sections for chapter 97 of title 5, United States Code, is amended by adding at the end the following: ``9702. U.S Customs and Border Protection temporary employment authorities.''. SEC. 1133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT. (a) Short Title.--This section may be cited as the ``Anti- Border Corruption Reauthorization Act of 2018''. (b) Hiring Flexibility.--Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C 221) is amended by striking subsection (b) and inserting the following new subsections: ``(b) Waiver Authority.--The Commissioner of U.S Customs and Border Protection may waive the application of subsection (a)(1)-- ``(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who-- ``(A) has continuously served as a law enforcement officer for not fewer than three ***years***; ``(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; ``(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and ``(D) has, within the past ten ***years***, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency; ``(2) to a current, full-time Federal law enforcement officer who-- ``(A) has continuously served as a law enforcement officer for not fewer than three ***years***; ``(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes; ``(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and ``(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and ``(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual-- ``(A) has served in the Armed Forces for not fewer than three ***years***; ``(B) holds, or has held within the past five ***years***, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance; ``(C) holds, or has undergone within the past five ***years***, a current Tier 4 background investigation or current Tier 5 background investigation; ``(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and ``(E) was not granted any waivers to obtain the clearance referred to subparagraph (B). ``(c) Termination of Waiver Authority.--The authority to issue a waiver under subsection (b) shall terminate on the date that is four ***years*** after the date of the enactment of the Border Security for America Act of 2018.''. (c) Supplemental Commissioner Authority and Definitions.-- (1) Supplemental commissioner authority.--Section 4 of the Anti-Border Corruption Act of 2010 is amended to read as follows: ``SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY. ``(a) Non-Exemption.--An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S Customs and Border Protection. ``(b) Background Investigations.--Any individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation. ``(c) Administration of Polygraph Examination.--The Commissioner of U.S Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''. (2) Report.--The Anti-Border Corruption Act of 2010, as amended by paragraph (1), is further amended by adding at the end the following new section: ``SEC. 5. REPORTING. ``(a) Annual Report.--Not later than one ***year*** after the date of the enactment of this section and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S Customs and Border Protection shall submit to Congress a report that includes, with respect to each such reporting period-- ``(1) the number of waivers requested, granted, and denied under section 3(b); ``(2) the reasons for any denials of such waiver; ``(3) the percentage of applicants who were hired after receiving a waiver; ``(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph; ``(5) an assessment of the current impact of the polygraph waiver ***program*** on filling law enforcement positions at U.S Customs and Border Protection; and ``(6) additional authorities needed by U.S Customs and Border Protection to better utilize the polygraph waiver ***program*** for its intended goals. ``(b) Additional Information.--The first report submitted under subsection (a) shall include-- ``(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and ``(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''. (3) Definitions.--The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section: ``SEC. 6. DEFINITIONS. ``In this Act: ``(1) Federal law enforcement officer.--The term `Federal law enforcement officer' means a `law enforcement officer' defined in section 8331(20) or 8401(17) of title 5, United States Code. ``(2) Serious military or civil offense.--The term `serious military or civil offense' means an offense for which-- ``(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and ``(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635-200 chapter 14-12. ``(3) Tier 4; tier 5.--The terms `Tier 4' and `Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards. ``(4) Veteran.--The term `veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''. (d) Polygraph Examiners.--Not later than September 30, 2022, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this subtitle. SEC. 1134. TRAINING FOR OFFICERS AND AGENTS OF U.S CUSTOMS AND BORDER PROTECTION. (a) In General.--Subsection (l) of section 411 of the Homeland Security Act of 2002 (6 U.S.C 211) is amended to read as follows: ``(l) Training and Continuing Education.-- ``(1) Mandatory training.--The Commissioner shall ensure that every agent and officer of U.S Customs and Border Protection receives a minimum of 21 weeks of training that are directly related to the mission of the U.S Border Patrol, Air and Marine, and the Office of Field Operations before the initial assignment of such agents and officers. ``(2) FLETC.--The Commissioner shall work in consultation with the Director of the Federal Law Enforcement Training Centers to establish guidelines and curriculum [[Page H5416]] for the training of agents and officers of U.S Customs and Border Protection under subsection (a). ``(3) Continuing education.--The Commissioner shall annually require all agents and officers of U.S Customs and Border Protection who are required to undergo training under subsection (a) to participate in not fewer than eight hours of continuing education annually to maintain and update understanding of Federal legal rulings, court decisions, and Department policies, procedures, and guidelines related to relevant subject matters. ``(4) Leadership training.--Not later than one ***year*** after the date of the enactment of this subsection, the Commissioner shall develop and require training courses geared towards the development of leadership skills for mid- and senior-level career employees not later than one ***year*** after such employees assume duties in supervisory roles.''. (b) Report.--Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report identifying the guidelines and curriculum established to carry out subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section. (c) Assessment.--Not later than four ***years*** after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that assesses the training and education, including continuing education, required under subsection (l) of section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section. Subtitle C--Grants SEC. 1141. OPERATION STONEGARDEN. (a) In General.--Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C 601 et seq.) is amended by adding at the end the following new section: ``SEC. 2009. OPERATION STONEGARDEN. ``(a) Establishment.--There is established in the Department a ***program*** to be known as `Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section. ``(b) Eligible Recipients.--To be eligible to receive a grant under this section, a law enforcement agency-- ``(1) shall be located in-- ``(A) a State bordering Canada or Mexico; or ``(B) a State or territory with a maritime border; and ``(2) shall be involved in an active, ongoing, U.S Customs and Border Protection operation coordinated through a U.S Border Patrol sector office. ``(c) Permitted Uses.--The recipient of a grant under this section may use such grant for-- ``(1) equipment, including maintenance and sustainment costs; ``(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities; ``(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal ***Year*** 2017 Homeland Security Grant ***Program*** Notice of Funding Opportunity; and ``(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S Customs and Border Protection. ``(d) Period of Performance.--The Secretary shall award grants under this section to grant recipients for a period of not less than 36 months. ``(e) Report.--For each of fiscal ***years*** 2018 through 2022, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains information on the expenditure of grants made under this section by each grant recipient. ``(f) Authorization of Appropriations.--There is authorized to be appropriated $110,000,000 for each of fiscal ***years*** 2018 through 2022 for grants under this section.''. (b) Conforming Amendment.--Subsection (a) of section 2002 of the Homeland Security Act of 2002 (6 U.S.C 603) is amended to read as follows: ``(a) Grants Authorized.--The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.''. (c) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following: ``Sec. 2009. Operation Stonegarden.''. Subtitle D--Authorization of Appropriations SEC. 1151. AUTHORIZATION OF APPROPRIATIONS. In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated for fiscal ***years*** 2018 through 2022, $24,800,000,000 to implement this title and the amendments made by this title, of which-- (1) $9,300,000,000 shall be used by the Department of Homeland Security to construct physical barriers pursuant to section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996, as amended by section 1111 of this division; (2) $1,000,000,000 shall be used by the Department to improve tactical infrastructure pursuant to such section 102, as amended by such section 1111; (3) $5,800,000,000 shall be used by the Department to carry out section 1112 of this division; (4) $200,000,000 shall be used by the Coast Guard for deployments of personnel and assets under paragraph (18) of section 1113(a) of this division; and (5) $8,500,000,000 shall be used by the Department to carry out section 1131 of this division. TITLE II--EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING SEC. 2101. PORTS OF ENTRY INFRASTRUCTURE. (a) Additional Ports of Entry.-- (1) Authority.--The Administrator of General Services may, subject to section 3307 of title 40, United States Code, construct new ports of entry along the northern border and southern border at locations determined by the Secretary. (2) Consultation.-- (A) Requirement to consult.--The Secretary and the Administrator of General Services shall consult with the Secretary of State, the Secretary of the Interior, the Secretary of ***Agriculture***, the Secretary of Transportation, and appropriate representatives of State and local governments, and Indian tribes, and property owners in the United States prior to determining a location for any new port of entry constructed pursuant to paragraph (1). (B) Considerations.--The purpose of the consultations required by subparagraph (A) shall be to minimize any negative impacts of constructing a new port of entry on the environment, culture, commerce, and quality of life of the communities and residents located near such new port. (b) Expansion and Modernization of High-Priority Southern Border Ports of Entry.--Not later than September 30, 2021, the Administrator of General Services, subject to section 3307 of title 40, United States Code, and in coordination with the Secretary, shall expand or modernize high-priority ports of entry on the southern border, as determined by the Secretary, for the purposes of reducing wait times and enhancing security. (c) Port of Entry Prioritization.--Prior to constructing any new ports of entry pursuant to subsection (a), the Administrator of General Services shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable. (d) Notifications.-- (1) Relating to new ports of entry.--Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary and the Administrator of General Services shall jointly notify the Members of Congress who represent the State or congressional district in which such new port of entry will be located, as well as the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives. Such notification shall include information relating to the location of such new port of entry, a description of the need for such new port of entry and associated anticipated benefits, a description of the consultations undertaken by the Secretary and the Administrator pursuant to paragraph (2) of such subsection, any actions that will be taken to minimize negative impacts of such new port of entry, and the anticipated time-line for construction and completion of such new port of entry. (2) Relating to expansion and modernization of ports of entry.--Not later than 180 days after enactment of this Act, the Secretary and the Administrator of General Services shall jointly notify the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security, the Committee on Ways and Means, the Committee on Transportation and Infrastructure, and the Committee on the Judiciary of the House of Representatives of the ports of entry on the southern border that are the subject of expansion or modernization pursuant to subsection (b) and the Secretary's and Administrator's plan for expanding or modernizing each such port of entry. (e) Rule of Construction.--Nothing in this section may be construed as providing the Secretary new authority related to the construction, acquisition, or renovation of real property. SEC. 2102. SECURE COMMUNICATIONS. (a) In General.--The Secretary shall ensure that each U.S Customs and Border Protection and U.S Immigration and Customs [[Page H5417]] Enforcement officer or agent, if appropriate, is equipped with a secure radio or other two-way communication device, supported by system interoperability, that allows each such officer to communicate-- (1) between ports of entry and inspection stations; and (2) with other Federal, State, tribal, and local law enforcement entities. (b) U.S Border Patrol Agents.--The Secretary shall ensure that each U.S Border Patrol agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, and at border checkpoints, has a multi- or dual-band encrypted portable radio. (c) LTE Capability.--In carrying out subsection (b), the Secretary shall acquire radios or other devices with the option to be LTE-capable for deployment in areas where LTE enhances operations and is cost effective. SEC. 2103. BORDER SECURITY DEPLOYMENT ***PROGRAM***. (a) Expansion.--Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment ***Program*** of the U.S Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border. (b) Authorization of Appropriations.--In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal ***year*** 2018 to carry out subsection (a). SEC. 2104. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY. (a) Upgrade.--Not later than one ***year*** after the date of the enactment of this Act, the Commissioner of U.S Customs and Border Protection shall upgrade all existing license plate readers on the northern and southern borders on incoming and outgoing vehicle lanes. (b) Pilot ***Program***.--Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S Customs and Border Protection shall conduct a one-month pilot ***program*** on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers. (c) Report.--Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Finance of the Senate, and the Committee on Homeland Security, and Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives the results of the pilot ***program*** under subsection (b) and make recommendations for implementing use of such technology on the southern border. (d) Authorization of Appropriations.--In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal ***year*** 2018 to carry out subsection (a). SEC. 2105. NON-INTRUSIVE INSPECTION OPERATIONAL DEMONSTRATION. (a) In General.--Not later than six months after the date of the enactment of this Act, the Commissioner shall establish a six-month operational demonstration to deploy a high-throughput non-intrusive passenger vehicle inspection system at not fewer than three land ports of entry along the United States-Mexico border with significant cross-border traffic. Such demonstration shall be located within the pre- primary traffic flow and should be scalable to span up to 26 contiguous in-bound traffic lanes without re-configuration of existing lanes. (b) Report.--Not later than 90 days after the conclusion of the operational demonstration under subsection (a), the Commissioner shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report that describes the following: (1) The effects of such demonstration on legitimate travel and trade. (2) The effects of such demonstration on wait times, including processing times, for non-pedestrian traffic. (3) The effectiveness of such demonstration in combating terrorism and smuggling. SEC. 2106. BIOMETRIC EXIT DATA SYSTEM. (a) In General.--Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C 211 et seq.) is amended by inserting after section 415 the following new section: ``SEC. 416. BIOMETRIC ENTRY-EXIT. ``(a) Establishment.--The Secretary shall-- ``(1) not later than 180 days after the date of the enactment of this section, submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C 1365b), including-- ``(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs of such a system, that takes into account prior reports on such matters issued by the Government Accountability Office and the Department; ``(B) cost-effective staffing and personnel requirements of such a system that leverages existing resources of the Department that takes into account prior reports on such matters issued by the Government Accountability Office and the Department; ``(C) a consideration of training ***programs*** necessary to establish such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department; ``(D) a consideration of how such a system will affect arrival and departure wait times that takes into account prior reports on such matter issued by the Government Accountability Office and the Department; ``(E) information received after consultation with private sector stakeholders, including the-- ``(i) trucking industry; ``(ii) airport industry; ``(iii) airline industry; ``(iv) seaport industry; ``(v) travel industry; and ``(vi) biometric technology industry; ``(F) a consideration of how trusted traveler ***programs*** in existence as of the date of the enactment of this section may be impacted by, or incorporated into, such a system; ``(G) defined metrics of success and milestones; ``(H) identified risks and mitigation strategies to address such risks; ``(I) a consideration of how other countries have implemented a biometric exit data system; and ``(J) a list of statutory, regulatory, or administrative authorities, if any, needed to integrate such a system into the operations of the Transportation Security Administration; and ``(2) not later than two ***years*** after the date of the enactment of this section, establish a biometric exit data system at the-- ``(A) 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data; ``(B) 10 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and ``(C) 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data. ``(b) Implementation.-- ``(1) Pilot ***program*** at land ports of entry for non- pedestrian outbound traffic.--Not later than six months after the date of the enactment of this section, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot ***program*** to test the biometric exit data system referred to in subsection (a)(2) on non-pedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border. Such pilot ***program*** may include a consideration of more than one biometric mode, and shall be implemented to determine the following: ``(A) How a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out. ``(B) The infrastructure required to carry out subparagraph (A). ``(C) The effects of such pilot ***program*** on legitimate travel and trade. ``(D) The effects of such pilot ***program*** on wait times, including processing times, for such non-pedestrian traffic. ``(E) The effects of such pilot ***program*** on combating terrorism. ``(F) The effects of such pilot ***program*** on identifying visa holders who violate the terms of their visas. ``(2) At land ports of entry for non-pedestrian outbound traffic.-- ``(A) In general.--Not later than five ***years*** after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of non-pedestrian outbound traffic. ``(B) Extension.--The Secretary may extend for a single two-***year*** period the date specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system. ``(3) At air and sea ports of entry.--Not later than five ***years*** after the date of the enactment of this section, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry. ``(4) At land ports of entry for pedestrians.--Not later than five ***years*** after the date of the enactment of this section, the [[Page H5418]] Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of pedestrians. ``(c) Effects on Air, Sea, and Land Transportation.--The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas. ``(d) Termination of Proceeding.--Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of this section, terminate the proceeding entitled `Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology ***Program*** (``US-VISIT'')', issued on April 24, 2008 (73 Fed. Reg. 22065). ``(e) Data-Matching.--The biometric exit data system established under this section shall-- ``(1) match biometric information for an individual, regardless of nationality, citizenship, or immigration status, who is departing the United States against biometric data previously provided to the United States Government by such individual for the purposes of international travel; ``(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C 1365b) for the purpose described in paragraph (1); and ``(3) be interoperable with, and allow matching against, other Federal databases that-- ``(A) store biometrics of known or suspected terrorists; and ``(B) identify visa holders who violate the terms of their visas. ``(f) Scope.-- ``(1) In general.--The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data at the time of departure for all categories of individuals who are required by the Secretary to provide biometric entry data. ``(2) Exception for certain other individuals.--This section shall not apply in the case of an individual who exits and then enters the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) the itinerary of which originates and terminates in the United States. ``(3) Exception for land ports of entry.--This section shall not apply in the case of a United States or Canadian citizen who exits the United States through a land port of entry. ``(g) Collection of Data.--The Secretary may not require any non-Federal person to collect biometric data, or contribute to the costs of collecting or administering the biometric exit data system established under this section, except through a mutual agreement. ``(h) Multi-Modal Collection.--In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics. ``(i) Facilities.--All facilities at which the biometric exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. For non-federally owned facilities, such space shall be provided and maintained at no cost to the Government. For all facilities at land ports of entry, such space requirements shall be coordinated with the Administrator of General Services. ``(j) Northern Land Border.--In the case of the northern land border, the requirements under subsections (a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through the sharing of biometric data provided to U.S Customs and Border Protection by the Canadian Border Services Agency pursuant to the 2011 Beyond the Border agreement. ``(k) Fair and Open Competition.--The Secretary shall procure goods and services to implement this section via fair and open competition in accordance with the Federal Acquisition Regulations. ``(l) Other Biometric Initiatives.--Nothing in this section may be construed as limiting the authority of the Secretary to collect biometric information in circumstances other than as specified in this section. ``(m) Congressional Review.--Not later than 90 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and Committee on the Judiciary of the House of Representatives reports and recommendations regarding the Science and Technology Directorate's Air Entry and Exit Re-Engineering ***Program*** of the Department and the U.S Customs and Border Protection entry and exit mobility ***program*** demonstrations. ``(n) Savings Clause.--Nothing in this section shall prohibit the collection of user fees permitted by section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C 58c).''. (b) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 415 the following new item: ``Sec. 416. Biometric entry-exit.''. SEC. 2107. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES. (a) Finding.--Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods. (b) Sense of Congress.--It is the sense of Congress that, in the best interest of cross-border trade and the ***agricultural*** community-- (1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate and expedite the flow of legitimate trade and commerce of perishable goods in a manner consistent with rules of the Department of ***Agriculture***; and (2) cross designation should be available for personnel who will assist more than one agency or department of the United States at land ports of entry to facilitate and expedite the flow of increased legitimate trade and commerce. SEC. 2108. AUTHORIZATION OF APPROPRIATIONS. In addition to any amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $1,250,000,000 for each of fiscal ***years*** 2018 through 2022 to carry out this title, of which-- (1) $2,000,000 shall be used by the Secretary for hiring additional Uniform Management Center support personnel, purchasing uniforms for CBP officers and agents, acquiring additional motor vehicles to support vehicle mounted surveillance systems, hiring additional motor vehicle ***program*** support personnel, and for contract support for customer service, vendor management, and operations management; and (2) $250,000,000 per ***year*** shall be used to implement the biometric exit data system described in section 416 of the Homeland Security Act of 2002, as added by section 2106 of this division. SEC. 2109. DEFINITION. In this title, the term ``Secretary'' means the Secretary of Homeland Security. TITLE III--VISA SECURITY AND INTEGRITY SEC. 3101. VISA SECURITY. (a) Visa Security Units at High-Risk Posts.--Paragraph (1) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C 236(e)) is amended-- (1) by striking ``The Secretary'' and inserting the following: ``(A) Authorization.--Subject to the minimum number specified in subparagraph (B), the Secretary''; and (2) by adding at the end the following new subparagraph: ``(B) Risk-based assignments.-- ``(i) In general.--In carrying out subparagraph (A), the Secretary shall assign, in a risk-based manner, and considering the criteria described in clause (ii), employees of the Department to not fewer than 75 diplomatic and consular posts at which visas are issued. ``(ii) Criteria described.--The criteria referred to in clause (i) are the following: ``(I) The number of nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous ***year***. ``(II) Information on the cooperation of such country with the counterterrorism efforts of the United States. ``(III) Information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C 1182(a)(3)(B)(vi))) within or through such country. ``(IV) The number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located. ``(V) The adequacy of the border and immigration control of such country. ``(VI) Any other criteria the Secretary determines appropriate. ``(iii) Rule of construction.--The assignment of employees of the Department pursuant to this subparagraph is solely the authority of the Secretary and may not be altered or rejected by the Secretary of State.''. (b) Counterterror Vetting and Screening.--Paragraph (2) of section 428(e) of the Homeland Security Act of 2002 is amended-- (1) by redesignating subparagraph (C) as subparagraph (D); and (2) by inserting after subparagraph (B) the following new subparagraph: ``(C) Screen any such applications against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''. (c) Training and Hiring.--Subparagraph (A) of section 428(e)(6) of the Homeland Security Act of 2002 is amended by-- (1) striking ``The Secretary shall ensure, to the extent possible, that any employees'' and [[Page H5419]] inserting ``The Secretary, acting through the Commissioner of U.S Customs and Border Protection and the Director of U.S Immigration and Customs Enforcement, shall provide training to any employees''; and (2) striking ``shall be provided the necessary training''. (d) Pre-Adjudicated Visa Security Assistance and Visa Security Advisory Opinion Unit.--Subsection (e) of section 428 of the Homeland Security Act of 2002 is amended by adding at the end the following new paragraphs: ``(9) Remote pre-adjudicated visa security assistance.--At the visa-issuing posts at which employees of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remotely perform the functions required under paragraph (2) at not fewer than 50 of such posts. ``(10) Visa security advisory opinion unit.--The Secretary shall establish within U.S Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests from the Secretary of State to conduct a visa security review using information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.''. (e) Deadlines.--The requirements established under paragraphs (1) and (9) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C 236(e)), as amended and added by this section, shall be implemented not later than three ***years*** after the date of the enactment of this Act. SEC. 3102. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING. (a) In General.--Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C 231 et seq.), as amended by section 2106 of this division, is further amended by adding at the end the following new sections: ``SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING. ``(a) In General.--Not later than one ***year*** after the date of the enactment of this section, the Commissioner of U.S Customs and Border Protection shall-- ``(1) screen electronic passports at airports of entry by reading each such passport's embedded chip; and ``(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry. ``(b) Applicability.-- ``(1) Electronic passport screening.--Paragraph (1) of subsection (a) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a ***program*** country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C 1187), and individuals who are nationals of any other foreign country that issues electronic passports. ``(2) Facial recognition matching.--Paragraph (2) of subsection (a) shall apply, at a minimum, to individuals who are nationals of a ***program*** country pursuant to section 217 of the Immigration and Nationality Act. ``(c) Annual Report.--The Commissioner of U.S Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall issue to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report through fiscal ***year*** 2021 on the utilization of facial recognition technology and other biometric technology pursuant to subsection (a)(2). Each such report shall include information on the type of technology used at each airport of entry, the number of individuals who were subject to inspection using either of such technologies at each airport of entry, and within the group of individuals subject to such inspection at each airport, the number of those individuals who were United States citizens and legal permanent residents. Each such report shall provide information on the disposition of data collected during the ***year*** covered by such report, together with information on protocols for the management of collected biometric data, including timeframes and criteria for storing, erasing, destroying, or otherwise removing such data from databases utilized by the Department. ``SEC. 420A. CONTINUOUS SCREENING BY U.S CUSTOMS AND BORDER PROTECTION. ``The Commissioner of U.S Customs and Border Protection shall, in a risk based manner, continuously screen individuals issued any visa, and individuals who are nationals of a ***program*** country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C 1187), who are present, or are expected to arrive within 30 days, in the United States, against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''. (b) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new items: ``Sec. 420. Electronic passport screening and biometric matching. ``Sec. 420A. Continuous screening by U.S Customs and Border Protection.''. SEC. 3103. REPORTING OF VISA OVERSTAYS. Section 2 of Public Law 105-173 (8 U.S.C 1376) is amended-- (1) in subsection (a)-- (A) by striking ``Attorney General'' and inserting ``Secretary of Homeland Security''; and (B) by inserting before the period at the end the following: ``, and any additional information that the Secretary determines necessary for purposes of the report under subsection (b)''; and (2) by amending subsection (b) to read as follows: ``(b) Annual Report.--Not later than June 30, 2018, and not later than June 30 of each ***year*** thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate a report providing, for the preceding fiscal ***year***, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of-- ``(1) for each country, the number of aliens from the country who are described in subsection (a), including-- ``(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)); and ``(B) the number of such aliens within each of the classes of nonimmigrant aliens, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrant aliens, as applicable; ``(2) for each country, the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a); ``(3) the number of aliens described in subsection (a) who arrived by land at a port of entry into the United States; ``(4) the number of aliens described in subsection (a) who entered the United States using a border crossing identification card (as such term is defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C 1101(a)(6))); and ``(5) the number of Canadian nationals who entered the United States without a visa whose authorized period of stay in the United States terminated during the previous fiscal ***year***, but who remained in the United States.''. SEC. 3104. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION. Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the ***program*** established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1372) is available to officers of U.S Customs and Border Protection for the purpose of conducting primary inspections of aliens seeking admission to the United States at each port of entry of the United States. SEC. 3105. SOCIAL MEDIA REVIEW OF VISA APPLICANTS. (a) In General.--Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C 231 et seq.), as amended by sections 1115, 1124, and 1127 of this division, is further amended by adding at the end the following new sections: ``SEC. 438. SOCIAL MEDIA SCREENING. ``(a) In General.--Not later than 180 days after the date of the enactment of this section, the Secretary shall, to the greatest extent practicable, and in a risk based manner and on an individualized basis, review the social media accounts of certain visa applicants who are citizens of, or who reside in, high-risk countries, as determined by the Secretary based on the criteria described in subsection (b). ``(b) High-Risk Criteria Described.--In determining whether a country is high-risk pursuant to subsection (a), the Secretary shall consider the following criteria: ``(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous ***year***. ``(2) The level of cooperation of the country with the counter-terrorism efforts of the United States. ``(3) Any other criteria the Secretary determines appropriate. ``(c) Collaboration.--To carry out the requirements of subsection (a), the Secretary may collaborate with-- ``(1) the head of a national laboratory within the Department's laboratory network with relevant expertise; ``(2) the head of a relevant university-based center within the Department's centers of excellence network; and ``(3) the heads of other appropriate Federal agencies. ``SEC. 439. OPEN SOURCE SCREENING. ``The Secretary shall, to the greatest extent practicable, and in a risk based manner, review open source information of visa applicants.''. (b) Clerical Amendment.--The table of contents in section 1(b) of the Homeland Security Act of 2002, as amended by this division is further amended by inserting after the item relating to section 437 the following new items: ``Sec. 438. Social media screening. ``Sec. 439. Open source screening.''. [[Page H5420]] TITLE IV--TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND ELIMINATION SEC. 4101. SHORT TITLE. This title may be cited as the ``Transnational Criminal Organization Illicit Spotter Prevention and Elimination Act''. SEC. 4102. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS. (a) Bringing in and Harboring of Certain Aliens.--Section 274(a) of the Immigration and Nationality Act (8 U.S.C 1324(a)) is amended-- (1) in subsection (a)(2), by striking ``brings to or attempts to'' and inserting the following: ``brings to or attempts or conspires to''; and (2) by adding at the end the following: ``(5) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 ***years*** if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''. (b) Aiding or Assisting Certain Aliens To Enter the United States.--Section 277 of the Immigration and Nationality Act (8 U.S.C 1327) is amended-- (1) by inserting after ``knowingly aids or assists'' the following: ``or attempts to aid or assist''; and (2) by adding at the end the following: ``In the case of a person convicted of an offense under this section, the sentence otherwise provided for may be increased by up to 10 ***years*** if that person, at the time of the offense, used or carried a firearm or who, in furtherance of any such crime, possessed a firearm.''. (c) Destruction of United States Border Controls.--Section 1361 of title 18, United States Code, is amended-- (1) by striking ``If the damage'' and inserting the following: ``(1) Except as otherwise provided in this section, if the damage''; and (2) by adding at the end the following: ``(2) If the injury or depredation was made or attempted against any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise was intended to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry, by a fine under this title or imprisonment for not more than 15 ***years***, or both. ``(3) If the injury or depredation was described under paragraph (2) and, in the commission of the offense, the offender used or carried a firearm or, in furtherance of any such offense, possessed a firearm, by a fine under this title or imprisonment for not more than 20 ***years***, or both.''. DIVISION D--LAWFUL STATUS FOR CERTAIN CHILDHOOD ARRIVALS SEC. 1101. DEFINITIONS. In this division: (1) In general.--Except as otherwise specifically provided, the terms used in this division have the meanings given such terms in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C 1101). (2) Contingent nonimmigrant.--The term ``contingent nonimmigrant'' means an alien who is granted contingent nonimmigrant status under this division. (3) Educational institution.--The term ``educational institution'' means-- (A) an institution that is described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C 1001(a)) or is a proprietary institution of higher education (as defined in section 102(b) of such Act (20 U.S.C 1002(b))); (B) an elementary, primary, or secondary school within the United States; or (C) an educational ***program*** assisting students either in obtaining a high school equivalency diploma, certificate, or its recognized equivalent under State law, or in passing a General Educational Development exam or other equivalent State-authorized exam or other applicable State requirements for high school equivalency. (4) Secretary.--Except as otherwise specifically provided, the term ``Secretary'' means the Secretary of Homeland Security. (5) Sexual assault or harassment.--The term ``sexual assault or harassment'' means-- (A) conduct engaged in by an alien 18 ***years*** of age or older, which consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, and-- (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment; (B) conduct constituting a criminal offense of rape, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C 1101(a)(43)(A)); (C) conduct constituting a criminal offense of statutory rape, or any offense of a sexual nature involving a victim under the age of 18 ***years***, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C 1101(a)(43)(A)); (D) sexual conduct with a minor who is under 14 ***years*** of age, or with a minor under 16 ***years*** of age where the alien was at least 4 ***years*** older than the minor; (E) conduct punishable under section 2251 or 2251A (relating to the sexual exploitation of children and the selling or buying of children), or section 2252 or 2252A (relating to certain activities relating to material involving the sexual exploitation of minors or relating to material constituting or containing child pornography) of title 18, United States Code; or (F) conduct constituting the elements of any other Federal or State sexual offense requiring a defendant, if convicted, to register on a sexual offender registry (except that this provision shall not apply to convictions solely for urinating or defecating in public). (6) Victim.--The term ``victim'' has the meaning given the term in section 503(e) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C 10607(e)). SEC. 1102. CONTINGENT NONIMMIGRANT STATUS FOR CERTAIN ALIENS WHO ENTERED THE UNITED STATES AS MINORS. (a) In General.--Notwithstanding any other provision of law, the Secretary may grant contingent nonimmigrant status to an alien who-- (1) meets the eligibility requirements set forth in subsection (b); (2) submits a completed application before the end of the period set forth in subsection (c)(2); and (3) has paid the fees required under subsection (c)(5). (b) Eligibility Requirements.-- (1) In general.--An alien is eligible for contingent nonimmigrant status if the alien establishes by clear and convincing evidence that the alien meets the requirements set forth in this subsection. (2) General requirements.--The requirements under this paragraph are that the alien-- (A) is physically present in the United States on the date on which the alien submits an application for contingent nonimmigrant status; (B) was physically present in the United States on June 15, 2007; (C) was younger than 16 ***years*** of age on the date the alien initially entered the United States; (D) is a person of good moral character; (E) was under 31 ***years*** of age on June 15, 2012, and at the time of filing an application under subsection (c); (F) has maintained continuous physical presence in the United States from June 15, 2012, until the date on which the alien is granted contingent nonimmigrant status under this section; (G) had no lawful immigration status on June 15, 2012; (H) has requested the release to the Department of Homeland Security of all records regarding their being adjudicated delinquent in State or local juvenile court proceedings, and the Department has obtained all such records; and (I) possesses a valid Employment Authorization Document which authorizes the alien to work as of the date of the enactment of this Act, which was issued pursuant to the June 15, 2012, U.S Department of Homeland Security Memorandum entitled, ``Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children''. (3) Education requirement.-- (A) In general.--An alien may not be granted contingent nonimmigrant status under this section unless the alien establishes by clear and convincing evidence that the alien-- (i) is enrolled in, and is in regular full-time attendance at, an educational institution within the United States; or (ii) has acquired a diploma from a high school in the United States, has earned a General Educational Development certificate recognized under State law, or has earned a recognized high school equivalency certificate under applicable State law. (B) Evidence.--An alien shall demonstrate compliance with clause (i) or (ii) of subparagraph (A) by providing a valid certified transcript or diploma from the educational institution the alien is enrolled in or from which the alien has acquired a diploma or certificate. (4) Grounds for ineligibility.--An alien is ineligible for contingent nonimmigrant status if the Secretary determines that the alien-- (A) has a conviction for-- (i) an offense classified as a felony in the convicting jurisdiction; (ii) an aggravated felony; (iii) an offense classified as a misdemeanor in the convicting jurisdiction which involved-- (I) domestic violence (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C 12291(a))); (II) child abuse or neglect (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C 12291(a))); (III) assault resulting in bodily injury (as such term is defined in section 2266 of title 18, United States Code); (IV) the violation of a protection order (as such term is defined in section 2266 of title 18, United States Code); or (V) driving while intoxicated or driving under the influence (as such terms are defined in section 164(a)(2) of title 23, United States Code); [[Page H5421]] (iv) two or more misdemeanor convictions (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury); or (v) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C 1182(a)) or deportable under section 237(a) of such Act (8 U.S.C 1227(a)); (B) has been adjudicated delinquent in a State or local juvenile court proceeding for an offense equivalent to-- (i) an offense relating to murder, manslaughter, homicide, rape (whether the victim was conscious or unconscious), statutory rape, or any offense of a sexual nature involving a victim under the age of 18 ***years***, as described in section 101(a)(43)(A) of the Immigration and Nationality Act (8 U.S.C 1101(a)(43)(A)); (ii) a crime of violence, as such term is defined in section 16 of title 18, United States Code; or (iii) an offense punishable under section 401 of the Controlled Substances Act (21 U.S.C 841); (C) has a conviction for any other criminal offense, which regard to which the alien has not satisfied any civil legal judgements awarded to any victims (or family members of victims) of the crime; (D) is described in section 212(a)(2)(J) of the Immigration and Nationality Act (8 U.S.C 1882(a)(2)(J)) (relating to aliens associated with criminal gangs); (E) has been charged with a felony or misdemeanor offense (excluding minor traffic offenses that did not involve driving while intoxicated or driving under the influence, or that did not subject any individual other than the alien to bodily injury), and the charge or charges are still pending; (F) is inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C 1182(a)), except that in determining an alien's inadmissibility-- (i) paragraphs (5), (7), and (9)(B) of such section shall not apply; and (ii) subparagraphs (A), (D), and (G) of paragraph (6), and paragraphs (9)(C)(i)(I) and (10)(B), of such section shall not apply, except in the case of the alien unlawfully entering the United States after June 15, 2007; (G) is deportable under section 237(a) of the Immigration and Nationality Act (8 U.S.C 1227(a)), except that in determining an alien's deportability-- (i) subparagraph (A) of section 237(a)(1) of such Act shall not apply with respect to grounds of inadmissibility that do not apply pursuant to subparagraph (C) of such section; and (ii) subparagraphs (B) through (D) of section 237(a)(1) and section 237(a)(3)(A) of such Act shall not apply; (H) was, on the date of the enactment of this Act-- (i) an alien lawfully admitted for permanent residence; (ii) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C 1157), or granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C 1157 and 1158); or (iii) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any nonimmigrant status (other than an alien considered to be a nonimmigrant solely due to the application of section 244(f)(4) of the Immigration and Nationality Act (8 U.S.C 1254a(f)(4)) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110-229)), notwithstanding any unauthorized employment or other violation of nonimmigrant status; (I) has failed to comply with the requirements of any removal order or voluntary departure agreement; (J) has been ordered removed in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C 1229a(b)(5)(A)); (K) has failed or refused to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability; (L) if over the age of 18, has failed to demonstrate that he or she is able to maintain himself or herself at an annual income that is not less than 125 percent of the Federal poverty level throughout the period of admission as a contingent nonimmigrant, unless the alien has demonstrated that the alien is enrolled in, and is in regular full-time attendance at, an educational institution within the United States; (M) is delinquent with respect to any Federal, State, or local income or property tax liability; (N) has failed to pay to the Treasury, in addition to any amounts owed, an amount equal to the aggregate value of any disbursements received by such alien for refunds described in section 1324(b)(2); (O) has income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service; or (P) has at any time engaged in sexual assault or harassment. (c) Application Procedures.-- (1) In general.--An alien may apply for contingent nonimmigrant status by submitting a completed application form via electronic filing to the Secretary during the application period set forth in paragraph (2), in accordance with the interim final rule made by the Secretary under section 1105. (2) Application period.--The Secretary may only accept applications for contingent nonimmigrant status from aliens in the United States during the 1-***year*** period beginning on the date on which the interim final rule is published in the Federal Register pursuant to section 1105. (3) Application form.-- (A) Required information.--The application form referred to in paragraph (1) shall collect such information as the Secretary determines to be necessary and appropriate in order to determine whether an alien meets the eligibility requirements set forth in subsection (b). (B) Interview.--The Secretary shall conduct an in-person interview of each applicant for contingent nonimmigrant status under this section as part of the determination as to whether the alien meets the eligibility requirements set forth in subsection (b). (4) Documentary requirements.--An application filed by an alien under this section shall include the following: (A) One or more of the following documents demonstrating the alien's identity: (i) A passport (or national identity document) from the alien's country of origin. (ii) A certified birth certificate along with photo identification. (iii) A State-issued identification card bearing the alien's name and photograph. (iv) An Armed Forces identification card issued by the Department of Defense. (v) A Coast Guard identification card issued by the Department of Homeland Security. (B) A certified copy of the alien's birth certificate or certified school transcript demonstrating that the alien satisfies the requirement of subsection (b)(2)(A)(iii) and (v). (C) A certified school transcript demonstrating that the alien satisfies the requirements of subsection (b)(2)(A)(ii) and (vi). (D) Immigration records from the Department of Homeland Security (demonstrating that the alien satisfies the requirements under subsection (b)(2)(A)(i), (ii), and (vi)). (5) Fees.-- (A) Standard processing fee.-- (i) In general.--Aliens applying for contingent nonimmigrant status under this section shall pay a processing fee to the Department of Homeland Security in an amount determined by the Secretary. (ii) Recovery of costs.--The processing fee authorized under clause (i) shall be set at a level that is, at a minimum, sufficient to recover the full costs of processing the application, including any costs incurred-- (I) to adjudicate the application; (II) to take and process biometrics; (III) to perform national security and criminal checks; (IV) to prevent and investigate fraud; and (V) to administer the collection of such fee. (iii) Deposit and use of processing fees.--Fees collected under clause (i) shall be deposited into the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C 1356(m)). (B) Border security fee.-- (i) In general.--Aliens applying for contingent nonimmigrant status under this section shall pay a border security fee to the Department of Homeland Security in an amount of $1,000. (ii) Use of border security fees.--Fees collected under clause (i) shall be available, to the extent provided in advance in appropriation Acts, to the Secretary of Homeland Security for the purposes of carrying out division C, and the amendments made by that division. (6) Aliens apprehended before or during the application period.--If an alien who is apprehended during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in paragraph (2) appears prima facie eligible for contingent nonimmigrant status, to the satisfaction of the Secretary, the Secretary-- (A) shall provide the alien with a reasonable opportunity to file an application under this section during such application period; and (B) may not remove the individual until the Secretary has denied the application, unless the Secretary, in the Secretary's sole and unreviewable discretion, determines that expeditious removal of the alien is in the national security, public safety, or foreign policy interests of the United States, or the Secretary will be required for constitutional reasons or court order to release the alien from detention. (7) Suspension of removal during application period.-- (A) Aliens in removal proceedings.--Notwithstanding any other provision of this division, if the Secretary determines that an alien, during the period beginning on the date of the enactment of this Act and ending on the last day of the application period described in subsection (c)(2), is in removal, deportation, or exclusion proceedings before the Executive Office for Immigration Review and is prima facie eligible for contingent nonimmigrant status under this section-- (i) the Secretary shall provide the alien with the opportunity to file an application for such status; and (ii) upon motion by the alien and with the consent of the Secretary, the Executive Office for Immigration Review shall-- [[Page H5422]] (I) provide the alien a reasonable opportunity to apply for such status; and (II) if the alien applies within the time frame provided, suspend such proceedings until the Secretary has made a determination on the application. (B) Aliens ordered removed.--If an alien who meets the eligibility requirements set forth in subsection (b) is present in the United States and has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States pursuant to section 212(a)(6)(A)(i) or 237(a)(1)(B) or (C) of the Immigration and Nationality Act (8 U.S.C 1182(a)(6)(A)(i), 1227(a)(1)(B) or (C)), the Secretary shall provide the alien with the opportunity to file an application for contingent nonimmigrant status provided that the alien has not failed to comply with any order issued pursuant to section 239 or 240B of the Immigration and Nationality Act (8 U.S.C 1229, 1229c). (C) Period pending adjudication of application.--During the period beginning on the date on which an alien applies for contingent nonimmigrant status under subsection (c) and ending on the date on which the Secretary makes a determination regarding such application, an otherwise removable alien may not be removed from the United States unless-- (i) the Secretary makes a prima facie determination that such alien is, or has become, ineligible for contingent nonimmigrant status under subsection (b); or (ii) the Secretary, in the Secretary's sole and unreviewable discretion, determines that removal of the alien is in the national security, public safety, or foreign policy interest of the United States. (8) Security and law enforcement clearances.-- (A) Biometric and biographic data.--The Secretary may not grant contingent nonimmigrant status to an alien under this section unless such alien submits biometric and biographic data in accordance with procedures established by the Secretary. (B) Alternative procedures.--The Secretary may provide an alternative procedure for applicants who cannot provide the biometric data required under subparagraph (A) due to a physical impairment. (C) Clearances.-- (i) Data collection.--The Secretary shall collect, from each alien applying for status under this section, biometric, biographic, and other data that the Secretary determines to be appropriate-- (I) to conduct national security and law enforcement checks; and (II) to determine whether there are any factors that would render an alien ineligible for such status. (ii) Additional security screening.--The Secretary, in consultation with the Secretary of State and the heads of other agencies as appropriate, shall conduct an additional security screening upon determining, in the Secretary's opinion based upon information related to national security, that an alien is or was a citizen or resident of a region or country known to pose a threat, or that contains groups or organizations that pose a threat, to the national security of the United States. (iii) Prerequisite.--The required clearances and screenings described in clauses (i)(I) and (ii) shall be completed before the alien may be granted contingent nonimmigrant status. (9) Duration of status and extension.--The initial period of contingent nonimmigrant status-- (A) shall be 3 ***years*** unless revoked pursuant to subsection (e); and (B) may be extended for additional 3-***year*** terms if-- (i) the alien remains eligible for contingent nonimmigrant status under subsection (b); (ii) the alien again passes background checks equivalent to the background checks described in subsection (c)(9); and (iii) such status was not revoked by the Secretary for any reason. (d) Terms and Conditions of Contingent Nonimmigrant Status.-- (1) Work authorization.--The Secretary shall grant employment authorization to an alien granted contingent nonimmigrant status who requests such authorization. (2) Travel outside the united states.-- (A) In general.--The status of a contingent nonimmigrant who is absent from the United States without authorization shall be subject to revocation under subsection (e). (B) Authorization.--The Secretary may authorize a contingent nonimmigrant to travel outside the United States and may grant the contingent nonimmigrant reentry provided that the contingent nonimmigrant-- (i) was not absent from the United States for a period of more than 15 consecutive days, or 90 days in the aggregate during each 3-***year*** period that the alien is in contingent nonimmigrant status, unless the contingent nonimmigrant's failure to return was due to extenuating circumstances beyond the individual's control; and (ii) is otherwise admissible to the United States, except as provided in subsection (b)(4)(F). (C) Clarification on admission.--The admission to the United States of a contingent nonimmigrant after such trips as described in subparagraph (B) shall not be considered an admission for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C 1255(a)). (3) Ineligibility for health care subsidies and refundable tax credits.-- (A) Health care subsidies.--A contingent nonimmigrant-- (i) is not entitled to the premium assistance tax credit authorized under section 36B of the Internal Revenue Code of 1986 and shall be subject to the rules applicable to individuals who are not lawfully present set forth in subsection (e) of such section; and (ii) shall be subject to the rules applicable to individuals who are not lawfully present set forth in section 1402(e) of the Patient Protection and Affordable Care Act (42 U.S.C 18071(e)). (B) Refundable tax credits.--A contingent nonimmigrant shall not be allowed any credit under sections 24 and 32 of the Internal Revenue Code of 1986. (4) Federal, state, and local public benefits.--For purposes of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C 1601 et seq.), a contingent nonimmigrant shall not be considered a qualified alien under the Immigration and Nationality Act (8 U.S.C 1101 et seq.). (5) Clarification.--An alien granted contingent nonimmigrant status under this division shall not be considered to have been admitted to the United States for the purposes of section 245(a) of the Immigration and Nationality Act (8 U.S.C 1255(a)). (e) Revocation.-- (1) In general.--The Secretary shall revoke the status of a contingent nonimmigrant at any time if the alien-- (A) no longer meets the eligibility requirements set forth in subsection (b); (B) knowingly uses documentation issued under this section for an unlawful or fraudulent purpose; or (C) was absent from the United States at any time without authorization after being granted contingent nonimmigrant status. (2) Additional evidence.--In determining whether to revoke an alien's status under paragraph (1), the Secretary may require the alien-- (A) to submit additional evidence; or (B) to appear for an in-person interview. (3) Invalidation of documentation.--If an alien's contingent nonimmigrant status is revoked under paragraph (1), any documentation issued by the Secretary to such alien under this section shall automatically be rendered invalid for any purpose except for departure from the United States. SEC. 1103. ADMINISTRATIVE AND JUDICIAL REVIEW. (a) Exclusive Administrative Review.--Administrative review of a determination of an application for status, extension of status, or revocation of status under this division shall be conducted solely in accordance with this section. (b) Administrative Appellate Review.-- (1) Establishment of administrative appellate authority.-- The Secretary shall establish or designate an appellate authority to provide for a single level of administrative appellate review of a determination with respect to applications for status, extension of status, or revocation of status under this division. (2) Single appeal for each administrative decision.-- (A) In general.--An alien in the United States whose application for status under this division has been denied or revoked may file with the Secretary not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status. (B) Notice of appeal.--A notice of appeal filed under this subparagraph shall be filed not later than 30 ***calendar*** days after the date of service of the decision of denial or revocation. (3) Record for review.--Administrative appellate review under this subsection shall be de novo and based only on-- (A) the administrative record established at the time of the determination on the application; and (B) any additional newly discovered or previously unavailable evidence. (c) Judicial Review.-- (1) Applicable provisions.--Judicial review of an administratively final denial or revocation of, or failure to extend, an application for status under this division shall be governed only by chapter 158 of title 28, except as provided in paragraphs (2) and (3) of this subsection, and except that a court may not order the taking of additional evidence under section 2347(c) of such chapter. (2) Single appeal for each administrative decision.--An alien in the United States whose application for status under this division has been denied, revoked, or failed to be extended, may file not more than 1 appeal, pursuant to this subsection, of each decision to deny or revoke such status. (3) Limitation on civil actions.-- (A) Class actions.--No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the application for status under this division. (B) Requirements for an order granting prospective relief against the government.--If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the application for status under this division, the court shall-- (i) limit the relief to the minimum necessary to correct the violation of law; (ii) adopt the least intrusive means to correct the violation of law; [[Page H5423]] (iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; (iv) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation; and (v) limit the relief to the case at issue and shall not extend any prospective relief to include any other application for status under this division pending before the Secretary or in a Federal court (whether in the same or another jurisdiction). SEC. 1104. PENALTIES AND SIGNATURE REQUIREMENTS. (a) Penalties for False Statements in Applications.-- Whoever files an initial or renewal application for contingent nonimmigrant status under this division and knowingly and willfully falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 ***years***, or both. (b) Signature Requirements.--An applicant under this division shall sign their application, and the signature shall be an original signature. A parent or legal guardian may sign for a child or for an applicant whose physical or developmental disability or mental impairment prevents the applicant from being competent to sign. In such a case, the filing shall include evidence of parentage or legal guardianship. SEC. 1105. RULEMAKING. Not later than 1 ***year*** after the date of the enactment of this Act, the Secretary shall issue interim final regulations to implement this division, which shall take effect immediately upon publication in the Federal Register. SEC. 1106. STATUTORY CONSTRUCTION. Except as specifically provided, nothing in this division may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person. The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member on the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security. The gentleman from Virginia (Mr. Goodlatte) and the gentleman from New York (Mr. Nadler) each will control 20 minutes. The gentleman from Texas (Mr. McCaul) and the gentleman from Mississippi (Mr. Thompson) each will control 10 minutes. The Chair recognizes the gentleman from Virginia. General Leave Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R 4760. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? There was no objection. Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I introduced H.R 4760, along with Michael McCaul, Martha McSally, and Raul Labrador, to provide an equitable and permanent legal status for unlawful aliens who grew up in America after their parents brought them here as children. Just as importantly, we want to strengthen our borders, close gaping loopholes, curtail endemic fraud, and enhance interior immigration enforcement so that our Nation won't face the same dilemma in a few ***years***. President Trump did the right thing and tried to end President Obama's blatantly unconstitutional DACA ***program***. As a Federal court ruled in enjoining DACA's sister ***program***, DHS cannot ``enact a ***program*** whereby it not only ignores the dictates of Congress, but actively acts to thwart them. . . . The DHS Secretary is not just rewriting the laws; he is creating them from scratch.'' President Trump also did the right thing by immediately turning to us, asking Congress to fix the problem. As he asked for, H.R 4760 solves the DACA conundrum. It provides DACA beneficiaries with an indefinitely renewable legal nonimmigrant status allowing them to live and work in the United States without worry and travel abroad as they choose. It also allows them to receive green cards on the same terms as any other intending immigrant around the world. As I indicated, the bill will help ensure that the distressing DACA dilemma does not recur. It ends catch and release at the border, battles asylum fraud, and ensures that unaccompanied minors caught at the border will be treated equally, regardless of their home country. It will ensure that the law no longer tempts minors and their parents to make the dangerous illicit journey to the United States and to line the pockets of cancerous cartels with hundreds of millions of dollars. The bill will also take away the other magnet that draws millions of persons to come to the United States illegally: the jobs magnet. Through the inclusion of Lamar Smith's Legal Workforce Act, it makes E- Verify mandatory. After two decades of constant improvement, E-Verify has become an extremely effective, reliable, and easy way for employers to ensure that they have hired a legal workforce. Three-quarters of a million employers currently use E-Verify, which almost instantaneously confirms the work eligibility of new hires 99 percent of the time. The bill will also allow DHS to deport members of MS-13 and other virulent criminal gangs and allow it to detain dangerous aliens who cannot be removed. It will combat the public safety menace of sanctuary cities in multiple ways, including by allowing the Justice Department to withhold from them law enforcement grants. The bill makes significant reforms to our legal immigration system. It puts an end to extended family chain migration and terminates the diversity visa green card lottery, which awards green cards at random to people with no ties to the United States or any particular skills. In addition, it replaces the dysfunctional H-2A ***agricultural*** guestworker ***program***. The H-2A ***program*** is slow, bureaucratic, and frustrating, often forcing growers to leave crops to rot in the fields. They also must pay an artificially inflated wage rate, along with providing free housing and transportation. In doing the right thing, H- 2A users are almost always repaid by being placed at a competitive disadvantage in the marketplace. The bill provides growers with streamlined access to guestworkers when sufficient American labor cannot be found. It finally provides dairies and food processors with ***year***-round labor needs with access to a guestworker ***program***. It avoids the pitfalls of the H-2A ***program***, and it will remain at its core a true guestworker ***program***. As growers learned the hard way after the 1986 amnesty, illegal farmworkers will leave en mass and flock to the cities when provided with permanent residence. The ***Agricultural*** Guestworker Act contained in this bill is supported by the American Farm Bureau Federation, the dairy industry, and over 200 distinct ***agricultural*** organizations from across the United States. Following introduction of this legislation, I have sat down with my colleagues for months to learn of any concerns and to strive to improve the bill. The product of this intensive work is better legislation. While I am disappointed that the rule did not allow me to include all of the improvements made possible by the input of so many Members, I am gratified that I could include the refinements to the H-2C ***agricultural*** guestworker ***program***. To give just one example, the bill now clarifies that the Department of Homeland Security will issue documents to unlawful alien farmworkers who have been sponsored by growers to join the ***program***, authorizing them to return to the United States without the need for visas after completing their initial touchbacks. This will create certainty for growers, allowing them to receive pre-approval of their H-2C petitions for current workers before they leave the country and precertification of the workers' admission back into the United States before they leave. Congress has a unique opportunity to act before the country ends up with another large population who crossed the border illegally as children. Let's take this historic moment to come together and support vital legislation that provides commonsense, reasonable solutions. Mr. Speaker, I urge my colleagues to join President Trump and support H.R 4760, and I reserve the balance of my time. [[Page H5424]] House of Representatives, Committee on ***Agriculture***, Washington, DC, June 20, 2018. Hon. Bob Goodlatte, Chairman, Committee on the Judiciary, Washington, DC. Dear Chairman Goodlatte: Thank you for the opportunity to review the relevant provisions of the text of H.R 4760, the Securing America's Future Act of 2018. As you are aware, the bill was primarily referred to the Committee on the Judiciary, while the ***Agriculture*** Committee received an additional referral. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner. Accordingly, I agree to discharge H.R 4760 from further consideration by the Committee on ***Agriculture***. I do so with the understanding that by discharging the bill, the Committee on ***Agriculture*** does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on ***Agriculture*** reserves the right to seek the appointment of conferees, if it should become necessary. I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor. Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees. Sincerely, K. Michael Conaway, Chairman. \_\_\_\_ House of Representatives, Committee on the Judiciary, Washington, DC, June 20, 2018. Hon. K. Michael Conaway, Chairman, Committee on ***Agriculture***, Washington, DC. Dear Chairman Conaway: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R 4760, the ``Securing America's Future Act of 2018,'' so that the bill may proceed expeditiously to the House floor. I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation. I will seek to place our letters on H.R 4760 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process. Sincerely, Bob Goodlatte, Chairman. \_\_\_\_ House of Representatives, Committee on Homeland Security, Washington, DC, June 20, 2018. Hon. Bob Goodlatte, Chairman, Committee on Judiciary, Washington, DC. Dear Chairman Goodlatte: I write concerning H.R 4760, the ``Securing America's Future Act of 2018''. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Homeland Security. In order to expedite floor consideration of H.R 4760, the Committee on Homeland Security agrees to forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill would not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee on Homeland Security's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions. Please place a copy of this letter and your response into the Congressional Record during consideration of the measure on the House floor. I thank you for your cooperation in this matter. Sincerely, Michael T. McCaul, Chairman. \_\_\_\_ House of Representatives, Committee on the Judiciary, Washington, DC, June 20, 2018. Hon. Michael T. McCaul, Chairman, Committee on Homeland Security, Washington, DC. Dear Chairman McCaul: Thank you for consulting with the Committee on the Judiciary and agreeing to be discharged from further consideration of H.R 4760, the ``Securing America's Future Act of 2018,'' so that the bill may proceed expeditiously to the House floor. I agree that your foregoing further action on this measure does not in any way diminish or alter the jurisdiction of your committee or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation. I will seek to place our letters on H.R 4760 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process. Sincerely, Bob Goodlatte, Chairman. Mr. NADLER. Mr. Speaker, I yield myself 3 minutes. Mr. Speaker, I strongly oppose H.R 4760. This legislation is nothing more than a wish-list of the far right anti-immigrant fringe. It would do nothing to solve the real problems plaguing our immigration system, while causing untold suffering for millions of people. The world has watched President Trump create a family separation crisis out of thin air. I personally met with fathers whose children had been ripped from their arms, who have no idea when, or if, they will ever see their children again. One father I spoke to was promised he would be kept with his young child, only to have officers enter his room in the middle of the night and forcibly take away his young daughter. We have all seen the anguished faces of the parents separated from their children, and listened to the desperate cries of sobbing children screaming for their parents. This is government-sponsored child abuse. This bill does absolutely nothing to solve the crisis. The President, after falsely claiming that he had no choice but to enact this cruel and brutal policy, now says he will end it, proving that he and his administration were lying all along. But it is not clear that yesterday's executive order immediately ends family separation. It also puts our country on a dangerous path to prolonged detention for parents and children. The Keeping Families Together Act, which I introduced this week, along with virtually every Democratic Member, would actually prevent children from being separated from their parents, except in extraordinary circumstances. We could vote on that legislation today. But instead, we have this bill before us now. This bill turns all undocumented immigrants into criminals. It takes particular aim at families, children, workers, businesses, public safety, and our fundamental values as a nation, all at once. It is almost impressive how many bad ideas have been crammed into one comprehensive package. For example, it eliminates most visa categories that promote family reunification, as well as the diversity visa ***program***, which provides residents of many countries the only method of immigrating to the United States. It removes critical protections for unaccompanied children, and it does away with other important safeguards for children traveling with their parents. It would decimate the ***agriculture*** community by requiring employers to use the E-Verify employment verification system without fixing the underlying immigration system. And it would undercut American workers by importing guestworkers at drastically depressed wages. It would also undermine our asylum system, breaking with our proud tradition of being a beacon of hope and freedom for the oppressed. In exchange for all these harsh, anti-immigrant provisions, it offers the most minimal protections to Dreamers, creating a renewable temporary status with no path to citizenship, leaving them in perpetual limbo, and unable to become full members of society in the only country they have ever known. This is an act of extortion we cannot abide. This bill fails to repair our broken immigration system and, indeed, in many ways, makes it even worse, and all without substantially helping the Dreamers. Mr. Speaker, I urge my colleagues to reject this bill, and I reserve the balance of my time. The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President. {time} 1230 Mr. GOODLATTE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Smith), who is the author of an important provision in this bill related to electronic verification of employment, and he is the former chairman of the House Judiciary Committee. [[Page H5425]] Mr. SMITH of Texas. Mr. Speaker, let me thank the chairman of the Judiciary Committee, the gentleman from Virginia (Mr. Goodlatte), for all that he has done to advance immigration reform during this Congress. I do support H.R 4760, Securing America's Future Act. This legislation ensures that our immigration policies put the interests of Americans first. We need to thank not only Chairman Goodlatte, but others who have put so much time and effort into this legislation. We appreciate Mr. Goodlatte's diligence, expertise, and commitment to improving our immigration system. Any immigration reform considered by Congress must, at a minimum, secure our borders, implement workforce verification to end the illegal jobs magnet, reduce chain migration, bolster interior enforcement, and prevent abuse of our asylum laws. Securing America's Future Act includes all of these necessary provisions. The bill delivers on the President's pledge to voters to complete physical barriers along our southern border, penalize lawless sanctuary cities, and end the Obama administration's catch-and-release policy that returns dangerous criminal immigrants to our streets to prey on innocent Americans. Of special interest to me is the inclusion of the Legal Workforce Act in the bill, which requires all new employees' work eligibility to be verified. This will reduce illegal immigration and save jobs for American workers. Also important is the deadline to finally implement an entry-exit tracking system to identify visa overstayers. They comprise half of the almost 1 million new illegal immigrants every ***year***. Securing America's Future Act helps keep our communities safe and protects American workers. It deserves our enthusiastic support. Madam Speaker, again I want to thank Chairman Goodlatte for offering this legislation. Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. Lofgren), the distinguished ranking member of the Immigration Subcommittee. Ms. LOFGREN. Madam Speaker, this is an anti-immigrant bill. It slashes legal immigration. It will injure the ag industry. It criminalizes nearly the entire undocumented population. It will undermine public safety and removes critical protections for families and children, and it even fails to provide a pathway to legal permanent residence for Dreamers. Sometimes my friends across the aisle say the problem with immigration is we don't have assimilation. You don't get assimilation when you create a permanent underclass of people who are Americans in every way but their paperwork. It eliminates family-based categories, and this is the relatives of Americans. American citizens and legal permanent residents, forget it. You are not going to be able to get your family members in if this bill passes. It mandates the use of E-Verify, which would be highly disruptive to restaurants, hotels, and other industries, and the changes in the ag worker provision are just a fig leaf. The bill transforms a civil law violation into a crime so that undocumented immigrants, including the parents of Dreamers the bill purports to help, become criminals overnight. It would accelerate separation of kids from parents when 11 million American workers suddenly become subject to prosecution. Undermining our asylum system by establishing impossibly high evidentiary burdens, it removes protections, as I have said, and it does nothing to reunite the thousands of children who have been taken away from their parents at the border. Instead, it facilitates putting mothers in the cages with their toddlers. So why are we debating a bill that nearly everyone, even many in the Republican Party, think is a terrible idea? I fear it is because the very extreme elements of the Republican Party have become the loudest and the most powerful. I continue to have faith in the good people of our country. The American people spoke out loudly against President Trump's family separation policy. They couldn't stand seeing little children, babies, and toddlers ripped from their mother's arms. And we saw a reversal, but it is not a solution, because locking up mothers, putting those mothers in the cages with their toddlers is not the solution to this problem. We are not going to let hatred, bigotry, and xenophobia prevail in this country. Madam Speaker, I urge a ``no'' vote on this bill. Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time. Mr. NADLER. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. Gutierrez). Mr. GUTIERREZ. Madam Speaker, the reelection strategy for every single Republican Member of the House is to stand strong with a President willing to take children from their parents in order to look mean and nasty and cruel to children who are fleeing for their lives. You own that. That is your campaign strategy. As of today, Republicans want to put the children in the same jails as the parents and fight to hold them indefinitely and demand we charge asylum seekers as criminals and jail them with their children. The more than 2,300 children who have been taken from their parents and put in a vast system spread over thousands of miles, we just don't know if those children will ever see their families again. You own that, too. That is what you are campaigning on to save your jobs this coming November. Taking DACA away from Dreamers: that is your policy, too. And then putting bills on the floor to cu legal immigration and build a wall are your strategies to blame Democrats for what you are doing. Republicans want to be both the arsonists and the firefighters, and you can't be both. I don't blame Speaker Ryan and Chairman Goodlatte. They are not bad people. They are both decent men of faith who have been put in a position of defending policies that are cruel, inhumane, and run deeply contrary to the will of the American people and the values of our Nation. This must be morally wrenching for them. But honestly, I have little sympathy. Each has made a devil's bargain to trade their reputation for Stephen Miller's agenda and Donald Trump's name. Legal immigration? No. An asylum policy that protects human lives? No. DACA to protect Dreamers? No. Policies that treat wife-beating, rape, and human trafficking as matters that require us to protect women? No. A nation of immigrants? No. All they want is a wall. Even though both are leaving office because the Republican Party is no longer home for decent men and women of values, faith, and conscience, both are leaving us with one last commitment: to put the needs of this erratic President above the will of the people and above the good of our Nation. At some point, someone needs to stop complimenting the emperor on his new set of clothes and start telling the President he is naked. Covering his rear end from all the lies, the deceit, and the soullessness is no longer sustainable. The SPEAKER pro tempore (Ms. Foxx). Members are reminded to refrain from engaging in personalities toward the President and to direct their remarks to the Chair. Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume to respond to some of the false charges that we are hearing here. First of all, with regard to E-Verify, unfortunately, there is a misconception that it is our intention to implement the new H-2C ***program*** and mandate E-Verify for ***agriculture*** simultaneously. This could not be further from the truth. The AG Act, under that act, E-Verify would not be mandated for ***agriculture*** until the H-2C is properly up and running and no sooner than 24 months after enactment of the legislation. In addition, E- Verify will only apply to future hires. Secondly, I want to respond to those who complain about what we are doing for the DACA recipients in this legislation. I want to make it very, very clear we are going to do something that is legal, something that is constitutional for them instead of something that was illegal and unconstitutional, and it is going to be superior in this bill to what was done for them there, because they [[Page H5426]] will be allowed to remain in the United States permanently, renewing every 3 ***years***. They are only excluded if they do not meet certain criteria. The fact of the matter is we will have an opportunity for them to avail themselves of existing pathways to citizenship. If they are married to a United States citizen, as it would be logical that a great many of these DACA recipients are because of the fact that they have grown up here, they will be able to benefit from that. They could not do that under the Obama executive order. So this is much better than how the Democrats have treated the DACA recipients. Lastly, whether the labor workforce status quo is sustainable for American ***agriculture***, under current law in California and other States, farmers are facing chronic employee shortages. Last fall, the California Farm Bureau announced the results of an informal survey of its members. The survey showed that 69 percent of those surveyed were experiencing labor shortfalls. Despite all the efforts California farmers and ranchers have made to find and hire people to work on their operations, they still can't find enough willing and qualified employees. California Farm Bureau President Paul Wenger said: ``Farmers have offered higher wages, benefits, and more ***year***-round jobs. They have tried to mechanize operations where possible and have even changed crops or left ground idle, but employee shortages persist.'' The labor force status quo is simply unsustainable for American ***agriculture***. Clearly, this is not a situation that is going to be solved by granting permanent resident status to farmworkers. In fact, that is the opposite of what is needed. Granting permanent resident status to illegal farmworkers will not do anything to ensure that farmers and ranchers have access to the labor they need for ***years*** to come. It is shortsighted and does nothing to relieve employers or legal farmworkers of the unnecessary burdens and competitive disadvantage they face under the outdated H-2A ***program***. Americans' food can be grown in other countries where land and labor are far cheaper. To ensure that our meat and produce continue to be grown in America and that our Nation's ***agricultural*** industry thrives in the global marketplace, the U.S needs a flexible, workable, and fair guest worker ***program*** like the H-2C ***program*** established in the AG Act and contained in the legislation that we are debating right now. Madam Speaker, I reserve the balance of my time. Mr. NADLER. Madam Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. Ellison). Mr. ELLISON. Madam Speaker, let me thank the gentleman for yielding the time. Madam Speaker, I urge my colleagues to stand in full opposition to Securing America's Future Act, H.R 4760. First of all, let me say that the only thing that the President's executive order shows is that he is willing to rip families apart unless it costs him politically. If there is a political price to pay, then he will back up and try to confuse what is really going on. But at the end of the day, this zero-tolerance policy is absolutely wrong and we have to end it now. Making unlawful presence a crime is probably a violation of international law. This bill makes it difficult, makes it impossible for people who are seeking asylum to come here and try to get their cases adjudicated. They are running, in many cases, from the most abominable situations imaginable. People should know that America is the kind of place you can come to if you are seeking refuge. Let me also say that this thing to build this wall, we will never allow that. We will never agree to that, and we will oppose it with everything we have because it is a symbol of hate and division. Mr. GOODLATTE. Madam Speaker, may I inquire how much time is remaining on each side. The SPEAKER pro tempore. The gentleman from Virginia has 8 minutes remaining. The gentleman from New York has 11 minutes remaining. Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time. Mr. NADLER. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. Correa). Mr. CORREA. Madam Speaker, I thank the gentleman from New York, Congressman Nadler, for this opportunity to speak on this bill. Madam Speaker, I was hired to work across the aisle, to come to Washington to get things done, to fix problems. Earlier this month, we had a discharge petition that we needed two more signatures on that would have given us the opportunity here on this floor to vote on four immigration bills under the queen-of-the-hill rule. Essentially, that means that whatever bill gets more votes moves ahead. Among those four bills was Mr. Goodlatte's bill, and, of course, also one of those bills was the Aguilar-Hurd bill that was a product of both Democrats and Republicans coming together working on a solution. {time} 1245 Unfortunately, we weren't given the opportunity to vote on all these four bills. And the current bill on the floor today does not offer a pathway to citizenship for Dreamers. Of course, it does not address the current problem of reuniting children who are separated from their families. Madam Speaker, I ask today, my colleagues, please reject this legislation. And I ask the Speaker to give us the opportunity to vote on the Aguilar-Hurd bill. Mr. GOODLATTE. Madam Speaker, I yield 3 minutes to the gentleman from Idaho (Mr. Labrador), the chairman of the Immigration and Border Security Subcommittee of the Judiciary Committee. Mr. LABRADOR. Madam Speaker, I rise in strong support of H.R 4760, the Securing America's Future Act. This bill provides the tools needed to enforce our immigration laws, secure our borders, and begin the process of reforming our legal immigration system while also ensuring a generous protection for DACA recipients. Enforcement remains the key to our system. Without enforcement, our laws have little effect. This bill targets criminal gangs, dangerous aliens, and the sanctuary policies that allow these public safety threats to thrive. The bill also provides a permanent solution for DACA recipients. They can apply to receive a 3-***year***, indefinitely renewable visa so they can live and work in the United States forever, as long as they abide by the laws. This permanent status gives DACA recipients more surety than President Obama's temporary ***program*** ever did. The bill will finally make good on our commitment to grant our growers and other workers a workable ***agricultural*** guest worker ***program***. The lack of a reliable source of labor when an American workforce is simply not available is imperiling the future of American ***agriculture***. The bill's H-2C ***program*** will be a true guest worker ***program*** that will allow the current ***agricultural*** workforce to participate on the same terms and conditions as any other worker around the world. The ***program*** is endorsed by the American Farm Bureau. It is a critical part of this bill. Finally, it closes the loopholes that have allowed fraud to destroy the integrity of our asylum system by raising the credible fear standard and sending a clear message that fraud and frivolity will not be tolerated in the United States. This is a good bill, and I encourage every Member to support it. Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from Michigan (Mrs. Lawrence). Mrs. LAWRENCE. Madam Speaker, I rise today in strong opposition to H.R 4760, the Securing America's Future Act. Instead of working in a bipartisan manner, like open rules and committee hearings, Members of this body now must vote on two bills that will hurt immigrant families and communities by worsening the family separation crisis on the border and funding the divisive border wall. H.R 4760 is a hardline anti-immigration bill that fails to provide a permanent path to citizenship for our Dreamers. It makes family reunification much more difficult. It provides $25 billion for the Trump wall. This is while we are going to be confronted with a farm bill that cuts food for starving and poor children in America. It would expand the family separation, and it harms children. [[Page H5427]] Madam Speaker, this is not the America I know. This bill is nothing more than an attempt to appease the administration and the most extreme faction of the Republican Party. Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time. Mr. NADLER. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. Jackson Lee), the ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee. Ms. JACKSON LEE. Madam Speaker, it certainly saddens me to have to come call legislation harsh and cruel; for if there is anything that we should do in a bipartisan or, frankly, nonpartisan manner, it should be the complement to the Statue of Liberty, which, over the centuries, has been the standard-bearer of the values and virtues of this Nation. I am saddened that we have come to a point, having worked on the Judiciary Committee with outstanding leaders like my ranking member, my chairman, the subcommittee ranking, Ms. Lofgren, for many ***years*** on real immigration reform, here we are today. Let me tell you why I am opposed to this. It may be because I represent Americans, Americans who are in the 18th Congressional District in Texas. It may be because we are one of the most diverse cities--my mayor says the most diverse city--in the Nation. It may be that we have South Asians and Haitians. We have people from Eastern Europe. We have those, of course, who are Latino. We have those from the Caribbean, and Africans, and many, many more. We have those from Europe. Here is what this bill will do. It will quash any opportunity for mom and dad to bring in extended family members, citizen mom and dad to bring in their family members. It ends legal immigration and what we have called the values of America, family reunification. At the same time, the ugly name that has been given to diversity visas is not true. Those who come through the diversity visa for small countries--should we discriminate against small countries?--have the highest level of education and go into medicine and science and try to help. Then there is no relief for DACA. People who are military, paramedics, lawyers, teachers, we are dependent upon them, having grown up here, loving this Nation, pledging to the flag, pledging to the United States flag. Then, finally, let me say that it is a sin and a shame that we have such an administration. The SPEAKER pro tempore. The time of the gentlewoman has expired. Mr. NADLER. Madam Speaker, I yield the gentlewoman from Texas an additional 30 seconds. Ms. JACKSON LEE. Then, as we have not done anything for DACA, we have not done anything for the children snatched away from their families, the children that I saw for 2 days on the border at Texas--Roger, who I held in my hands; maybe the 2-***year***-old like this--because what it does is it does nothing to reunite the children. It does nothing, after 20 days, to be able to protect them, because the fake executive order does not go beyond 20 days. Frankly, we don't know where the 2,000 children are, and I know the values of the faith community in America are to reunite. I am saddened that we have this bill. I ask my colleagues to oppose this bill. Mr. GOODLATTE. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Barton). Mr. BARTON. Madam Speaker, I rise in support of the pending legislation before us. I believe it is very important that we show that we do want to address this issue, and I think the Goodlatte-McCaul bill does that in a humane way. Now, we have this issue of separation of children that has arisen at the border just in the last week or so. The Trump policy is not any different on paper than the Obama policy was. What is different is the way it has been covered, and President Trump has realized that something needs to be done differently and has signed an executive order yesterday to that effect. I personally think that we ought to go back to the original policy where, if you wanted political asylum, you applied at the embassy or the consulate in your home country. And if you bring your children, and you march them across the deserts of Mexico, and you bring them all the way to the Texas border, you do get a court hearing, but I would say that we give that court hearing back in their country of origin. And if we have to send them back at taxpayer expense, we deduct the cost from existing aid packages that we are giving to those home countries. That way, they don't have to come all the way to the Texas border or the California border or the Arizona border or the New Mexico border in order to get their day in court. They wait in their home country, and then they get their day in court there. Nobody wants to separate families, but it is the parents who bring the children with them. It is not the United States Government that is forcing those parents to try to come to this country illegally and bring their children. The Goodlatte bill funds border security. It begins to solve some of the issues of the lottery system. I personally think it is much better to have a merit-based immigration system than a lottery system where you just happen to, luck of the draw, get a come-into-the-United-States card. I think this is a good piece of legislation, and I hope we pass it this afternoon. Mr. NADLER. Madam Speaker, how much time is remaining, please? The SPEAKER pro tempore. The gentleman from New York has 6\1/2\ minutes remaining. The gentleman from Virginia has 4 minutes remaining. Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. Judy Chu). Ms. JUDY CHU of California. Madam Speaker, I rise today in strong opposition to this cruel, anti-immigrant bill. This bill is so bad, they even want to destroy legal immigration to this country. For decades, our immigration laws were discriminatory, favoring Nordic and Western Europeans, restricting Italians and Jews, and banning the Chinese completely. Finally, in 1965, during the civil rights era, Senator Ted Kennedy ushered in a fair immigration system based on family reunification. Because this system brings families together, immigrant households are less likely to rely on public benefits. And immigrants are also buying homes and starting businesses at a faster rate. But now, with this bill, Republicans are trying to undo that progress and make America White again. Worse, they are tearing families apart to do this. While Trump and Republicans are ripping parents from children at the border, they are trying to do the same through our immigration laws. This war on families must stop. Mr. GOODLATTE. Madam Speaker, I continue to reserve the balance of my time. Mr. NADLER. Madam Speaker, this afternoon, the U.S Chamber of Commerce sent an alert to Members of Congress that says the cuts to legal immigration in this bill are bad news for States. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. Takano). Mr. TAKANO. Madam Speaker, I rise in strong opposition to the Securing America's Future Act. It is obscene to bring this deeply flawed bill to the floor when thousands of children have been ripped from their parents. Americans across the country are outraged over the Trump administration's actions to separate families at the border. And Trump's answer? An executive order that cages families indefinitely and will be immediately challenged in court. Unfortunately, this bill before us would do nothing to stop any of this. Instead, it criminalizes every undocumented man, woman, and child in this country and subjects them to the same cruel policy being played out at our border. It is shocking we are even considering this bill. Let's be on the right side of history. Let's stop tearing families apart. Let's stop caging people fleeing violence. I urge my colleagues to do the right thing and defeat this repugnant bill. Mr. GOODLATTE. Madam Speaker, I continue to reserve the balance of my time. Mr. NADLER. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. Lee). [[Page H5428]] {time} 1300 Ms. LEE. Madam Speaker, I thank the ranking member for yielding me the time and for his tireless advocacy. Madam Speaker, I rise in strong opposition to H.R 4760. This is an anti-immigrant bill, plain and simple: It fails to provide a pathway to citizenship for Dreamers; it dismantles family immigration; it ends the important diversity visa lottery ***program***; it funds $30 billion for Trump's border wall; and it fails to address the horrible zero- tolerance policy. Why are we moving forward with a bill that does not address the malicious detention of families seeking asylum, a bill that does nothing to reunite the 2,300 children separated from their parents? These policies are really a disgrace and a stain on our country. Just imagine the horrors of these families fleeing violence, domestic abuse, but we are not providing refuge. No. Our government--our government--has been ripping children out of the arms of parents. We are holding kids in cages. And now the Trump administration wants to leave whole families, including young children, in jail for extended periods of time. Locking up kids is child abuse. It is a violation of their human rights. We must ensure that these children are reunited with their families. Madam Speaker, I urge my colleagues to vote ``no'' on this bill. And as my colleague Congresswoman Chu said, it is about making America White again. Mr. GOODLATTE. Madam Speaker, I reserve the balance of my time. Mr. NADLER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. Al Green). Mr. AL GREEN of Texas. Madam Speaker, I thank the ranking member for yielding me the time. Madam Speaker, this bill does many things, but the one thing that it does not do is heal the wound in the soul of America. It does not provide a pathway for these babies to return home to their parents. This bill is about as bad as it can get if you care about what you see in this picture. Children should not become the tools of the trade for politicians. This bill will legitimize children as the tools of the trade. We cannot pass it. We should not pass it. We must rethink what we are doing to this country. Mr. NADLER. Mr. Speaker, how much time do I have remaining? The SPEAKER pro tempore (Mr. Holding). The gentleman from New York has from 2\1/2\ minutes remaining. The gentleman from Virginia has 4 minutes remaining. Mr. NADLER. Mr. Speaker, I yield 1\1/2\ minutes to the gentlewoman from California (Ms. Lofgren), the ranking member of the Immigration and Border Security Subcommittee. Ms. LOFGREN. Mr. Speaker, this bill is a step in the wrong direction in so many ways. I wish that we had had an opportunity to sit down, reason together, and come up with a plan that really serves our country. That didn't happen. Here is what the result was: The Chamber of Commerce has just reported that the Niskanen Center that they have relied on indicates that, if this bill became law, the U.S would lose $319 billion in GDP. That would be the impact, according to the U.S Chamber of Commerce, for adopting this bill. And I wonder what my colleagues on the other side of the aisle are really doing by turning every undocumented person in the United States, currently a civil law violation, into a crime. We are now creating 11 million prosecution opportunities. At the same time, The Washington Post is just reporting, this is the headline: ``Trump Administration Will Stop Prosecuting Migrant Parents Who Cross the Border Illegally with Children, Official Says.'' What are we doing here? We are doing a bill that would incarcerate families and children to pursue a policy that the administration now says they don't intend to pursue. Now, I don't have a lot of trust in the Trump administration because it changes daily. The SPEAKER pro tempore. The time of the gentlewoman has expired. Mr. NADLER. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman from California. Ms. LOFGREN. Mr. Speaker, I would urge my colleagues on the other side of the aisle to take a step back here. Your President has left you out on a limb. He just sawed that limb off for a bill that does damage to the country for a policy that he now has apparently abandoned. This is a ridiculous situation here. Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time. Mr. NADLER. Mr. Speaker, how much time do I have remaining? The SPEAKER pro tempore. The gentleman from New York has 30 seconds remaining. Mr. NADLER. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, this bill is a harsh anti-immigrant package that fails to provide a pathway to citizenship for Dreamers and that fails to end family separation, while slashing legal immigration, crippling our ***agriculture*** industry, criminalizing undocumented immigrants, undermining public safety, and removing critical protection for families and children, all in one monstrous bill. Mr. Speaker, there is no justification for anyone voting for this bill. I urge my colleagues to oppose this legislation, and I yield back the balance of my time. Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, first of all, this bill has been mischaracterized and was just again. This bill makes provisions for when the immigration service prosecutes somebody at the border. It doesn't tell them when to do that. So it is entirely incorrect to make that assertion. I see the conflicting news reports about what the intention of the administration is today on that issue, but that does not change the fact that that has nothing to do with the good measures in this bill that correct the problems that we are speaking about. The overwhelming majority of the American people want children to be with their parents, and I have just seen a poll a few minutes ago that shows that the overwhelming majority of them want those children detained with their parents, not to have the parents and the children released into the interior of the country where they never return for their hearing. That kind of open border policy that is supported by the advocates on the other side of the aisle is not good for America, and it is not good for sound immigration policy. We are a nation of immigrants. There is not a person in this room who can't go back a few generations or several generations and find someone in their family who immigrated to the United States. But we are also a nation of laws, and respect for the rule of law and following our legal immigration system is the foundation of our society. So, to me, when you say that it is not good enough to do better for the DACA recipients than Barack Obama did, where do you get that idea from? When you say that we are not a generous country with regard to immigration and that this is an anti-immigration bill when it sustains far more legal immigration than any other country on Earth, they are completely wrong. But at the same time that we do that and we promote that in this bill, good legal immigration policy and something fair for the DACA recipients, we must also have secure borders in our country, and we must give any administration, not just this one, the tools it needs to close the loopholes to secure the border and to end crazy ***programs*** like the visa lottery ***program*** that gives 55,000 green cards to people just based on pure luck. There are better things to do with those green cards to move to a merit-based immigration system. I urge my colleagues to support this important legislation, reject the negative ideas of the opposition, and move forward with a policy that does both something important for the DACA recipients but also secures America's national security interests and the interests of our citizens. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time. Mr. McCAUL. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise today because we finally have the opportunity to secure our borders once and for all. [[Page H5429]] Before coming to Congress, I was a counterterrorism prosecutor in the Justice Department. I saw the threats along our border firsthand. After getting elected to the House, the very first bill I introduced put an end to this catch-and-release system. Here we are in this Chamber 14 ***years*** later, and I am still fighting for it. Doing nothing should not be an option. As I have said before, it is time for Congress to act. Today, we have an historic opportunity to fix this problem once and for all with the Securing America's Future Act. Our legislation delivers on the President's four pillars, which I worked closely with him on. It secures the border by building a wall, ends chain migration and the diversity lottery, provides a rational DACA solution, and also deploys new technology and adds boots on the ground. We must move toward a moral, merit-based system and not a random system. This legislation also provides, Mr. Speaker, a legal solution that will keep families together when they cross the border illegally. Our bill brings a generational change that prevents us from revisiting these problems down the road. But this isn't just about closing loopholes and fixing broken laws. Border security is a national security issue. Violent gangs like MS-13, human traffickers and smugglers sneaking into our country infect our neighborhoods, and too many lives are at risk, and opioids come across the border. Unfortunately, the threats do not stop there. We know that international terrorists are trying to exploit our border. This was made clear from the materials found in bin Laden's compound and from propaganda outlets like Inspire magazine. The 9/11 Commission report even stated that predecessors to al-Qaida had been exploiting weaknesses in our border security since the 1990s. In April, Secretary Nielsen testified that ISIS has encouraged its followers to cross our southwest border, given the loopholes that they are also aware of. We must solve this problem, and we must solve it today. So, Mr. Speaker, I urge my colleagues to support this bill and give the American people the security that they have long demanded and deserve. Mr. Speaker, I reserve the balance of my time. Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume. I rise in strong opposition to H.R 4760, a bill that doubles down on the President's cruel zero-tolerance policy. This harsh anti-immigrant, anti-American bill is the realization of the President's cruel immigration and border security rhetoric and policies. Remember when the Republican Party used to say it was the party of family values? H.R 4760 is focused on families, but not in a good way. It is focused on separating families, incarcerating families, and eliminating pathways for family-based immigration. Remember when the Republican Party used to say it was the party of law and order? Well, it does take action with respect to local law enforcement, but not in a good way. It would withhold Homeland Security and other law enforcement grants from so-called sanctuary cities that, for the purpose of public safety, seek to foster trust from immigrant communities. Law enforcement officials across the country oppose this provision because it would make their communities less safe. For example, Latinos in three major cities have been reporting fewer crimes since President Trump took office, particularly as it relates to domestic violence and sexual assault. Finally, remember when the Republican Party used to say it was the party of fiscal discipline? Well, no more. {time} 1315 If enacted, H.R 4760, would require billions of taxpayers' dollars to be wasted on the President's border walls, which I seem to recall hearing that it will be paid for by the Mexican Government. Now they want the taxpayers of America to pay for it. It also waives the paygo scorecard. So now you pull a hat trick. You spend the money, but you don't score it. So, ultimately, it won't show up in our budget numbers. Shame on you. With that, Mr. Speaker, I urge a ``no'' vote on H.R 4760, and I reserve the balance of my time. The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President. Mr. McCAUL. Mr. Speaker, I yield 2 minutes to gentlewoman from Arizona (Ms. McSally), the chair of the Subcommittee on Border and Maritime Security. Ms. McSALLY. Mr. Speaker, I thank the chairman for his ***years*** of hard work on this issue to secure our border. Mr. Speaker, I rise today in support of H.R 4760, the Securing America's Future Act. As one of only nine Members of Congress who represent communities along our southern border, and as the Border and Maritime Security Subcommittee chair, I have witnessed firsthand the security threats we face from an unsecure border and the dysfunctions of our immigration system. Since I came to Congress, I have been working passionately to protect Arizonans from the public safety threats that accompany a porous border, and to start to fix a dysfunctional immigration system. This bill which we have been tirelessly working on since September last ***year***, along with Chairman McCaul, Chairman Goodlatte, and Congressman Labrador, represent an important step to keep our country safe by securing the border, including building the wall, closing many legal loopholes, ending chain migration, ending the visa lottery, cracking down on sanctuary cities and MS-13 gangs, and providing a legislative solution to the DACA population that is reasonable and fair and doesn't incentivize more illegal activity in the future. This is the first legislation on these topics in the House that President Trump has supported, and we worked very closely with the administration in the process to propose this thoughtful solution to fix these very real and complex security and economic challenges. Like many pieces of legislation though, this bill is not perfect. There are many improvements, such as the guaranteed funding mechanism for border security, including the wall, and other technical corrections that we worked on over the last 6 months that I sure would have liked to have seen in this version of the bill on the floor. Nonetheless, I strongly support passage of this legislation as the first significant proposal to solve these very serious issues that continue to impact communities in Arizona and the rest of the country. I remain ready to lead and help deliver legislation to the President's desk that he can sign into law. I would urge our colleagues, especially on the other side of the aisle, who say they care about border security and DACA recipients, to not play politics and vote ``yes'' on this bill. Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1\1/2\ minutes to the gentlewoman from Florida (Mrs. Demings), the retired chief of police of Orlando, Florida. Mrs. DEMINGS. Mr. Speaker, during my 27 ***years*** in law enforcement, I fought many threats to our families. But today, I have to say that I am ashamed that our leaders now say that those families are the threat. Families seeking asylum are not a threat. Toddlers and children at the border are not a threat. Dreamers who are brought here as young children, both of us know, are not a threat. Mr. Speaker, I ask: Why is it so easy to reject those who we believe are different from us? We will not allow this administration to make America a country that only accepts the rich and well-connected. When we know better, we are supposed to do better. And so I urge my colleagues on the other side of the aisle, you are right, let's stop playing politics. Let's do better and reject this dangerous piece of legislation. Mr. McCAUL. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. Higgins), a member of the Homeland Security Committee. Mr. HIGGINS of Louisiana. Mr. Speaker, I rise today in support of H.R 4760, the Securing America's Future Act of 2018. I am a cosponsor of this legislation. I remind all of my colleagues that a sovereign nation cannot stand without sovereign borders. I remind my colleagues on both sides of the aisle that we are Representatives of citizens of the 50 sovereign [[Page H5430]] States of America. We have not been elected by citizens of Mexico or Nicaragua or El Salvador. We represent American interests. This is an America-first bill that secures America's southern border. Mr. Speaker, I urge all of my colleagues to embrace their oath and to recognize their service to these citizens that depend upon sound, decisive measures from this body. Mr. THOMPSON of Mississippi. Mr. Speaker, we all recognize the sovereignty of our country, but we also recognize its diversity, and we all are immigrants. So let's get over it. Mr. Speaker, I yield 1\1/2\ minutes to the gentlewoman from New York (Miss Rice). Miss RICE of New York. Mr. Speaker, it is a shame that we are wasting our time today on two bills that are harmful and hyperpartisan when we all know that the USA Act, introduced by Representatives Aguilar and Hurd, have the votes to pass on this House floor. This bipartisan solution would finally provide our Dreamers, college students, veterans, servicemembers, and business owners with the status and certainty that they have long deserved. The USA Act would also effectively secure our borders without wasting taxpayer money on a wall that would not make us any safer. The bills being considered today are simply not what most Americans want. They deny Dreamers a path to citizenship. They abandon our obligation to protect those fleeing persecution and violence. And they do nothing to reunite the families who have already been torn apart by the Trump administration. Mr. Speaker, I urge you to do the responsible thing, to finally govern, and allow the bipartisan USA Act to come to the floor. Mr. McCAUL. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. Estes), a member of the Homeland Security Committee. Mr. ESTES of Kansas. Mr. Speaker, I rise today in support of H.R 4760, Securing America's Future Act. Mr. Speaker, our immigration system is broken. For decades, administrations have offered temporary fixes or chosen to not enforce certain provisions of the law. However, the election of President Trump shows a clear desire by the American people to fix our broken immigration system and secure our border. The Securing America's Future Act addresses these issues and provides needed solutions. The bill secures our border by authorizing a wall, providing new border technology, and putting more boots on the ground. The bill refocuses legal immigration on skills that are needed by ending the visa lottery ***program*** and chain migration. It also prevents future illegal immigration by mandating E-Verify for employers and cracking down on sanctuary cities. Important for my State of Kansas, this bill includes H-2C ***agricultural*** visas which allows people to come work and provide the skills our farmers need. Finally, this bill gives stability to children brought here illegally by providing a renewable legal status as long as recipients pay taxes and obey the law, without providing a special path to citizenship because no one should get to jump the line. Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1\1/2\ minutes to the gentlewoman from Houston, Texas (Ms. Jackson Lee). Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished gentleman for yielding the time. I would offer to say that those Guatemalan Americans, El Salvadoran Americans, those Americans from the country of Mexico, and others who serve in the United States military, certainly reflect the diversity of this Nation. I would offer to say that, sadly, this is the image that is America today. It is not the Statue of Liberty. I stand to oppose this bill because I know, as a member of the Homeland Security Committee, we had a plan that was bipartisan that would provide for border security that included technology and barriers. Now, we have succumbed to a process which every good-thinking person has to oppose, including the business community. Law enforcement opposes this legislation, in particular, because it makes communities less safe. Just this week a Texas sheriff's deputy was arrested for sexually assaulting a 4-***year***-old girl and threatening to deport the undocumented mother if she reported the claim. Good law enforcement officers understand that they need to have people report the crime. We know that it was an immigrant, a researcher, who helped us get the polio vaccine. Finally, young people who now are coming to this country, snatched away from their parents, unaccompanied youngsters as well, will no longer have the protections of the special immigrant juvenile status. It strips crucial protections for abused, abandoned, and neglected children by limiting their ability to access special immigrant juvenile status. This bill is a bad bill. It is not an immigration bill. It is a bad bill and it really is not for the American people. Mr. McCAUL. Mr. Speaker, I yield 1 minute to the gentlewoman from Arizona (Mrs. Lesko), the newest member of the Homeland Security Committee. Mrs. LESKO. Mr. Speaker, I rise today in support of H.R 4760, the Securing America's Future Act, vital legislation to the State of Arizona. My constituents back home know all too well how desperately we need our borders secured. I signed on as a cosponsor of this bill because it will fund a wall and other protective infrastructure, close the gaping loopholes in our immigration laws, and finally secure our southern border, ending this problem once and for all. It is disappointing that with all of the rhetoric coming from my colleagues across the aisle, they still refuse to come to the negotiating table and work toward a legislative solution. Our broken immigration system cannot continue to be ignored. I want to thank Chairman McCaul and Chairman Goodlatte for their work on this much-needed legislation, and I urge all of my colleagues to support this bill. Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself the balance of my time. Mr. Speaker, as you heard, H.R 4760 is fatally flawed. We are here only today debating it because the Republican leadership was essentially extorted by extremists within its ranks. Instead, we should be here debating legislation to give Dreamers a path to citizenship. We should be here debating legislation to give safe haven to refugees from Haiti, El Salvador, Sudan, and Nicaragua. We should be here debating a measure to end zero tolerance and family separation. Even before the Trump administration created this family separation crisis, America's image was suffering the effects of the Trump slump due to the President's inflammatory and cruel immigration and border security policies and rhetoric. In fact, last June, the Pew Research Center released an international survey that concluded that sentiment regarding the U.S had taken a dramatic turn for the worse. What the President and supporters of H.R 4760 do not understand is that what makes America great is its people, both native-born and immigrants. Let's send a message to the President that we know what makes America great. Let's defeat H.R 4760. Mr. Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President. Mr. McCAUL. Mr. Speaker, I yield myself such time as I may consume. Let me say, this is a historic opportunity to get something done that we probably haven't gotten done in 25 ***years***. But let me first say that I am a father of five children. I have been down to the detention centers and seen these kids down there, these babies. From a human standpoint, it is one of the most horrible experiences I have had in my lifetime. Let me say this, Mr. Speaker: this bill protects our children. It protects our children because it provides a deterrent for them not to come here in the first place. It also keeps families together and doesn't separate them, as current law dictates. Current law dictates this, if we don't change the law. Let me also add, I talked to the Secretary today and 10,000 of these 12,000 children who are in the detention centers came without their parents. And [[Page H5431]] who were their guardians: the drug traffickers, the smugglers, and the coyotes, as they made the dangerous journey from Central America all the way up through Mexico and into the United States. {time} 1330 I have seen horrors of that, and this bill will provide the deterrence to stop that from happening because, as we know, they are abused on the way up that journey. They are abused physically and sexually and demoralized and recruited. That has to stop, and, Mr. Speaker, this bill will stop that. Mr. Speaker, I urge my colleagues to support it, and I yield back the balance of my time. Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition of H.R 4760, the ``Securing America's Future Act of 2018.'' H.R 4760 is a DREAM Killer Bill that fails to fix our nation's fractured immigration system. This bill slashes legal immigration, it cripples our ***agricultural*** industry, criminalizes undocumented immigrants, undermines our public safety, and denies critical protections for children and families. H.R 4760 withholds grants from communities implementing community trust policies that limit law enforcement officials questioning an individual's immigration status. This Republican-sponsored bill forces local governments to comply with Trump's mass deportation agenda, despite Republican's historic demands that the federal government stay out of people's lives. My colleagues and I will never vote in favor of a bill that perpetuates the administration's mass deportation agenda, especially in light of the human rights violations we are currently witnessing at our U.S -Mexico border. When I visited the border this past weekend, what I witnessed was horrific. It was not the America that I know and love. Since early May, more than 2,300 children have been separated from their parents. By playing the blame game and putting the burden on Congress to fix what President Trump alone has started, the Administration issued an Executive Order yesterday that pretends to open the door for a halt of his intentionally barbaric policy of separating families intended to deter people from attempting to cross the border. The new policy detains entire families together, including children, but ignores legal time limits on the detention of minors. The President is ignoring the immigration laws that set the precedent on this arena. The Flores Settlement, issued in 1997, was the result of a class action lawsuit filed on behalf of immigrant children in the U.S District Court for the Central District of California. It requires the government to release children from immigration detention without unnecessary delay to parents, relatives, or those willing to accept custody. It also mandates that the government cannot keep children in detention for over 20 days. Trump's executive order is in direct violation of the Flores agreement by allowing children to be detained for well-over 20 days. H.R 4760 is a politically motivated bill intended to spread the false narrative that immigrants are criminals, liars, and job stealers who are somehow a drain on our society and deserving of punishment. Nothing could be further from the truth. Many of our nation's most beloved and respected figures that are even taught about in schools, were immigrants. H.R unfairly and unnecessarily subjects immigrants to lengthy criminal sentences, as well as excessive detention and unreasonable scrutiny. The restrictive features of the bill--including asylum provisions, cancelling the applications of 3 million people waiting to immigrate legally, and permanent reductions in legal immigration--we are told are a small price to pay to help Dreamers gain a pathway to citizenship. However, this is not the case. The CATO Institute recently reported that 82 percent of Dreamers would not even benefit from this bill's citizenship path. H.R 4760 does not provide a pathway to citizenship for Dreamers; instead, it denies Dreamers the coveted American Dream. Mr. Speaker, I stand in strong opposition to H.R 4760, the ``Securing America's Future Act of 2018.'' This bill offers minimal protections for Dreamers in exchange for implementing Trump's mass deportation plan. It includes a litany of bad proposals from the House Judiciary Committee. It eliminates most family-based immigration categories, as well as the diversity visa ***program***. It mandates the use of E-Verify on a nationwide basis, thereby crippling industries such as ***agriculture***, restaurants, hotels, construction, and many others. It purports to address concerns in the ***agricultural*** industry. But its solution is to replace the 1 to 1.5 million undocumented farmworkers in this country with an army of guest workers at drastically depressed wages. This would undermine the wages and working conditions on farms and a host of other sectors (like forestry, logging, and food processing) that employ many U.S workers and have never been considered ***agriculture***. It subjects each and every undocumented immigrant over the age of 18 to criminal prosecution by making it a crime to be here without immigration status. This would effectively turn most undocumented immigrants--including the parents of the Dreamers the bill purports to help--into criminals overnight. It undermines our asylum system by establishing impossibly high evidentiary burdens and denying asylum to those that travel through ``so-called'' safe third countries. It removes critical protections for unaccompanied children and creates a scheme to swiftly remove them without an opportunity to see a judge. It also abolishes important child safety protections for children traveling with their parents. No Path to Citizenship: In exchange for all of the above, and much more, the bill offers no path to citizenship. Instead, it creates a renewable ``contingent nonimmigrant'' status that would perpetually deny Dreamers the American Dream. Dead on Arrival: We are only voting on this bill to appease members of the House Freedom Caucus. A similar bill offered by Senator Grassley only received 39 votes in the Senate. The bill is simply too extreme for many Republicans, as indicated by letters of opposition from right-leaning groups such as the U.S Chamber of Commerce, the Koch-brothers funded LIBRE Initiative, and the CATO Institute. Expands Family Separation: The Trump/Sessions zero-tolerance prosecution policy is fueling the wave of family separation at the border. This bill doubles down on the use of criminal prosecution by making unlawful presence a misdemeanor, or a felony under many circumstances. This would exponentially increase family separation in the interior, as it transforms non-violent, civil immigration violations into criminal offenses. The result would be the arrest, conviction, and detention of millions of immigrants. Harms Children: Republicans will likely argue that this bill treats unaccompanied alien children (UACs) from Central American like those from Mexico and therefore does nothing more than remedy a loophole in the law. But in fact, this bill removes basic protections for all UACs. Among other things, the bill: removes protections for young children aged 13 and under, as well as children with disabilities; eliminates an existing provision allowing limited government funding for counsel for UACs, relegating many children to appear in immigration court without legal representation; requires DHS to investigate and remove all potential UAC sponsors. This would both disincentivize sponsors from coming forward to claim children and overburden state foster care systems: eliminates the ability for all UACs to first present their asylum claims to specially trained USCIS asylum officers in a non-adversarial setting. UACs would instead be required to present their claims in open court to an immigration judge, opposite a trained ICE trial lawyer, and likely without legal representation; and strips crucial protections for abused, abandoned and neglected children by limiting their ability to access Special Immigrant Juvenile status. Makes Communities Less Safe: The bill withholds DHS grants and other law enforcement grants from communities that implement community trust policies that limit or restrict law enforcement questioning of an individual's immigration status. Although Republicans often demand that the federal government stay out of people's lives, the bill forces local governments to cooperate with Trump's mass deportation agenda. Republicans have long sought to turn ``sanctuary cities'' into a pejorative term, but studies show that such jurisdictions have ``statistically significantly lower'' criminal activity compared to other jurisdictions. Law enforcement officials across the country oppose these provisions because it would make their communities less safe. For example, Latinos in three major cities have been reporting fewer crimes since Trump took office, particularly as it relates to domestic violence and sexual assault. Just this week, a Texas sheriff's deputy was arrested for sexually assaulting a 4-***year***-old girl and threatening to deport the undocumented mother if she reported the crime. If enacted, the bill would supercharge Trump's deportation agenda, thereby turning undocumented immigrants into prey for criminals. Destabilizes ***Agriculture***: The bill mandates E-Verify use nationwide, despite the reliance [[Page H5432]] on undocumented immigrants by several large sectors of the U.S economy. To address labor concerns in ***agriculture*** and various other industries, the bill creates a massive new guestworker ***program*** in which undocumented farmworkers may purportedly participate. But the bill's unrealistic and anti-worker provisions would have devastating impacts on those workers, as well as similarly situated U.S workers and employers. Among other things, the bill provides status to undocumented farmworkers through a ``report to deport'' guestworker ***program*** that requires them to first leave the country--including their homes and families--with no assurance that they would be able to return. Few would participate in such a ***program***. The guestworker ***program*** would eventually result in millions of guestworkers in the country, and all would be paid at far-below market wages. This combination would have devastating impacts on the labor market-- not only in ***agriculture***, but in other covered industries such as logging, forestry, and food processing. Given what Republicans often say about the need to protect U.S workers, we cannot see why they would support this bill. Fails to Fix the Broken System: The bill fails to repair our fundamentally broken immigration system. H.R 4760 is simply a politically motivated bill intended to propagate the fiction that immigrants are criminals, liars, and job stealers who are somehow a drain on our society and need to be punished. Nothing could be further from the truth. Immigrants generally play a positive role in our society, and this bill unfairly and unnecessarily subjects them to lengthy criminal sentences, as well as excessive detention and unreasonable scrutiny. Republicans have long championed their identity as the ``Party of Lincoln,'' but this bill proves that they have clearly become the ``Party of Trump.'' Trump champions nativist fear-mongering, relies on alternative facts, and seeks to send America back to the dark ages of isolationism and cultural in-fighting. This is the wrong direction for our country. Family Immigration Led To John Tu's Billion Dollar Company. John Tu created wealth, shared that wealth with his employees and demonstrated people can achieve the American Dream while also fulfilling the dreams of others. Immigrant entrepreneurs possess relatively few options for starting a business and remaining in the United States. There is no startup visa that allows individuals to receive permanent residence specifically for starting a business. Once someone acquires permanent residence (a green card) he or she has the freedom to start a business in America. That is why the stories we hear about successful foreign-born entrepreneurs come almost exclusively from individuals sponsored by an employer or family member. John Tu is a great example of this. John Tu (No. 87 on the Forbes 400 list) was born in China in 1941, where he lived with his parents and sisters. He describes himself as a mediocre student unable to attend the best Chinese colleges. He was denied a visa to the United States and instead applied to a college in Germany, where in 1978 he earned a degree in electrical engineering. ``My dream of coming to the United States persisted,'' said John in testimony before the Senate Subcommittee on Immigration. He recalled visiting his sister, who was living in Boston. She had come to America as a student and married a U.S citizen born in Taiwan. That trip reignited his dreams. ``My experience brought me to the conclusion that in the U.S one can be anything he wants. I decided right then that I would find a way to make my home in America.'' His sister, who became a U.S citizen, sponsored John for immigration through the immigrant preference category for the siblings of U.S citizens. As someone willing to take a chance on a new country, it's not surprising John Tu quickly became an entrepreneur. He started a one-man gift shop in Arizona, where his sister had moved to, and sold collectables imported from China. A few ***years*** later, John ventured into commercial real estate, eventually buying a condominium in Los Angeles. In California, he met David Sun, his future business partner, who also was born in China. In 1982, John Tu and David Sun started a computer hardware company called Camintonn Corporation. They later sold the company to AST Research, with each man earning about $1 million. But a ***year*** later, John and David lost almost everything. Their broker, a trusted friend, invested poorly, which caused their savings to be nearly wiped out in the October 1987 stock market crash. John Tu and David Sun picked themselves up and did what entrepreneurs do best--they started another business. Their new company, Kingston Technology, sought to fill a niche in the marketplace for computer memory products. ``Kingston soon began developing memory products for a variety of PCs and thriving beyond either of our expectations. It is ironic that from the biggest financial failure came my most successful venture,'' said John. The company grew to over 500 U.S employees and by 1996 was valued at $1.5 billion. Not surprisingly, this attracted the interest of buyers. That ***year***, John and David sold 80 percent of Kingston to Japan-based Softbank Corp. While the sale initially made news, it is what John Tu and David Sun did with the proceeds that generated worldwide attention: The two men set aside $100 million in profits from the sale and awarded bonuses to their American employees, something virtually unheard. In many cases, the bonuses ranged from $100,000 to $300,000. This decision changed the lives of those working at Kingston, allowing many to fund dreams for themselves and their children. ``The bonus meant a great deal to the employees, for some it meant ridding themselves of debt, for others a down ***payment*** on a house, and for one person the opportunity to return to college and finish his education,'' said Kingston employee Gary McDonald. He decided to use the bonus money to fund schooling and assistance for his four children, two of whom had special needs, including one with autism. ``Without the bonus it would have been much more of a financial struggle,'' he said. Fate intervened and in July 1999, for business reasons, Softbank decided to sell its 80 percent share in Kingston back to John Tu and David Sun for less than half of the original sale price. Today, Kingston is ``the world's largest independent manufacturer of memory products,'' according to the company. Kingston employs more than 3,000 people around the world and maintains its headquarters in Fountain Valley, California. It has garnered a number of awards, including Fortune magazine's list of the ``Best Companies to Work for in America.'' John and his company Kingston contribute to many charitable causes. An Immigrant And An Immigrant's Son Saved Americans From Polio. Polio struck future presidents and poor children alike, becoming an epidemic that consumed Americans throughout much of the 20th century. Immigrant Albert Sabin and the son of an immigrant, Jonas Salk, developed the vaccines that ended polio as a threat to Americans. Neither Salk or Sabin--or their life-saving Polio vaccines--would have been in America if not for family immigration. ``Without Sabin and Salk, American children would continue to be paralyzed for life by polio,'' Michel Zaffran, director of polio eradication at the World Health Organization, said in an interview. ``Their contribution is quite simply immeasurable.'' Americans today do not consider polio a threat. That was not always the case. ``No disease drew as much attention, or struck the same terror, as polio,'' according to David Oshinsky, author of the Pulitzer Prizewinning book Polio: An American Story. ``Polio hit without warning. There was no way of telling who would get it and who would be spared. It killed some of its victims and marked others for life, leaving behind vivid reminders for all to see: wheelchairs, crutches, leg braces, breathing devices, deformed limbs.'' Franklin Delano Roosevelt, who used a wheelchair throughout his presidency, is the most famous victim of polio. But at its approximate height, in 1949, around 40,000 cases were reported in America, according to Oshinsky. In San Angelo, Texas, one out of every 124 residents contracted the disease, resulting in 24 deaths and 84 cases of permanent paralysis, affecting mostly children. Cases of polio first appeared in the U.S in the 1800s. The invention of the electron microscope in the 1930s allowed researchers to see the virus that causes the polio infection, which is spread through fecal waste, from one person to another, by hand, food, water and other methods. When Albert Sabin was born in Poland in 1906, Americans could not have known this Polish infant would someday grow up and change their lives. ``When he was 15, his family came to the United States to escape the murderous pogroms [against Jews] that erupted there following World War I,'' according to David Oshinsky. ``The Sabins settled in Paterson, New Jersey, an immigrant textile center, where his father took a job as a weaver. Fluent in Polish and German, but knowing no English, Sabin was tutored by a cousin who encouraged him to avoid the dead-end life of the silk mills by getting an education.'' Sabin did well in high school, while working to help support the family, and accepted an offer from an uncle who offered to pay his college tuition if he agreed to join him as a dentist. Albert did not enjoy studying dentistry and lost his uncle's financial support. [[Page H5433]] In a great example of mentoring, the well-regarded New York University (NYU) professor William Hallock Park, a bacteriologist, saw something in Sabin and arranged for a scholarship. The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 954, the previous question is ordered on the bill, as amended. The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time. Motion to Recommit Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I have a motion to recommit at the desk. The SPEAKER pro tempore. Is the gentlewoman opposed to the bill? Ms. MICHELLE LUJAN GRISHAM of New Mexico. I am opposed in its current form. The SPEAKER pro tempore. The Clerk will report the motion to recommit. The Clerk read as follows: Ms. Michelle Lujan Grisham of New Mexico moves to recommit the bill H.R 4760 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment: In section 1, in the heading, strike ``; table of contents''. In subsection (a) of section 1, strike the enumerator and the heading. Strike subsection (b) of section 1 and all that follows through the end of the bill, and insert the following: SEC. 2. DEFINITIONS. In this Act: (1) In general.--Except as otherwise specifically provided, any term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws. (2) DACA.--The term ``DACA'' means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals ***program*** announced by President Obama on June 15, 2012. (3) Disability.--The term ``disability'' has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C 12102(1)). (4) Early childhood education ***program***.--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). (5) Elementary school; high school; secondary school.--The terms ``elementary school'', ``high school'', and ``secondary school'' have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C 7801). (6) Immigration laws.--The term ``immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C 1101(a)(17)). (7) Institution of higher education.--The term ``institution of higher education''-- (A) except as provided in subparagraph (B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C 1002); and (B) does not include an institution of higher education outside of the United States. (8) Permanent resident status on a conditional basis.--The term ``permanent resident status on a conditional basis'' means status as an alien lawfully admitted for permanent residence on a conditional basis under this Act. (9) Poverty line.--The term ``poverty line'' has the meaning given such term in section 673 of the Community Services Block Grant Act (42 U.S.C 9902). (10) Secretary.--Except as otherwise specifically provided, the term ``Secretary'' means the Secretary of Homeland Security. (11) Uniformed services.--The term ``Uniformed Services'' has the meaning given the term ``uniformed services'' in section 101(a) of title 10, United States Code. SEC. 2. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN. (a) Conditional Basis for Status.--Notwithstanding any other provision of law, an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions under this Act. (b) Requirements.-- (1) In general.--Notwithstanding any other provision of law, the Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who is inadmissible or deportable from the United States or is in temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C 1254a), if-- (A) the alien has been continuously physically present in the United States since the date that is 4 ***years*** before the date of the enactment of this Act; (B) the alien was younger than 18 ***years*** of age on the date on which the alien initially entered the United States; (C) subject to paragraphs (2) and (3), the alien-- (i) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C 1182(a)); (ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and (iii) has not been convicted of-- (I) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 ***year***; or (II) three or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and (D) the alien-- (i) has been admitted to an institution of higher education; (ii) has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general education development certificate recognized under State law or a high school equivalency diploma in the United States; or (iii) is enrolled in secondary school or in an education ***program*** assisting students in-- (I) obtaining a regular high school diploma or its recognized equivalent under State law; or (II) in passing a general educational development exam, a high school equivalence diploma examination, or other similar State-authorized exam. (2) Waiver.--With respect to any benefit under this Act, the Secretary may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C 1182(a)) for humanitarian purposes or family unity or if the waiver is otherwise in the public interest. (3) Treatment of expunged convictions.--An expunged conviction shall not automatically be treated as an offense under paragraph (1). The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense to determine whether, under the particular circumstances, the Secretary determines that the alien should be eligible for cancellation of removal, adjustment to permanent resident status on a conditional basis, or other adjustment of status. (4) DACA recipients.--The Secretary shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, an alien who was granted DACA unless the alien has engaged in conduct since the alien was granted DACA that would make the alien ineligible for DACA. (5) Application fee.-- (A) In general.--The Secretary may require an alien applying for permanent resident status on a conditional basis under this section to pay a reasonable fee that is commensurate with the cost of processing the application. (B) Exemption.--An applicant may be exempted from paying the fee required under subparagraph (A) if the alien-- (i)(I) is younger than 18 ***years*** of age; (II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and (III) is in foster care or otherwise lacking any parental or other familial support; (ii) is younger than 18 ***years*** of age and is homeless; (iii)(I) cannot care for himself or herself because of a serious, chronic disability; and (II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or (iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and (II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line. (6) Submission of biometric and biographic data.--The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment. (7) Background checks.-- (A) Requirement for background checks.--The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate-- (i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and [[Page H5434]] (ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such status. (B) Completion of background checks.--The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary grants such alien permanent resident status on a conditional basis under this section. (8) Medical examination.-- (A) Requirement.--An alien applying for permanent resident status on a conditional basis under this section shall undergo a medical examination. (B) Policies and procedures.--The Secretary, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of the examination required under subparagraph (A). (9) Military selective service.--An alien applying for permanent resident status on a conditional basis under this section shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C 3801 et seq.), if the alien is subject to registration under such Act. (c) Determination of Continuous Presence.-- (1) Termination of continuous period.--Any period of continuous physical presence in the United States of an alien who applies for permanent resident status on a conditional basis under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C 1229(a)). (2) Treatment of certain breaks in presence.-- (A) In general.--Except as provided in subparagraphs (B) and (C), an alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (b)(1)(A) if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days. (B) Extensions for extenuating circumstances.--The Secretary may extend the time periods described in subparagraph (A) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien's control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien. (C) Travel authorized by the secretary.--Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under subparagraph (A). (d) Limitation on Removal of Certain Aliens.-- (1) In general.--The Secretary or the Attorney General may not remove an alien who appears prima facie eligible for relief under this section. (2) Aliens subject to removal.--The Secretary shall provide a reasonable opportunity to apply for relief under this section to any alien who requests such an opportunity or who appears prima facie eligible for relief under this section if the alien is in removal proceedings, is the subject of a final removal order, or is the subject of a voluntary departure order. (3) Certain aliens enrolled in elementary or secondary school.-- (A) Stay of removal.--The Attorney General shall stay the removal proceedings of an alien who-- (i) meets all the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to paragraphs (2) and (3) of such subsection; (ii) is at least 5 ***years*** of age; and (iii) is enrolled in an elementary school, a secondary school, or an early childhood education ***program***. (B) Commencement of removal proceedings.--The Secretary may not commence removal proceedings for an alien described in subparagraph (A). (C) Employment.--An alien whose removal is stayed pursuant to subparagraph (A) or who may not be placed in removal proceedings pursuant to subparagraph (B) shall, upon application to the Secretary, be granted an employment authorization document. (D) Lift of stay.--The Secretary or Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph. (e) Exemption From Numerical Limitations.--Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status on a conditional basis under this Act. SEC. 3. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS. (a) Period of Status.--Permanent resident status on a conditional basis is-- (1) valid for a period of 8 ***years***, unless such period is extended by the Secretary; and (2) subject to termination under subsection (c). (b) Notice of Requirements.--At the time an alien obtains permanent resident status on a conditional basis, the Secretary shall provide notice to the alien regarding the provisions of this Act and the requirements to have the conditional basis of such status removed. (c) Termination of Status.--The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary-- (1) determines that the alien ceases to meet the requirements under paragraph (1)(C) of section 3(b), subject to paragraphs (2) and (3) of that section; and (2) prior to the termination, provides the alien-- (A) notice of the proposed termination; and (B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination. (d) Return to Previous Immigration Status.-- (1) In general.--Except as provided in paragraph (2), an alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied shall return to the immigration status that the alien had immediately before receiving permanent resident status on a conditional basis or applying for such status, as appropriate. (2) Special rule for temporary protected status.--An alien whose permanent resident status on a conditional basis expires under subsection (a)(1) or is terminated under subsection (c) or whose application for such status is denied and who had temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C 1254a) immediately before receiving or applying for such permanent resident status on a conditional basis, as appropriate, may not return to such temporary protected status if-- (A) the relevant designation under section 244(b) of the Immigration and Nationality Act (8 U.S.C 1254a(b)) has been terminated; or (B) the Secretary determines that the reason for terminating the permanent resident status on a conditional basis renders the alien ineligible for such temporary protected status. SEC. 4. REMOVAL OF CONDITIONAL BASIS OF PERMANENT RESIDENT STATUS. (a) Eligibility for Removal of Conditional Basis.-- (1) In general.--Subject to paragraph (2), the Secretary shall remove the conditional basis of an alien's permanent resident status granted under this Act and grant the alien status as an alien lawfully admitted for permanent residence if the alien-- (A) is described in paragraph (1)(C) of section 3(b), subject to paragraphs (2) and (3) of that section; (B) has not abandoned the alien's residence in the United States; and (C)(i) has acquired a degree from an institution of higher education or has completed at least 2 ***years***, in good standing, in a ***program*** for a bachelor's degree or higher degree in the United States; (ii) has served in the Uniformed Services for at least 2 ***years*** and, if discharged, received an honorable discharge; or (iii) has been employed for periods totaling at least 3 ***years*** and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education ***program*** described in section 3(b)(1)(D)(iii), shall not count toward the time requirements under this clause. (2) Hardship exception.-- (A) In general.--The Secretary shall remove the conditional basis of an alien's permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien-- (i) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1); (ii) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and (iii) demonstrates that-- (I) the alien has a disability; (II) the alien is a full-time caregiver of a minor child; or (III) the removal of the alien from the United States would result in extreme hardship to the alien or the alien's spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence. (3) Citizenship requirement.-- (A) In general.--Except as provided in subparagraph (B), the conditional basis of an alien's permanent resident status granted under this Act may not be removed unless the alien demonstrates that the alien satisfies the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C 1423(a)). (B) Exception.--Subparagraph (A) shall not apply to an alien who is unable to meet the requirements under such section 312(a) due to disability. (4) Application fee.-- (A) In general.--The Secretary may require aliens applying for lawful permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application. (B) Exemption.--An applicant may be exempted from paying the fee required under subparagraph (A) if the alien-- (i)(I) is younger than 18 ***years*** of age; (II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; and [[Page H5435]] (III) is in foster care or otherwise lacking any parental or other familial support; (ii) is younger than 18 ***years*** of age and is homeless; (iii)(I) cannot care for himself or herself because of a serious, chronic disability; and (II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line; or (iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, the alien accumulated $10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and (II) received total income, during the 12-month period immediately preceding the date on which the alien files an application under this section, that is less than 150 percent of the poverty line. (5) Submission of biometric and biographic data.--The Secretary may not remove the conditional basis of an alien's permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment. (6) Background checks.-- (A) Requirement for background checks.--The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate-- (i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien's permanent resident status; and (ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis. (B) Completion of background checks.--The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the alien's permanent resident status. (b) Treatment for Purposes of Naturalization.-- (1) In general.--For purposes of title III of the Immigration and Nationality Act (8 U.S.C 1401 et seq.), an alien granted permanent resident status on a conditional basis shall be considered to have been admitted to the United States, and be present in the United States, as an alien lawfully admitted for permanent residence. (2) Limitation on application for naturalization.--An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis. SEC. 5. DOCUMENTATION REQUIREMENTS. (a) Documents Establishing Identity.--An alien's application for permanent resident status on a conditional basis may include, as proof of identity-- (1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint; (2) the alien's birth certificate and an identity card that includes the alien's name and photograph; (3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school; (4) a Uniformed Services identification card issued by the Department of Defense; (5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or (6) a State-issued identification card bearing the alien's name and photograph. (b) Documents Establishing Continuous Physical Presence in the United States.--To establish that an alien has been continuously physically present in the United States, as required under section 3(b)(1)(A), or to establish that an alien has not abandoned residence in the United States, as required under section 5(a)(1)(B), the alien may submit documents to the Secretary, including-- (1) employment records that include the employer's name and contact information; (2) records from any educational institution the alien has attended in the United States; (3) records of service from the Uniformed Services; (4) official records from a religious entity confirming the alien's participation in a religious ceremony; (5) passport entries; (6) a birth certificate for a child who was born in the United States; (7) automobile license receipts or registration; (8) deeds, mortgages, or rental agreement contracts; (9) tax receipts; (10) insurance policies; (11) remittance records; (12) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address; (13) copies of money order receipts for money sent in or out of the United States; (14) dated bank transactions; or (15) two or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien's continuous physical presence in the United States, that contain-- (A) the name, address, and telephone number of the affiant; and (B) the nature and duration of the relationship between the affiant and the alien. (c) Documents Establishing Initial Entry Into the United States.--To establish under section 3(b)(1)(B) that an alien was younger than 18 ***years*** of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including-- (1) an admission stamp on the alien's passport; (2) records from any educational institution the alien has attended in the United States; (3) any document from the Department of Justice or the Department of Homeland Security stating the alien's date of entry into the United States; (4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization; (5) rent receipts or utility bills bearing the alien's name or the name of an immediate family member of the alien, and the alien's address; (6) employment records that include the employer's name and contact information; (7) official records from a religious entity confirming the alien's participation in a religious ceremony; (8) a birth certificate for a child who was born in the United States; (9) automobile license receipts or registration; (10) deeds, mortgages, or rental agreement contracts; (11) tax receipts; (12) travel records; (13) copies of money order receipts sent in or out of the country; (14) dated bank transactions; (15) remittance records; or (16) insurance policies. (d) Documents Establishing Admission to an Institution of Higher Education.--To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document from the institution of higher education certifying that the alien-- (1) has been admitted to the institution; or (2) is currently enrolled in the institution as a student. (e) Documents Establishing Receipt of a Degree From an Institution of Higher Education.--To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree. (f) Documents Establishing Receipt of High School Diploma, General Educational Development Certificate, or a Recognized Equivalent.--To establish that an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, or has obtained a general educational development certificate recognized under State law or a high school equivalency diploma in the United States, the alien shall submit to the Secretary-- (1) a high school diploma, certificate of completion, or other alternate award; (2) a high school equivalency diploma or certificate recognized under State law; or (3) evidence that the alien passed a State-authorized exam, including the general educational development exam, in the United States. (g) Documents Establishing Enrollment in an Educational ***Program***.--To establish that an alien is enrolled in any school or education ***program*** described in section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include-- (1) the name of the school; and (2) the alien's name, periods of attendance, and current grade or educational level. (h) Documents Establishing Exemption From Application Fees.--To establish that an alien is exempt from an application fee under section 3(b)(5)(B) or 5(a)(4)(B), the alien shall submit to the Secretary the following relevant documents: (1) Documents to establish age.--To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 ***years*** of age. (2) Documents to establish income.--To establish the alien's income, the alien shall provide-- (A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency; (B) bank records; or (C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work and income that contain-- (i) the name, address, and telephone number of the affiant; and (ii) the nature and duration of the relationship between the affiant and the alien. (3) Documents to establish foster care, lack of familial support, homelessness, or serious, chronic disability.--To establish that the alien was in foster care, lacks [[Page H5436]] parental or familial support, is homeless, or has a serious, chronic disability, the alien shall provide at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that contain-- (A) a statement that the alien is in foster care, otherwise lacks any parental or other familiar support, is homeless, or has a serious, chronic disability, as appropriate; (B) the name, address, and telephone number of the affiant; and (C) the nature and duration of the relationship between the affiant and the alien. (4) Documents to establish unpaid medical expense.--To establish that the alien has debt as a result of unreimbursed medical expenses, the alien shall provide receipts or other documentation from a medical provider that-- (A) bear the provider's name and address; (B) bear the name of the individual receiving treatment; and (C) document that the alien has accumulated $10,000 or more in debt in the past 12 months as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien. (i) Documents Establishing Qualification for Hardship Exemption.--To establish that an alien satisfies one of the criteria for the hardship exemption set forth in section 5(a)(2)(A)(iii), the alien shall submit to the Secretary at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the circumstances that warrant the exemption, that contain-- (1) the name, address, and telephone number of the affiant; and (2) the nature and duration of the relationship between the affiant and the alien. (j) Documents Establishing Service in the Uniformed Services.--To establish that an alien has served in the Uniformed Services for at least 2 ***years*** and, if discharged, received an honorable discharge, the alien shall submit to the Secretary-- (1) a Department of Defense form DD-214; (2) a National Guard Report of Separation and Record of Service form 22; (3) personnel records for such service from the appropriate Uniformed Service; or (4) health records from the appropriate Uniformed Service. (k) Documents Establishing Employment.-- (1) In general.--An alien may satisfy the employment requirement under section 5(a)(1)(C)(iii) by submitting records that-- (A) establish compliance with such employment requirement; and (B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency. (2) Other documents.--An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including-- (A) bank records; (B) business records; (C) employer records; (D) records of a labor union, day labor center, or organization that assists workers in employment; (E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain-- (i) the name, address, and telephone number of the affiant; and (ii) the nature and duration of the relationship between the affiant and the alien; and (F) remittance records. (l) Authority To Prohibit Use of Certain Documents.--If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents. SEC. 6. RULEMAKING. (a) Initial Publication.--Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish regulations implementing this Act in the Federal Register. Such regulations shall allow eligible individuals to immediately apply affirmatively for the relief available under section 3 without being placed in removal proceedings. (b) Interim Regulations.--Notwithstanding section 553 of title 5, United States Code, the regulations published pursuant to subsection (a) shall be effective, on an interim basis, immediately upon publication in the Federal Register, but may be subject to change and revision after public notice and opportunity for a period of public comment. (c) Final Regulations.--Not later than 180 days after the date on which interim regulations are published under this section, the Secretary shall publish final regulations implementing this Act. (d) Paperwork Reduction Act.--The requirements under chapter 35 of title 44, United States Code, (commonly known as the ``Paperwork Reduction Act'') shall not apply to any action to implement this Act. SEC. 7. CONFIDENTIALITY OF INFORMATION. (a) In General.--The Secretary may not disclose or use information provided in applications filed under this Act or in requests for DACA for the purpose of immigration enforcement. (b) Referrals Prohibited.--The Secretary may not refer any individual who has been granted permanent resident status on a conditional basis or who was granted DACA to U.S Immigration and Customs Enforcement, U.S Customs and Border Protection, or any designee of either such entity. (c) Limited Exception.--Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status on a conditional basis or a request for DACA may be shared with Federal security and law enforcement agencies-- (1) for assistance in the consideration of an application for permanent resident status on a conditional basis; (2) to identify or prevent fraudulent claims; (3) for national security purposes; or (4) for the investigation or prosecution of any felony not related to immigration status. (d) Penalty.--Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000. SEC. 8. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS. (a) In General.--Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C 1623) is repealed. (b) Effective Date.--The repeal under subsection (a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009- 546). Ms. MICHELLE LUJAN GRISHAM of New Mexico (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading. The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Mexico? There was no objection. The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman is recognized for 5 minutes in support of her motion. Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended. When DACA was terminated in September, this Chamber promised hundreds of thousands of young people and the American public that we would have a public debate and vote to protect Dreamers. We gather here today, instead, to vote on legislation that fails to protect these young people, radically changes our immigration laws, and derails the bipartisan queen-of-the-hill effort that would give us a solution. H.R 4760 is a hyperpartisan, sweeping bill which would fundamentally change our legal immigration system and negatively impact our economy, which is why it is opposed by the majority of the Republican Conference, faith groups, businesses, chambers, and, quite frankly, everyone in between. If enacted, these policies would undermine local law enforcement, hurt businesses, and rip apart communities through mass deportation, while telling hundreds of thousands of American Dreamers that they can only be a guest in the only country most of them have ever known, but that they will never truly be American. The truth is that this bill is a poison pill-ridden effort that does nothing to get us closer to passing a bipartisan, narrow, and targeted solution for Dreamers. Congress--that is each and every one of us--has a responsibility to address this Trump-created crisis in a bipartisan, rapid, compassionate, and meaningful way. This is what the American people want us to do. But since the start of the Trump administration, a divisive and twisted narrative has been perpetrated to villainize, scapegoat, and hurt immigrant families. This week, the pain of immigrant families was felt by each and every person in America who heard the terror and cries of children being torn from their parents. This week we have experienced the horror many immigrant families feel every single day, and we have seen how ugly it is to use vulnerable immigrant children, mothers, and fathers as political pawns. But we have also seen Americans stand up for these families. We saw them rebuke the President and his heinous policy. Today we must do the same thing by standing up for Dreamers. We must meet our responsibility as Members of Congress by voting for legislation that fixes this Trump- created DACA crisis, not by voting for legislation that makes it worse. [[Page H5437]] Every time that a bipartisan fix for Dreamers is within our reach, this chaotic Republican Conference caves to those who aim to exploit Dreamers in order to impose radical changes to our immigration system. The provisions in H.R 4760's partisan anti-immigrant bill betray our most fundamental American values. It is a reflection of the xenophobic agenda of the Trump White House which prioritizes billions upon billions on a wasteful wall, cuts legal immigration, and ends our obligation to protect Dreamers. This is the latest example of Republicans putting Trump's anti- immigrant demands above moral decency, families, Dreamers, and the will of the American people. It is indefensible and immoral that this House continues to derail bipartisan efforts to protect Dreamers. The antics that we are witnessing are why the American people have lost faith that their Representatives can find bipartisan solutions to our Nation's most pressing issues. But as a Member of Congress in the minority party at a time of deep political division and instability, I still believe it is possible for us to work together to improve the well-being of families, children, and young people. Mr. Speaker, that is why I am asking and I am imploring you to join me in voting for the bipartisan Dream Act that upholds our values and fulfills our promise to protect Dreamers and their families. Mr. Speaker, I yield back the balance of my time. Mr. GOODLATTE. Mr. Speaker, I claim the time in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes. Mr. GOODLATTE. Mr. Speaker, I rise in strong opposition to this effort to distract us from the major problems that we are attempting to address in our country. This motion to recommit only--only--deals with amnesty for a far larger population of people than the American people expect to have addressed. The people who are the DACA recipients are people who arrived here as young children before June 15, 2007. This bill does nothing to solve the problem with the surge of people at the border of our country. It does nothing to create a new border security wall and fencing system, technology and personnel who are needed, and judges in courtrooms to process the huge number--the 600,000 backlog--of amnesty cases that we have. This does nothing to close the loopholes that are allowing people to enjoy what is called catch and release. When they come into the country, some of them even turn themselves in knowing that, ultimately, they are going to be released into the interior of the United States. We need to give the administration the tools they need to stop this problem. It is not a new problem. The Obama administration wanted a number of the changes that are in this bill with regard to clarifying things like the terrible Flores decision, which is at the heart of the problem we have with young children being separated from their parents. We fix those things in this legislation, and yet this would substitute all of that for something that is just targeted at what the other party wants to do. And they call upon us to work in a bipartisan fashion. This bill addresses all of the areas that need to be addressed, and they give lip service to the other areas, but they do not address them. This is proof of that by the fact that it only deals with amnesty. We need to have a movement to a merit-based immigration system. We need to end the terrible visa lottery system, which is a national security problem and which is something that does not benefit the American economy. We need to move from chain migration to a merit-based system, and we need to make sure that we treat the DACA recipients better than they are treated under the unconstitutional, illegal Obama process, but not at the cost of not doing the other three pillars that we are seeking to address. We need to address border security and interior enforcement; we need to end the visa lottery and move to a merit-based system; and we need to end chain migration. It also doesn't have anything about E-Verify or helping 1 million ***agricultural*** guest workers who want to work in this country legally and the farmers who want to have a system that allows them to do that legally. This is the bill that we need to pass, not this motion to recommit. I urge my colleague to oppose the motion to recommit and support the underlying legislation. Mr. Speaker, I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit. There was no objection. The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it. Ms. MICHELLE LUJAN GRISHAM. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of the passage of the bill. The vote was taken by electronic device, and there were--yeas 191, nays 234, not voting 2, as follows: [Roll No. 281] YEAS--191 Adams Aguilar Barragan Bass Beatty Bera Beyer Bishop (GA) Blumenauer Blunt Rochester Bonamici Boyle, Brendan F. Brady (PA) Brown (MD) Brownley (CA) Bustos Butterfield Capuano Carbajal Cardenas Carson (IN) Cartwright Castor (FL) Castro (TX) Chu, Judy Cicilline Clark (MA) Clarke (NY) Clay Cleaver Clyburn Cohen Connolly Cooper Correa Costa Courtney Crist Crowley Cuellar Cummings Davis (CA) Davis, Danny DeFazio DeGette Delaney DeLauro DelBene Demings DeSaulnier Deutch Dingell Doggett Doyle, Michael F. Ellison Engel Eshoo Espaillat Esty (CT) Evans Foster Frankel (FL) Fudge Gabbard Gallego Garamendi Gomez Gonzalez (TX) Gottheimer Green, Al Green, Gene Grijalva Gutierrez Hanabusa Hastings Heck Higgins (NY) Himes Hoyer Huffman Jackson Lee Jayapal Johnson (GA) Johnson, E. B. Kaptur Keating Kelly (IL) Kennedy Khanna Kihuen Kildee Kilmer Kind Krishnamoorthi Kuster (NH) Lamb Langevin Larsen (WA) Larson (CT) Lawrence Lawson (FL) Lee Levin Lewis (GA) Lieu, Ted Lipinski Loebsack Lofgren Lowenthal Lowey Lujan Grisham, M. Lujan, Ben Ray Lynch Maloney, Carolyn B. Maloney, Sean Matsui McCollum McEachin McGovern McNerney Meeks Meng Moore Moulton Murphy (FL) Nadler Napolitano Neal Nolan Norcross O'Halleran O'Rourke Pallone Panetta Pascrell Pelosi Perlmutter Peters Peterson Pingree Pocan Polis Price (NC) Quigley Raskin Rice (NY) Richmond Rosen Roybal-Allard Ruiz Ruppersberger Rush Ryan (OH) Sanchez Sarbanes Schakowsky Schiff Schneider Schrader Scott (VA) Scott, David Serrano Sewell (AL) Shea-Porter Sherman Sinema Sires Smith (WA) Soto Speier Suozzi Swalwell (CA) Takano Thompson (CA) Thompson (MS) Titus Tonko Torres Tsongas Vargas Veasey Vela Velazquez Visclosky Walz Wasserman Schultz Waters, Maxine Watson Coleman Welch Wilson (FL) Yarmuth NAYS--234 Abraham Aderholt Allen Amash Amodei Arrington Babin Bacon Banks (IN) Barletta Barr Barton Bergman Biggs Bilirakis Bishop (MI) Bishop (UT) Black Blackburn Blum Bost Brady (TX) Brat Brooks (AL) Brooks (IN) Buchanan Buck Bucshon Budd Burgess Byrne Calvert Carter (GA) Carter (TX) Chabot Cheney Coffman Cole Collins (GA) Collins (NY) Comer Comstock Conaway Cook Costello (PA) Cramer Crawford Culberson Curbelo (FL) Curtis Davidson Davis, Rodney Denham DeSantis DesJarlais Diaz-Balart Donovan Duffy Duncan (SC) Duncan (TN) Dunn Emmer Estes (KS) Faso Ferguson Fitzpatrick Fleischmann Flores Fortenberry Foxx Frelinghuysen Gaetz Gallagher Garrett Gianforte Gibbs Gohmert Goodlatte Gosar Gowdy Granger Graves (GA) Graves (LA) Graves (MO) Griffith Grothman Guthrie Handel Harper Harris Hartzler Hensarling Herrera Beutler Hice, Jody B. Higgins (LA) Hill Holding Hollingsworth Hudson Huizenga Hultgren Hunter Hurd Issa Jenkins (KS) Jenkins (WV) Johnson (LA) Johnson (OH) [[Page H5438]] Johnson, Sam Jones Jordan Joyce (OH) Katko Kelly (MS) Kelly (PA) King (IA) King (NY) Kinzinger Knight Kustoff (TN) Labrador LaHood LaMalfa Lamborn Lance Latta Lesko Lewis (MN) LoBiondo Long Loudermilk Love Lucas Luetkemeyer MacArthur Marchant Marino Marshall Massie Mast McCarthy McCaul McClintock McHenry McKinley McMorris Rodgers McSally Meadows Messer Mitchell Moolenaar Mooney (WV) Mullin Newhouse Noem Norman Nunes Olson Palazzo Palmer Paulsen Pearce Perry Pittenger Poe (TX) Poliquin Posey Ratcliffe Reed Reichert Renacci Rice (SC) Roby Roe (TN) Rogers (AL) Rogers (KY) Rohrabacher Rokita Rooney, Francis Rooney, Thomas J. Ros-Lehtinen Roskam Ross Rothfus Rouzer Royce (CA) Russell Rutherford Sanford Scalise Schweikert Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (MO) Smith (NE) Smith (NJ) Smith (TX) Smucker Stefanik Stewart Stivers Taylor Tenney Thompson (PA) Thornberry Tipton Trott Turner Upton Valadao Wagner Walberg Walden Walker Walorski Walters, Mimi Weber (TX) Webster (FL) Wenstrup Westerman Williams Wilson (SC) Wittman Womack Woodall Yoder Yoho Young (AK) Young (IA) Zeldin NOT VOTING--2 Jeffries Payne {time} 1404 Messrs. WEBSTER of Florida, SAM JOHNSON of Texas, ROE of Tennessee, GOSAR, and BOST changed their vote from ``yea'' to ``nay.'' Messrs. CUELLAR, LAWSON of Florida, Mses. CASTOR of Florida, JACKSON LEE, Messrs. BEYER, NOLAN, AL GREEN of Texas, and LARSON of Connecticut changed their vote from ``nay'' to ``yea.'' So the motion to recommit was rejected. The result of the vote was announced as above recorded. The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Recorded Vote Mr. NADLER. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote. The vote was taken by electronic device, and there were--ayes 193, noes 231, not voting 3, as follows: [Roll No. 282] AYES--193 Abraham Aderholt Allen Amodei Arrington Babin Bacon Banks (IN) Barletta Barr Barton Bergman Bilirakis Bishop (MI) Bishop (UT) Black Blackburn Blum Bost Brady (TX) Brat Brooks (AL) Brooks (IN) Buchanan Buck Bucshon Budd Burgess Byrne Calvert Carter (GA) Carter (TX) Chabot Cheney Cole Collins (GA) Collins (NY) Comer Conaway Cook Cramer Crawford Culberson Curtis Davidson Davis, Rodney DeSantis DesJarlais Donovan Duffy Duncan (SC) Duncan (TN) Dunn Emmer Estes (KS) Fleischmann Flores Fortenberry Foxx Gaetz Gallagher Garrett Gianforte Gibbs Goodlatte Gowdy Granger Graves (GA) Graves (LA) Graves (MO) Griffith Grothman Guthrie Handel Harper Harris Hartzler Hensarling Herrera Beutler Hice, Jody B. 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A motion to reconsider was laid on the table.

**Load-Date:** June 25, 2018

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[***A lot done - much more to do***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SD4-FT81-JCXV-K1S8-00000-00&context=1516831)

Infrastructure Investor

May 24, 2018 Thursday

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**Length:** 2400 words

**Byline:** PEI Staff

**Body**

The numbers are all out there. India will need $4.5 trillion for infrastructure development by 2040, driven by a growing population, rising income levels and greater economic prosperity, according to the government's Economic Survey 2018. And if India is to realise its desired GDP growth of more than 9 percent per ***year***, it needs to double its infrastructure spend to about 10 percent of GDP, Deloitte says.

Excluding what may be needed in future, the current infrastructure deficit is already costing the country up to 5 percent of GDP every ***year***, according to S&P Global Ratings. The ratings agency recently called India's poor infrastructure the "biggest hurdle" to government initiatives such as 'Make in India', an initiative aimed at turning India into a global manufacturing hub.

Sushi Shyamal, a Mumbai-based partner for infrastructure, industrial & consumer at EY, says India's industrial sector - which includes manufacturing, gas, electricity, water supply, utilities and construction - contributes 24 percent to Indian GDP. But, while the compound annual growth rate of India's GDP is about 7 percent, the country's industrial sector clocks in at about 5.5 percent.

In Shyamal's view, "the inability of infrastructure development to keep pace with economic growth has an impact not only on employment creation, commodities demand and the overall industrial output, but also a much larger impact on the economy by impacting trade, ***agricultural*** and industrial development activities."

"To stand a chance of meeting national infrastructure needs, most Asian governments - where public financing has historically made up more than 90 percent of infrastructure investment - must consider alternative financial solutions," says Blair Chalmers, Singapore-based director at the Marsh & McLennan Companies' Asia Pacific Risk Center. This underscores the need for private investment (and foreign investment) in India's infrastructure development, simply because the government cannot foot the bills by itself.

But Chalmers adds that, while there is an increasing appetite for emerging market infrastructure investments among institutional investors, global investors have global alternatives, and "it is therefore important that national governments step in to incentivise investors considering assets in their country, by helping reduce risk".

DEALING WITH RISK

There are several risks that still must be considered when investing in Indian infrastructure, although these are not exclusive to the country. The first is political or regulatory risk, which "is mainly driven by the lack of clarity and co-ordination among state government, central government and other government agencies", explains Anuj Singh, practice leader at Marsh India's infrastructure practice.

Allard Nooy, chief executive of InfraCo Asia, says one of the challenges is "understanding the similarities and differences between federal and state rules and regulations".

Market risk also remains a challenge, because, as Singh highlights, one industry can sometimes depend greatly on another. One example is the power industry, which is dependent on manufacturing. Since manufacturing has slowed down substantially across India, that has an impact on investments made in the power sector.

The third risk infrastructure investors point to is financing. Nooy says that "as a foreign direct investor, it's challenging in terms of how you structure your investment; and particularly how you structure your investment efficiently in terms of tax. It is complex - we have completed an investment on the basis of a convertible debenture and that requires a lot of work to get right, so it is a hurdle."

Additionally, project structuring remains a challenge and must be re-examined, particularly as investors have become wary about projects' risk-return profile, Anuj Singh says.

Separately, many infrastructure companies in India are faced with financing constraints, as they find it hard to raise funds from banks which themselves are loaded with a high amount of non-performing assets on their books. That, in turn, has forced banks to cut or restrict their exposure to many sectors, including infrastructure.

MASSIVE NEEDS

There are many infrastructure sectors in urgent need of investment. In the transport sector, while the development of roads and highways has been promising, railways, airports and urban infrastructure need urgent attention, industry participants stress.

Shyamal says immediate investment is needed to build newer airports to address the underpenetration and capacity challenges at major Indian airports, especially given the growing consumer demand for air travel, with domestic traffic increasing by about 17 percent in 2017.

Rail transport is an area where India is faced with crumbling infrastructure that is among the most obsolete globally, with Shyamal pointing out the sector is in need of urgent investment.

Then there are urban infrastructure requirements. Ritesh Kumar Singh, a corporate economist and former assistant director of the Finance Commission for India, says there are opportunities in urban transportation, such as metro lines; healthcare, particularly hospitals; affordable rental housing; and smart city projects.

This is not surprising, given that today three in 10 Indians live in urban areas and this share is going to continue increasing. With growing urbanisation, India will witness a higher demand not only for affordable housing, hospitals and urban transport, but also clean water supply, water and waste treatment, and sewerage treatment. According to Nooy, there are significant opportunities for investors in the water and waste management space, particularly municipal solid waste management.

"The waste management sub-sector is challenging, but offers a lot of opportunity given India's size and economic growth," he says.

From a business perspective, Kumar Singh says that, while the supply of power from conventional and renewable sources has improved - and cost is also going down - power supply varies significantly from state to state.

"For instance, there are power cuts in Uttrakhand and UP, but almost 24/7 supply in Gujarat and Maharashtra." Moreover, the quality of supply remains a problem for industrial consumers, "so we have frequent load shedding", he says. "Though open access in power purchase is allowed, state governments are imposing levies and charges to cross-subsidise the household consumers that increase the cost for industrial consumers, especially in the power-intensive manufacturing sector," he adds.

One other interesting investment opportunity, according to ICICI Venture, which manages an India-focused infrastructure fund, is in the logistics sector, which acts as in infrastructure enabler. With the implementation of the Goods & Services Tax and the commissioning of the 3,342km Dedicated Freight Corridor, the logistics sector is likely to provide greater investment opportunities, the firm says.

BRIGHT SPOTS

There are, of course, pockets of the infrastructure sector that are doing particularly well - both from the standpoint of improving the lives of the public, as well as providing opportunities to private investors.

Nooy singles out two sectors in which there has been significant progress on the back of a strong government push. "One is the transportation sector, which still offers good opportunities, though more brownfield than greenfield; the second is energy, and in particular the renewable energy sector including wind, solar and hydro."

The roads sector has experienced policy and regulatory evolution, most industry participants will tell you. One global infrastructure investor with interests in India says the National Highway Authority of India has been proactive addressing India's highway issues and, in doing so, has started implementing ***programmes*** and initiatives that are garnering significant interest from foreign investors.

One recent example is Macquarie Group's winning bid to manage 648km of highways for 30 ***years***, in what is India's first Toll-Operate-***Transfer*** project, a deal worth 96.8 billion rupees ($1.4 billion; (EURO)1.2 billion). There was strong global investor interest in the deal, with the Australian infrastructure investor beating bids from the likes of Brookfield, IRB/Autostrade and Roadis/NIIF.

This is a landmark deal in the Indian infrastructure sector, as it could mark the start of an asset-recycling ***programme*** across the country. It also illustrates what can be achieved by government bodies through well-structured initiatives and thorough preparation. For the government, this provides a cash injection that can be used for the development of roads and highways.

"Encouraged by the success, the NHAI is planning to roll out more TOT bundles, which continue to attract attention from large bidders like Brookfield, IRB Infra, Atlantia, Roadis and many others who are evaluating entry strategies and financing," Shyamal says. This has been a key achievement, he adds.

Another sector that continues to do well is renewables. One global infrastructure fund manager says that in the renewables space, India has displayed a strong policy and contractual record. There has been solid government support for the sector, which continues to grow. The fund manager adds that today India is one of the countries where renewables pricing is competitive, "so there's a sound economic underpinning for investments in renewables".

The Indian government has an ambitious target of achieving 175GW of installed renewables capacity by 2022. According to Shyamal, total renewable installed capacity was already at 69GW by April 2018, up from 23GW in 2012.

Sanjiv Aggarwal, Mumbai-based partner in Actis's energy business, says India has "defined a clear renewable energy roadmap" adding the "Indian renewables sector offers an opportunity to build a scale business, which is very attractive to institutional investors. Not many countries offer this currently."

According to Aggarwal, the Ministry of New and Renewable Energy and the Solar Energy Corporation of India are responding well to investor and independent power producers' concerns regarding implementation issues on evacuation, land and tariff issues at state level.

InfraCo's Nooy says: "The MNRE has done a fair amount of work on renewable energy targets and in creating frameworks whereby renewable energy power companies now have open access to the grid and can cross-sell." And he adds that owing to the targets set by the government, it has been able to bring to market many projects "where the preparatory work has been very well done, including commissioning land, thus reducing the hurdle rate for investors".

Aggarwal adds that the shift to competitive bidding from feed-in tariffs in wind over the past 18 months has been well implemented and is a good move that aligns with global best practices. He does add, however, that this shift slowed down capacity addition last ***year***.

Finally, "the decision to make the SECI the counterparty, from the second bid onwards, is a good one, as it has a higher credit standing than most state distribution companies", he adds.

While Aggarwal, like other investors spoken to, is optimistic about India meeting its 60GW installation target for wind before 2022, he cautions that grid evacuation and land could yet prove to be a setback. Distribution is a big challenge and could go on to a be a major limiting factor in the surge of renewables. There is a need for the government to continue investing in transmission and evacuation infrastructure to prevent it from becoming a bottleneck.

One other challenge is the regulatory uncertainties in the solar sector with respect to anti-dumping/safeguard duties. Aggarwal points out that investors need certainty in these aspects or else they will start pricing their risks in their bids, which, in turn, will imply that consumer tariffs will not fall as far as they can.

MANY BARRIERS REMAIN

Over the past few ***years***, while India has attracted significant investment interest from various foreign investors, Shyamal points out the country is yet to see a continuous source of financing from global pension funds and insurance companies.

"One of the key impediments to attracting interest from long-term investors has been inappropriate risk-sharing mechanisms between private and public players," he says. In his view, too much risk currently gets ***transferred*** to the private sector, risks it cannot easily insure - that is seen as a deterrent for investors with a low-risk appetite.

The stressed finances of public-sector banks, due to a high proportion of non-performing loans and now loan fraud, is limiting their capacity and willingness to lend to risky infrastructure projects. And issues related to land acquisition, forest clearances and time and cost overruns are also key challenges.

Shyamal zeroes in on land acquisition, an issue that has plagued Indian infrastructure for a long time now. "It has been one of the biggest deterrents for foreign developers investing in greenfield projects in India," he says.

In addition to consistent policy and a regulatory framework, ICICI Venture argues it is important there be a focus on creating alternate channels of financing infrastructure projects, such as corporate bonds, especially considering the debt-servicing challenges faced by many infrastructure assets currently.

Robust rights to ***payment***, the presence of strong and independent legal recourse, certainty over permits and access to land are all examples of factors that need to be in place for investors to invest in any emerging country, says Chalmers, as they provide a base level of investor confidence. In addition to that, investors will expect to see a clear pipeline of projects being committed to as part of a national infrastructure plan.

There is consensus that the Indian government is cognisant of these challenges, and of what it needs to do to draw greater sums of private (including foreign) capital into the Indian infrastructure sector.

Poor infrastructure can lower productivity, increase the costs of doing business and limit inward FDI. These are problems that India can ill-afford, particularly given that its economy is already growing at slower-than-expected rates. Given that it is in competition with other emerging markets for investment, it needs to up its game.

This is the first part of our India Special series. More stories will be published soon.

**Load-Date:** May 24, 2018

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[***Council of the European Union: Association Implementation Report on Ukraine PDF document ST 14037 2018 INIT09-11-2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SR7-M131-F0YC-N1W0-00000-00&context=1516831)

Impact News Service

December 1, 2018 Saturday

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**Length:** 11304 words

**Body**

Brussels: Council of the European Union has issued the following document:

14037/18 DF/mm RELEX 2.A EN Council of the European Union Brussels, 9 November 2018 (OR. en) 14037/18 COEST 217 WTO 288 COHOM 137 JAI 1110 COTER 153 FIN 869 ENER 369 TRANS 524 PROCIV 76 ENV 736 COVER NOTE From: Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director date of receipt: 7 November 2018 To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union No. Cion doc.: SWD(2018) 462 final Subject: Association Implementation Report on Ukraine Delegations will find attached document SWD(2018) 462 final. Encl.: SWD(2018) 462 final EN EN EUROPEAN COMMISSION HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY Brussels, 7.11.2018 SWD(2018) 462 final JOINT STAFF WORKING DOCUMENT Association Implementation Report on Ukraine 1 Association Implementation Report on Ukraine 1. Summary In line with the revised European Neighbourhood Policy, this report sets out the state of play of Ukraine's commitments under the EU-Ukraine Association Agreement since the publication of the last Association Implementation Report on Ukraine on 15 November 2017, and ahead of the EU-Ukraine Association Council of 17 December 2018. In 2018, Ukraine has further advanced in its reform process, which is closely connected to the implementation of the Association Agreement (AA). During the reporting period, Ukraine continued to set up inter-institutional mechanisms to further the Association Agreement implementation, including the Deep and Comprehensive Free Trade Area (DCFTA), and demonstrated additional efforts to streamline the process. The alignment of Ukraine's Government and Parliament was underpinned by their joint Roadmap for implementation of the AA adopted in February 2018 and updated in September 2018. In spring 2018, the Government presented its annual AA implementation report, setting out the state of play of the AA implementation sector by sector1. In line with Ukraine's European integration communication strategy, a first Government communication campaign 'Power of Opportunities' and a dedicated web portal2 were launched in May 2018. In 2018, a number of draft laws from the Roadmap for AA implementation3 were adopted, related to decentralisation, intellectual property rights, environment, company law, food safety and energy.

In addition, some progress has been reported in the implementation of certain sectoral commitments under the AA, in particular related to sanitary and phytosanitary issues, competition, trade remedies, transparency, public procurement, technical barriers to trade, environment, climate action, energy (including energy efficiency), financial services, intellectual property rights, customs, accounting and auditing. A number of important reforms in the social sector, launched at the end of 2017, are being carried out, in particular in the area of pensions, healthcare and education. Public administration and decentralisation reforms continued to be implemented steadily. Reforms also advanced in the areas of the judiciary and anti-corruption, albeit at a slower pace. The renewal of the judiciary continued with the newly established Supreme Court becoming operational in late 2017. However, there have been only few convictions in high-level corruption so far and none of them concerned top-level officials. The legislation establishing the new High Anti-Corruption Court was adopted in June 2018 and the selection of judges and other practical tasks have started. There has been progress in the establishment of an automatic verification system for electronic asset declarations, as the necessary verification software was launched in September and connections to some registers for cross-checking of information are established. Further measures are however required to establish a fully functioning system and to prove a convincing track record of effectively verified declarations of high-level officials. The issue of obliging anti-corruption activists and foreign members of supervisory boards of state-owned enterprises to file asset declarations remains unresolved despite commitments made by the Ukrainian authorities and repeated appeals by the EU. Economic and sectoral reforms have continued. On the reform of State Owned Enterprises (SOEs) and privatisation in the last financial reporting period large SOEs have continued 1 Link: [*https://eu-ua.org/zvity-pro-vykonannia-uhody-pro-asotsiatsiiu*](https://eu-ua.org/zvity-pro-vykonannia-uhody-pro-asotsiatsiiu) 2 Link:   [*https://eu-ua.org/*](https://eu-ua.org/). See also:   [*https://www.kmu.gov.ua/en/news/uryad-shvaliv-novij-brend-ukrayina-zaraz-sho-zabezpechit-yedinij-stil-prezentaciyi-derzhavi-v-sviti*](https://www.kmu.gov.ua/en/news/uryad-shvaliv-novij-brend-ukrayina-zaraz-sho-zabezpechit-yedinij-stil-prezentaciyi-derzhavi-v-sviti) 3 The September 2018 version of the Roadmap consists of a package of 50 draft laws in total. 2 increasing profit levels and in 2018 several independent Supervisory boards were established. On privatisation the main success has been the sale of hundreds of small assets with several other hundred expected by the end of the ***year***. The reform of the banking sector continued, with strengthening regulatory and supervisory environment, developing strategies on how to address the high level of non-performing loans and reforming state-owned banks. Furthermore, while steps have been taken towards recovering embezzled funds of almost USD 5.5 billion of PrivatBank prior to its nationalisation by filing court cases, there is little progress so far on the recovery of the misappropriated state funds as well as on related measures of prosecution. In the energy sector, Ukraine has continued the work on developing secondary legislation, based on the legislative changes adopted over the past ***years***. Moreover, work on energy efficiency has substantially progressed with the operationalisation of the Energy Efficiency Fund with substantial financial EU support linked to clear conditionality advancing reforms in the sector. However, there has been little progress in the creation of independent gas and electricity transmission system operators. The renewal and unblocking of the Energy Regulator took place in June 2018. In some areas, such as transport, legislative approximation is delayed. Despite the stabilisation of the economy achieved over recent ***years***, Ukraine continues to rely on international financial assistance (including by the International Monetary Fund (IMF)4 and EU macro-financial assistance ***programmes***) to preserve its macroeconomic stability. A landmark bill on the reform of the security sector was adopted in June 2018, introducing the principle of parliamentary scrutiny over the security apparatus. All these developments occurred while the country continues to be affected by the ongoing destabilising actions by Russia in the east of Ukraine, the illegal annexation of Crimea and Sevastopol, further militarisation and hindering and delaying the passage of vessels in the Azov Sea and construction of the Kerch bridge without Ukraine's consent. 2. Political dialogue, good governance and strengthening institutions 2.1 Democracy, human rights and good governance Ukraine has a parliamentary-presidential system. The next regular presidential elections are expected in March 2019 and parliamentary elections in October 2019. Local self-government has been strengthened by the decentralisation reform launched in 2015, which has further advanced in 2018, with 705 new amalgated hromadas (municipalities) established since 2015. The law which allows major cities of a region (Oblast) to become part of the amalgamation process was adopted in May 2018. On 20 September 2018, the Parliament appointed 14 new members of the Central Election Commission (CEC), to replace those whose mandates expired in 2014 and in 2017. One seat remains vacant. The renewed CEC scheduled constituent local elections in over 120 newly amalgamated communities for December 2018. Electoral legislation still remains to be harmonised and aligned with international recommendations. A new draft electoral code, which could provide the basis for the electoral reform, passed first reading in November 2017. At the same time, more than 1.6 million internally displaced persons (IDPs) remain deprived of parts of their voting rights in the 4 On 19 October 2018, the IMF and the Ukrainian authorities reached a staff-level agreement on a new Stand-By Arrangement (SBA). See:   [*https://www.imf.org/en/News/Articles/2018/10/19/pr18392-imf-and-ukrainian-authorities-reach-staff-level-agreement-on-a-new-stand-by-arrangement*](https://www.imf.org/en/News/Articles/2018/10/19/pr18392-imf-and-ukrainian-authorities-reach-staff-level-agreement-on-a-new-stand-by-arrangement) 3 absence of dedicated legislation. In December 2017, the Constitutional Court invalidated the provision adopted in February 2016, whereby political parties were allowed to modify lists of parliamentary candidates after the elections. The decision is in line with the 2016 recommendations by the Venice Commission. The implementation of the 2015-2020 National Strategy and Action Plan on Human Rights is ongoing. A new ombudsperson (Parliamentary Commissioner for Human Rights) Liudmyla Denysova was elected in March 2018. The human rights situation in the illegally annexed Crimean peninsula continued to deteriorate in 2018. The systematic repression of individuals and groups who refuse to align themselves with the de-facto 'authorities' continued unabated, with an increasing number of human rights abuses including arbitrary arrest, torture and ill treatment.5 The activities of the Crimean Tatar Mejlis remain banned since 2016 under Russian law and wide-ranging restrictions to the community as well as its leaders are still in place. Human Rights and fundamental freedoms, such as freedom of opinion and of expression, continue to be severely curtailed by armed groups in the Non-Government Controlled Areas (NGCA) of eastern Ukraine, including via targeted killings, arbitrary and incommunicado detention, sexual and gender-based violence, torture, and arbitrary violation of property rights.6 The humanitarian situation in eastern Ukraine remains of serious concern and continues to present a challenge to the country, for the fifth consecutive ***year***. According to various international interlocutors, including the United Nations (UN), the humanitarian situation has even worsened throughout 2018, due to the continued indiscriminate shelling of civilian infrastructure, the deterioration of the economic situation in NGCA as a result of the conflict, and decreasing international assistance. Humanitarian access to NGCA remains limited though some improvement was achieved during May 2018 with renewed access for a number of UN agencies7 to NGCA territory. The situation is particularly dire in the sectors of health, food, protection and access to basic infrastructure and utilities. 3.4 million people on both sides of the contact line remain in need of humanitarian assistance and protection. At present, only 29% of the 2018 UN Humanitarian Response Plan for Ukraine is funded. Environmental damage and waterborne diseases remain a real risk. Modalities for the provision of social benefits to IDPs remain very cumbersome, while pensioners residing in NGCA continue to face difficulties in accessing their pensions. An appropriate legislative framework to ensure the respect of IDPs' rights remains to be adopted. In 2018, the Government adopted an Action Plan for NGCA, which was welcomed by the international community for its inclusive approach and attempt to bring the State closer to citizens residing in NGCA. However, the temporary suspension of cargo ***transfers*** to and from NGCA (except humanitarian), in place since March 2017, following the confiscation of Ukrainian companies by the so-called 'authorities' in the NGCA, continues to pose serious challenges for the economic aspects of the Action Plan. 5 Report on the human rights situation in Ukraine 16 February to 15 May 2018, the Office of the United Nations High Commissioner for Human Rights,   [*https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018\_EN.pdf*](https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018_EN.pdf) 6 Report on the human rights situation in Ukraine 16 February to 15 May 2018, the Office of the United Nations High Commissioner for Human Rights,   [*https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018\_EN.pdf*](https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018_EN.pdf) 7 UN Children's Fund (UNICEF), UN High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM) and UN Office for the Coordination of Humanitarian Affairs (OCHA). 4 With a high level of contamination of mines, civilians are exposed to injury and death and often lack access to ***agricultural*** land. Over 1,600 casualties have been recorded in eastern Ukraine since 2014 due to extreme levels of landmine and other explosive remnants of war contamination. According to the UN, the contact line in eastern Ukraine has become one of the most mine-contaminated stretches of land in the world, globally counting the largest number of casualties.8 Ukraine has not yet established a National Mine Action Centre and not yet adopted appropriate demining legislation that would ensure proper coordination of the work of its agencies and allow international humanitarian actors to further assist the country in addressing this major security concern. In December 2017, the Parliament adopted amendments to the Criminal Code and the Criminal Procedural Code related to sexual and gender-based violence. A new law on domestic violence was adopted at the same time and is largely in line with the Istanbul Convention, which is still to be ratified. The Government Commissioner for Gender Equality Policy was officially nominated in early 2018. In April 2018, a State Social ***Programme*** on Equal Rights and Opportunities for 2018-2021 was approved. The ***programme*** looks at strengthening the institutional mechanisms and an integrated approach for enhancing gender equality in all areas of public life in Ukraine. In 2018, the 2016-2020 National Action Plan for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security will undergo a mid-term review, to be followed up by relevant amendments. In 2018, the Kyiv Equality March was held peacefully. However, attacks on Women's Marches on the occasion of International Women's Day were recorded. An increased amount of hate speech and violence targeting minority groups including LGBTI and Roma has been documented by the UN Human Rights Monitoring Mission in Ukraine. The majority of these were reportedly perpetrated by extreme right-wing groups. Following the December 2017 Venice Commission opinion on the language provisions of the new framework law on education, the Ukrainian authorities took a number of steps taking into account these recommendations. In early 2018, a roadmap for the implementation of the article in question was drawn up and consultations with representatives of minorities started in June-July 2018 with a view to further legislative steps regarding implementation. The Parliament has yet to adopt the legislative amendments proposed by the Government to extend the transitional period of the law on education, in line with recommendations by the Venice Commission. The public broadcasting service (PBS) established in 2017 has remained underfinanced in 2018 with only 50% of the budgetary allocation stipulated under Ukrainian law. The financial situation rendered PBS unable to fulfil its basic financial obligations till the end of the ***year*** and prompted it to take austerity measures in September 2018, affecting its staff and postponing ***payments*** for contractual obligations. Due to its insolvency, PBS analog broadcasting was cut off in all regions. Other expected consequences of such underfunding are the switch off of the analog signal for PBS radio stations as well as the switch off of digital broadcasting. While freedom of the media is broadly respected in Ukraine, as of September 2018 the Institute of Mass Media reported that since the beginning of the ***year***, there have been 67 cases registered of impediment to lawful professional activities of journalists, 24 cases of threats, 22 cases of beatings of journalists, and 12 cases of limitation of access to information. The 8   [*https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2018\_02\_protection\_cluster\_-\_mine\_action\_en\_0.pdf*](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2018_02_protection_cluster_-_mine_action_en_0.pdf) 5 investigation into the 2016 high-profile killing of the prominent journalist Pavlo Sheremet has not brought results, while the trial of two suspects for the killing of journalist Oles Buzyna commenced in February 2018. Progress has been made in the area of Public Administration Reform (PAR)9. In 2017-2018, the Government aimed at strengthening its capacity to design policies and legislation, including those stemming from the AA. A centralised, transparent and merit-based recruitment system has been launched through a dedicated web-platform (career.gov.ua) with close to 24 000 applications received between October 2017 and September 2018 for approximately 1010 positions published. The Government of Ukraine has initiated the process of updating its PAR Strategy in line with recommendations of a baseline measurement of Ukraine's public administration prepared by the EU-OECD 'SIGMA' ***programme***. In 2018, Ukrainian civil society continued to play a very active role in the promotion, design and oversight of reforms, especially in the areas of anti-corruption, judiciary, human rights, decentralisation, energy, and healthcare. Some civil society actors denounced increased pressure from authorities on their activity. Various attacks on civil society activists have been documented in different cities of Ukraine. The legal provision requiring anti-corruption non-governmental organisations (NGOs) to submit electronic asset-declarations introduced in 2017 remains in place. Throughout 2018, Ukrainian civil society organisations continued to take an active part in the Eastern Partnership Civil Society Platform and the EU-Ukraine Civil Society Platform foreseen by the Association Agreement. 2.2 Foreign and security policy The security situation in eastern Ukraine remains very tense and volatile. Despite a series of renewed commitments to the ceasefire, the situation continues to be marked by daily ceasefire violations on both sides, use of heavy weapons, destruction of critical civilian infrastructure and major mine contamination. The Office of the UN High Commissioner for Human Rights (OHCHR) estimates that more than 10 250 people have been killed and 24 600 injured since the start of hostilities in Donbas in 2014. Furthermore, according to the United Nations Office in Ukraine, over 3 000 civilians have been killed and more than 9 000 injured in eastern Ukraine over the same period.10 The Law on Reintegration of the Donbas11 entered into force in February 2018 and defines Russia as 'an occupying force' which should assume responsibility for ensuring the rights of civilians living in the 'occupied area'. In line with this new law, in May 2018 the Ukrainian Armed Forces formally took over the responsibility for the strategic coordination over the operations in the east from the Security Service of Ukraine. On the diplomatic front, the Minsk process remains stalled. The four working groups under the Trilateral Contact Group have continued to meet on a regular basis. The main result since the 2017 Association Implementation Report was an exchange of some 300 prisoners in December 2017. However, no tangible progress has been achieved on the security and 9 The Government published the Annual Report on the PAR Strategy implementation in 2017 on 23 April 2018. It shows that 55% of planned activities for 2017 are on track; 31% implemented with some delay; and 14% either not implemented or significantly delayed. A baseline measurement of Ukraine's public administration launched by the EU-OECD 'SIGMA' ***programme*** in November 2017 was finalised and published in June 2018. Available at:   [*http://www.sigmaweb.org/publications/Baseline-Measurement-Report-2018-Ukraine.pdf*](http://www.sigmaweb.org/publications/Baseline-Measurement-Report-2018-Ukraine.pdf) 10   [*http://www.un.org.ua/en/information-centre/news/4406-on-world-humanitarian-day-united-nations-calls-for-the-protection-of-civilians-in-eastern-ukraine*](http://www.un.org.ua/en/information-centre/news/4406-on-world-humanitarian-day-united-nations-calls-for-the-protection-of-civilians-in-eastern-ukraine) 11 Formally titled the law 'On the special aspects of state policy aimed at ensuring Ukraine’s state sovereignty over the temporarily occupied areas of the Donetsk and Lugansk Regions'. 6 political tracks of conflict resolution efforts. The work of the Organisation for Security and Cooperation in Europe Special Monitoring Mission (OSCE SMM) continues to face obstacles, mainly in NGCA, in particular close to the Russian border. Ukraine is challenging Russia's illegal annexation of the Crimean peninsula inter alia under the United Nations Convention on the Law of the Sea (UNCLOS). Ukraine submitted its further legal arguments in the ongoing arbitration case against Russia under UNCLOS in early 2018. Since the illegal annexation of the Crimean peninsula, Russia has reportedly tripled the number of military servicemen in the peninsula, and has deployed advanced long-range missile systems there. In March 2018, Russian presidential elections were held for the first time in illegally annexed Crimea and Sevastopol. In May 2018, the Council of the EU added five persons involved in the organization of the elections to the list of those subject to restrictive measures over actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine12. In May 2018, the Kerch Strait bridge was inaugurated by President Putin. It was constructed without Ukraine's consent and connects the illegally annexed Crimean peninsula with the annexing state, Russia. The bridge also has negative economic consequences for Ukrainian ports and exporters, as the largest cargo ships can no longer pass through the Kerch Strait to the ports of Mariupol and Berdyansk. Tension in the Azov Sea increased since spring 2018, when Russia started to halt and inspect many non-military vessels passing through the Kerch Strait to and from the Ukrainian mainland ports in the Azov Sea. These inspections have resulted in delays of more than two days in the cargo traffic to and from Ukrainian ports in the Azov Sea. In July 2018, the Council of the EU added six entities involved in the construction of the Kerch Bridge to the list of those subject to restrictive measures over actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine13. In May 2018, the Joint Investigation Team presented further findings on the downing of flight MH17. It concluded that the installation used to bring down the flight MH17 belonged beyond doubt to the armed forces of the Russian Federation. In July 2018, the Ukrainian Parliament ratified a Treaty that aims at delegating jurisdiction in this case to the Dutch judicial system14. Ukraine pursues the MH17 case in the International Court of Justice alleging Russian violations of the UN Convention for the Suppression of the Financing of Terrorism. On 21 September, Ukraine informed Russia on its decision not to prolong the Treaty on Friendship, Cooperation and Partnership between Ukraine and Russia, which was signed in 1997.15 From January 2018 until 23 October 2018, Ukraine aligned with 26 out of 58 EU Common Foreign and Security Policy declarations it had been invited to support. Ukraine has continued to cooperate with the EU on regional and international issues. 12 Council Decision (CFSP) 2018/706 of 14 May 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. 13 Council Decision (CFSP) 2018/1085 of 30 July 2018 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. 14 The agreement between Ukraine and the Netherlands on international legal co-operation concerning crimes related to the downing of MH17 was signed in Tallinn on 7 July 2017. 15 The treaty was due to expire on 31 March 2019. 7 2.3 Justice, Freedom and Security By September 2018, the National Anticorruption Bureau of Ukraine (NABU), in cooperation with the Specialised Anticorruption Prosecutor's Office (SAPO), had initiated 644 pre-trial investigations in high-level corruption cases, including against public figures in Ukraine. However, the conviction rate of these cases remains very low at 21 cases as the vast majority of cases are blocked in Ukraine’s ordinary courts. So far, no high-level official has been convicted of corruption. To address this issue, Ukraine adopted in June 2018 legislation to establish a High Anti-Corruption Court (HACC) that should be staffed with independent judges selected in a competitive process with international participation. Once established, the HACC will consider cases under NABU’s jurisdiction. The law foresees the creation of a Public Council of International Experts (PCIE), which assists the High Qualification Commission of Judges (HQCJ) with the selection of judges and has the power to collectively disqualify a candidate-judge. In mid-September 2018, five international organisations, including the EU, jointly nominated a list of 12 international experts as candidates for the PCIE. The selection of the six members of the PCIE is outstanding. The EU will provide technical assistance to the selection process as well as the establishment of the High Anti-corruption court. Donors have stressed the importance to amend certain rules of the selection procedure to ensure a fully transparent and merit-based selection process. Following a probe by NABU for hampering investigations, disciplinary proceedings were launched against the Head of SAPO in April 2018. However, the Qualification and Disciplinary Commission of Prosecutors (QDCP), despite having received evidence that the Head of SAPO committed gross violation of prosecutorial ethics, recommended a reprimand instead of the dismissal of the Specialised Anti-corruption Prosecutor. This decision caused strong reaction from the international community, as well as NABU and civil society, who expressed concerns about the effective functioning, independence and cooperation of the anti-corruption institutions as well as the damaging effect on the reputation of SAPO. NABU appealed the decision of the QDCP before the Supreme Court, which will have to decide on the admissibility of this appeal and only in a second stage take a decision on its merits. By October 2018, the National Agency for Prevention of Corruption (NAPC), in charge of the electronic asset declaration system for public officials, only managed to verify some 400, out of 2.7 million, e-declarations currently uploaded on the system. In September 2018, NAPC put into operation automated software to verify the very high number of e-declarations and obtained access to some state registers to cross-check information submitted by public officials. Despite this progress, NAPC has not yet produced a convincing track record of effectively verified declarations of high-level officials. The extension of the requirements for e-asset declarations to NGO activists, international experts working in the field of anti-corruption and foreign members of supervisory boards of state-owned enterprises has not yet been lifted. An opinion by the Venice Commission from March 2018 clearly spoke against the requirements introduced by the Ukrainian parliament in spring 2017. Any additional reporting requirements imposed on NGOs would have to be in line with the expert opinion of the Council of Europe. During 2017-18, the renewal and reform of the judiciary continued. Ukraine’s new Supreme Court became operational in December 2017 through a new recruitment process with unprecedented transparency. Nevertheless, the Public Integrity Council (PIC), which consists essentially of civil society experts, expressed doubts about the integrity of 25 of the 113 judges appointed, thereby raising concerns about the perception of the new court. The re- 8 evaluation of 5 157 judges resumed in January 2018. In addition, the recruitment of some 750 new judges (first instance and specialised courts) started. In March 2018, the PIC suspended its participation in the process of qualification assessment of judges quoting unrealistic time frames for the assessment of thousands of judges and the ignoring of negative PIC opinions. In September 2018, the Cassation Administrative Court of the Supreme Court recognized as unlawful and abolished relevant provisions of the Rules of Procedure of the High Qualification Commission of Judges (HQCJ), which had introduced additional requirements and pre-conditions for the consideration by the Council of negative opinions on candidates issued by the Public Integrity Council. This ruling can still be appealed. Meanwhile, the international community, in talks with the HQCJ and the PIC, has been mediating to facilitate the return of the latter in the selection/re-evaluation process. According to the High Qualifications Commission of Judges, as of August 2018, 1 486 judges completed the qualification assessment, of which 1 245 (84%) judges were found to meet the necessary requirements, while 241 judges (16%) failed to pass the assessment. Additionally, the HQCJ postponed consideration of matters in relation to 289 more judges. Since 2016, 2 470 judges voluntarily resigned without waiting for re-evaluation, representing 28% of their total number. In February 2018, the Constitutional Court appointed its president and started adjudicating a number of pending cases, including on highly politically charged ones, demonstrating strengthened independence from political interference. In the area of law-enforcement, the State Bureau of Investigation (SBI) was established with the selection of its leadership in November 2017. Once operational and fully staffed, the SBI will be able to take over most investigative powers from the Prosecutor General's Office and investigate crime committed by public officials outside NABU's exclusive jurisdiction. However, as the SBI has not yet become operational, Ukraine does not have an institutional structure in place to register and investigate complaints regarding criminal offences committed by law enforcement officers, as foreseen by the EU-Ukraine Association Agenda. The cases formally under the SBI’s investigative jurisdiction are currently investigated by other law enforcement agencies, thus infringing on the model of delineation of competences prescribed by the procedural legislation. Concerns were raised by civil society organisations and the international community against nominations for senior management positions in SBI made by a politically appointed External Commission. On 21 June 2018, Ukraine's Parliament adopted the Law on National Security. This framework law covers definitions, delineations and oversight mechanisms for the whole security sector and includes provisions for the effective subsequent reform of the Security Service of Ukraine (SSU), which would need to be regulated by appropriate secondary legislation. A genuine SSU reform has a potential to strengthen the rule of law, enhance the business climate and increase trust for the SSU. A Law on Cybersecurity, adopted in 2017, entered into force in May 2018. It delineates responsibilities and mechanisms for coordination as regards cybersecurity. In 2018, the reform of the National Police of Ukraine (NPU) continued to be implemented. The EU has maintained its support to rule of law reforms in Ukraine in an integrated approach through the EU Advisory Mission for Civilian Security Reform (EUAM) and the EU-funded support ***programmes*** on Rule of Law and Anti-corruption. As of 31 August 2018, citizens of Ukraine have made over 25.9 million trips to EU countries since the visa free regime for short term stays for Ukrainian citizens holding biometric passports entered into force in June 2017. Six million Ukrainian citizens have crossed the 9 border with biometric passports (23% of the total), of which 1.3 million without visas. The demand for biometric foreign travel documents remains high and new manufacturing equipment was purchased to improve processing time. In 2018, Ukraine stepped up measures to prevent irregular migration. The number of detained irregular migrants increased during the first half of 2018 by 46%16 as compared to the similar period of 2017. During 2018, the State Border Guard Service together with the National Police and the State Migration Service conducted a number of special operations aimed at preventing violation of migration and border regulations. In 2018, the Temporary Accommodation Centre for Refugees in Yagotyn received its first asylum seekers. 3. Economic development and market opportunities 3.1 Economic development Ukraine's economy has continued the recovery started in 2016, following the recession of 2014-2015. GDP grew by 2.5% in 2017 and is projected to grow by 3.5% in 2018. Ukraine has made significant progress in consolidating public finances, notably by reducing the fiscal deficit from 4.5% GDP in 2014 to 1.4% in 2017. Inflation has decreased substantially since 2015, down to 13.7% in 2017 and 8.9% by July 2018. The exchange rate of the local currency, the Hryvnia, has remained relatively stable, notwithstanding the volatility of other emerging market currencies. International foreign exchange reserves had been steadily growing, and reached nearly USD 18.8 billion at end-2017, but slipped to USD 17.2 billion between January and August 2018, largely due to foreign debt repayments, which increased in 2018 and will rise further in 2019, as repayments on restructured Eurobonds have to be resumed. The economic stabilisation has been supported by prudent macroeconomic policies and significant international financial and technical assistance, including the macro-financial assistance ***programme*** provided by the EU. The overall unemployment rate remained stable at 9.5% in 2017 and slightly decreased to 9.2% by the first half of 2018. Ukraine has improved its business environment in recent ***years***, though this progress is stalling to some extent. According to the World Bank's Doing Business survey, Ukraine ranks 76th in 2018, which is an improvement from 80th in 2017, and 142nd in 201017. Foreign direct investment remains relatively low at USD 2.3 billion in 2017. In 2017/18, the banking sector continued to stabilise. The new Governor of the National Bank of Ukraine (NBU) was appointed on 15 March 2018. The NBU is working to implement a comprehensive banking sector development ***programme***, while introducing international rules for capital adequacy, liquidity, corporate governance, information disclosure and risk management in the banking sector. The new Risk Management Regulation for Ukrainian Banks was adopted by the NBU Board in June 2018. Furthermore, the NBU is working on a strategy to deal with the high level of non-performing loans, which still present a systemic risk, albeit mitigated by a high level of provisioning. After the nationalisation of the systemically-important PrivatBank in December 2016, the bank has been successfully managed by the Ukrainian authorities and its governance improved. Some steps have been taken towards recovering the embezzled funds of almost USD 5.5 billion by filing court cases against former owners in Ukraine and in foreign jurisdictions, including the initiation of lawsuits in London and Switzerland against former owners. 16 Source:   [*http://migraciya.com.ua/news/ua-min-ust/sergjj-jarovijj-do-knja-serpnja-v-ukran-trivatime-speoperaja-mgrant*](http://migraciya.com.ua/news/ua-min-ust/sergjj-jarovijj-do-knja-serpnja-v-ukran-trivatime-speoperaja-mgrant) 17 Source:   [*http://www.doingbusiness.org/en/data/exploreeconomies/ukraine*](http://www.doingbusiness.org/en/data/exploreeconomies/ukraine) 10 Furthermore, the Government adopted strategic principles for reforming state-owned banks (SOBs) in February 2018, followed by an implementation plan given the extensive state ownership in the banking sector. On 5 July 2018, the Ukrainian Parliament adopted a law on improving functioning of the financial sector, which includes obligatory Supervisory Boards for SOBs with a majority of independent members. Following the adoption of the Law on Credit Registry in February 2018, full-fledged operations started in July 2018. On 3 July 2018, a law was adopted to improve protection of creditors' rights. Finally, a law to allow for a gradual liberalisation of currency operations and capital flows was adopted on 21 June 2018 and will enter into force at the beginning of 2019. In the non-banking financial sector, a draft law on Financial Regulatory Reform has been pending in the Parliament since August 2016. A draft law to provide the National Commission for Securities and Stock Market with necessary enforcement powers and operational and financial independence is also pending since April 2017. Adoption of both laws would allow for a better integration of regulatory and supervisory powers over financial markets in Ukraine. The delay in the institutional strengthening is also stalling upgrading the legal and regulatory framework for non-bank financial institutions. The implementation of the Public Finance Management (PFM) strategy and the Action Plan adopted in 2017 continued during 2018. To strengthen medium-term budget planning and ***programme***-based budgeting, the Government submitted legal amendments to the Parliament in February 2018. In order to optimise public expenditure, the Government launched spending reviews in five public institutions. In internal control and audit, the Ministry of Finance prepared and published a performance review of the internal audit function across the Government. In external audit, after a two-***year*** delay, in March 2018 the Parliament put in place a new college of the Accounting Chamber of Ukraine, allowing it to reform external audit and bring it closer to the international standards. In July 2018, Ukraine signed the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting, which is now to be ratified by the Parliament. In revenue mobilisation, a long overdue medium-term consolidated and comprehensive reform plan for the State Fiscal Service (SFS) has not yet been adopted by the Government. The function of investigation of economic crimes remains underdeveloped; several draft laws on establishing a new institution to deal with financial crimes are registered in the Parliament. Yet, a political consensus on setting up a professional, politically neutral and analytical new body is outstanding. On customs and trade facilitation, Ukraine is behind schedule in implementing commitments of the AA and joining the Conventions on a Common Transit Procedure and on the Simplification of Formalities in Trade in Goods. Ukraine's legislation aimed at approximating EU customs legislation, and in particular draft laws on authorised economic operator, common transit procedure, enforcement of intellectual property rights and customs relief for travellers with EU, regulations still need to be adopted by the Parliament. Ukraine became a full member of the Regional Convention on pan-Euro-Mediterranean (PEM) preferential rules of origin convention on 1 February 2018. The revised law on statistics, pending since 2016, has not yet been considered by the Parliament. The lack of professional independence in the State Statistics Service remains a source of concern. In May 2018, Ukraine adopted the Action Plan of the Strategy for the development of Small and Medium Enterprises (SMEs). The Action Plan indicates specific support measures for SMEs, also as a result of the analysis done by the EU-financed Better Regulation Delivery Office (BRDO). These measures specifically address the regulatory 11 framework, which is still tarnished by a number of problematic or outdated legal acts. With regard to the reform of SOEs, profits of the top-100 State owned enterprises have increased by 38% in 2017. In 2018, new recruitment procedures passed in early 2018 have resulted in the appointment of independent Supervisory Boards at three large SOEs. In 2018, the government has also passed guidelines on the State Ownership policy. The Parliament has still to pass the law that will effectively empower supervisory boards. On privatisation, the implementation of the new law passed in early 2018 has resulted in the successful privatisation of hundreds of small assets with several hundred more expected by the end of the ***year***. As regards the privatisation of large SOEs, the State Property Fund has recently appointed privatisation advisers for a few large SOEs, aimed at their privatisation in 2019. Legislative work continued on aligning the rules on the protection of rights of shareholders, creditors and other stakeholders, company law, accounting and auditing and corporate governance policy with EU and international practices. The new prospectus and transparency requirements for issuers of securities entered into force in July 2018. The long-awaited law on Limited Liability and Additional Liability Companies was adopted in February 2018 and came in force in June 2018. Amendments to the law on Accounting and Financial Reporting were introduced in October 2017, defining Public Interest Entities, classification of enterprises for the purposes of financial reporting and the scope of application of IFRS (International Financial Reporting Standards) and IFRS-compliant standards for financial reporting. The new law on Audit of financial statements and Auditing activities was adopted in December 2017, envisaging stronger supervision of the audit profession by a Public Oversight Body to be established, and stricter requirements for audit firms verifying accounts of Public Interest Entities to reduce possibilities of conflicts of interests. In December 2017, a Memorandum of Understanding was signed between the financial market regulators and the Ministry of Finance on the unified electronic system for Public Interest Entities (PIEs) as required by the new Accounting Law adopted in October 2017. In terms of ***agricultural*** policy, the Law on Basic Principles of State Agrarian and Rural Development (ARD) Policy, after having failed to be adopted in first reading in July 2018, has been re-registered at the Ukrainian Parliament in October 2018. This is an important Law as it will allow for the implementation of the ARD Action Plan over the coming five ***years***. However, due to a lack of leadership and direction to steer changes, the implementation of the land reform remains slow. The draft law on Land Turnover finalised in 2017, which would lift the Moratorium on Land sales in place since 2001, will be assessed by a Working Group established in July 2018. Work is also ongoing to improve the accuracy of the land cadastre, the registry of rights and the transparency of land governance. In line with AA obligations, laws regulating organic production, the circulation and labelling of organic products, state controls over Genetically Modified (GM) Products and the circulation, tracking and labelling of GMOs are at various stages of the legislative adoption process in the Ukrainian Parliament. Furthermore, the Ukrainian Geographic Indications (GIs) system was designed: a framework law on GIs was adopted and specialised laws to regulate GIs for certain products were finalised in 2018. The Ministry of Agrarian Policy and Food (MoAPF) is undergoing an ambitious restructuring. Sustainable management of forestry and fisheries resources is addressed with the objective of reducing illegal, unregulated and unreported practices, but further efforts are needed to modernise fisheries management in line with best practices from the EU, Food and ***Agriculture*** Organization (FAO) and General Fisheries Commission for the Mediterranean (GFCM). Ukraine has taken steps to enhance the support of economic development through its regional development model. The 'Innovative Economy and Investments' ***programme*** is now 12 operational and targeted specialisation has been identified as a future priority. The allocation of adequate budgetary resources to the State Fund for Regional Development in line with national legislation nevertheless remains behind ambitions. Ukraine has strengthened its participation in the EU Strategy for the Danube Region. While in 2018 Ukraine has undertaken some steps in the approximation of legislation in line with the AA in the areas of employment, social policy and equal opportunities, it continues to face some delays. In 2018, Ukraine continued to implement the pension reform initiated in 2017, while there are delays on legislation on occupational safety and health, part-time work and parental leave. A review of the legislation in the areas of undeclared labour and occupational safety and health was undertaken in spring 2018 with support of an EU-funded project. The adoption of the new Labour Code, which would advance legal approximation, has not progressed since the draft law was prepared for second reading in 2017. The Government has initiated procedures to improve the targeting of social subsidies and plans to start with a gradual monetisation of subsidies in 2019. A modernisation of the social dialogue, including through the adoption of legislation on collective bargaining, is pending. Occupational prohibitions for women were abolished in late 2017. The minimum monthly wage was increased further to UAH18 3 723 (+16.3% y/y) after a substantial increase in 2017. In 2017, the first time since 2013, Ukraine recorded a reduction in the moderate poverty (according to the World Bank’s national methodology for Ukraine) to an estimated 24.5% in 2017 from 26.7% in 2016, but still up sharply from 14.1% in 2013. The poverty rate (under USD 5.5/day in 2011 PPP19) is estimated at 5.7% in 2017.20 On 25 May 2018, the European Commission and the State Space Agency of Ukraine signed a cooperation arrangement that establishes a partnership on Earth observation. Furthermore, in view of using EGNOS (the European Geostationary Navigation Overlay Service) in Ukraine, it has been decided to deploy a first EGNOS ground station at Zhuliany Airport (Kyiv)21. 3.2 Trade and trade-related matters After almost three ***years*** of provisional application of the AA/DCFTA and since entering into force on 1 September 2017, the DCFTA shows positive results. The EU has become Ukraine's largest trade partner by far, representing 42% of total Ukrainian external trade. In 2017, exports from the EU to Ukraine, and imports from Ukraine to the EU increased by respectively 22% and 27.2%. While trade is increasing also with the rest of the world, the pace of increase is much faster with the EU, which demonstrates that the AA/DCFTA is playing a significant role. Since 2018, exports from Ukraine to the EU are fully back to the pre-crisis (i.e 2012) level. Against the background of progressive tariff liberalisation between the EU and Ukraine, the EU has repeatedly called on Ukraine to repeal an export ban on raw wood (applicable since autumn 2015) because of its incompatibility with Ukraine's World Trade Organisation (WTO) and DCFTA commitments, and to abstain from the introduction of any further trade-restricting measures. The Commission has repeatedly raised this at all instances and levels22, intending to address this trade irritant through the dispute settlement mechanism provided for under the DCFTA should the problem persist. The EU and a number of Member States have 18 Ukrainian Hryvnia. 19 Purchasing Power Parity. 20   [*http://pubdocs.worldbank.org/en/684631523347829626/Ukraine-Economic-Update-April-2018-Eng.pdf*](http://pubdocs.worldbank.org/en/684631523347829626/Ukraine-Economic-Update-April-2018-Eng.pdf) 21 On 27 March 2018, the EU-Ukraine 2nd High-level Industrial and Dialogue recommended starting the negotiations of the EGNOS extension agreement. 22 Including at the last EU-Ukraine Summit (Brussels, 9 July 2018). 13 also been providing technical assistance to Ukraine to support the reform of its forest-based sector. In terms of technical barriers to trade, the implementation of the Strategy for the Development of the Technical Regulation System until 2020, and its related Action Plan, has started with the view to implement the AA and - in the future - an Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA). The adoption of amendments to the Law on Market Surveillance is pending. Ukraine is very active within international standardisation bodies23 whereas they have been less active within European Standardisation organisations. The implementation of newly-adopted standards remains a challenge. In the area of telecommunication rules and infrastructure, discussions on the draft law 'On Electronic Communications', which would strengthen the role of the regulator, continue to be postponed. Another draft law 'On Radio Spectrum Resource' is pending in the Parliament since 2016. Broadband services penetration stands significantly below the EU average and the harmonisation of spectrum exploitation as foreseen by the law would bring economic benefits. During the first half of 2018, two tenders were conducted in 4G: for frequency 2600 MHz it resulted in issuing 1600 licenses and for frequency 1800 MHz it allowed for issuing 4800 licenses. Most of the legislation to reform the Intellectual Property Rights (IPR) system, in line with Ukraine's commitments in the DCFTA, is pending approval in Parliament. The law on Collective Management Organisations (CMOs) was adopted in May 2018 and came into force in July 2018, with some provisions requiring still further improvement. Six draft laws are in different phases of the legislative process in this area: on Semiconductors, on Utility models and inventions, on geographical indications (see above), on Trademarks and designs, on IPR border measures and on Copyright and related rights. Furthermore, progress in the judicial reform would help to ensure effective enforcement of IPR rights. The new Specialised IP Court was established in September 2017 and is expected to be operational by early 2019. Public procurement (PP) continues to be one of the flagship reforms of the Government. On the basis of the Strategy for Public Procurement Reform (Roadmap), amendments to the PP law are under preparation by the Ministry of Economic Development and Trade (MEDT) to comply with commitments of the AA. Ukraine has continued to further improve the electronic procurement system “ProZorro”. The pilot initiative on centralised procurement for the central Government entities is being successfully implemented. However, draft legal amendments further improving the functioning of e-procurement and PP appeals submitted to the Parliament in April 2018 have not advanced. Attempts to introduce populist amendments in the PP legislation continue. A draft law 'Buy Ukrainian, Pay Ukrainians', which would contradict, if approved in its current form, basic provisions of the AA, was adopted in first reading in December 2017. Other issues have been identified in the draft legislation on concessions: the ability to address more complex procurements, the efficiency of the State Audit Service and healthcare sector procurement. Following the introduction of State Aid control in August 2017, in 2018 the Cabinet of Ministers adopted several by-laws on compatibility. Up to June 2018, the Anti-Monopoly Committee of Ukraine (AMCU) has received around 300 notifications and adopted 30 23 In particular in the International Organization for Standardization and the International Electrotechnical Commission. 14 decisions. In 2018, Ukraine continued gaining case-practice, worked on completing the State Aid legal architecture and on stopping some large granting bodies from bypassing State Aid control. On competition law, AMCU adopted in October 2017 the Vertical Block Exemption Regulation, largely inspired by EU law. In 2018, EU experts are conducting a comparative analysis of Ukrainian competition law and EU law, which will lead to identifying priority issues for approximation and a roadmap to address them. During 2018, the State Service of Ukraine for Food Safety and Consumer Protection resumed its official controls and veterinary checks thanks to the entry into force of the law on State Control for food, feed, animal health and animal welfare in April 2018. The drafting and adoption of sanitary and phytosanitary (SPS) legislation has noticeably accelerated in 2017/18, resulting in 17 EU legal acts adopted and more than 140 being in the process (out of 250 acts in total). The SPS Strategy has been finalised in October 2018 and its final version was agreed by both the Ukrainian government and the EU. The Law on Food Safety and Hygiene was adopted in January 2018 and should enter into force in January 2020. The draft laws on Food Information for Consumers, Veterinary Medicines and on requirements to objects and materials that are in contact with food products remain to be adopted by the Parliament. The design of veterinary certificates for poultry products exported from the EU into Ukraine are not completed yet, and negotiations should be launched for other products (notably beef and pork). Animal welfare obligations under the AA are to be further considered, notably regarding poultry exports to the EU. 4. Connectivity, Energy Efficiency, Climate Action, Environment and Civil Protection Ukraine has continued working on the 2016 EU-Ukraine Memorandum of Understanding on a Strategic Energy Partnership, and the parties approved a new Annual Work Plan in April 2018. Following the adoption of a new Energy Strategy 2035 by Ukraine in August 2017, the long-term implementation plan is outstanding. During the winter 2017/18, gas transit to the EU via Ukraine continued to be reliable and smooth, despite continued challenges in its technical cooperation with Gazprom which affect gas pressure and despite continued changes in daily volumes nominated for transit. Ukraine continued to cover its gas import needs through deliveries from the EU. This has not changed even after the final award of the Stockholm arbitration court on the transit and supply disputes in February/March 2018, following which Gazprom refused to supply the requested gas volumes. In view of the resulting gas shortage in Ukraine, on 1 March 2018 Ukraine activated for the first time the Energy Early Warning Mechanism under the AA. Trilateral talks on a future gas transit contract via Ukraine between Russia, Ukraine and the European Commission started in July 2018. The Supervisory Board of the new gas pipeline operator MGU was appointed in spring 2018. However, the final decision on the unbundling of NAK Naftogaz has not been taken by the Government. In 2018, the Cabinet of Ministers prolonged several times the gas Public Service Obligation (PSO), which caps gas prices for households and for municipal heat supply companies below market prices. In October, the Ukrainian government agreed with the IMF on gradual gas price increases for households that should reach market level in 2020. Based on this, a new PSO will need to be adopted by the government. Further gradual monetisation of housing subsidies for gas and heat has not yet taken place. 15 In September 2018, the Parliament adopted the important law on transparency in extractive industries, which sets international transparency standards for the legal environment and business reporting in the mining, oil and gas extraction sector. The challenging process to implement the Electricity Market law has been on-going since June 2017. The aim is to move from an overly regulated single buyer model with cross-subsidies to a competitive market in line with EU legislation, a challenge in view of the current oligopolistic market structure. The corporate governance reform of electricity transmission system operator Ukrenergo has led to a transparent selection process for its supervisory board members, although it does not yet own the assets as required under the 'ownership unbundling' model. Ukraine has not yet assigned the control over electricity production and electricity transmission companies to different Ministries. On renewable energy, the Parliament launched a discussion on a new law aimed at reducing the existing costly support schemes for renewable electricity generation. In June 2018, the selection of five Commissioners of the Energy Regulator (National Energy and Utilities Commission of Ukraine) was finalised in line with the provisions of the Energy Regulator's law, providing new credibility to the independence of this key institution. In the field of energy efficiency, the implementation of the laws on energy performance in buildings and on commercial heat metering and billing adopted in June 2017 has started. The Energy Efficiency Fund has been formally registered. The Fund benefits from substantial financial EU support linked to clear conditionality advancing reforms in the sector. In 2018, Ukraine continued fuel diversification for the supply of its nuclear power plants. The commissioning of the New Safe Confinement above the 4th destroyed reactor in Chornobyl had to be postponed. A draft law re-establishing the full independence of the State Nuclear Inspectorate still has to be adopted by the Parliament. The Government adopted a new National Transport Strategy in May 2018 with the aim of improving the functioning of the Ukrainian transport sector and enhancing connectivity with the EU through the extended indicative trans-European Transport Network (TEN-T); the implementation plan is expected to be adopted by the end of 2018. The State Road Fund started operations in 2018 and includes a road safety component. Ukraine received an audit from the International Maritime Organisation in mid-2018, which pointed to a number of shortcomings in measures and resources to address maritime safety and environmental protection. Key draft laws on market opening, including on road, railway and inland waterways, which shall be instrumental in harmonising Ukrainian transport legislation with that of the EU, have not yet been adopted. New Aviation Rules on civil aviation aircrew entered into force on 1 January 2018 and Aviation Rules on aerodrome certification were adopted in December 2017, both based on EU legislation. The Common Aviation Area Agreement between the EU and Ukraine still awaits its signature. In April 2018, the Cabinet of Ministers endorsed an updated National Environmental Strategy 2030. Following the adoption of the Law on Environmental Impact Assessment (EIA) in 2017, a single EIA Registry has been launched, along with a relevant set of secondary legislations. In April 2018, a new Law on Strategic Environmental Assessment (SEA) was adopted. Ukraine has also launched first steps towards the concrete transition to a more circular economy: after the adoption of a National Waste Strategy in late 2017, the Government has developed a Waste Framework Law and other draft laws in the area. 16 In June 2018, Ukraine hosted the 6th meeting of the Eastern Partnership (EaP) Panel on Environment and Climate Change, the first such meeting hosted by an EaP partner country. On Climate Action, Ukraine formally communicated its Low Emission Development Strategy (LEDS) to the UNFCCC24 in July 2018. Work is ongoing to prepare legislation for the establishment of an emissions Monitoring, Reporting and Verification (MRV) system. In September 2018, a draft Law On Ozone Depleting Substances and Fluorinated Greenhouse Gases was registered in the Parliament, envisaging the gradual phasing out of these substances. Ukraine has made steady progress on disaster risk management and looks forward to a closer cooperation with the EU Civil Protection Mechanism. 5. Mobility and People to People contacts The Ukrainian Government is explicitly committed to human capital development. Education reforms remain one of the Government's priorities in 2018, comprising all levels: general secondary education, vocational education and training, and higher education. Implementation of the competency-based 'New Ukrainian School' started in September 2018. The vocational education and training (VET) reform is an essential component of broader efforts to stimulate economic growth and competitiveness. In May 2018, the Ministry of Education and Science approved a ‘reform concept for the vocational education in Ukraine’ to be adopted by the Government. The document envisages the consolidation of the draft legislation currently under revision and scheduled for adoption by the end of 2018. In 2018, the reform of higher education has been further consolidated. Higher education modernisation focuses on quality assurance with 108 new competence-based standards for bachelor level, 50 for master degree level and 20 for PhD level to be approved in late 2018. Work continues on the creation of the National Repository of Academic Texts to assure integrity of higher integration, and on setting up procedures to make the National Quality Assurance Agency in Higher Education operational. Ukraine is among the most successful participants in the Erasmus+ ***programme***. This ***programme*** supports modernisation and internationalisation of the education system, implementation of Bologna principles, non-formal education projects and academic exchanges. The reform of the Ukraine research and innovation system is progressing. Since Ukraine in 2015 became associated to Horizon 2020, it has benefited from a number of support instruments. An EU peer-review strategic analysis was prepared, which resulted in specific recommendations for the modernisation of research and innovation. With the implementation of the Law on Scientific and Technological Activities, the National Council for Science and Technology Development was established in January 2018, paving the way towards a more effective national research system, optimal transnational and international competition, gender equality in research, and better exchange of scientific knowledge. In addition, a package of legislation to stimulate innovation activities is expected to be submitted by the end of 2018. Ukraine's potential within the framework of Horizon 2020 remains high (GDP, level of education, number of researchers); more favourable conditions for the intensification of cooperation of Ukrainian science and industry with EU partners and other countries involved 24 UN Framework Convention on Climate Change. 17 in Horizon 2020 are under development. Ukraine has benefited in 2018 from a number of Horizon 2020 capacity building sessions under the EU4Innovation initiative. The reform of the cultural sector is ongoing with the operationalisation of the Ukrainian Cultural Fund, hosting inter alia the Creative Europe ***Programme*** Desk. Ukraine continues to participate in Creative Europe. Since November 2017, Ukraine benefits also from the Culture Bridges ***programme*** to support cultural and creative sectors. Starting from September 2018, Ukraine is eligible to participate in the EU Prize for Literature. 6. Financial Assistance In 2018, the EU continued to provide macro-financial and reform assistance to support Ukraine's stabilisation and reform process. To this end, the EU has since 2014 mobilised over EUR 11 billion in grants and loans (out of its EUR 12.8 billion pledge). In June 2018, a new EUR 1 billion ***programme*** of EU macro-financial assistance (MFA) was approved by the European Parliament and the Council of the EU. The Memorandum of Understanding signed in September 2018 sets the main conditions of the ***programme*** in the following four areas: (1) the fight against corruption, (2) public finance management, (3) specific sector reforms (state-owned enterprises, banks and the energy sector), and (4) social policies. The new assistance will support Ukraine's reform efforts and complement EUR 2.8 billion disbursed under previous MFA ***programmes***. Under the European Neighbourhood Instrument (ENI), three large-scale ***programmes***, each worth EUR 50 million, were launched in 2017: support to energy efficiency, to public finance management reform, and to the conflict-affected areas in eastern Ukraine. Local currency lending and technical assistance support to key areas of AA implementation were also addressed under the EUR 200 million bilateral ENI 2017 budget. Since the beginning of the conflict, EU humanitarian assistance was continuously provided to the most affected population, including IDPs, amounting to EUR 112 million provided by the European Commission since 2014. Through its Instrument contributing to Stability and Peace (IcSP), the EU has also supported peacebuilding, stabilisation and early recovery efforts with more than EUR 100 million. In 2018, new actions focused on supporting the OSCE SMM, community-based reintegration for veterans of the conflict in eastern Ukraine and to strengthen community resilience. The EU has embarked on an enhanced strategic response to the conflict in eastern Ukraine aligning it with the humanitarian-development nexus. The Joint Humanitarian Development Framework 2017-2020 provides for a coordinated EU approach towards providing humanitarian, early recovery and reform assistance to support the conflict-affected population and Ukraine. ***Programming*** priorities in 2018 include vocational education and training; energy efficiency; people-to-people contacts; and enhanced investment-related support linked to the External Investment Plan (EIP). Humanitarian assistance will continue to be provided to people affected by the conflict in eastern Ukraine along both sides of the contact line and in NGCA. Ukraine continues to benefit from regional ***programmes*** and other EU instruments. The first part of the Annual Action ***Programme*** for 2018 worth EUR 91 million covering energy efficiency and the Technical Cooperation Facility supporting Ukraine in implementing the AA/DCFTA and ensuring respect for human rights and fundamental freedoms was adopted in July 2018. 18 7. Concluding remarks and future outlook Against the background of its political association and economic integration with the EU, Ukraine has advanced with a number of important political and economic reforms in 2017-2018 across a range of sectors, for instance in the areas of health, pensions, decentralisation, public administration, public procurement and the environment. Further inter-agency coordination within the Ukrainian Government and cooperation between Government, Parliament and President will be key in order to achieve further progress regarding gradual legal approximation to EU standards and norms. It is also essential, as emphasised by civil society and other international partners, that the Ukrainian authorities maintain and reinforce the reform momentum, including on the fight against corruption, ahead of the presidential and parliamentary elections to be held in March and October 2019 respectively. Ukraine's macro-economic situation has remained stable, but fragile, due to major repayment obligations over the next ***years***. Further structural reforms would improve the business environment and increase economic growth. The conflict in eastern Ukraine and the illegal annexation of Crimea and Sevastopol by the Russian Federation continue to weigh heavily, while the Ukrainian authorities have acknowledged the need to continue to address the socio-economic and humanitarian consequences of the conflict in an inclusive manner. In spite of the conflict, Ukraine has shown strong resilience and persistence in achieving societal change, asserting its European orientation. The EU, including through the European Commission's Support Group for Ukraine (SGUA) and the EUAM, and in cooperation with international partners, has continued its support for the implementation of the Association Agreement, including through political, technical and financial support, with clear conditionality.

**Load-Date:** December 1, 2018

**End of Document**



[***US and Brazil airline JVs to progress with senate approval; E US and Brazilian carriers are eager to move ahead with joint venture plans, following the approval of the US-Brazil open-skies deal by the Brazil senate on 7 March.***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RWM-PP11-JCF2-H009-00000-00&context=1516831)

Flight International

March 8, 2018

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**Section:** FLIGHTGLOBAL.COM

**Length:** 9635 words

**Body**

US and Brazilian carriers are eager to move ahead with joint venture plans, following the approval of the US-Brazil open-skies deal by the Brazilian senate on 7 March.

The accord, which now has to be signed into law by Brazil President Michel Temer, will pave the way for airlines in both countries to apply for US anti-trust immunity in order to launch joint ventures.

Oneworld carriers American Airlines and LATAM Airlines Group first announced plans for a joint venture in early 2016, but the deal was contingent on US-Brazil open skies being ratified. Anti-trust regulators in Brazil, Colombia and Uruguay have approved the partnership, although a similar authority in Chile has yet to clear the deal.

"American applauds the actions of the Brazilian Congress to approve this open skies agreement with the US, paving the way for the approval and implementation of our joint business with LATAM," says American chief executive Doug Parker.

The planned joint venture between the two airlines will cover flights between the USA and Canada and Brazil, Chile, Colombia, Paraguay, Peru and Uruguay.

Brazil's Azul says it plans to pursue joint venture talks with United Airlines, which owns a 5% stake in Azul.

Both airlines have had some initial discussions, says Azul chief revenue officer Abhi Shah on an earnings call. "The next step for us is to get together with our partners at United and start talking [about a] JV," says Shah. "We had some initial discussions, now we need to accelerate that."

United did not directly comment on a potential joint venture with Azul, saying: "As with our Star Alliance partners at Avianca Brazil, our partnership with Azul offers customers easier connections when flying between Brazil and the United States and connects Brazilian customers easily and efficiently to New York City, Houston, San Francisco, Los Angeles, Las Vegas and more.”

Avianca Brazil had previously also expressed interest in a joint venture with United. The airline, which shares ownership links with Colombia's Avianca, says it is working to extend its codeshare with United, "as well as other alternatives to expand cooperation between the two airlines".

Azul's Shah says a partnership with United will be "very complementary", pointing to the lack of network overlap. However, he says any approval by US regulators will likely take more than a ***year*** and thus does not expect any material impact on Azul in 2018.

While both LATAM and Azul appear ready to make progress on tie-ups with their US partners, Sao Paulo-based Gol indicates that it does not plan to deepen its relationship with Delta Air Lines. Delta has a 9.5% stake in Gol.

Gol says there will be "no change" in the airlines' partnership, even though the airline broadly supports open skies. The airline says that the existing bilateral air services agreement between the two countries is sufficient for demand.

A Delta spokesperson says: "Open skies supports Delta’s long-term strategy of enhanced service to Brazil and Latin America."

Story updated with United, Delta and Avianca Brazil comment

JOURNAL : Farmers Weekly

The ruling of a government regulator has been called into question after it delayed a buyout for stricken rural retailer Countrywide Farmers.

The chain plunged into administration on 7 March after the Competition and Markets Authority (CMA) ruled a proposed buyout by Mole Valley Farmers had to be subjected to a secondary investigation.

This was over concerns that competition would be reduced for customers, despite warnings the company was likely to fall if a buyer was unable to ride to the rescue.

See also: Countrywide farmers calls in the administrators

The two rival chains had attempted to claim that there was enough difference between them that customers would not be affected.

According to documents submitted to the CMA, Countrywide’s strategy had been to “depart from its ***agricultural*** origins”, and focus on selling to in-store customers instead of direct to farmers.

This was demonstrated by them selling off elements such as their bulk feed business to Dutch company ForFarmers in 2014.

Farmer-owned Mole Valley, which had a turnover of £464m in 2016-17, offers similar in-store products but continues to focus on farmer customers, with 10 of their 55 stores exclusively focused on direct-to-farm bulk ***agricultural*** products.

Purchasing behaviour

Together with Countrywide, they contended the CMA should therefore take into account there was substantially different purchasing behaviour between the two company’s customers, minimising the risk of reducing competition.

However, a CMA spokesman said: “We regret to hear the news that Countrywide has gone into administration, as a result of significant trading difficulties and cashflow pressures.

“In our initial investigation, we found that Countrywide merging with its closest rival could reduce competition and it could have pursued offers for the business that would lead to a better outcome for customers.

“We therefore had no other option than to refer Mole Valley’s purchase of Countrywide for further in-depth investigation.”

JOURNAL : Farmers Weekly

The 2018 Basic ***Payment*** Scheme for England has opened for farmers and land agents to apply online, the Rural ***Payments*** Agency (RPA) has announced.

From Tuesday (13 March), applicants can complete their declarations for 2018 and submit their application via the Rural ***Payments*** service.

Defra said applying online means farmers and agents can quickly check and update their details, as well as view and ***transfer*** land and entitlements.

See also: How to apply for wildlife Countryside Stewardship arable offer

Throughout the application window, which runs until 15 May this ***year***, a range of support from the RPA will be available, including local drop-in centres providing a check and receipt service for paper applications, online guidance and telephone support.

RPA chief executive Paul Caldwell said: “With the application window for BPS 2018 open, now is the time for farmers to log on and submit their applications in good time.

“The RPA will be on hand with clear guidance and support throughout the application window to ensure the process is as quick and simple as possible.”

Those who applied online in 2017 will receive an email from the RPA on 13 March with all the relevant information. The RPA will also be sending a paper application form to those who applied on paper in 2017.

The RPA is encouraging farmers to apply online now to ensure their application is submitted before the deadline.

NFU: 3,000 farmers ‘left in the dark’

Meanwhile, the NFU said about 3,000 farmers in England were still “left in the dark” about when they will receive their 2017 BPS ***payments*** – despite more than 95% of farmers in England receiving their ***payment***.

NFU vice-president Stuart Roberts said: “BPS 2018 looks to be another challenging ***year***, with farmers up and down the country needing to make additional mapping changes.

“We’re also urging the RPA to clear all outstanding cases, with some dating back as long as 2015. This needs completing as soon as possible to enable an efficient and improved service for 2018.”

For further guidance and information on changes made to this ***year***’s application form, please visit Gov.UK.

***Payment*** scheme applications open in Northern Ireland

The Online Single Application service for 2018 is open for farmers in Northern Ireland, the Department of ***Agriculture***, Environment and Rural Affairs (Daera) has announced.

Daera will not be issuing paper versions of the Single Application this ***year***. The deadline for receipt of all Single Applications and supporting evidence is 15 May 2018.

The Single Application is the only method for claiming under any of the following schemes;

Basic ***Payment*** Scheme (BPS) and greening ***payment***

Young Farmers’ ***Payment*** (YFP)

Regional Reserve Entitlement allocation or top up (as a Young Farmer or New Entrant)

Environmental Farming Scheme (EFS) Agreements

Northern Ireland Countryside Management Scheme (NICMS)

Farm Woodland Premium Scheme (FWPS)

Farm Woodland Scheme (FWS)

Forest Expansion Scheme (Annual Premia)

Register for Daera’s online services.

JOURNAL : Farmers Weekly

The snow cleared last week, allowing normality to resume at many cattle rings and saw feeders benefit from a £42 a head lift in prices on the week for prime bulls.

The increase (+6p/kg) was despite marts reporting a sharp increase (+30%) in prime cattle numbers at 3,628 and follows a period of price recovery over the past month, according to AHDB market reports.

Deadweight steer prices have also stopped nosediving after losing 9p/kg since the start of the ***year*** to bottom out at 353p/kg.

See also: Snow lifts cattle trade around the marts

This 9p drop cut carcass values by £29-£33, but there was a 2p/kg recovery last week as snow cut supplies, leaving weekly numbers back on the ***year*** for the first time.

The much more resilient live ring trade, meanwhile, has recovered to the highest point since the opening week of the ***year***. Scottish marts saw all classes of cattle average £2/kg on Monday (12 March).

Cull cow prices remain phenomenally strong and are often the highlight of mart reports, with GB cow prices averaging more than 120p/kg for five weeks and reaching highs of 125.28p/kg.

Thainstone

Overall prime cattle prices were back 8p/kg last week (Thursday 8 March) at Thainstone, averaging 197.3p/kg, after a 105% increase in throughput as consigners managed to get stock in after the snow held them back the week before.

Young bull and heifer prices remained firm at 156p/kg and 221p/kg, respectively, both up on the week. However, it was steer prices that were down 21.6p/kg on the week at 197.4p/kg.

Prime bullocks, up to 30 months of age, topped at 240p/kg and £1,572.50 gross.

“We saw variance, with the butcher’s lighter weights, handier weights and heifers very sought after and the heavier fat cattle not so,” said auctioneer Tim McDonald.

“We’re seeing that all through the ***year*** now. We have more demand for the lighter weights – anything up to 550kg really.”

While Thainstone has been seeing particularly strong trade for cows - reaching 148p/kg - Mr McDonald thinks prime prices may have plateaued for a month or six weeks before they become scarce again.

Thame

Auctioneer Simon Draper is telling vendors in his area they should take advantage of the buoyant store cattle trade now rather than waiting for April, when finishing sheds could be full.

“Anything 12 months old and continental-bred wants selling,” he told Farmers Weekly. “When I have a look on farms and see heifers worth £900 and steers worth £1,000 or more the advice is to get them sold.”

He expects younger store cattle to be dearer for the rest of March before a lot of numbers come forward in April.

Last week (9 March) trade was up £30 on a fortnight ago and a good-quality yarding of cattle saw steers level at £967 a head and heifers average just shy of £800, as well as a mart record of £1,570 for a Charolais feeding cow.

Mr Draper says the deadweight prices for the 300 cattle the mart markets weekly are strong, leaving farmers with profits to buy store cattle.

JOURNAL : Farmers Weekly

A Shropshire dairy farm must pay more than £19,000 after a worker was seriously injured by a charging bull.

The farmworker entered a cow shed at Moreton Hall Farm, near Market Drayton, to clear it out when he was struck by a dairy bull.

The 28-***year***-old employee, who had been working on the farm for one ***year***, suffered a serious leg injury which required an operation.

See also: FW Academy – livestock handling

Kidderminster Magistrates’ Court heard the incident happened on 23 August 2016.

An investigation by the Health and Safety Executive (HSE) found the mature dairy bull was housed with cows in a cubicle shed, which farmworkers had to enter three times a day to clear out, while the bull was loose in the same enclosure.

Inspectors found a suitable bull pen with means of restraint was not provided on the farm to ensure workers did not have to enter an area occupied by the bull.

The farm’s risk assessment identified potential danger from the unrestrained bull, but failed to identify adequate controls, even though there were clear signs that the bull was getting more difficult to handle, the court heard.

Guilty plea

Farm owners TN Beeston and Son pleaded guilty to breaching health and safety at work regulations. A judge fined the company £16,000 and ordered it to pay £3,079 court costs.

Speaking after the hearing, HSE inspector Wendy Campbell said: “Farmers have a responsibility to assess risks from their cattle and provide suitable housing and handling facilities to ensure that bulls are excluded from areas where they or their employees work.

“Farmworkers should never enter an enclosure when a bull is loose.”

JOURNAL : Farmers Weekly

The current path of milk prices has serious cashflow implications that require careful appraisal and monitoring, warns Kite Consulting’s John Allen.

A farmgate milk price of 26p/litre effectively means even farmers performing well are now sitting on a cashflow cliff edge.

Further cuts in price will plunge them over and into freefall. This will be devastating to autumn milk volumes in the first instance, and then to the long-term sustainability of the industry.

See also: Where to buy milk direct from farm

The sector is entering another cost:price squeeze period and this at a time when the cashflow position of many producers has not fully recovered from the deficit accumulated during the downturn of 2015 and 2016.

The cliff edge can be seen by comparing the two milk price:cash flow scenarios shown in the graphs. The first is a price fall (or stabilisation for some) to 26p/litre by May, and the maintenance of that price through to March 2019.

This gives an average milk price of 26.08p/litre for the milk ***year***.

The second graph imagines a price crash where the price drops further to 22p/litre to June this ***year*** and stays there through to March 2019. This produces an average milk price of 22.5p/litre for the milk ***year***.

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The 22p/litre price has been taken as an example, and is not an indication Kite believes the price will fall to this level.

The 26p/litre graph shows that farms will be moving into negative monthly cashflows from March, and by September the surplus built up through 2017 will have been eroded.

The deficit for the ***year*** reaches its peak at -£6,000 in December. Cumulative cash turns positive at the start of 2019, but this will be short-lived.

The overall cash position for the 12 months from April 2018 to March 2019 would therefore be down by about £30,000.

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The 22p/litre graph shows that cashflow will be negative from March 2018, and farmers will be in a deficit until the BPS is received.

The peak rolling cash deficit would reach £49,000 by December 2018, close to the -£54,000 recorded at the bottom of the last trough in December 2016. The arrival of the BPS only reduces the cumulative loss by £15,500 and this is only temporary, as March 2019 sees another sharp drop-off as losses continue.

A further price reduction to about 25p/litre will see significant consolidation in the industry with an increase in the number of producers leaving the sector, both voluntarily and at the hands of the banks.

Without funds for reinvestment, the trend of reduced capital expenditure and lack of extra capacity will continue. Both will result in reduced milk flows in the third and fourth quarter of 2018.

We have just come out of one of the worst downturns in a generation, where businesses have survived by cutting back investment and repairs.

While farmers are on a cashflow cliff edge, the sector is on a volume cliff edge. A milk price of 25p/litre will put a fragile supply chain in jeopardy.

Remarkably few milk producers left the sector in the last downturn, but each price slump reduces their resilience. Retailers and processors really need to recognise this growing risk.

JOURNAL : Farmers Weekly

Campaigners have called on the government to underline its commitment to the environment by explaining how it will incentivise farmers to improve soil health.

The issue was raised at a debate organised by the Sustainable Soils Alliance on Tuesday (13 March). The alliance wants the government to explain how legislation, incentives and investment in education, research and innovation will improve UK soils.

Little detail has been forthcoming from Defra since farm minister George Eustice revealed last November that protecting and enhancing soil health was likely to form the cornerstone of a flagship agri-environment scheme to support farmers post-Brexit.

See also: Soil ‘at heart’ of Defra policy post-Brexit – Eustice

The new type of scheme would be “at the heart” of the government’s ***agriculture*** policy, to be introduced after the UK leaves the EU, Mr Eustice told the Tenant Farmers Association conference at Stoneleigh Park, Warwickshire.

Fertility

“If we get that right, I think a lot of other things take care of themselves,” he said. “If we improve the health and the fertility of our soils, you can improve water quality, you can help address issues such as climate change [and] you can reduce fertiliser use.”

Hosted by Defra parliamentary private secretary Rebecca Pow MP, the Westminster event this week heard contributions from a range of experts – including from farming, industry, NGOs and academia as well as MPs and government representatives.

The alliance says it is determined to help deliver the government’s target of restoring the nation’s soils to health within a generation. It includes proposals for a robust regulatory framework to introduce monitoring and measurement of the country’s soil.

‘Urgent correction’

Alliance founder Neville Kay said up to 2.9m tonnes of topsoil was eroded every ***year***. “Soil, together with air and water, is a fundamental pillar of all life. However, we have standards for air and water and none for soil quality. And this needs urgent correction.”

WWF executive director Tony Juniper said the government’s proposed land management scheme must achieve the right blend of regulations and incentives. He added: “Farmers who go above and beyond by greatly improving their soil health should be financially rewarded.”

A Defra spokesperson said: “We are taking vital steps to return our soils to good health by developing a new soil health index and introducing new environmental land management schemes through our ***Agricultural*** Bill, expected later this ***year***.

“We want all soils to be sustainably managed by 2030 in order to safeguard biodiversity and future harvests for generations to come.”

Count worms to get handle on soil health

Farmers are being urged to survey their fields and record earthworm populations as an indicator of national soil health.

Rothamsted Research soil scientist Jackie Stroud is looking for 100 volunteer farmers with 60 minutes on their hands to survey their fields this spring and record earthworm populations, which she believes could provide a glimpse of the health of UK soils.

“I believe that our soils could be better – better at supporting crop production, better at supporting native fauna and better at supporting carbon storage,” says Dr Stroud, who has prepared a four-page booklet that describes how to do the survey.

To unlock soil potential, better measurements are needed, explains Dr Stroud, whose work is supported by NERC’s soil security ***programme***. “Decisions that are made above the ground influence the millions of earthworms that are engineering the soil ecosystem below the ground.”

Earthworms spend their entire lives eating, burrowing and breeding in soils, and are sensitive to pH, waterlogging, compaction, rotations, tillage and organic matter. “The key is knowing what you have to make it the best that it can be,” says Dr Stroud.

For details, email [*jacqueline.stroud@rothamsted.ac.uk*](mailto:jacqueline.stroud@rothamsted.ac.uk)

Water rules seek to reduce erosion

New rules coming into force next month will require farmers to take reasonable action to prevent soil erosion.

Introduced on 2 April, the “farming rules for water” apply from 2018. The rules will require land managers to undertake soil tests at least every five ***years*** and take reasonable precautions to prevent diffuse pollution from run-off or soil erosion.

This includes run-off and erosion from fertiliser and manure applications, cultivation practices and irrigation. Land within 5m of inland freshwaters and coastal waters must be protected from significant soil erosion by preventing poaching by livestock.

JOURNAL : Farmers Weekly

Wow, many scenes from my childhood have been recently re-enacted here in Kent; sheep in blindingly white fields huddled around hay feeders, snow drifting across both back lanes and main roads making them impassable at alarming rates, and hordes of children sledging on the Downs.

I must admit to having a go myself and it was great fun for a while, but the novelty soon wore off as the practical issues bit.

Last week, issues included getting about and feeding sheep and this week, after a rapid thaw, it is burst water pipes causing problems for livestock and humans.

See also: Read more from our arable Farmer Focus writers

It is just the reality of briefly challenging conditions but nowadays it seems someone must be found to blame and, if at all possible, a link to Brexit established.

Independent agronomy

Prior to the Russians kindly sending us some of their weather we were raring to go with field work, but will now have to dig out some patience.

Whatever you think of direct drilling there is no doubt our ability to travel on the land has increased remarkably on unmoved tramlines that have been in the same place for ***years***.

Generally, this season my plans are to continue with a more biological approach with slightly lowered nitrogen rates, aided by molasses and foliar nutrition, and biological products at spring drilling and fungicide timings, particularly on crops that respond less to inputs anyway.

I am edging further down this path as the signs continue to be that our current, more chemical-based route will become less popular, less sustainable and more expensive.

Further indications of that can be seen with the recent Dow and Dupont merger, with Bayer buying Monsanto and Adama now being owned by same company as Syngenta.

All this means we farmers are becoming tinier and tinier pawns in the industry and I think we need to get together even more to try and strengthen our position.

I hear independent agronomy advice is continuing to grow its market share and believe this is a good sign as it could help increase competition between the dwindling number of manufacturers and suppliers.

Andy Barr farms 700ha in a family partnership in Kent. Combinable crops amount to about 400ha and include milling wheat and malting barley in an increasingly varied rotation. He also grazes 800 Romney ewes and 40 Sussex cattle and the farm uses conservation ***agriculture*** methods.

JOURNAL : Farmers Weekly

Two hectares of wheat on the edge of a field of carrots is all that stopped us finishing the cereals before the end of February for the first time since we put irrigation on in the late 90s.

We got that cleaned up on the first weekend in March and only have 18ha of hybrid carrots left to harvest.

The carrots are not an insignificant “tail-end Charlie”, given they are potentially worth more than our entire wheat crop, so we are pretty anxious to get them on to the dryers as soon as they mature mid-March.

We have had a third of our annual rainfall during January and February, but fortunately rainfall was interspersed with many days with temperatures in the high 20s and early 30s, giving us great harvest opportunities and on those days the hydrostatic did get pushed forward fairly hard.

See also: Ominously early harvest points to poor yields

Our ryegrass has come in a bit disappointing, but on par with the district at 1,800-2,00kg/ha. Peas have been a screaming disaster everywhere with yields similar to or less than the grass seed and now the germinations are failing; 36C mid-flowering is too hot for peas it seems.

Shift to livestock

Our cereals are back on normal but ahead of our neighbours at 12t autumn and 10t spring wheat yields and 10t winter, 8t spring barley tonnages.

The end of harvest brings a big change in focus here at Valetta as we turn our attention to winter stock finishing. We have 1,000 dairy cows coming late May to graze kale crops and have started buying store lambs for winter/spring finishing.

A couple of days ago our stock manager Tim Glibly said “we need 9,000 lambs please”, which at $100-odd each made me remember my bank manager saying a while back that my overdraft limit was not a target.

Tim, my dad Terry and I spent an extremely wet afternoon last week at an on-farm sale at Four Peaks Station in the South Canterbury hills buying lambs and I may need to give that bank manager a call tomorrow.

Livestock is an integral and vital part of the arable farm ***program*** in New Zealand.

David Clark runs a 463ha fully irrigated mixed farm with his wife Jayne at Valetta, on the Canterbury Plains of New Zealand’s South Island. He grows 400ha of cereals, pulses, forage and vegetable seed crops, runs 1,000 Romney breeding ewes and finishes 8,000 lambs annually.

JOURNAL : Farmers Weekly

Getting farmers involved in policy creation and implementation is the key to encouraging responsible medicine usage, according to researchers at Bristol University.

Facilitated by the antimicrobial reduction task force, research by Bristol Veterinary School has found leading from the bottom up is the best way to encourage a reduction in antibiotics use on farms.

Speaking at an Animal Health and Welfare Day, Kristen Reyher – senior lecturer in farm animal science at the vet school –  said that, while some level of top down regulation will be required to limit antibiotics use, it is more effective to encourage independent, personal responsibility.

“This means every farmer picking up a bottle of medicine on their farm and saying: ‘Do I need to use this? Could I do something else?’”

See also: Two in five UK farmers to invest in animal welfare in 2018

To encourage this, the university decided to work on a new method of communication – motivational interviewing.

“A lot of this is about listening, asking the farmer about what they want to do, finding out what their motivations are and helping to guide them towards practical steps,” explained Dr Reyher.

This led the university to set up an antimicrobial stewardship scheme, led by dairy farmers rather than vets.

Practical farm-led policies to reduce antibiotics use:

Discussing with vet the types of antibiotics used on farm and changing from critically important antibiotics to more first-line products

Increasing use of anti-inflammatories for cases of mastitis, lameness

Focusing on calf health. Measuring colostrum quality with a refractometer, ensuring calves get plenty of colostrum within two to three hours of birth and taking blood from calves to check for antibody ***transfer***

Adapting sheds and housing to improve ventilation and cow comfort.

“We split farmers into focus groups and asked them to come up with the key points they thought should be in a stewardship policy,” she explained.

What surprised Dr Reyher most was the farmers’ willingness to put forward so many action points. “If I had been asked a to provide a top down stewardship policy, I might have suggested 10 things farmers should do – knowing they would realistically be able to do about four. So, I was blown away when they suggested 20 different things.”

The research team then turned this into a policy which the dairy farmers approved. They then went on to develop their own policy implementation tools.

“After three months, I was very impressed to hear data had been collected by the farms and training ***programmes*** had been put in place. Very soon after there was a real change and noticeable reduction in antimicrobial use.”

The relationship between the vet and the farmer is also crucial, added Dr Reyher.

“The vet is the steward of the antibiotics and the farmer often uses them with veterinary guidance. But, ensuring the vet understands the farmer’s goals and the farmer knows why he is using these antibiotics is really important.”

Feedback from the focus groups was extremely positive and reflected the importance of giving farmers the opportunity to create and adopt a policy that works for them, added Dr Reyher.

“Farmers said being involved really made them think about their antibiotic use. It’s amazing what you can do when the power is put in the hands of the producers.”

Farmer action groups

Sponsored by AHDB Dairy and the Langford Trust, Bristol Veterinary School is also working on farmer action groups in the South West. This involves getting farmers together and sharing best practice in a peer to peer way.

PhD students analyse medical records and on-farm data and benchmark this against six other farms across six months, allowing each farmer to explain what is or isn’t working well on farm.

The outcome of this that farmers challenge each other and come up with an action plan for change – for re-evaluation in six-month’s time.

JOURNAL : Farmers Weekly

Increasing numbers of farmers are turning to GPS systems to help improve the accuracy of their field operations and make life easier for the operator.

But although prices are beginning to drop for some more basic systems, the cost of getting a machine set up for full auto-steer can still be eye-wateringly high.

Added to that, there are usually fees to pay if you want to unlock certain features and annual subscriptions for the most accurate correction signals, which are crucial for jobs such as drilling.

See also: 6 budget GPS guidance system options for farmers

However, there are a number of farmers across the globe that are cutting out the middleman by developing their own systems.

In several cases, their starting point is a piece of open-source software called AgOpenGPS, which was set up by Canadian farmer Brian Tischler.

The fact that this is “open-source” means it is free for anyone to use and modify as they wish. And crucially, any successful changes they make can be submitted to improve the way it works.

For the less technical, there are also some marginally simpler-to-use, paid-for systems such as the Spanish-made Cerea software, MachineryGuide from Hungary and EFarmer from the Netherlands.

At their most basic, all these ***programmes*** can be loaded on to a tablet computer, connected to a simple GPS receiver, and their integrated lightbar can be used to help the driver steer more accurately.

But with a bit of know-how (quite a bit in some cases) they can be adapted to run a full auto-steer system with an RTK correction that is accurate to a couple of centimetres.

Two such enterprising individuals are Somerset farmer’s son Charles Quick and Austrian farmer Andreas Ortner.

Both have used software such as this to get their tractors running on full auto-steer with RTK accuracy, but each has taken a slightly different approach. Here’s how they set about it.

Charles Quick, Keirles Farm, Thurloxton, Taunton, Somerset

While studying for his degree at Nottingham University, Charles Quick has managed to create his own very impressive auto-steer system and RTK network.

For a total outlay of £1,200, he has converted the farm’s 145hp Massey Ferguson 7480 Dyna VT (which wasn’t auto-steer ready) to guide itself without the need for any motors bolted to the steering wheel.

It will also steer to an accuracy of about 3cm, execute automatic headland turns and offer section control for implements such as the sprayer and fertiliser spreader. There are also no on-going subscription fees to make it work.

To purchase a commercial version of that setup you could be looking at a bill of more than £10,000, plus potentially shell out several hundred pounds a ***year*** in signal subscriptions.

Mr Quick began his project early last ***year*** when he opted to take a one-***year*** computer science course in the middle of his crop science degree.

Initially he was tasked with building computer games, which he found “fairly boring”, so he went in search of something a bit more interesting. “I prefer ***programming*** that has a use in the real world,” he says.

As he and his father Andrew had been considering investing in a GPS system for their 280ha farm near Taunton, Somerset, Charles turned his attentions to that.

By autumn he had his creation up and running and began testing it out. “I have some embarrassing lines where I used it for drilling, but I didn’t have it fully tuned,” he says.

Now that the steering sensitivity has been sorted, it performs well, with just the occasional glitch, he says.

The system itself consists of three parts: a tablet computer running the AgOpenGPS Software, an RTK system with base station and receiver, and a hydraulic steering control unit.

Describing the specifics gets a little involved, so pour yourselves a stiff drink, dear readers.

The techy bit

For the tablet, Mr Quick opted for an off-the-shelf Acer Switch Alpha 12. The open-source software was loaded on to this and the settings were adjusted to get it communicating with the rest of the setup.

The RTK part of the puzzle is a little more complicated. This uses a base station in the yard that he assembled himself using a cheap antenna and old drill disc, which acts as a ground plane to ensure a clean signal is received.

This is connected to a simple Ublox GPS receiver that generates an RTK correction signal, which in turn is transmitted over the internet via a mini computer known as a Raspberry Pi.

See also: How to upgrade your fleet to autosteer guidance for £20k

At the tractor end there is a Ublox GPS receiver that picks up this signal via the tablet computer’s 4G connection. This is then fed into the AgOpenGPS software and used to improve the accuracy of its positioning.

Finally, the software sends a position signal to his particularly clever home-built hydraulic steering system, which automatically turns the wheels to keep the tractor in line.

Another mini computer called an Arduino forms the brains for the steering system. It’s a cheap and cheerful unit that entry-level programmers often start out on and can be picked up for about £20.

The position signal, as well as readings from a steering-angle sensor on the axle and a tilt sensor in the cab, is fed into the Arduino. Mr Quick’s ***programming*** then works out where the tractor should be and sends another signal to an electro-hydraulic proportional value.

This is plumbed directly into the tractor’s steering circuit and when it receives the signal, pumps oil to one side of the ram or the other, thus turning the wheels in the correct direction.

The valve itself is fed from the tractor’s load-sensing hydraulic circuit and is switched on and off via a redundant switch on the tractor’s armrest.

Teething problems

As the kit is in its infancy, there have been a few niggles and bugs to iron out. This means it is a bit sensitive to being unplugged and often requires some manual input to remind it which USB each of the elements is connected to.

On the steering side, the sensitivity settings were also “a little off”, so the tractor would either over- or undercorrect. But after tweaking the settings in the AgOpenGPS software, Mr Quick was able to trim it perfectly.

Now the only glitch is the slope compensation, which is accurate to about 10cm. “I need to work on the maths to improve that,” he says.

Also, from a safety point of view the auto steering doesn’t automatically disengage when the driver grabs the steering wheel. This means it will try and pull back into line, even when the driver hauls on the wheel.

Pressing the button on the armrest completely disengages it though, and in an emergency the power lead to the hydraulic valve can also be pulled out.

This armrest button can also be used at the headland so the driver can take over and perform a turn, but the software is also capable of doing it itself.

In this semi-autonomous mode the tractor will work its way across the field without the driver having to touch the wheel or press any buttons.

What’s next?

To extend the distance his system will work over, Mr Quick is also considering upgrading his GPS transmitter and receiver.

The current Ublox L1 units generally work up to 10km from the base station, but higher-grade L2 versions will extend that to about 30km.

He is also hoping to ***programme*** the unit to perform curved A-B lines. At the moment the software will only work in straight lines, which isn’t ideal in some more awkwardly shaped fields, he says.

“I was chatting to Brian Tischler about this the other day and it turns out it’s a very tricky bit of ***programming*** - so if any of the big manufacturers would like to share that with me, I would be very grateful!”

Mr Quick is also putting a second system together that will work with the farm’s Massey Ferguson 6290.

As this tractor doesn’t have load-sensing hydraulics he plans to connect the steering valve to a spool valve, which can be set to constant pumping.

He is also considering adapting this kit so it will fit on their Lexion 630 Montana combine.

Despite the success and relatively low cost of the system, Mr Quick is unsure about selling it to other farmers.

That’s partly because it would be difficult to guide them through any problems they had with it, but also that it’s not in the spirit of open-source ***programming***.

“I didn’t have to pay for the software I started with, so when I do get it perfected I might share plans for my system so that other people can have a go.”

Andreas Ortner, Graz, Austria

Andreas Ortner runs a 50ha arable and pig farm near Graz in the undulating south-east Austrian state of Styria.

He grows maize, barley, wheat and sorghum, most of which is fed to his pigs, and has developed his own guidance and RTK auto-steer systems.

These are fitted to all three of his John Deere tractors, including a 180hp John Deere 7530, a 150hp 6354 and a 110hp 6320.

The 6534 and 6320 are used for fertiliser spreading, spraying and other light work and run a simple visual guidance setup.

But, his 7530 drilling tractor has a home-made full RTK auto-steer system that can work to about 2cm accuracy.

See also: 7 budget GPS guidance systems on test

Initially, all of Mr Ortner’s systems were based on a piece of off-the-shelf software called Cerea, but like Charles Quick he has been working with AgOpenGPS and is gradually switching to using that.

This software is loaded on to a series of Windows-based tablet computers, and notebooks (one for each tractor) including a Trekstor, Chuwi and Panasonic, all of which cost less than £300.

For the simple setup, this is connected to a basic GPS receiver, but for the more accurate version on the 7530 drilling tractor he needed a RTK correction signal.

This came in the form of a system called Reach, built by Russian firm Emlid. It uses a GPS base station back at the yard to send out the correction signal over the internet.

A receiver on the tractor then picks up the signal via a wi-fi hotspot, consisting of a wireless router with sim card installed in the tractor cab.

This is then fed into the tablet computer running his Cerea or AgOpenGPS guidance software using a simple USB connection.

For the auto-steer setup he has bolted the GPS receiver’s antenna on a bracket mounted off the tractor’s front linkage. This apparently provides a faster heading correction than mounting on the roof.

But for the tractors with simpler manual steering, he has positioned it on roof to provide a better sky view. It is apparently also more accurate as it is positioned closer the driver.

As for the automatic steering element on the 7530,Mr Ortner opted for a motorised system that turns the tractor’s steering wheel, rather than a more complex setup plumbed into the hydraulics.

This operates in a similar way to Trimble’s EZ-steer, but rather than buy one, he decided to make his own.

Most of the components for this were sourced from Canadian electronics specialist Phidgets, including a motor, encoder and control unit.

Once assembled, this was mounted to the steering wheel and plugged into the tablet running the Cerea or AgOpenGPS software. This then sends the steering direction signal back to the unit.

All in, the system cost less than £2,000, including about £400 for the Reach RTK kit, £150 for the Cerea software, £250 for the components to build the steering system and about £300 for each of the Windows tablets.

Emlid also offers a more sophisticated version of Reach called Reach RS. These units are self-contained, with the battery and antenna housed in a waterproof casing.

They cost a shade less than £600 and will communicate directly with a tablet running GPS software via wi-fi or bluetooth.

What’s next?

Although the current system works well and will provide steering accuracy of about 2cm, Mr Ortner is considering testing a more expensive GPS setup with dual antennas. This should provide even more accurate headings with sub-cm precision, he says.

He has also ***programmed*** an Arduino mini computer to control a relay board for automatic section control on his sprayer. This gets its commands from the Cerea software running on his windows tablet.

Mr Ortner is also working with Emlid and AgopenGPS to develop and improve their software. “It is a hobby for me and I like to help at AgOpenGPS because it is open source,” he says.

AgOpenGPS

For anyone who wants to learn more about AgOpenGPS, there are extensive conversations on the North-American Combine Forum.

Canadian farmer Brian Tischler, who is based in Mannville, Alberta, leads many of the discussions. He developed the original software and others, including Andreas Ortner, have contributed.

The ***programme*** itself is hosted in an online repository called Github and is free for anyone to download and play around with.

JOURNAL : Farmers Weekly

Bleary-eyed farmers received a 5am text message from the Rural ***Payments*** Agency telling them applications have opened for the 2018 Basic ***Payment*** Scheme.

The agency – which has come under fire for the way it communicates with farmers – sent the pre-dawn message on Tuesday (13 March).

See also: Flindt on Friday: ‘I got the RPA email I’d been dreading’

BPS applicants have until 15 May to complete their declarations for 2018 and submit their application via the Rural ***Payments*** service.

After receiving the early morning text message, Norfolk estate manager Jake Fiennes suggested the agency might be trying to become more efficient in its communications.

The RPA sent me a text this morning at 05:15. To let me know BPS window was now open. How incredibly efficient! Prehaps a sign of new times and my stewardship application from 2017 might be honoured!

Jake Fiennes (@jake\_fiennes) March 13, 2018

NFU deputy president Guy Smith tweeted a link to a video for The Who song 5:15 – suggesting the message was inspired by either insomniacs, early risers or fans of the band.

Dawn chorus started early this morning. Text from the RPA telling me they are ready to receive my BPS form. Timed at 5.15. Inspired by either insomniacs, early risers or fans of The Who. Great song though[*https://t.co/Nq2teUnhMp*](https://t.co/Nq2teUnhMp)

Guy Smith (@essexpeasant) March 13, 2018

But Nottinghamshire farmer John Charles-Jones said receiving an early text message was a price he was prepared to pay if it meant communications were improving.

We all keep telling @Ruralpay that communication with farmers needs to be so much better. If this is the turning of the leaf to better communication, I for one will embrace that #creditwherecreditdue

John Charles-Jones (@woodboroughpark) March 13, 2018

Farmers have previously complained they are often left in the dark about their BPS applications.

Although the agency says its performance has increased, many farmers are still waiting for their 2017 ***payments*** – and some for ***years*** before that.

The RPA is encouraging farmers to apply online now to ensure their application is submitted before the 15 May deadline.

Defra said applying online meant farmers and agents could quickly check and update their details, as well as view and ***transfer*** land and entitlements.

JOURNAL : Farmers Weekly

A firefighting farmer has called for caution over the potentially devastating use of heat lamps ahead of the spring lambing season.

Stewart Macpherson has farmed for more than 25 ***years*** – and since 2010, the dad-of-three has helped keep his community safe as a retained firefighter at Foyers, on the banks of Loch Ness.

The Macphersons are currently preparing to welcome thousands of newborn lambs to the family-run Dell Farm in Whitebridge, near Inverness.

See also: Farm fires – planning a livestock evacuation

And Mr Macpherson has warned against the increased use of heat sources in sheds and barns.

“All across the country, especially at this time of ***year***, firefighters respond to fires at farms caused by heat lamps or fan heaters,” he said.

“Last ***year***, there was a terrible fire caused by an unwell calf knocking over a lamp in a barn full of combustible hay bales."

“I’ve been a farmer for a long time, and I am well aware of the critical importance of using a heat source to warm a newborn lamb to boost its chance of survival.

“Farmers and crofters will continue to use these devices, that’s not debatable – but I would urge caution, and for anyone using these heat sources to take simple but hugely effective measures to reduce the risk of fire.”

Rural Risk Project

There are more than 9,000 farms in Scotland, and the Scottish Fire and Rescue Service (SFRS) regularly responds to a host of farm-related incidents, from fires to flooding to large animal rescue.

The fire service has already been working in close partnership with rural communities to ensure general safety.

In 2016, the SFRS launched the Rural Risk Project (RRP) in the Highlands, south Lanarkshire and Dumfries and Galloway in partnership with NFU Scotland and Police Scotland.

The RRP is a secure database that exists to ensure local firefighters are aware of any risks if called to an emergency at a farm – and Mr Macpherson has urged all farmers and crofters to sign up. For more information visit  the Scottish Fire and Rescue Service website.

“This data is absolutely vital for the safety of firefighters first and foremost, but could also be crucial in terms of reducing any loss or damage at your farm in the event of emergency,” said Mr Macpherson.

Eight farm fire prevention tips

Every ***year*** in the UK, more than 1,700 farm buildings and 66,000 areas of grassland are destroyed by fire; 50% of these fires are started deliberately, either as an act of mindless vandalism or a fraudulent insurance claim.

Here are eight sensible measures, courtesy of Cheshire Fire and Rescue Service, to reduce the risk of fire on farms.

1.  Ensure any heat sources are secured and kept away from flammable material.

2. Keep a fire extinguisher in a nearby location to farm buildings.

3. Carry out regular electrical safety checks.

4. Keep fertilisers and pesticides under lock and key.

5. Store petrol, diesel and other fuels in secure areas; storage tank outlets should be padlocked.

6. Prepare a fire routine and action plan and inform all farmworkers.

7. Carry out an arson survey around the farm to identify areas where arsonists could strike, with assistance of local crime prevention officers/fire service.

8. Assess farm security measures – for example, lighting, fencing and locks.

JOURNAL : Farmers Weekly

Foliar nitrogen could allow cereal growers to benefit the environment and so help them cope with tougher times ahead in a post-Brexit world of lower farm subsidies.

Those trialing this fertiliser have cut rates and the number of passes through fields, which may be an advantage as future subsidies are more closely linked with environmental good.

The foliar product is applied to the leaves rather than the soil – as with solid and liquid fertilisers – with better efficiency of uptake and a claimed absence of scorch.

See also: Budget for Brexit in a brave new world of lower subsidies

Wiltshire farm contractor Paul Jannaway says the foliar product has allowed him to use less nitrogen and he has cut his travel times across fields - both environmental benefits that could be linked to future subsidy ***payments***.

“We need to act now and prepare for what might happen with Brexit, and cut back on nitrogen use,” he tells Farmers Weekly.

Environmental action

The current £3bn annual farm subsidy pot is likely to fall and become more linked to actions to improve the environment as the UK leaves the European Union. Water companies are also keen to prevent nitrates entering drinking water.

Mr Jannaway used the foliar product on Revelation winter wheat last season and managed to halve his nitrogen use to 120kg/ha and still produce a similar 9.5t/ha-yielding crop to that grown with a more conventional nitrogen approach.

Independent agronomist Richard Alcock has also used foliar nitrogen and reports no significant scorching and great flexibility, as he can mix it with fungicides, herbicides, plant growth regulators and trace elements.

“We have been using the foliar product for two ***years*** and see it having a big potential to replace some of the soil-applied nitrogen,” says Mr Alcock, who advises on 6,400ha in the south-west of England.

Early nitrogen

He has trialled applying a base level of 70-80kg/ha of solid or liquid nitrogen to his milling wheats at the end of February or in early March, and then his remaining 200kg/ha is divided equally into four and added as foliar nitrogen to four subsequent fungicide sprays at T0, T1, T2 and T3.

His trial showed the foliar approach gave the same wheat yield as a more traditional nutritional approach, but gave the crop more timely doses of nutrition and limited the number of passes a grower needed to make through his fields.

In a separate trial, Mr Alcock tried foliar nitrogen just at the T3 timing on the breadmaking wheat variety Skyfall, which was at least two weeks earlier than he would have put conventional liquid nitrogen on the crop, so he saved one pass through the crop and still met full milling standards.

Both Mr Jannaway and Mr Alcock were using a foliar nitrogen called PolyNPlus containing urea polymers, sulphur and trace elements, which is being launched this season by liquid fertiliser manufacturer BFS Fertiliser Services, sister company to sprayer nozzle supplier Billericay Farm Services.

Claimed advantage of foliar nitrogen

Reduces the amount of nitrogen needed without lowering yields

Virtually eliminates nitrate losses

Extremely safe to apply as a foliar fertiliser, with no scorch

Can be tank-mixed with crop protection products

Improved efficiency

Rosalind Platt, group managing director, says foliar nitrogen is much more efficient than soil-applied nitrogen, as only about 50% of conventional solid or liquid soil-applied nitrogen is picked up by the plant.

She says the foliar approach therefore enhances nitrogen efficiency and reduces nitrate levels in the soil and groundwater, thereby helping the farming industry to cut the amount of nitrogen that could leach into watercourses.

“Farmers have to change their ways because of environmental pressures, so this could be part of the solution,” she adds.

The product has caused no scorch problems, as the crop uses the nitrogen gradually, and it can also be applied using a conventional sprayer, she says.

The product is manufactured by Belgian chemical group Advachem and formulated by BFS at its Essex plant.

JOURNAL : Farmers Weekly

Tariff-free trade between the EU and UK is vital if growers and livestock producers are to avoid additional costs after Brexit, say European farm leaders.

Trade between the EU and UK must remain as frictionless as possible, said the Copa-Cogeca organisation, which represents European farm unions and ***agricultural*** co-operatives.

See also: What Defra’s post-Brexit plan means for farmers

Copa-Cogeca has called on EU heads of state and governments to approve draft guidelines on the future EU-UK relationship when they meet next week.

Copa president Joachim Rukwied said he had “serious concerns” about the potential impact on farmers and agri-businesses on both sides as a result of the UK exit from the EU.

“It is important to minimise any disruption to trade,” he said.

“European famers and agri-cooperatives strongly believe that – depending on the guarantees obtained – the UK should remain in the single market and customs union.

“If this is not possible, the EU and UK should find a new customs arrangement that enables frictionless trade as much as possible, whilst preserving the integrity of the single market.

“The Brexit negotiations must provide tariff-free trade between the EU and UK.

Draft guidelines

Copa-Cogeca has sent a letter sent to chief EU negotiator Michel Barnier welcoming draft guidelines on the future EU relationship with the UK.

Cogeca president Thomas Magnusson said the EU should seek the closest possible customs relationship with the UK.

He also called for “simplified customs procedures, making use of latest technologies in order to prevent burdensome and costly bureaucracy which would threaten cross-border trade”.

Mr Magnusson added: “This must be included in the EU’s upcoming guidelines and made a priority in the negotiations.”

Copa-Cogeca said it agreed with the EU’s call on the UK government for clear and tangible proposals for the transitional and the future relationship, as soon as possible.

Time was running out for businesses to make the necessary adjustments, it said.

An agreement must be reached as soon as possible in order to eliminate uncertainty and additional costs on farmers and agri-co-operatives.

JOURNAL : Farmers Weekly

Government plans for a major overhaul of ***agricultural*** policy are “woefully lacking” in anything to do with proper food production, an influential MP has warned.

Tory MP Neil Parish – who chairs the House of Commons environment, food and rural affairs select committee – made the comment to industry leaders as they raised concerns that government plans risk leaving farmers unable to plan for the future.

See also: What Defra's Brexit plan means for farmers

The committee is scrutinising a government consultation paper to phase out direct ***payments*** in favour of a new system based on ***payments*** for environmental services – and what Defra secretary Michael Goes describes as other “public goods”.

Mr Parish said: “I think this paper is woefully lacking on anything to do with proper food production – large-scale, small-scale, all sorts of production – so our supermarket shelves and other

big retailers and all across the piste have plenty of affordable food.”

Representatives from the NFU, Tenant Farmers Association and Country Land and Business Association aired their concerns to Mr Parish and other MPs on the select committee during an evidence session on Wednesday (14 March).

Food standards

NFU deputy president Guy Smith said food produced to certain standards of animal welfare, environmental responsibility and traceability should be considered a public good. “Any sensible government should look to secure an element of that.”

TFA chief executive George Dunn said the consultation paper failed to explain how farmers could deliver safe, nutritious and high-quality food to consumers at affordable yet profitable prices while adhering to high environmental and animal welfare standards.

He said: “The Basic ***Payment*** Scheme may be a blunt instrument, but it is keeping a lot of people in business who are doing the right thing by the environment, by animal welfare and delivering safe, nutritious food to consumers. Remove that, and we have a market failure we need to look at.

CLA president Tim Breitmeyer said landowners were broadly supportive of the “direction of travel” outlined by the plans, as long as it encompassed all aspects of land management – including food production as well as the environment.

'Extremely disappointed'

But he added: “We are extremely disappointed that while there are grandiose statements and vision, there is no element of any certainty – of how we are going to support a profitable food production sector. Farmers in the black are those who produce the best environment as well.”

Mr Gove intends that farm ***payments*** in 2019 will follow the current model, and has promised the same total amount of money in farm support until 2022. But the way support is paid is likely to be reallocated before then in favour of the environment.

Some £150m could be “freed up” for the environment in the first ***year*** alone. Public goods include access to farmland and the countryside, enhanced welfare standards for livestock and measures to support the resilience of rural and upland communities.

Mr Gove has described his proposals as a "health and harmony" plan that is the start of a conversation, not a conclusion. A 10-week consultation on his plans is due to close on 8 May.

Producers urged to 'have say' on proposals

Farmers are being urged to have their say on the government's plans by attending NFU roadshow meetings over the coming weeks.

More than 30 meetings will be held across the country as the union prepares its formal response to the Defra consultation.

NFU members who would like to attend their local meeting should contact their NFU regional office for details.

**Load-Date:** March 17, 2018

**End of Document**



[***Washington: AGRICULTURE AND NUTRITION ACT OF 2018 (Senate - June 27, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SNS-PMW1-JDG9-Y2FG-00000-00&context=1516831)

Impact News Service

June 28, 2018 Thursday

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**Length:** 44284 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 The PRESIDING OFFICER. The clerk will report the bill. The senior assistant legislative clerk read as follows: A bill (H.R 2) to provide for the reform and continuation of ***agricultural*** and other ***programs*** of the Department of ***Agriculture*** through fiscal ***year*** 2023, and for other purposes. The PRESIDING OFFICER. The Senator from Kansas.

Amendment No. 3224 (Purpose: In the nature of a substitute.) Mr. ROBERTS. Mr. President, I call up the substitute amendment No. 3224. The PRESIDING OFFICER. The clerk will report. The senior assistant legislative clerk read as follows: The Senator from Kansas [Mr. Roberts] proposes an amendment numbered 3224. Mr. ROBERTS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered. (The amendment is printed in today's Record under ``Text of Amendments.'') The PRESIDING OFFICER. The majority leader. Amendment No. 3134 to Amendment No. 3224 Mr. McCONNELL. Mr. President, I call up the Thune amendment No. 3134. The PRESIDING OFFICER. The clerk will report. The senior assistant legislative clerk read as follows: The Senator from Kentucky [Mr. McConnell], for Mr. Thune, proposed an amendment numbered 3134 to amendment No. 3224. Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows: (Purpose: To modify conservation reserve ***program*** provisions) In section 2103, strike subsections (b) and (c) and insert the following: (b) Specified Activities Permitted.--Section 1233(b) of the Food Security Act of 1985 (16 U.S.C 3833(b)) is amended-- (1) by striking paragraphs (1), (2), (3), and (5); (2) by redesignating paragraph (4) as subparagraph (C) and indenting appropriately; (3) by inserting before subparagraph (C) (as so redesignated) the following: [[Page S4461]] ``(B) harvesting, grazing, or other commercial use of the forage, without any reduction in the rental rate, in response to-- ``(i) drought; ``(ii) flooding; ``(iii) a state of emergency caused by drought or wildfire that-- ``(I) that is declared by the Governor, in consultation with the State Committee of the Farm Service Agency, of the State in which the land that is subject to a contract under the conservation reserve ***program*** is located; ``(II) that covers any part of the State or the entire State; and ``(III) the declaration of which under subclause (I) is not objected to by the Secretary during the 5 business days after the date of declaration; or ``(iv) any other emergency, as determined by the Secretary;''; (4) in the matter preceding subparagraph (B) (as so designated), by striking ``The Secretary'' and inserting the following: ``(1) In general.--The Secretary''; (5) in paragraph (1) (as so designated)-- (A) by inserting before subparagraph (B) (as so designated) the following: ``(A) consistent with the conservation of soil, water quality, and wildlife habitat-- ``(i) managed harvesting and other commercial use (including the managed harvesting of biomass), in exchange for a reduction in the annual rental rate of 25 percent for the acres covered by the activity, except that in permitting those activities, the Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, shall-- ``(I) develop appropriate vegetation management requirements; ``(II) subject harvesting to restrictions during the primary nesting season for birds in the area, as determined by the Secretary, in consultation with the State technical committee; ``(III) not allow harvesting to occur more frequently than once every 3 ***years*** on the same land; and ``(IV) not allow more than \1/3\ of the acres covered by all of the conservation reserve ***program*** contracts of the owner or operator to be harvested during any ***year***; and ``(ii) grazing, in exchange for a reduction in the annual rental rate of 25 percent for the acres covered by the activity, except that in permitting that grazing, the Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, shall-- ``(I) develop appropriate vegetation management requirements and stocking rates, based on stocking rates under the livestock forage disaster ***program*** established under section 1501(c) of the ***Agricultural*** Act of 2014 (7 U.S.C 9081(c)) (referred to in this subsection as the `livestock forage disaster ***program***'), for the land that are suitable for continued grazing; ``(II) identify the periods during which grazing may be conducted, taking into consideration regional differences, such as-- ``(aa) climate, soil type, and natural resources; ``(bb) the appropriate frequency and duration of grazing activities; and ``(cc) how often during a ***year*** in which grazing is permitted that grazing should be allowed to occur; ``(III) not allow grazing to occur more frequently than once every 3 ***years*** on the same land; ``(IV)(aa) in the case of a conservation reserve ***program*** contract that covers more than 20 acres, not allow more than \1/3\ of the acres covered by all of the conservation reserve ***program*** contracts of the owner or operator to be grazed during any ***year***; or ``(bb) in the case of a conservation reserve ***program*** contract that covers less than or equal to 20 acres, allow grazing on all of the land covered by the contract at 25 percent of the stocking rate permitted under the livestock forage disaster ***program***; and ``(V) allow a veteran or beginning farmer or rancher to graze livestock without any reduction in the rental rate; and''; and (B) in subparagraph (C) (as so redesignated), by striking ``; and'' and inserting a period; and (6) by adding at the end the following: ``(2) Restrictions and conditions.--Paragraph (1)(A) shall be subject to the following restrictions and conditions: ``(A) Severe or higher intensity drought.--Land located in a county that has been rated by the United States Drought Monitor as having a D2 (severe drought) or greater intensity for not less than 1 month during the normal grazing period established under the livestock forage disaster ***program*** for the 3 previous consecutive ***years*** shall be ineligible for harvesting or grazing under paragraph (1)(A) for that ***year***. ``(B) Damage to vegetative cover.--The Secretary, in coordination with the applicable State technical committee established under section 1265(a), may determine for any ***year*** that harvesting or grazing under paragraph (1)(A) shall not be permitted on land subject to a contract under the conservation reserve ***program*** in a particular county if harvesting or grazing for that ***year*** would cause long-term damage to the vegetative cover on that land. ``(C) State acres for wildlife enhancement.--The Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, may allow grazing or harvesting in accordance with paragraph (1)(A) on land covered by a contract enrolled under the State acres for wildlife enhancement ***program*** established by the Secretary or established under section 1231(j) through the duration of that contract, if grazing or harvesting is specifically permitted under the applicable State acres for wildlife enhancement ***program*** agreement for that contract. ``(D) Conservation reserve enhancement ***program***.--The Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, may allow grazing or harvesting under paragraph (1)(A) to be conducted on land covered by a contract enrolled under the conservation reserve enhancement ***program*** established by the Secretary under this subchapter or under section 1231A, if grazing or harvesting is specifically permitted under the applicable conservation reserve enhancement ***program*** agreement for that contract.''. (c) Harvesting and Grazing.--Section 1233 of the Food Security Act of 1985 (16 U.S.C 3833) is amended by adding at the end the following: ``(e) Harvesting and Grazing.-- ``(1) In general.--The Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, may permit harvesting and grazing in accordance with subsection (b) on any land subject to a contract under the conservation reserve ***program***. ``(2) Exception.--The Secretary, in coordination with the applicable State technical committee established under section 1261(a), may determine for any ***year*** that harvesting or grazing described in paragraph (1) shall not be permitted on land subject to a contract under the conservation reserve ***program*** in a particular county, or under a particular practice, if harvesting or grazing for that ***year*** in that county or under that practice, as applicable, would cause long-term damage to vegetative cover on that land.''. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I rise today as the Senate considers legislation on an issue that is critically important to our Nation--the ***Agriculture*** Improvement Act of 2018, the farm bill. The goal, the responsibility, the absolute requirement is to provide farmers, ranchers, and growers--everyone within America's valued food chain--certainty and predictability during these very, very difficult times. We are, indeed, in a rough patch with regard to ***agriculture***. Many of my colleagues have introduced legislation over the last ***year*** that addresses priorities and stakeholders in their States. The bill that passed the ***Agriculture*** Committee with a strong 20-to-1 vote earlier this month addresses many of those concerns. In fact, the Ag Committee-passed product includes portions of 65 stand-alone bills, and an additional 73 amendments were adopted in the committee. We have also included 18 amendments in today's substitute amendment. Needless to say, we have worked to include as many priorities from Members both on and off the Ag Committee, and we want to continue to work with Members to address their concerns. That is why we are here. We are endeavoring to craft a farm bill that meets the needs of producers across all regions and all crops. All of ***agriculture*** is struggling, not just one or two commodities. We must have a bill that works across all of our great Nation. That means, with bipartisan support, we must do our job. We must pass a bill that provides our farmers, ranchers, and rural communities the much needed certainty and predictability they deserve. I appreciate the bipartisan support that we have had to date of those on the Ag Committee who voted to report a bill in such a strong manner--and other Members of the Senate--and I look forward to working with my colleagues on continuing to move this process forward. I will not say that it is an emergency, but we have to move this bill to provide farmers certainty and predictability during the very tough times they face. I yield the floor. The PRESIDING OFFICER. The Senator from Michigan. Ms. STABENOW. Mr. President, I want to concur with the comments of our chairman, Senator Roberts. All together, I believe we have 91 amendments between the work of the committee on a bipartisan basis and the work we have put into the substitute. We have listened and worked together with colleagues on both sides of the aisle and put forward a package of bipartisan amendments that will allow us to move forward in a way that will provide certainty for our farmers and ranchers, as well as our families. [[Page S4462]] Now we will take the next step, and we look forward to working with colleagues to move this forward to get to a final vote this week. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I wish to list the amendments that are included in the substitute that my distinguished colleague Senator Stabenow and I and our diligent staff have been working on. They are as follows: Senator Jones, No. 3081; Senator Smith, No. 3082; Senator Kennedy, No. 3097; Senator Murkowski, No. 3110; Senator Hatch, No. 3125; Senator Merkley, No. 3147; Senator Tester, No. 3148; Senator Gillibrand, No. 3154; Senator Gardner, No. 3157; Senator Moran, No. 3159; Senator Collins, No. 3160; Senator Peters, No. 3164; Senator Shaheen, No. 3172; Senator Feinstein, No. 3177; Senator Cornyn, No. 3186; Senator Cantwell and Senator Crapo, No. 3209; and Senator Gardner, again, No. 3218; and Senator Grassley. I wish to note that this represents 18 amendments put in the substitute--extremely bipartisan. I have read ``Republican,'' ``Democrat,'' ``Democrat,'' ``Republican'' all through these 18 amendments. We have proceeded that way in committee. We are proceeding this way on the floor. I urge Members to bring their amendments to the floor for consideration, and, hopefully, the amendments will be of a nature that we can consider them without controversy. I know people have strong concerns about whatever amendment they submit. Again, the ultimate goal is to do this quickly and to provide farmers certainty and predictability during this difficult time they are going through. I hope Members will keep that in mind with regard to any amendment they may be considering. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Family Separation Mr. DURBIN. Mr. President, last night, in the San Diego Federal District Court, U.S district court judge Dana Sabraw made a critical ruling that will affect the lives of thousands of people who have been the focal point of America's attention over the last several weeks. Judge Sabraw was appointed to the Federal bench by President George W. Bush. In reading about him online, he is a Japanese American whose background was in private practice law before he assumed the Federal bench. He was given the responsibility of ruling on the Trump administration's zero tolerance policy. You will remember that policy. It started in April. It was a decision by the Trump administration and Attorney General Sessions to separate children from their mothers and parents if they attempted to enter the United States without having legal authorization. The net result of that policy was the separation of thousands of children from their parents. It has been on the news almost every day for weeks now. A firestorm of opposition has come about on both political sides of the aisle. Democrats and Republicans have said this is unfair; that it is not right. Even the First Ladies--Democrats and Republicans--have come together in an unusual show of unanimity in their opposition to President Trump and Attorney General Sessions' zero tolerance policy. Attorney General Sessions defended the policy and said he had a Biblical defense for what they were doing. President Trump made it clear he was behind the policy as well. Yet the opposition grew and grew in its intensity to the point at which there were statements made by the Pope, as well as by an evangelical supporter of the President, Franklin Graham, when they called the administration's decision immoral. Late last week, President Trump issued an Executive order that said he was ending this family separation, but that order didn't contain one word about what was going to happen to these children. There was no resolution of the whole question of reuniting these children with their parents. I learned about this matter months ago--well, several weeks ago, at least--when we learned that a mother from the Congo had made it through South America and Central America to our border in California. She presented herself with her 6-***year***-old daughter and asked for asylum because she feared persecution and death back in her home country. That happened over 6 months ago. They removed her 6-***year***-old daughter from her custody and flew the girl 2,000 miles to Chicago. So the mother remained in San Diego, and the daughter was in Chicago. That was when we learned about it in my office. We started pursuing it. After we brought it to the attention of those at the Department of Homeland Security, they said that was not the policy, and they were going to work on it. They did reunite the mother and child, but the separation of this family led to this lawsuit, the lawsuit Judge Sabraw ruled on last night. Mr. President, I ask unanimous consent that the opinion of the court be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows: Judge Sabraw's order begins as follows: ``Eleven weeks ago, Plaintiffs leveled the serious accusation that our Government was engaged in a widespread practice of separating migrant families, and placing minor children who were separated from their parents in government facilities for ``unaccompanied minors.'' According to Plaintiffs, the practice was applied indiscriminately, and separated even those families with small children and infants--many of whom were seeking asylum. Plaintiffs noted reports that the practice would become national policy. Recent events confirm these allegations. Extraordinary relief is requested, and is warranted under the circumstances. On May 7, 2018, the Attorney General of the United States announced a ``zero tolerance policy,'' under which all adults entering the United States illegally would be subject to criminal prosecution, and if accompanied by a minor child, the child would be separated from the parent. Over the ensuing weeks, hundreds of migrant children were separated from their parents, sparking international condemnation of the practice. Six days ago on June 20, 2018, the President of the United States signed an Executive Order (``EO'') to address the situation and to require preservation of the ``family unit'' by keeping migrant families together during criminal and immigration proceedings to the extent permitted by law, while also maintaining ``rigorous[]'' enforcement of immigration laws. See Executive Order, Affording Congress an Opportunity to Address Family Separation Sec. 1, 2018 WL 3046068 (June 20, 2018). The EO did not address reunification of the burgeoning population of over 2,000 children separated from their parents. Public outrage remained at a fever pitch. Three days ago on Saturday, June 23, 2018, the Department of Homeland Security (``DHS'') issued a ``Fact Sheet'' outlining the government's efforts to ``ensure that those adults who are subject to removal are reunited with their children for the purposes of removal.'' Plaintiffs assert the EO does not eliminate the need for the requested injunction, and the Fact Sheet does not address the circumstances of this case. Defendants disagree with those assertions, but there is no genuine dispute that the Government was not prepared to accommodate the mass influx of separated children. Measures were not in place to provide for communication between governmental agencies responsible for detaining parents and those responsible for housing children, or to provide for ready communication between separated parents and children. There was no reunification plan in place, and families have been separated for months. Some parents were deported at separate times and from different locations than their children. Migrant families that lawfully entered the United States at a port of entry seeking asylum were separated. And families that were separated due to entering the United States illegally between ports of entry have not been reunited following the parent's completion of criminal proceedings and return to immigration detention. This Court previously entered an order finding Plaintiffs had stated a legally cognizable claim for violation of their substantive due process rights to family integrity under the Fifth Amendment to the United States Constitution based on their allegations the Government had separated Plaintiffs from their minor children while Plaintiffs were held in immigration detention and without a showing that they were unfit parents or otherwise presented a danger to their children. See Ms. L. v. U.S Immigration & Customs Enf't, 302 F. Supp. 3d 1149, 2018 WL 2725736, at \*7-12 (S.D Cal. June 6, 2018). A class action has been certified to include similarly situated migrant parents. Plaintiffs now request classwide injunctive relief to prohibit separation of class members from their children in the future absent a finding the parent is unfit or presents a danger to the child, and to require reunification of these families once the parent is returned to immigration custody unless the parent is determined to be unfit or presents a danger to the child. [[Page S4463]] Plaintiffs have demonstrated a likelihood of success on the merits, irreparable harm, and that the balance of equities and the public interest weigh in their favor, thus warranting issuance of a preliminary injunction. This Order does not implicate the Government's discretionary authority to enforce immigration or other criminal laws, including its decisions to release or detain class members. Rather, the Order addresses only the circumstances under which the Government may separate class members from their children, as well as the reunification of class members who are returned to immigration custody upon completion of any criminal proceedings.'' Judge Sabraw went on to explain why an injunction was needed despite the Trump Administration's claims that it was unnecessary. He said: ``[T]he Court addresses directly Defendants' argument that an injunction is not necessary here in light of the EO and the recently released Fact Sheet. Although these documents reflect some attempts by the Government to address some of the issues in this case, neither obviates the need for injunctive relief here. As indicated throughout this Order, the EO is subject to various qualifications. For instance, Plaintiffs correctly assert the EO allows the government to separate a migrant parent from his or her child ``where there is a concern that detention of an alien child with the child's alien parent would pose a risk to the child's welfare.'' EO Sec. 3(b) (emphasis added). Objective standards are necessary, not subjective ones, particularly in light of the history of this case. Furthermore, the Fact Sheet focuses on reunification ``at time of removal[,]'' stating that the parent slated for removal will be matched up with their child at a location in Texas and then removed. It says nothing about reunification during the intervening time between return from criminal proceedings to ICE detention or the time in ICE detention prior to actual removal, which can take months. Indeed, it is undisputed ``ICE has no plans or procedures in place to reunify the parent with the child other than arranging for them to be deported together after the parent's immigration case is concluded.'' Thus, neither of these directives eliminates the need for an injunction in this case.'' Judge Sabraw went on to say: ``The Executive Branch, which is tasked with enforcement of the country's criminal and immigration laws, is acting within its powers to detain individuals lawfully entering the United States and to apprehend individuals illegally entering the country. However, as the Court explained in its Order on Defendants' motion to dismiss, the right to family integrity still applies here. The context of the family separation practice at issue here, namely an international border, does not render the practice constitutional, nor does it shield the practice from judicial review.'' The judge went on to discuss the shameful lack of planning that has characterized the Trump Administration's zero- tolerance policy, saying: ``[T]he practice of separating these families was implemented without any effective system or procedure for (1) tracking the children after they were separated from their parents, (2) enabling communication between the parents and their children after separation, and (3) reuniting the parents and children after the parents are returned to immigration custody following completion of their criminal sentence. This is a startling reality. The government readily keeps track of personal property of detainees in criminal and immigration proceedings. Money, important documents, and automobiles, to name a few, are routinely catalogued, stored, tracked and produced upon a detainees' release, at all levels--state and federal, citizen and alien. Yet, the government has no system in place to keep track of, provide effective communication with, and promptly produce alien children. The unfortunate reality is that under the present system migrant children are not accounted for with the same efficiency and accuracy as property. Certainly, that cannot satisfy the requirements of due process.'' He also discussed the Trump Adminstration's problematic treatment of those seeking asylum: ``Asylum seekers like Ms. L. and many other class members may be fleeing persecution and are entitled to careful consideration by government officials. Particularly so if they have a credible fear of persecution. We are a country of laws, and of compassion. We have plainly stated our intent to treat refugees with an ordered process, and benevolence, by codifying principles of asylum. The Government's treatment of Ms. L. and other similarly situated class members does not meet this standard, and it is unlikely to pass constitutional muster.'' Judge Sabraw concluded his order as follows: ``The unfolding events--the zero tolerance policy, EO and DHS Fact Sheet--serve to corroborate Plaintiffs' allegations. The facts set forth before the Court portray reactive governance--responses to address a chaotic circumstance of the Government's own making. They belie measured and ordered governance, which is central to the concept of due process enshrined in our Constitution. This is particularly so in the treatment of migrants, many of whom are asylum seekers and small children. The extraordinary remedy of classwide preliminary injunction is warranted based on the evidence before the Court. For the reasons set out above, the Court hereby GRANTS Plaintiffs' motion for classwide preliminary injunction, and finds and orders as follows: (1) Defendants, and their officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them, are preliminarily enjoined from detaining Class Members in DHS custody without and apart from their minor children, absent a determination that the parent is unfit or presents a danger to the child, unless the parent affirmatively, knowingly, and voluntarily declines to be reunited with the child in DHS custody. (2) If Defendants choose to release Class Members from DHS custody, Defendants, and their officers, agents, servants, employees and attorneys, and all those who are in active concert or participation with them, are preliminary enjoined from continuing to detain the minor children of the Class Members and must release the minor child to the custody of the Class Member, unless there is a determination that the parent is unfit or presents a danger to the child, or the parent affirmatively, knowingly, and voluntarily declines to be reunited with the child. (3) Unless there is a determination that the parent is unfit or presents a danger to the child, or the parent affirmatively, knowingly, and voluntarily declines to be reunited with the child: (a) Defendants must reunify all Class Members with their minor children who are under the age of five (5) within fourteen (14) days of the entry of this Order; and (b) Defendants must reunify all Class Members with their minor children age five (5) and over within thirty (30) days of the entry of this Order. (4) Defendants must immediately take all steps necessary to facilitate regular communication between Class Members and their children who remain in ORR custody, ORR foster care, or DHS custody. Within ten (10) days, Defendants must provide parents telephonic contact with their children if the parent is not already in contact with his or her child. (5) Defendants must immediately take all steps necessary to facilitate regular communication between and among all executive agencies responsible for the custody, detention or shelter of Class Members and the custody and care of their children, including at least ICE, CBP, BOP, and ORR, regarding the location and well-being of the Class Members' children. (6) Defendants, and their officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them, are preliminarily enjoined from removing any Class Members without their child, unless the Class Member affirmatively, knowingly, and voluntarily declines to be reunited with the child prior to the Class Member's deportation, or there is a determination that the parent is unfit or presents a danger to the child. (7) This Court retains jurisdiction to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Order and Preliminary Injunction.'' Mr. DURBIN. Mr. President, let me read some of the words Judge Sabraw wrote last night in his order, in his conclusion, about the zero tolerance policy of separating children from their parents. The unfolding events--the zero tolerance policy [the judge writes] serve to corroborate Plaintiffs' allegations. The facts set forth before the Court portray reactive governance--responses to address a chaotic circumstance of the Government's own making. They belie measured and ordered governance, which is central to the concept of due process enshrined in our Constitution. This is particularly so in the treatment of migrants, many of whom are asylum seekers and small children. The extraordinary remedy of classwide preliminary injunction is warranted based on the evidence before the Court. For the reasons set out above, the Court hereby GRANTS Plaintiffs' motion for classwide preliminary injunction, and finds and orders as follows. It goes into detail, and I will not read it in its entirety since it is now going to be printed in the Record, but it reads, clearly, that the court is enjoining the government--the Trump administration--from separating minor children from their parents. It goes on to read that it also orders the Trump administration to reunify all class members with their minor children who are under the age of 5 within 14 days of the entry of this order, and defendants must reunify all class members with their minor children who are aged 5 and older within 30 days of the entry of the order. Defendants must immediately--and this is the government--take all steps necessary to facilitate the regular communication between class members and their children. The court went on to say that within 10 days, the government--the defendants--must provide parents telephonic contact with their children if the parent is not already in contact with his or her child. Last Saturday, the Department of Health and Human Services issued [[Page S4464]] what I consider to be a rosy and misleading press release about how much information they had about the parents and their children and how much telephone communication was taking place. I will tell you, in having contacted various people who are well aware of the situation, they have really overstated the contact information as well as the context between parents and children. Now they are being tested. The court has told them to return these children to their parents. Last Friday, I was in Chicago at one of the agencies that was the custodian for 66 of these children who have been the victims of President Trump's zero tolerance policy. It was an experience I still remember and will not ever forget--of seeing six little children walk into a conference room, where I was sitting--little kids--and learning that two of them, who I thought might be twins because they had similar hairdos, were, in fact, as one of them said to me, ``just amigas,'' friends. One was 5 ***years*** old, and one was 6 ***years*** old. As a father, it is hard for me to remember my kids at that age, but I can sure visualize my grandkids for a moment, who are now 6, 7, and 8, if they were to be separated from their parents by thousands of miles for weeks at a time. That was the policy of zero tolerance--to put pressure on those who consider seeking protection or asylum in this country. I just left a meeting downstairs with a person whom I admire greatly. His name is King Abdullah of Jordan. I admire him for so many things-- his efforts to find peace in the Middle East--but especially because that tiny Kingdom of Jordan, in the Middle East, has done something which should be a lesson to the world. That nation of 7 million Jordanians has accepted 3 million refugees. It is at their political peril for them to have that large of a population within their borders. Yet, time and time again, refugees have presented themselves to Jordan and have been given not only humane treatment but good treatment under the circumstances. The United States and many other nations have helped, and I am glad we have, for it is the right thing to do. Compare what we have done in the United States when it comes to refugees. Historically, we have accepted 75,000 to 100,000 refugees a ***year*** after careful screening, inspection, and vetting. In some cases, we have gone way beyond that. When the Cubans came over and said they wanted to escape Castro's communism, we opened our doors. Thank goodness, we did, as they have made a great addition to America. Three Members of the U.S Senate are Cuban Americans, and I am sure they are very proud of their family heritage. We opened our doors to Cuban refugees. We opened our doors to refugees as well from the Soviet Union and to people who wanted to practice their Jewish religion and felt they were being discriminated against. We opened our doors for them. We opened our doors for the Vietnamese to come here after the war and to become part of America because they had been on our side and had fought for freedom in their country and had run the risk of being killed. Time and again, the United States has opened its doors. What has happened under this administration? First, the President announced last ***year*** that he was reducing the number of refugees to 45,000 a ***year*** who would be allowed in America--a dramatic cutback. How many have been accepted so far this ***year*** as we are well over the halfway point of this fiscal ***year***? There have been less than 16,000 refugees. After careful screening, there have been less than 16,000. I believe we can do better. I believe there are those who are in need of help. I believe this is the definition of who we are as Americans-- the way we treat the people at our borders. If we are humane, if we are civilized, if we are caring, it is a message to the world. If we are the opposite, it is also a message to the world. Right now, we have to look at the scoreboard. The kids have won, and zero tolerance has lost. I hope now we can sit down and come up with a rational, reasonable approach. America cannot accept every person who wants to live here. I wish we could, but we can't. We have to have an orderly process, and we must have border security, but we need to do it with clarity and with humanity. We need to follow our Constitution, which the President, I hope, is reminded of after this decision last night. This decision reads that due process is a part of the Constitution and that the chaotic governance of this administration is not consistent with the Constitution and its principles. It is time now for the President to understand that and to reunite these children under the age of 5 within 14 days. Within 30 days, those under the age of 18 need to be reunited as well. Then we can move forward and put this sad chapter in American history behind us. I yield the floor. The PRESIDING OFFICER. The majority whip. Mr. CORNYN. Mr. President, I understand that the Democratic leader may be on his way, and I will yield the floor when he comes, but I do want to respond to the comments that have been made by my friend, the Senator from Illinois, the Democratic whip. I think what he is proposing is a false choice. He says we need to do away with zero tolerance when it comes to enforcing our immigration laws. Basically, what that means is an argument for the nonenforcement of our immigration laws. We can actually enforce our immigration laws and keep families together. Indeed, we have a proposal, which I know he is very familiar with, to do precisely that--proposed by Senator Tillis and Senator Cruz. I know he and Senator Feinstein are talking to them, and hopefully they can come up with a bipartisan solution. Yet the argument that somehow this is a new phenomenon is just not borne out by the facts. We all remember 2014, when the vast wave of unaccompanied children who came across the border from Central America was called a humanitarian crisis by President Obama. It was because we simply were not prepared to deal with the medical and other needs, feeding, housing, and taking care of these tens of thousands of children who were streaming across the border. Central America, basically, has some very serious problems which result in there being people who flee from those countries and seek, in many cases, asylum in the United States. Yet the idea that President Trump started something new when he decided to enforce the law or that this phenomenon of children coming across the border is something new is simply not the case. It has been happening for a long time. Back when President Obama was detaining families and was separating families, on some occasions when the accommodations were not available to deal with them together, we didn't hear a peep out of our friends on the other side of the aisle. When 1,500 unaccompanied children from Central America--those placed with sponsors here in the United States who were not American citizens, who were not even family members, and who had not had criminal background checks--were unaccounted for, as reported in a New York Times story recently, that was as a result of the flawed policies of the past in dealing with this humanitarian crisis. We do agree on one thing; that is, that families ought to be kept together, and the President has said as much. Yet what every single Democrat across the aisle has agreed to is a bill by our friend from California Senator Feinstein, which, simply goes from zero tolerance, when it comes to violating the immigration laws, to zero enforcement. What that bill would result in is a return to the flawed catch-and- release policies of the past because, if you can't enforce the law--if you don't have the immigration judges, if you don't prioritize these family cases--then you will have to give people notices to appear at some time in the future. Of course, most of them will not show up for their court hearings, and the cartels and human smugglers, whose business models depend on their ability to exploit these gaps in American law, will win. They will win because they will have successfully circumvented the enforcement of America's immigration laws. Those are the people who benefit the most from this. I am very sympathetic to the circumstances of these children and their families living in Central America, but as my colleague said, we simply can't accept anybody and everybody who wants to come to the United States under any and all circumstances. That [[Page S4465]] is why we have a legal system of immigration. That is why we have due process to consider asylum claims, which should be considered and should be expedited, in my view, while these family units are detained, and not simply say that we are going to go from zero tolerance of immigration law violations to zero enforcement and return to a catch- and-release policy, which is associated with huge surges in additional illegal immigration. According to Manuel Padilla, the Rio Grande Border Patrol Chief, who I was with this last Friday, that is a big mistake. The American people understand that we need to enforce our immigration laws. They are as compassionate as we all would hope to be about keeping these families together as much as we can, but at some point we need to enforce our laws. In this case, that means family units need to be detained in a secure, safe, and humane facility, but then they need to present those claims to an immigration judge on a prioritized basis. If they don't meet the legal criteria, then we simply don't have any alternative but to return them to their home country. That is the law of the land. So 83 percent of the children in U.S custody now came unaccompanied because their parents sent them from Central America by themselves. Only 17 percent came as part of a family unit. This is a longstanding problem, and we need to fix it. We have legislation that can do that, and we need to pass it this week in my view. I see the distinguished Democratic leader here. Mr. SCHUMER. I am not--keep going. Mr. DURBIN. Will the Senator from Texas yield for a question? Mr. CORNYN. Sure. The PRESIDING OFFICER. The Democratic whip. Mr. DURBIN. Mr. President, I would like to make one point and then ask a question. When President Obama, who was my friend and colleague in the Senate, came up with family detention policies under his administration, I objected, as well, and I can show the Senator from Texas the objection. Mr. CORNYN. Mr. President, I am sorry; I did not mean to suggest that the Senator from Illinois didn't object back then, but my point is that Senator Obama--President Obama had the same policies that are now being objected to under President Trump. Mr. DURBIN. The question I have for the Senator from Texas is this: If our goal is to make sure that the person presenting himself or herself actually appears as scheduled for the required hearings to be considered for eligibility under American law, if that is our goal, I would like to suggest to the Senator from Texas--and I think he can find in his own State evidence of this--over 90 percent of those in that circumstance appear at a hearing, as required, if they have one of three things: legal counsel; second, case management, which is the counsel of groups like Catholic Charities or Lutheran family services; or in some circumstances, ankle bracelets, where the government can monitor where they are. Over 90 percent show up, as required, for a hearing. It costs as little as $4 or $5 a day. It costs over $300 a day to detain a family. It is certainly not in the best interests of taxpayers to spend an amount that is unnecessary. Wouldn't the Senator agree that we ought to look for alternatives to detention that would also guarantee the appearance of individuals? Mr. CORNYN. Mr. President, I would respond to my friend from Illinois that I think alternatives to detention are a reasonable thing to look at, but the point is that people need to show up for their court hearings because right now, without detention, based on catch-and- release policies, these people simply fade away into the landscape and basically win the lottery when it comes to immigrating illegally to the United States without making a legitimate asylum claim. I would say on the representation issue that I certainly support pro bono legal counsel being allowed to represent the asylum seekers, and I believe that is the practice now. I would be reluctant to ask an American taxpayer to fund a lawyer for every immigrant who shows up at the border and makes a claim for an immigration benefit. I think that might be a bridge too far. But I do think that pro bono legal counsel makes a lot of sense. Recognition of the Minority Leader The PRESIDING OFFICER. The Democratic leader is recognized. Mr. SCHUMER. Mr. President, I thank my friends from Illinois and Texas for yielding the floor to me amidst that interesting debate. Family Separation and Asylum Processing Mr. President, yesterday a Federal judge ordered the Trump administration to immediately reunify the families who were separated by the administration's policy. It certifies what we in the Congress already expect--that the administration will expend all resources at its disposal to immediately reunite the over 2,000 families who have been separated. This should be the President's first order of business to undo the harm he has caused through his chaotic and cruel family separation policy. In addition to this effort, Democrats believe we should start addressing the root cause of the migrant crisis, attacking the disease as well as the symptoms. We believe that Central American countries should conduct asylum processing within their own countries. We believe the United States should help governments in Central America crack down on the ability of gangs and cartels to operate freely and ruthlessly in their countries. And we believe we should go after the drug cartels, smugglers, and drug traffickers with increased penalties and sanctions. There were robust efforts during the last administration to do exactly that, and they were showing progress. But President Trump, in shortsighted fashion, proposed significant cuts to the aid and resources used to fight the cartels and stop the violence in Central America. This is not only dangerous, but it also shows a basic lack of understanding. There is a pretty simple reason people are fleeing Central America. It is the impunity of these gangs and cartels and the brutal violence they spread. Many of the young people who want to escape being killed are then forced to use smugglers and other coyotes and carry drugs into this country through no fault of their own. We should stop this there in ways that we have been successful in Colombia, and that would greatly reduce the number of people coming to the border. That would make things easier for our country, but it would also make their lives a lot better and safer if they could file an asylum claim in their own country and get it adjudicated quickly. This is what many Democrats are going to propose in about an hour. There are other things we can also do, but we are addressing this issue today. President Trump needs to end the inhumanity and chaos at the border. We have to develop a real strategy to go after the gangs and cartels in Central America, curbing the violence that sends migrants to our borders in the first place. Later today, I will be joining with several of my colleagues to discuss how we believe the United States should go about this. China and Trade Mr. President, on China, I have long argued that the best way to make progress in our trade relationship with China is to be consistently tough until real concessions are won. China has flagrantly abused international trade rules and norms for more than a decade, stealing our intellectual property and know-how, illegally dumping artificially cheap goods into our markets, and denying blue-chip American companies access to their markets unless those companies sign away their know-how and intellectual property. Previous attempts to force China to change its behavior have been faulty and milquetoast, at best. Unsurprisingly, these efforts have largely failed. While we disagree on a lot of things, I was happy to hear President Trump talk as if he had learned from the lessons of the past. President Trump has, at times, pursued a tough, aggressive course of action against China, and I have applauded him when he has. But President Trump seems unable to consistently keep pressure on China. Every time I think he is going down the right path, he turns around and gives China a pass on something. Take the Chinese telecom giant ZTE, for example. Out of the blue, President Trump relaxed penalties on ZTE and loosened the restrictions on its sales in [[Page S4466]] the United States, despite the fact that it has been labeled a national security threat by our military. Why? It seemed to no end other than to placate President Xi, hardly our friend on economic issues. This morning, after threatening a tough new approach to limit China's ability to invest in the United States where national security was concerned, the Trump administration has once again backed off, it seems. Instead, the President seems to be endorsing a bill here in Congress to expand the authority of CFIUS, the Committee on Foreign Investment in the United States. That is a good provision in the NDAA. It passed with a filibuster-proof majority. An endorsement of the provision hardly means much because it is going to pass. Many of us wanted it to go further. Expanding CFIUS is not just for military and national security, but for economic security as well. But it is not sufficient--not sufficient. Mr. President, you are backing out again. President Xi is outfoxing you and outplaying you again. Once again, we get the tough talk and no action. This happens over and over and over again with this President and this administration. Why are we waiting to impose real pressure on China for its efforts to undermine our Nation's economic wellspring? It is another example of President Trump starting down a tough path with China and then just veering off course for reasons unexplained, sometimes on a whim. It appears there is a total war in the administration over just how strong the President should be with China. One week he is pulled in one direction, and the next, the opposite. If we are going to convince the Chinese Government we are serious, the United States must be strong, tough, and consistent. Otherwise, the President's approach will not succeed in changing China's behavior--or convincing President Xi that he means business--to the detriment of American workers, American businesses, and the economy for generations to come. Supreme Court Rulings Mr. President, there is one final topic, on the Supreme Court and what they did yesterday and today. Yesterday, the Supreme Court ruled that California was violating the First Amendment by requiring crisis pregnancy centers to provide information to their patients about abortions. It comes alongside a rule to affirm the President's travel ban in which the majority also bent over backward to accept President Trump's position. You would have to be living with your head in the sand over the past 2 ***years*** not to see a racial and religious animus behind the President's decision to ban travel into the United States from Muslim- majority countries. Unfortunately, both cases were decided 5 to 4. Five conservative judges ruled against California law and the travel ban. Anyone watching the Bench at the moment ought to be shaking their heads at the political polarization of the Court. The abortion case makes it even worse. As Justice Breyer pointed out in his dissent, in 1992, there was a California case where the Supreme Court upheld a Pennsylvania law requiring a doctor to provide information about adoption services. In other words, clinics performing abortions, helping women, had to provide alternative information. Now the shoe is on the other foot. California passed a law that said that clinics that try to dissuade women from having abortions, which is their right, also had to provide information about abortion. The majority ruled one way in the one case and the opposite in the other case. If free speech works in the one case, why doesn't it work in the other? If the government can compel a doctor in Pennsylvania to provide women information about adoption, why can't the government compel someone in California to provide information to a woman about abortion? There is a total contradiction. The majority somehow argued there was a glaring difference between the two cases, but it is plainly sophistry. In fact, there was little to no difference between these two cases. Let me state it again exactly. If an abortion clinic should be required to give information about alternatives, why shouldn't an anti- abortion clinic be required to do the same exact thing? Why does free speech apply to one and not the other? Why does lack of free speech fit one and not the other? Many Americans see this Court in a much more negative light than they used to. Chief Justice Roberts famously claimed in his confirmation hearings that he would ``call the balls and strikes'' as he sees them. Here we have the Chief Justice of the Supreme Court leading a majority departing from a clear precedent to affirm a conservative ideology, an anti-choice ideology. No one can see Chief Justice Roberts' decision in the California case as calling balls and strikes; instead, it is a wild, political pitch. And I would say to the Chief Justice: You are demeaning the Court you seek to uphold, in this type of contradiction, and the dissenting opinion showed its outrage at it. Just a moment ago, the Court ruled on the Janus decision. In the Janus decision, the Court said people had a First Amendment right not to join a union. That is a crazy idea cooked up by the conservative anti-labor movement and pursued relentlessly until a favorable collection of Judges would accept such a harebrained theory. The First Amendment and the right to organize are two totally separate things, but somehow the hard right first pays for these think tanks, which come up with these ideas, and then they assemble enough people in the Court who see things politically--not constitutionally, not legally, not ideologically--to affirm this decision. Unions are only 6 percent of private sector America. They are declining in membership, and it is a reason the middle class doesn't make more money even in this prosperous economy. This is an awful decision. It is going to increase economic polarization in this country. It is going to make it harder for middle-class people to earn a decent living. And sooner or later, people are going to get so angry that Lord knows what will happen. The American people are now seeing the results of a coordinated political campaign by deep-pocketed conservative interests to influence the bench all the way up to the Supreme Court. Justice Gorsuch, of course, and the current conservative majority on the Court are the capstone of these efforts, the result of an appalling decision by Senate Republicans to refuse President Obama a Supreme Court pick. Alongside the California ruling, the Roberts' Court affirmed a plainly discriminatory travel ban, unleashed a flood of unlimited, dark money in our politics, and scrapped a key pillar of the Voting Rights Act--all goals of the hard right, all having little to do with the Constitution or reading the law, all making America a more polarized, economically divided country. Opponents of these decisions and the President's policy should focus on the Supreme Court, whose thin majority will once again hang in the balance this November. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Sullivan). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Immigration Mr. LANKFORD. Mr. President, today, Wednesday, is day 83,723 since the Senate first achieved a quorum and started work. No grand celebration there. That is 229 ***years***, 2 months, and 22 days. In that time, this body has deliberated over some of the most difficult issues of our time--of any time--slavery, war, voting rights. They have all been difficult issues that our Nation has debated in this building. But lately it seems we have less and less debate and more and more empty-Chamber quorum calls. For the people who watch the debate in this room and watch an empty room and think ``Where is the debate happening in the Senate?'' I can assure you there is work being done. There is a lot happening in committee hearings right now. There is a lot happening in different offices on trying to work through the issues. Our days are busy and full, but for some reason, we are not getting to some of the biggest debates of the moment that need to be done and completed. We had a real push in the nomination process. We spent 100 days in [[Page S4467]] the last 18 months just on a quorum call waiting for a nomination to come up. That didn't happened in the last five Presidents combined. There have only been 25 requests for additional time for any nominee in five Presidents. This time, in 18 months, there have been 100. It is slowing down the body. We have to fix that. We have to fix our budget process. Our appropriations process is working a little better this ***year***, and that is good. We moved three bills last week. That is the first time that has happened in a decade in the Senate. That is good progress, but we have to complete the process so we don't end up with omnibus bills. That is going to take some reform. There are 16 of us--8 Republicans and 8 Democrats--who are meeting consistently to work on how to reform the process of our budgeting to make sure that we can fix that. So there is some work that needs to be done. There is also some reform that needs to be done. But as we deal with things like the farm bill this week--so far, we have not had amendments and votes on it--we have to reform the process on how we get through the farm bill, how we get through our appropriations process, and how we get through nominations. We also need to work through things that are difficult, things like immigration. I have been in this body multiple times to talk about this issue, and I will continue to come back to this body to raise it. The challenge we have with immigration is that there seems to be no deadline to solve it, so Congress just delays actually working on immigration. When a deadline comes, Congress finds a way to get around it, or the courts step in and make some change and say: We are going to make some ruling, which delays a decision here, and it just gets delayed again. The Nation is once again looking at the issue of immigration because of what we are watching happen with families on the border. Americans are people of great compassion. We do not want to see families separated. But we also understand the basics of the law. So how do we deal with all these things together? I would say first, this body has to learn how to focus on solving the issue of immigration rather than just complaining about the issue of immigration. We can't have it come up every once in a while when it is in the news and then work on something else when the news stops focusing on it. We have to solve this issue. Last February, we had four different bipartisan bills that came before the Senate. All four of them failed. You would think that there would have been work to say: Let's combine them. Let's find the common ground between the four different bills, form a final bill, and pass it in the Senate. Instead, the Senate got distracted with something else and walked away. We have to solve the issues on immigration. What is currently separating families is not a new issue. Some people believe it might be, but it is not new. This comes out of the Flores decision from 1997. Every single President has struggled under this Flores decision from a court in California. That court said that you can only detain children for 20 days. Well, it takes 35 days to do a hearing. So the court set up an impossible situation where it takes 35 days to do a hearing and you can only hold children for 20 days. So every administration has had the same problem: Do I release people into the country and tell them to show up for what is called a notice to appear at a future court date so their family can stay together, or do I separate families? Previous administrations have said: I will just release people into the country and will tell them to show up at a hearing at a future date. Well, there are a couple of problems with that. One is that thousands upon thousands of those individuals never show up for their first hearing, the notice to appear. The vast majority beyond that, after they show up for their first hearing, are given what is called a notice of removal, which says: You don't qualify to be in the country legally, so you need to leave. The problem is that 98 percent of those individuals then don't leave. Once they get that notice of removal, they find a way to disappear into the country. They move to a new city, and they are gone. This administration is struggling with that, saying: Well, what we have created is an incentive to come into the country illegally. If you cross the border and bring your family, you will be released into the country, and then you can just disappear, and no one will ever try to find you. That is a problem with the legal system, period. I am not cold to immigration. Quite frankly, I am grateful we are one of the most open immigration countries in the world. We have 1.1 million people a ***year*** who become legal citizens of the United States, going through the process the right way. I just spoke at a naturalization ceremony in Oklahoma City. If you ever come to one--and I encourage every American to go to one of the naturalization ceremonies, but take Kleenex with you. They are incredibly moving events--watching people from all over the world stand and raise their right hand and take their oath to become an American citizen, say the Pledge of Allegiance for the first time as an American, hold the little American flag and wave it, and seeing their family cheer them from the audience, saying: We are Americans together. It is incredibly moving to see that. There are 1.1 million people a ***year*** who do it the right way. Let me add one more number. Half a million people a day legally cross our southern border. Let me run that past this body again. Half a million people a day legally cross our southern border. We are not a nation that is closed to immigration. We are a nation that is open to immigration. Half a million people a day legally go through that process of crossing the border back and forth. That is just coming from the south to the north; that is not counting the people going from the north back to the south, back into Mexico. We are an open nation for immigration, but we have real issues that need to be resolved. Let me run through a couple of these. We have to solve the Flores issue. We shouldn't have an impossible situation to say: You can either release people into the country whom we know, by and large, will never show up for a court hearing or detain them and separate families. That is intolerable. This body can fix that, but no one has since 1997. It is time for us to be able to take ownership of that and to be able to fix that. We should not separate families, but neither should we just release them into the country and give them a notice to appear. Many people in this body may not know, but right now, if you called our Department of Justice and DHS and asked them: In the regions of the country, when is the next available court date for an immigration hearing for a notice to appear? They will tell you--because we have just checked--that the next available court date--if you are crossing the southern border right now, they will hand you a notice to appear for August of 2022--August of 2022. They will release you into the country on your own recognizance, hoping you will show up 4 ***years*** and 2 months from now at the next available court hearing. That is intolerable. So what do we do? Let's start with some basics. Can we agree that we should add more immigration judges? We have 350 immigration judges in the country. Last ***year***, this body agreed and voted to add another 150. It is still not close to what is needed. We have a backlog of 700,000 immigration cases right now. It is not possible for that group of immigration judges to actually get through all of that. Can we agree to add more immigration judges so individuals get due process but don't have to wait 4 ***years*** to get due process? We should be able to agree on that. We should be able to agree on reforms to the process. It takes over 700 days to hire a new immigration judge. That is a broken process for hiring. Can we agree that process needs to be fixed? Can we agree on basic southern border security? That used to not be a controversial thing. In 2006, this body passed something called the Secure Fence Act. It added 650 miles of fence and border onto our southern border. That vote passed with overwhelming support from this body, Republican and Democratic. Outspoken conservatives, such as Chuck Schumer, Joe Biden, and Senator Barack Obama, voted for the Secure Fence Act in 2006. This used to not be a partisan issue that we would [[Page S4468]] just have basic border security. So 650 miles of fencing is now on our southern border today because of the bipartisan Secure Fence Act that passed with overwhelming support from this body in 2006. Can we still agree that securing our southern border is a good thing or is that still a partisan issue? I hope it will not be. That should be a basic principle of trying to secure our southern border. Every Nation just wants to know who is coming in and out of our borders. Even for asylum seekers--there has been much in the news about asylum. Asylum seekers who go to the port of entry have not violated any law. They are going to a port of entry and saying: I request asylum. What is interesting from that is even if I go back to, let's say, 2016, the last ***year*** of the Obama administration, of the people who came to the border requesting asylum, after they got into the country, only 40 percent of them actually filed paperwork for asylum. Of that 40 percent who actually filed paperwork for asylum, only 13 percent of them actually received asylum, and that is in the last ***year*** of the Obama administration. We should allow for asylum, but they should come to the ports of entry. That is the right spot to do it, not skip around the ports of entry, and when they are arrested for coming between the ports of entry, then claim: Now I want asylum. Those folks, the vast majority of them who claim they want asylum, never actually file the paperwork to get it. Once they are released into the country, they never follow through with the actual request. We should be able to fix some of those issues. We should also be able to fix the DACA issue. I have raised this in this body multiple times, and I have talked about it often at home. We have a couple of million kids who have grown up in this country whose parents illegally crossed the border when they were infants and children at the time and who have grown up in this country. They don't know another country. Now, their parents violated the law. Those kids did not violate the law. What do we do with them? The most simple principle, and that is what I hope we can agree on common ground is, let's secure the border. Let's take a couple ***years*** to make sure we secure the border, but let's also give a shot to those kids who are here with the DACA ***Program*** to be naturalized, to become citizens of the United States in the only country they have ever known. This shouldn't be that controversial either. Quite frankly, that opinion is agreed upon by President Obama and by President Trump. Back in February, over 70 Members of this body voted for a bill that allowed for naturalization of individuals in the DACA ***Program***. We had four bills we voted on. None of them got 60 votes, but if you count up each of the people who voted for them on a bill that included naturalization of those kids, over 70 people voted for that in this body on some level. We have common agreement that we should do that. We can't seem to finish the work to actually do it though. We should be able to resolve it. We should be able to fix the issues of family separation. We should be able to solve basic border security issues. This is doable stuff, but we need this body to focus and to actually get it done. Every issue we debate is controversial. Some of them are louder and more controversial than others--I get that--but that is our job, to go through the difficult issues, read the Constitution, and talk to the people at home to deal with the issue and make a decision. I encourage this body to finish the work. We should be able to secure our border. We should deal with this issue of family migration. We should keep families together but actually go through the legal process, not just release them into the country for a hearing 4 ***years*** from now, for which they probably will not show up. We should do this and find that common ground. Let's work together. Let's finish the task that needs to be done on this and actually get this resolved. With that, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mrs. CAPITO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Tax Reform Mrs. CAPITO. Mr. President, I rise today to highlight the 6-month anniversary of the Tax Cuts and Jobs Act. I would like to illustrate what it has meant to the people of West Virginia since President Trump signed this into law. I will speak in a larger sense, as well, regarding what a difference it has made in this country. We see it in the news every single day, and the benefits are really undeniable. Since Congress passed tax reform, we have seen incredible job creation--more than 1 million jobs, to be exact. We have seen unemployment drop to historic lows and wages are on the rise. Our small businesses and their employees are feeling optimistic again. When I travel throughout the State and visit our small businesses, there is a real hop in the step of those small business owners and those who work there because of their increased business, because of their ability to expand, and other things that they have wanted to do for ***years***. So it really has been an incredible transformation. Only a few days ago, a ``CNBC News'' survey showed that 54 percent of Americans say the economy is ``good or excellent''--good or excellent. That is the highest percentage that has ever been recorded in the 10 ***years*** that CNBC has been doing the survey. But even more important are the number of stories that I have heard of what has transpired since we did tax reform. In letters, in meetings, and everywhere around town, I have heard from West Virginians who are feeling the positive effects of tax reform. Our small businesses have been able to expand and hire new employees. They have been able to give back to their employees, whether in the form of bonuses or reaching out to their communities with more charitable donations. Others have been able to create jobs and hire more workers. Just this month, I received a letter from a constituent, Chris from Charleston, who owns an eye consulting business. Chris wrote that the Tax Cuts and Jobs Act is ``legislation that has benefited small business owners all across the country and our folks back here in West Virginia.'' He said that as a result of the tax cuts, small businesses have hired more people, raised employee wages, and expanded opportunities and operations. He continued to talk about the other aspects of the tax cuts. He said: That doesn't sound like a tax cut that only caters to the rich and powerful. As each week passes, more and more of our fellow Americans support the new tax code. I hear it from my patients in the office all the time. Chris isn't alone. I have heard from families who are better able to cover expenses and invest in their children's education. When President Trump traveled to West Virginia this spring, we spoke to one family, the Ferrell family from Huntington. Thanks to tax reform, the Ferrells were able to open a 529 savings account for the first time to help support their children in their education. I have heard from families who have been able to afford high-speed internet for the first time. That might sound like a little thing to a lot of people, but it is a big thing to a family and to a child who comes home from school and can't do their homework because they don't have connectivity. Because of that change, one more student in our State is able to complete their homework at home. They no longer have to feel left behind when they get back to school. That is a powerful thing. But it is not just West Virginia's small businesses and working families who are benefiting from tax reform. In our State, these benefits are helping to improve entire communities. During President Trump's roundtable--again, in West Virginia--we also heard from Tony, who is a rural mail carrier. Tony and his wife Jessica live in Hurricane, WV, with their two sons. Tony explained that because of tax reform, their family was not only able to make home improvements, but they were also able to make more charitable contributions. Specifically, they took extra money that they are seeing in their paychecks and gave it to their church, specifically for the faith-based initiative that has [[Page S4469]] been a very successful resource in fighting the opioid epidemic that we see throughout our State. It is no secret that this opioid epidemic is severely damaging and having devastating consequences in our State with our communities and our families. But because of tax cuts and Tony and Jessica's generosity, at least one community has extra support that can be used to fight back against the drug crisis. I know this is not an isolated incident. It is one that illustrates a very important point: Tax reform is making real and meaningful changes in West Virginia and across the country. That is certainly not crumbs to us in the Mountain State. Just think that it has only been 6 months--only 6 months--and already 4 million workers have received bonuses across the country. Consumer confidence is at an all-time, 18-***year*** high, and 102 utility companies have cut their rates. Think of what that does for the folks at the lower end of the economic scale. When your power bill is $50 or $100 less or even $25 less a month, that makes a difference. That makes a real difference. And more than 8,000 low-income communities have been designated as opportunity zones. I am excited to see what else is ahead for the State of West Virginia and for all Americans thanks to the Tax Cuts and Jobs Act. I am excited to continue building on the incredible momentum that we have created, and I am excited to continue delivering pro-growth solutions that will help to improve lives all across this country. Tribute to Dennis Frye On another note, Mr. President, I was just visited by Dennis Frye, who is a retiring park ranger in Harpers Ferry. He has been a good friend to me. He is a historian of the highest degree on the Civil War and the critical battles that were fought in and around Harpers Ferry and in that region of our State and in Virginia and Maryland. I want to thank him for his service, for his 42 ***years***, 32 of those in the Park Service. He is a public servant who will never be forgotten in our region. I know he is going to continue to give back to the community. So I want to say thank you to Dennis for his depth of knowledge, for his appreciation for our history, and for his appreciation of what we can really learn about our future if we look back at our history. So thank you to Dennis Frye. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Pennsylvania. Mr. TOOMEY. Mr. President, I rise to address an amendment that I worked on with my colleague Senator Corker from Tennessee. It is an amendment that I hope we are going to get a vote on today because I think it is timely, it is important, and it is really a measure that would simply restore to Congress a responsibility that the Constitution assigns to Congress. So what am I talking about? I am talking about the amendment that we have crafted that would simply require that before a President--this President or any other President--can invoke section 232 of our trade law, which is the provision that grants the President special powers when the national security of America is threatened or is at risk and gives him the power to impose tariffs in that situation, what this amendment would do is that it would say that when a President makes the determination that he wants to impose tariffs because it is essential for the security of our country, he could do so as long as he has the assent from Congress. It would require an expedited process and a simple majority vote. It couldn't be dragged out. It couldn't be filibustered, but it would ultimately be congressional responsibility. Now, why do I say that this would be restoring to Congress its constitutional power? Well, it is because the Constitution is very unambiguous about this. Article I, section 8, clause 1 states that ``the Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises.'' It goes on from there. Duties are tariffs, and I don't think anybody disputes that. So article I, section 8, clause 1 assigns that responsibility to Congress. Clause 3 goes on further to make it clear that this is Congress's responsibility, by stating that the Congress shall have the power ``To regulate Commerce with foreign Nations.'' Well, the imposition of duties clearly is an exercise in regulating commerce with foreign nations. Now, over time the Congress has ceded authority in this area-- unwisely, in my view--to the Executive, and that has been going on for decades. There is no question about it. The Executive now has a lot of authority under powers that Congress has delegated to the President. Frankly, it is part of a broader trend of congressional powers that are being delegated to the executive branch, to regulators, agencies, and to the Cabinet. I think it is a mistake. I think this is a congressional responsibility. We ought to take that responsibility, and we ought to take it seriously. Why do I think it is important in this particular case? Because, in my view, this section 232 provision is being misused. It is meant to ensure that our Defense Department can procure defensive materials needed in time of war. That was the real motivation behind creating this power for the President to block foreign trade in the event that our national security depended on it. What do we have instead? We have this provision being invoked as a way to impose tariffs on some of our closest allies, our closest friends, and most important trading partners--in fact, the Canadians, the Mexicans, and the European Union--over very small amounts of steel that we import. In the case of Canada, it is really quite amazing. Do we have a closer ally than our next-door neighbor, Canada, the country that sends troops to fight alongside ours whenever we have a need to do that, a country with whom we have massive amount of trade in both directions, a country with whom we have a balance of trade overall, a country where we actually have a surplus in steel? What we are doing is we are imposing taxes on Americans, taxes on my constituents if they choose to buy steel from Canada, and we are saying that is necessary for national security purposes. Of course, it is not. It has nothing to do with national security, and the Secretary of Commerce admitted as much before our committee last week when he said what it is really about is getting the Canadians to agree to the changes the administration wants to make in NAFTA. Well, I don't agree with those changes in the first place. So we are misusing a national security element of our law to punish American consumers for products that originate from one of the friendliest countries on the planet with respect to our country, and I think this is a problem. By the way, it is not the first time that we have had really dubious trade policy from the administration. I totally disagreed with the Mexican sugar deal that was negotiated. It is a protectionist bill that treats domestic sugar growers very, very well. They get an artificially high price for their sugar, and all of us who are consumers of sugar pay too high a price. Then we had tariffs imposed on solar panels and washing machines. We now are finding that, first, we had tariffs on Canadians, Mexicans, Europeans, and South Koreans. Then, there was relief. But, then, that expired, and now the tariffs are back. We have gone too far down the road. This has become very disruptive. This is bad for our economy, it is bad for my constituents, and, fundamentally, it is a responsibility that we have. It is in the Constitution. It says so. So what this amendment does is that it simply says: Look, the President can invoke 232; the President can invoke national security if he sees fit, but he has to come back to Congress for an expedited up- or-down vote. Frankly, that is exactly what our responsibility is. This bill is relevant. The ag community is more adversely affected by the retaliation against these ill-conceived tariffs than any other sector of the economy I can think of. This is the bill that addresses ag policy. This is the right moment to have this debate and to decide whether we want to take the responsibility that the Constitution assigns to us or not. By the way, I get that not everybody agrees with what Senator Corker and I and others are trying to do, but I hope everybody acknowledges that the role of the Senate is to debate and vote on tough issues. That is part of what we are sent here to do--to decide what our policy will be--and that necessarily includes having a debate and having a vote. [[Page S4470]] So I think my colleague from Tennessee is going to make a request that we be able to consider this amendment and vote on this. I wholeheartedly support this effort. I think it is very, very important. I yield the floor. The PRESIDING OFFICER. The Senator from Tennessee. Mr. CORKER. Mr. President I want to thank my friend from Pennsylvania for his comments and for his leadership on issues relative to free trade and other important issues to our Nation. I just want to reiterate for a minute, before I ask for this amendment to be called up, the fact that this particular amendment, No. 1, is cosponsored by 14 people of various ideologies, on both sides of the aisle. Senator Flake, who is here on the floor, is a cosponsor of this amendment. It is probably one of the most supported amendments we are going to vote on as it relates to the farm bill. Is the farm bill the right place? Absolutely. Farmers around our country are being hurt by this administration's trade policies, and more than 20 farm bills could help them. So it is very important for us to address this issue now. Some of my friends on the other side of the aisle--by the way, we have many people on the other side of the aisle supporting this legislation, this amendment--have said: Well, we don't want to hurt our ability to impose tariffs on China. This has nothing to do with that. As the Senator from Pennsylvania mentioned, the President has used section 201 of the Trade Act to put in place tariffs on solar panels and on washing machines. He did that in January. The additional tariffs that he is putting in place on China are under section 301. What this amendment narrowly focuses on is the abuse of authority that the administration is utilizing to put tariffs in place on Canada, Mexico, and on many of our allies, especially in Europe, and what he is doing is citing national security. It is dubious. All of us know that it has nothing whatsoever to do with national security, but the reason the President is using this is that he doesn't have to prove anything to use it. Under the other sections, you have to deal with the WTO or the ITC, and you have to actually make a case for what it is you are doing. When you use section 232, no case has to be made. He can just do it. Therefore, because of this abuse of authority, that is the reason we believe the President ought to be free to negotiate these. Sure, he is the leader of our Nation, but once he completes those negotiations, if he is going to use section 232 of the Trade Act, we believe he should come to Congress, as was laid out by the Senator from Pennsylvania. With that, I ask unanimous consent to set aside the pending amendment to call up amendment No. 3091. The PRESIDING OFFICER. Is there objection? The Senator from Ohio. Mr. BROWN. Mr. President, I reserve the right to object. My colleague raises concerns about the effect of retaliatory tariffs on our farmers and others. I couldn't agree more, but we should not pit farmers against steelworkers. Only a few days after Candidate Trump became President-elect Trump, my first correspondence with him was about how we do trade policy in the next few ***years***. One of the conditions--one of the admonitions, if you will--was that you don't play off one industry against another. You don't play off ***agriculture*** against autos or steel or chemicals or anything else. I think my colleagues agree that it benefits all Americans if we stop China cheating, if we force them to play by the rules. I would say to my colleagues today--to Senator Toomey and Senator Corker--that I understand they have some bipartisan support on this, but I would say that probably the worst thing you do for America's farmers is to jeopardize passage of the farm bill today. I have spoken with Senator Roberts and Senator Stabenow about that, and that is exactly what this amendment would do. The amendment would gut, most importantly, one of our trade enforcement tools, a tool Congress passed and enhanced in the Finance Committee just in the last couple of ***years*** to ensure we protect the industries necessary to defend our country. I know my colleague from Tennessee generally opposes the President's trade agenda. I think he does that from an intellectually honest position, but that is not justification for completely undoing a decades-old statute that is one of the few tools we have to defend national security interests against distortions in the global market. The steel and aluminum tariffs the President has put in place are long overdue actions to defend against the further shrinking of two sectors critical to national defense. Senator Toomey knows this in the western part of his State, as I know it in mine. I know my colleagues agree that excess steel production capacity in China is troubling. We are talking about a country that now has the capacity to produce half of the world's steel, close to half of the smelt, and half of the world's aluminum. It has affected the global market. It has made steel overcapacity a global problem. We know that China puts people to work because they can't afford to have tens of millions of young men unemployed in the country. They subsidize their energy, water, capital, and land. They have dozens of government-owned enterprises. They want to keep their people at work. They cheat when they do. That is very simple. We have an administration now that is finally willing to take action and defend our highly competitive steel industry and steel workers. I know what a competitive steel plant looks like. I was at ArcelorMittal in Cleveland, 7 miles from my house, only a week ago. That is the first steel mill in the world that has been able to produce raw steel with one person-hour of labor. Think of that, a ton of steel produced by one person-hour. That tells you how productive our plants are, but against China cheating and subsidizing nearly all of the components--we simply can't do that. The State of Tennessee, perhaps, has been lucky to avoid the devastation brought to steel towns, like Steubenville, Yorkville, Martins Ferry, Warren, and Lorain, all cities in Ohio, up and down the Mon River in Pennsylvania--Senator Toomey said the same thing--all as a result of China's excess capacity. The shuttered steel mills and thousands of steel workers in Ohio who lost their jobs are constant reminders for my State that this trade enforcement action by the President was long overdue. We have to have steel and aluminum sectors in this country to defend ourselves. It is that simple. We will not have these critical sectors if our steel and aluminum producers can't keep their doors open. This section of the statute, 232, was Congress's way, some time ago, of acknowledging there are connections between trade and national security. Imports can undermine our national security. Congress has recognized that for ***years***. There should be ways for the President to take action when that is the case. The Corker amendment fundamentally rejects that idea and hamstrings the President's ability to protect America's national security interests. Even worse, the Corker amendment would immediately remove the 232 steel and aluminum tariffs, including those on China. Why would any colleagues vote to let China off the hook? Just look at the bipartisan effort to pass the Foreign Investment Risk Review Modernization Act, which passed down the hall, I believe, with only two ``no'' votes. There is broad bipartisan support also for ensuring that the President take a tough stance with ZTE, which he has not been wild about doing. But for some reason, when it comes to aluminum and steel, it is OK to let China off the hook. It makes no sense. I know some of my colleagues who support this amendment will say that they would support the President's actions if they were targeted just to China. They think the Corker amendment is necessary because the President has applied these tariffs to our allies. But steel overcapacity is a global problem. It needs a global solution. If we don't take a more comprehensive action, China will cheat their way into those other markets. Ask ArcelorMittal, ask Nucor, ask AK Steel, ask U.S Steel, just to name a few domestic producers we have in my State. They have all seen the tricks China uses to work around our anti- dumping and countervailing duty laws. [[Page S4471]] Look at the findings of Ambassador Lighthizer's recent report on China's intellectual property theft. He found that China was stealing about $50 billion of intellectual property from the United States every single ***year***. The evidence is clear. I don't even particularly fault China because they are acting in their national interests. Maybe we should try to do the same thing. China is determined to gain U.S market share in technological advances, and they will stop at nothing to get it. I agree that we should work with our allies, and this administration, to a degree, has. They have negotiated agreements with South Korea, Brazil, Argentina, and Australia. Some of our colleagues are concerned, rightly, about Canada and Mexico being covered by the tariffs. I share that concern. But gutting trade enforcement is not the way to fix that. I have worked with the administration to reach a solution through negotiations; I encourage my colleagues to do the same. I spoke to Ambassador Lighthizer again late last night. We are in a holding pattern with NAFTA talks until Mexico's elections, in about a week. But soon after that, NAFTA talks will pick right up. Steel and aluminum tariffs will be part of that dialogue, as they should be. Because Canada and Mexico have such close proximity to our market, they are primary targets for Chinese transshipment. We have to guard against that or the section 232 tariffs simply will not be effective. I am confident an agreement with our NAFTA partners can be reached. I hope it is reached soon. Canada and Mexico are important parts of the North American steel supply chain. They are important partners in making sure our efforts to address steel overcapacity are effective. The tariffs have been effective. Just yesterday, Republic Steel announced that one of its rolling mills in Lorain, OH, will restart in September. In Granite City, IL, 800 steelworkers were called back to work. The Corker amendment would threaten these new jobs and would thwart other announcements of steel mills restarting in the United States. To summarize, the Corker amendment would permanently undermine a longstanding section of statute that makes sure the United States has the industries necessary to defend itself. It would let bad actors, like China, off the hook, able to flood our markets with unfairly traded steel. It disregards ongoing negotiations with our NAFTA partners. It threatens the improvements seen in our steel and aluminum industries since the tariffs were imposed. For all those reasons, I object. The PRESIDING OFFICER (Mrs. Ernst). Objection is heard. The Senator from Tennessee. Mr. CORKER. Madam President, I don't even know where to start. The Senator from Ohio is a friend of mine. We came in together at the same time. He has written books on labor and trade, and I respect the fact that he knows a great deal about the topic. We serve together on the Banking Committee, and I respect him. Much of what he just said was focused on China. I have never heard of a trade policy where you have a country like China, which is, in fact, dumping steel around the world because it is in their interest--I have never heard of a trade policy where you punish your friends in order to get at someone who is doing something to you. So we are punishing Canada and Mexico. We are fortunate to live in the neighborhood we live in, to have the neighbors we have. We are punishing our European allies, who have been with us for centuries, in order to get at China. It makes no sense. As a matter of fact, I haven't heard a person who has gone to the White House to talk about what they are putting in place--a trade policy--come back over here and be able to articulate anything coherent about that policy. I haven't heard a single soul be able to explain to me why we would punish our allies in Europe and our neighbors next door in order to get at China. Section 232 has nothing to do with China. That is absolutely not true; it has nothing to do with China. China is being punished by 201 and 301, and we are punishing our allies by abusing a national security section called 232. So I don't know what to say. Mr. TOOMEY. Will the Senator yield? Mr. CORKER. Let me finish one more thing before I yield, and I will gladly yield. People in our Nation are being hurt today. People are being hurt. We saw the Harley-Davidson issue, where they are going to move some of the jobs overseas to avoid these tariffs. Other companies are going to be doing the same. Right now, farmers are being hurt around our country. On July 1, a whole other set of countermeasures is coming in from other countries. On July 6, there will be a whole other set of countermeasures coming in. I just want the record to be clear. The Senator from Ohio, my friend, will not even allow us to vote. If he disagrees with this policy, he can vote against it. He is not even allowing us to vote on something that could ease and stop the pain that is being inflicted on our country by a trade policy that is not coherent, that is being made up on a daily basis, and that has nothing whatsoever to do with what China is doing with steel and aluminum. I don't know what this body has become when you can't even vote on an issue that is current, that is damaging farmers more than 20 farm bills could make up for. With that, I yield the floor to my friend from Pennsylvania. Mr. TOOMEY. Madam President, I thank my colleague from Tennessee. I will put aside how stunned I was to hear that my colleague from Ohio has suggested that maybe we want to emulate the Communist-managed economy of China as a good model for economic development. That is just breathtaking to me. But I really want to stress the point that the Senator from Tennessee made, and that is the fact that this amendment has nothing to do with China. We can go on all day about how outrageous some Chinese behavior is in the trade space. It is true; there is really bad behavior, and, by the way, we need to address that. We would be better able to address things like the theft of intellectual property and porous technology ***transfer*** if our allies were working with us to address that outrageous behavior. But it is harder to get your allies to work with you when you are hitting them with tariffs and the excuse is national security. Let me just put a little bit of scale to this. Our colleague suggested how important it is that these industries survive. I completely agree. Domestic producers produce 75 percent of all the steel we consume. We import about 25 percent of it. Do you know how much of that comes from China? About 2 percent of the 25 percent. We don't import steel from China; that is the reality. We do import a little bit of steel. The No. 1 source is Canada, which buys more steel from us than we buy from them. So that is our national security threat; that is why we need to hit my constituents with a tax when they choose to buy those kinds of steel the Canadians happen to specialize in and Americans don't. This makes no sense at all. Finally, my last point is this: We have sincerely held differences of opinions on this. Why can't we vote? Isn't that what the Senate is here for? Let's debate this, let's consider this, and let's have a vote. I didn't think the purpose of the Senate was to avoid votes that people think are tough or challenging or that they even disagree with. I fully accept disagreement. I don't expect unanimous agreement on the outcome, on the policy. But why in the world is this a body that can't have a debate and vote about something as timely, important, and relevant as this? The PRESIDING OFFICER. The Senator from Tennessee. Mr. CORKER. Madam President, I will be very brief. I know the Senator from Ohio wants to speak, and the Senator from Wyoming has been waiting. People in our Nation are being hurt today. Americans are being taxed heavily. A tariff is a tax on the American people. What the Senator from Ohio is doing is saying that the Senate should not even vote on a measure to alleviate the pain that Americans are going to feel and the jobs that are going to be [[Page S4472]] lost over the next couple of months as this trade war continues. I am just disappointed. I cannot believe it. With the zeal with which we both came to the Senate 11\1/2\ ***years*** ago to debate and deal with the big issues of our Nation and to have an amendment that is supported in a bipartisan way when people know that the trade policy being put forth by this administration is being made up on a daily basis and they know that jobs are going to be lost and farmers are already hurt, we cannot even vote, even though we may disagree, on an amendment. So on this day, June 27, let it be known that on a bill that is very relevant because of the pain that farmers are going through, we were kept from voting on a measure that would have alleviated an incoherent policy from continuing as it relates to trade. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Ohio. Mr. BROWN. Madam President, I appreciate Senator Corker's comments. I appreciate a little less those of Senator Toomey, who tried to say that I was thinking that the People's Republic of China has an economy we should emulate. What I actually said--and I have seen him do this before. What I actually said is that China's Government fights for its national interests by putting people to work, and our trade policy, for 25 ***years***--since NAFTA, since PNTR, since CAFTA, since South Korea, many of them pushed by Presidents whom I have stood up for--has undermined American national security and domestic security. So I just reject that. But I appreciate Senator Corker's comments about voting on this. This is a major change in policy, with no legislative hearings, with no real discussion or debate. It is a bit rich when the majority party talks about our not allowing votes when, to start with, there was the Supreme Court nominee of 3 ***years*** ago and all the times we tried to do a transportation bill, important in our Banking Committee, as Senator Corker knows. He wasn't really part of the obstruction, but I just find it a bit rich. The reason is that Senator Hatch has already said he wants to do hearings to really understand what it would mean to roll back ***years*** of having these trade remedies, like 232. What would it mean? We have lost 7,000 jobs in the steel industry in my State. I don't know the number in Western and Central Pennsylvania--in Senator Toomey's State--but I want to move quickly on having these real discussions and real debates. Having a vote on a bill that nobody really understands, except it is reacting to the President's sometimes bungled positions and attempts on trade enforcement--I share that frustration. I am his ally on this, but I have been frustrated, too, with the back-and-forth on which countries are in and which countries are out. Fundamentally, tariffs are a temporary tool. They are not a trade policy used by the President, in this case to force a discussion and a real policy about what to do with China's excess capacity, where half the world's steel can be made in one country, and they put people to work and undermine international trade laws by doing it. People in my State have paid the price, as they have all over the country. The PRESIDING OFFICER. The Senator from Tennessee. Mr. CORKER. Madam President, this amendment has nothing to do with China. This amendment deals with Canada, Mexico, our European allies, and other countries. I guess when we go back home this week and we talk to our constituents and they talk to us--I had a member of the UAW write a letter to the editor thanking me for these efforts that are underway to stop these tariffs that are killing the automobile industry or will kill the automobile industry that exists in Ohio and Tennessee. But I guess what I will tell him is, well, we couldn't vote on a simple measure that would allow Congress to vote up or down on tariffs the President negotiates. But what we are going to do, while you lose your jobs, while you pay 25 percent more for steel and aluminum, while these industries go away, I will tell them: Well, we are going to have hearings. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Wyoming. Budget and Appropriations Process Mr. ENZI. Madam President, I am so glad that you are presiding at this time because I know you are part of the Joint Select Committee on Budget Reform. I want to address that a little bit. Earlier this week, the Senate passed its version of the fiscal ***year*** 2019 Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs spending bills. Prior to this week, the last time the Senate had passed its version of a regular appropriations bill--not a supplemental or an omnibus bill--was more than 2 ***years*** ago. I commend Chairman Shelby and the members of the Appropriations Committee for their work in getting us this far and for their commitment to restoring a more regular process for the consideration of appropriations measures. I hope that in the weeks to come, we will be able to process more such measures in a similarly productive manner. It was a long road getting to this point. Last February, after a brief government shutdown that followed an immigration policy dispute and a yearlong stalemate on appropriations, Congress and the administration agreed to legislation establishing new discretionary spending caps for this fiscal ***year*** and the next and providing a process for budget enforcement--something normally done by the Budget Committee. This latest budget agreement follows a string of 2-***year*** budget deals, each reached under the threat of a shutdown. In fact, frustration with the current process has grown so great that through the February legislation, Congress created the Joint Select Committee tasked with improving our broken budget and appropriations process. I commend the Joint Committee and its leaders, Co-Chairman Womack and Co-Chairwoman Lowey, for their work on this subject. Our budget and appropriations process is clearly in need of reform, and I wish them success in this effort. Today, I rise to share some of my thoughts and experiences on this subject, having led bipartisan efforts in the Senate Budget Committee to explore and reform the budget process. As my colleagues know, the Senate Budget Committee sets the top-line spending levels that the Appropriations Committee then divides each ***year*** among the various departments and accounts. The Appropriations Committee does the specific spending. While there are many potential improvements we could make in this process, I will focus my remarks at this time on just three points. First, the annual spending process will never truly improve so long as we are willing to hold it hostage to larger ideological or political battles. Both sides have been guilty of this in the past, and until we are willing to say ``no more,'' no process reform will succeed. I am hopeful that the progress we are seeing now on fiscal ***year*** 2019 appropriations bills is a sign that we have reached a tipping point and are willing to work together, as the American people expect us to do. The second topic I want to address is the need to move to a biennial funding cycle. I have been pleased to hear some members of the joint committee voice support for this concept, and I hope that consensus on this point continues to build. The appropriations process--the spending process--has rarely worked as intended. In all but 4 ***years*** between 1977 and 2018, continuing resolutions, or CRs, were enacted because of the failure of Congress to complete all of the regular appropriations bills before the beginning of the new fiscal ***year***. We have actually had more than 180 continuing resolutions signed into law over the last four decades. In this fiscal ***year*** alone, we required five. These short-term continuing resolutions keep the government funded while we continue our work, but their recurring nature demonstrates the problems with our current process. The individual agencies have to operate on last ***year***'s budget until something new is approved. All too often, by the time Congress can agree on how to appropriate money for a given ***year***, the result is a massive omnibus that funds the entire government. Members are [[Page S4473]] then presented with a choice--either pass the bill or shut down the government. I have long believed that one of the most important things we can do is fix this process. The way to do that would be to move to a biennial appropriations system. By providing funding for 2 ***years*** instead of 1, Congress would immediately make the consideration of regular appropriations measures more likely. Instead of subjecting itself to a nearly perpetual annual cycle of developing and attempting to pass 12 appropriations bills for the next fiscal ***year***, which starts October 1, Congress could spread those bills over 2 ***years***, allowing more time to develop and scrutinize them and give 2 ***years***' worth of planning to everybody. Not only would a biennial appropriations process help Congress execute its power of the purse, it would also benefit the Federal agencies too. Agencies would have more time to devote to developing and to executing long-term strategies and would finally have some certainty in their budgets. Nowhere is the need for this more obvious than at the Department of Defense. The Budget Committee has heard repeatedly from Defense Department leaders that the one thing they want more than anything is budgetary certainty. Annual spending fights and the inability to plan under continuing resolutions have wreaked havoc on the Department's workforce and contracting efforts. Secretary of the Navy Richard Spencer recently delivered public remarks in which he identified $4 billion in waste due to a lack of financial stability. He said: Since 2001, we have put $4 billion in a trash can, poured lighter fluid on top of it, and burned it. It's enough money that it can buy us the additional capacity and capability that we need. Instead, that $4 billion of taxpayer money has been lost because of inefficiencies [caused by] continuing resolutions. Transitioning to a biennial appropriations process could help solve that problem. Last Congress, I introduced legislation that would continue the budget resolution process on an annual cycle in order to allow for top- line adjustments and reconciliation instructions as events warrant but would move toward a bifurcated biennial appropriations process. Under such a proposal, appropriations would continue to be divided among 12 different bills, 6 of which would be adopted in the first session of Congress, and 6 would be adopted in the second session. Maybe we could even make it so the six toughest ones would be done right after an election and the six easier ones, just before an election, to take more of the politics out of it. By cutting in half the number of bills required to be adopted annually, Congress could create space for itself to devote more time and attention to oversight and other national priorities. If adopted, I believe this proposal would yield a more sustainable and successful budget and appropriations process--a goal I believe both parties share. I thank Speaker of the House Ryan for his comments this morning in which he suggested that we should do it on a biennial basis and that they should be divided into two segments of six, each for a 2-***year*** period, so they would stagger how they are approached. My third suggestion is a minor one but could have some of the most significant impact on the budget. The first one is, change the name of the Budget Committee. People think that we actually make all of those spending decisions. We don't. We set the top line for the Appropriations Committee, which is also improperly named, so they can do their work. My suggestion would be that we stop calling the Budget Committee the Budget Committee and call it the Debt Control Committee. We ought to be and are responsible for seeing how much revenue is coming in and what some of the different allocations are and doing a lot of reviews of that and checking to see what the debt-to-GDP ratio is going to be and how much the debt limit is going to go up, which becomes another subject of debate. If that were the Debt Control Committee, all of that could be done in committee, with one approval here on the floor. The other half of that suggestion is that the Appropriations Committee ought to be called the Budget Committee because they really are the ones in control of the spending, in control of the budget. In every State in the Nation, the committee that actually does the appropriations is the budget committee. That would stop the flood of people who come in right after the President's budget comes out and before the Senate Budget Committee does their work, where they think they have to come in and ask for the details on their expenditures at that time. If it was the Debt Control Committee, they would have a whole different perspective on what it was that committee is trying to do, and they would take their suggestions to the appropriate committee, which would be the Appropriations Committee, renamed the ``Budget Committee'' so they would understand what they are doing. As the Joint Select Committee continues to work, I encourage my colleagues here and in the other body to consider biennial appropriations as a necessary reform. I wish them success in their endeavor. I yield the floor. The PRESIDING OFFICER. The Senator from New Jersey. Mr. BOOKER. Madam President, I rise today to talk about the farm bill. I want to start by thanking Senators Roberts and Stabenow for making this farm bill a model of bipartisanship. I have lived in a community in Newark for the last two-plus decades that most folks would not associate with a farm bill. The truth is, the issue we are grappling with in this bill affect all of our American communities--suburban, urban, and rural alike. Folks in my community have borne the burden of horrific environmental injustices for decades--from toxins that poisoned our river, to lead in our soil, to pollutants in the air. Families in my city cannot plant crops in their soil because huge swaths of my city in many areas are toxic. We also have food deserts that exist in communities like mine, where people don't have access to healthy foods. I have also visited rural areas of our country that endure the same kinds of injustices. I have met families who cannot open their windows because industrial farming operations are spraying waste into the surrounding air. Families can't hang their clothes outside, they can't run their air-conditioning, and they can't plant in their soil because of the way we do factory farming. The truth is, pollution and environmental degradation at the local scale, in communities like mine and many of the communities I visited, are real for folks all across this country. It is real for rural folks; it is real for urban folks; and it is real for suburban folks. It has caused the same misaligned incentives that are also contributing to the much larger scale problem of climate change. Just like local-scale pollution--toxins--in communities like mine and others, global climate change is very real and cannot be ignored because of its impacts on folks all over our country, particularly on those in vulnerable communities. So I will take a few moments to talk about these kinds of pollutants and to talk about climate change, which is closely intertwined with issues within the farm bill, even if it doesn't appear to be so at first glance. The numbers on what is happening to our climate are clear. We know that atmospheric carbon dioxide levels are higher now than they have been at any point in recorded history and that our global carbon emissions are still rising. Sixteen of the seventeen warmest ***years*** on record in history have all occurred in the 21st century, and if nothing changes, we are headed for 3 degrees Celsius of warming by 2100, which would cause catastrophic changes in many parts of the world and in many parts of the United States of America. Hurricanes in the North Atlantic will actually continue to become stronger and more intense and potentially more devastating. Drought and heat waves out West will become ever more frequent, and parts of the southwestern United States could see temperatures above 100 degrees for one-third of the ***year***. All of the extreme weather will have a dramatic impact on our farmers. Climate change is real for American family farmers even now. Some U.S crop yields are expected to drop significantly with climate change, and estimates suggest that under a ``business [[Page S4474]] as usual'' emissions scenario, yields of wheat and soybeans and corn could fall by 20 to 50 percent by the end of this century. Just as climate change impacts our ***agricultural*** system, our ***agricultural*** system also impacts the climate. Although it is often not discussed in the same breath as transportation or power generation, the global ***agricultural*** industry is, actually, one of the largest contributors to climate change. Some estimates suggest that up to one- third of our global greenhouse gas emissions come from ***agriculture***, and these numbers are projected to grow and grow and grow as people's diets from around the world continue to change. In fact, as China and India and parts of Africa move to a Western diet, our globe simply cannot sustain that impact. As people shift to our diet, global ***agricultural*** emissions are projected to rise another 80 percent by 2050 alone. This is huge. This is unsustainable. Industrial animal ***agriculture***, in particular, is especially harmful to the climate. This factory farming is having a tremendous impact on our climate. Globally, livestock production alone accounts for nearly 15 percent of all human-caused greenhouse gas emissions, which is greater than the total greenhouse gas emissions for the entire global transportation sector. It is a fact. We have all of the tools we need to tackle the dual challenge of climate change and environmental degradation, but in order to solve these problems, we must address the impacts of this consolidating global industrial farming system. This system is having an impact on our climate and environment. The farm bill should find ways to reduce the pollution, to reduce the impact, to reduce the environmentally devastating impact it is having on our country. The 2018 Senate farm bill takes some small steps in the right direction. The farm bill grows the overall funding for ***agricultural*** conservation practices. It encourages farmers to plant cover crops, which improve soil and water quality. The farm bill also helps to drive climate-smart ***agriculture*** with several initiatives to keep carbon stored in our soils and in our forests. Yet what we really need is a fundamental shift in some of the major elements of our food system, shifts that, actually, can improve health and well-being and improve our Nation as a whole. We need to emphasize local farm economies, where food is produced in a way that minimally impacts the environment and, actually, empowers our small- and medium-sized farmers. We also need to grow more of our produce by using organic and regenerative methods. We need to put limits on the ability of major ***agricultural*** corporations, which are growing in size, to consolidate--to merge--and dictate the market. These corporate ***agricultural*** institutions that are growing so large and so powerful are dictating practices that are contrary to our very idea of farming in our country, whereby small- and medium-sized farmers who engage in practices that are more sustainable are being overrun by these large factory farms. We need to protect small family farmers from being squeezed out of business. I am a New Jersey Senator, but I have been meeting farmers from all over our country who have told me the painful stories of what we are allowing to happen as our country is being gutted out of our traditional farmers by these big agribusinesses. Consolidation in the ***agricultural*** industry is threatening the American farmer. The top four grain companies today control 90 percent of the global grain trade, and just four companies now control 60 percent of the poultry market. While giant agribusinesses are posting record earnings, our farmers--our American farmers--are facing desperate times. A farmer's share of every retail dollar has plummeted from 41 percent in 1950 to, approximately, 15 percent today. Many of these large corporate ***agricultural*** companies--some of them are not even American-owned--are continuing to punish America's small farmers by shrinking their margins, driving them out of business, and undermining what is an American way of life. This consolidation must stop. I am working on a new bill that would help address this challenge, but for the farm bill that is before us, I will speak now about three amendments that I have filed. First, I will talk about the amendment that Senator Lee and Senator Hassan and I have filed--a bipartisan amendment that would make much needed reforms to our checkoff ***programs***. Checkoff ***programs*** collect fees which amount to their being a tax on all farmers. They collect these fees from producers of particular ***agricultural*** commodities. They are supposed to use these fees that are collected from farmers to promote and do research on that particular commodity. Unfortunately, we have seen some of these checkoff ***programs*** plagued by conflicts of interest--people who are engaging in anti- competitive behavior and funneling dollars to trade associations that only represent a sliver of the farmers who are required to pay into the checkoff ***programs***. As one would imagine, those farmers who get the benefit are the big agribusinesses, often to the detriment of our small- and medium-sized farmers. Let me give you some examples. We know, for example, in 2015, that documents obtained from requests under the Freedom of Information Act showed that the American Egg Board illegally used checkoff dollars to attempt to halt the sales of an egg- free mayonnaise product. Talk about anti-competitive activities. In 2016, it was discovered that the Oklahoma Beef Council lost 2.6 million checkoff dollars to embezzlement by a staff member who wrote over 790 fraudulent checks to herself during a 10-***year*** period. In 2017, it came to light that the USDA had failed for more than 4 ***years*** to publish legally required annual financial reports on the $400 million per ***year*** dairy checkoff ***program***. This ***year***, 2018, a Federal court ruled that the USDA had unlawfully approved the spending of $60 million of hog farmers' checkoff money on a defunct promotional campaign. So this amendment I am leading with Senator Lee and Senator Hassan would make some commonsense reforms to the checkoff ***program*** in order to stop these abuses. Frankly, I don't see how anyone could argue against what are very commonsense, moderate reforms to the checkoff ***program*** so as to create fairness and transparency and actually stop and prohibit these conflicts of interest. That is what the amendment would do-- prohibit conflicts of interest. The amendment would require more transparency and mandate that the USDA publish budgets and expenditures that the USDA approves. The amendment would prohibit anti-competitive behavior, such as we saw from the American Egg Board in its attacking of a startup company that it viewed as a threat. The language from the emails was actually stunning--about working to kill a business. The amendment would prohibit checkoff boards from contracting with entities that engage in ag lobbying. I am one of those people. We have enough lobbyists here in DC, so I hope that this bipartisan amendment to implement commonsense reforms will get a vote and that it will receive the bipartisan support it needs to pass. There are two other amendments I have filed that I would like to discuss that would help to protect contract farmers. They are the salt of the Earth. These farmers are Americans, many of whom have been on their land for generations, and what is happening now is unacceptable. The first amendment I am filing to protect contract farmers would prohibit retaliation against these farmers by the large integrators, like Smithfield and Tyson. As our ***agricultural*** markets have become more and more corporate- concentrated, the rights and bargaining power of our family farmers have diminished dramatically. The traditional model of independent farmers selling to independent processors has shifted toward one of contract production, particularly in the livestock and poultry sectors. Farmers now go into debt in excess of $1 million to help build the facilities on their farms in order to get into this new contract production and often put their farms and their homes up as collateral. For the majority of contract farmers, the large corporate integrator with which one must contract is either the [[Page S4475]] only company or one of two companies in a farmer's area. These farmers simply don't have the option of shifting to other buyers. Under these new circumstances of consolidated corporate, major agribusinesses, contract farmers--small farmers, small business people--are left incredibly vulnerable to retaliation by these big corporate agribusinesses. At least one--Smithfield, for example--is not even an American company. It is a Chinese company. Recently, I had some contract farmers come to my office to meet with me. These farmers were terrified of coming to DC and actually talking to Members of Congress and Senators. They were terrified that the integrators they contract with might find out that they were talking to us and raising legitimate concerns about the abuses they were suffering. This is the United States of America. We are making our farmers, our small business people, afraid of even talking about the abuses they are suffering from these massive, multinational ***agricultural*** corporations. Our contract farmers should not have to live like this. They should not have to be afraid that they will be retaliated against for engaging in lawful activities like speaking with Members of Congress or the USDA or for joining together in producer associations. James Madison's Federalist No. 50 talks about this idea of free association. Yet these contract farmers are afraid of doing that. The second amendment I am filing to help contract farmers would require transparency in how these large corporate integrators calculate the ***payments*** they make to contract farmers. The ***payment*** mechanisms that are used by poultry companies and meat packers to pay livestock and poultry farmers are deliberately opaque. It is deliberately difficult to understand how those ***payments*** are made. Not only does this lack of transparency make it difficult for farmers to make wise business decisions, but it allows integrators to manipulate the farmers' compensation. It is a practice that is despicable. It is not the free, open, and transparent market we all claim to have in the United States. These are large, concentrated, massive corporations manipulating local contract farmers in our communities for nefarious purposes. My amendment would simply require poultry companies, swine contractors, and meat packers to provide farmers with the relevant statistical information and data used to calculate their compensation. This is clear. You shouldn't do these things to squeeze or retaliate or pit farmers against each other. These are businesses. Have some transparency about the data so businesses can make sound decisions. When President Obama left office, the USDA would have proposed rules that would have prohibited this kind of retaliation from these large corporate entities. They would prohibit retaliation by integrating and requiring more transparency in ***payments*** to contract farmers. We were moving in the right direction. Unfortunately, under this administration, when they came in, they killed these GIPSA rules, once again siding with big agribusinesses, some of which are these foreign- owned companies that are coming in and rendering our contract farmers and our small family businesses into what has been compared to sharecropping. The dignity of these small businesses, the humanity, the American tradition of farming is being eroded and undermined by these massive corporations, many of them foreign-owned. They are attacking our way of life. They are attacking one of the most dignified professions in America, which is small farming. It is outrageous and unacceptable what is going on to contract farmers across our country. These two amendments would reverse the Trump administration's rollback of these important protections for our small contract farmers. I urge, with all of my heart, my colleagues to support these two amendments to be with the small farmers of America, to be with these people who are now struggling with mortgages and facing bankruptcy, who are now suffering because of these large corporations that are making their lives so difficult, that are undermining what has been the American way for centuries. I conclude by speaking about the importance of SNAP and SNAP assistance for the food insecure. I was relieved. I actually rejoiced to see that the Senate farm bill does not cut SNAP funding. In 2014, I voted against the farm bill because it contained more than $8 billion in cuts to SNAP, the Supplemental Nutrition Assistance ***Program***. It disproportionately helps people in my State of New Jersey, so the cuts disproportionately impacted my State. The truth is, at a time when we continue to heavily subsidize these large agribusinesses, I say very purposely that there is still corporate welfare in our farm bill. We should not force struggling families, seniors, and disabled citizens, working Americans to make sacrifices they can't afford. At the end of the day, this ***program*** aims to feed our country's most vulnerable population, with more than half of SNAP recipients being children and seniors. I repeat that. More than half of SNAP's benefits are for our kids and our elderly. In my home State of New Jersey, approximately 142,000 senior citizens and 113,000 disabled residents receive SNAP. SNAP helps a cross-section of Americans in all ethnic groups. SNAP helps folks in our cities, towns, suburbs, and rural communities alike, and SNAP feeds our family farmers who too often rely on food assistance to feed themselves and their families while producing the food we eat. The irony of that is unacceptable. SNAP feeds our childcare workers, our healthcare providers, and our veterans. SNAP feeds those who are in between jobs or who have three jobs and are still struggling to make ends meet. I am glad to see the Senate bill has rejected the damaging and destructive SNAP cuts in the partisan House farm bill because, the truth is, at a time when over 13 million children in our country-- please understand, the children in America, a global, knowledge-based society, the greatest natural resource a country has is not coal, oil or gas, but the genius of our children, and young minds need proper nutrition. At a time when 13 million children in our country face food insecurity, what we need to be doing is funding ***programs*** like SNAP--not funding them less but actually funding them more. SNAP plays a critical role in making sure children are able to focus in a classroom and not be distracted about where their next meal is coming from or the hunger pains they are feeling. I live in a low-income community. I am a Senator who lives in a community where, according to the last census, the median income is $14,000 per household. I see my neighbors, working folk, working full- time jobs and still not making ends meet. When I go to my local bodega, I see people use ***programs*** like SNAP. God bless America, if we are not going to raise the minimum wage so people who work a full-time job in this country don't have to still live in poverty, we should not be cutting ***programs*** that are essential to helping families meet their nutritional needs. I see this at the end of the month when SNAP benefits are running out. One study shows that calories fall by up to 25 percent--the intake of calories for folks on food stamps--from the beginning of the month to the end. Families struggle. Kids struggle when there is less food in the house, when they go to school hungry. What does that do to cultivate that genius? That is why we should be passing the SNAP for Kids Act of 2018 introduced by my friend and colleague Senator Kirsten Gillibrand. If we are serious about helping our communities and making sure every child, every adult, every senior citizen has access to their next meal, this legislation is important. I yield the floor. The PRESIDING OFFICER. The Senator from Louisiana. Mr. KENNEDY. Madam President, I would like to talk today for a few minutes about food stamps and the farm bill. Let me preface it by saying, it has been my experience that the American people are the most generous people in the world. We spend about $1 trillion of taxpayer money at the Federal, State, and local levels helping our neighbors who are less fortunate than we are. In America--and I am very proud of this--if you are homeless, we will house you. If you are too poor to be sick, we will pay for your doctors. If you are hungry, we will feed you. That separates our country from a lot of other countries [[Page S4476]] that exist and have existed in the world, and I am very proud of those principles as an American. So I do get upset when people suggest that the American taxpayer is not generous with his or her money. We are the most generous people in the world. In that regard, I know that for many Americans, the Food Stamp ***Program***--we call it the Supplemental Nutrition Assistance ***Program***, some people call it SNAP--means the difference between an empty stomach and a warm meal, and that is just a fact. I am talking about the men and women, many of whom are hard-working, who do all they can to provide for their families, but they need just a little extra help to put food on the table. The American people are happy to provide it. Each and every ***year***, the Federal Government spends more than $68 billion to make sure no American has to wonder where his or her next meal is going to come from. It is the generosity of the American people that pays for those meals. If the Food Stamp ***Program*** is going to continue to provide food to the 42.2 million Americans who use their benefits every month--and I want you to think about that number--42.2 million Americans out of a country of over 120 million, including one in five Louisianians, we have to do our part to ensure our ***program***'s integrity. This is a natural fact. The Food Stamp ***Program*** is rife with fraud and criminal activity. Every ***year*** more than $1.2 million of SNAP benefits are stolen or misused by criminals. So it is no wonder Congress has been discussing requiring photo identification at the point of sale for the Food Stamp ***Program*** since the 1970s. As early as 1981, our GAO testified--and GAO, they are not politicians, not Republicans, and not Democrats. I don't mean this in a pejorative sense, but they are bean counters. GAO testified that such efforts would be effective in reducing overissuance, but we have not acted. Reform is long overdue, and the time to act, it seems to me, is right now when we are considering the farm bill. If SNAP is going to be available to the people who depend on it most of the ***years*** to come, we have to do more to ensure that taxpayer dollars are going where taxpayers intended them to go. That is why I have offered an amendment to the farm bill which will help protect our precious SNAP dollars by requiring a photo ID to use your benefits. It doesn't take anybody off the rolls, it just says you have to have a photo ID to use your benefits. This amendment is very simple. It will require States to list on EBT cards the names of all of those who are eligible to use the EBT card. Household members listed on the card must then produce photo ID at point of sale when they use the EBT cards--about as simple as you can get. Two States right now are already doing it and doing it successfully. One State is Maine and one is Massachusetts. They both have successful SNAP benefit photo ID bills in law that are already saving thousands-- indeed, probably millions--of taxpayer dollars. This should send a very clear message to every Governor and every legislature and every Congresswoman and every Congressman that food stamp reforms can work. In the past few months, we had numerous SNAP benefit fraud cases that have been identified throughout our country. In Tennessee, for example, two men were found to have been selling their EBT cards to undercover cops in exchange for cash and heroin. In New Jersey, a couple managing a grocery store exchanged more than $4 million in SNAP or food stamp benefits for cash between the ***years*** 2014 and 2017. In Rochester, NY, a storeowner was found to have used cash to purchase food stamp benefits from beneficiaries for less than half their full value over a 5-***year*** period. Now that is not what the American taxpayer intends the Food Stamp ***Program*** to do. That one individual's criminal actions cost taxpayers and people who really need food stamps $1.2 million. That was only one act, and I could go on and on. In the farm bill, we are asking the taxpayers to spend $68 billion a ***year***. We throw this figure ``1 billion'' around like it is a nickel. A billion dollars is a lot. If I started counting right now to a billion--1, 2, 3, 4, 5, 6, 7, 8, 9, 10--it would take me 32 ***years*** to count to 1 billion. It would be 2050 when I finished. I wouldn't make it. We are asking taxpayers not to spend $1 billion a ***year***, but $68 billion of their money on the farm bill. We have an obligation, therefore, to keep an eye on that money and to make sure it is going to those who need it the most. The Federal Government and not a single one of us in this Congress should stand by and tolerate criminal stealing from the mouths of children. That is not a Democratic principle; that is not a Republican principle. That is a human principle. We owe it to the American taxpayer and to every family who relies on food stamps to put food on the table to protect the ***program*** from those who would take advantage of our generous American spirit. It is in that spirit that I will be offering my amendment. I yield the floor. The PRESIDING OFFICER (Mrs. Hyde-Smith). The Senator from North Dakota. Ms. HEITKAMP. Madam President, first, I want to acknowledge and thank Chairman Pat Roberts and Ranking Member Debbie Stabenow for their incredible hard work and commitment to draft such a strong bipartisan farm bill. We would not be here today if it weren't for their tenacity. I think, more importantly, we would not be here today if it weren't for their love of ***agriculture*** and their love of rural America. Knowing these are challenging times in rural America, the one thing we can do here is to take this important policy and enact it into law so that we can give a 5-***year*** window of certainty to American farmers and farmers in my State. Over 90 percent of the land in North Dakota is engaged in the production of ***agriculture***, whether it is farming or ranching. It is the bedrock of what we do in North Dakota. In fact, it is who we are. In every given ***year***, 30,000 farmers and ranchers lead the Nation in the production of over 10 different commodities. These ***agriculture*** products are sold in every State and exported to every corner of the globe. At a time when farm income is down and commodity prices have declined, it is so important that we, as members of the Senate, work together in a bipartisan way to provide our Nation's farmers and ranchers with a strong farm bill. With disruptions in trade weighing heavily on our ***agricultural*** producers, the single most important job right now is to provide certainty to farmers and ranchers by passing this farm bill and reauthorizing it beyond September 30, 2018. In fact, it is important to note that net farm income since 2013 has been literally cut in half. When people say: Why do we need a farm bill? Why should we care? I would suggest that if we want food security in this country and if we want to make sure that we have farmers in this country, we need to care. How many American families could really support or weather a 50- percent reduction in their income? When I first came to the Senate, I was fortunate enough to receive a committee assignment on the Senate ***Agricultural*** Committee, which for North Dakota is, quite honestly, the highest and most important committee assignment. Passing a strong, bipartisan farm bill has been my highest priority since coming to the Senate. I helped to write, negotiate, and pass the 2014 farm bill, and as a member of the Ag Committee, I have been working with farmers and ranchers to make sure that the 2018 farm bill is as strong as possible for North Dakota. Since 2014, when the farm bill was signed into law, I have heard from countless farmers and ranchers about what ***programs*** worked and what didn't work and how we can build a stronger rural America. While the 2014 farm bill addressed a number of key priorities needed to ensure an effective safety net for farmers and ranchers, there were challenges with aspects of the law. Understanding these concerns, I am pleased that members of the committee, the current administration, the chair, and ranking member have been willing partners in addressing these important challenges. In particular, I am excited that this bipartisan farm bill includes language from our ARC-CO Improvement Act, a bill I introduced with Senator Ernst last October. It works to strengthen [[Page S4477]] and improve the ***Agricultural*** Risk Coverage-County ***Program***. This language would direct the Farm Service Agency to use more widely available data from the Risk Management Agency as the first choice in calculating yields so that county level data is more accurate and updated. This would calculate safety net ***payments*** to reflect what is owed to producers in the physical county where their farms are located and not where their farmstead is. This bill succeeds in protecting and improving the safety net that allows farmers and ranchers to weather the most difficult times and thrive during favorable conditions. This bill extends and makes improvements to the commodity ***programs*** passed in the 2014 farm bill and maintains the farm safety net that is crop insurance. I do want to give a shout out to my colleague Senator Roberts. Every time there was testimony on the farm bill, he started with crop insurance, crop insurance, crop insurance; and that is a sentiment that is shared by almost every producer in my State. From those provisions passed in 2014, this bill extends the livestock disaster ***programs***, which played a valuable role in North Dakota last ***year*** as we experienced one of the worst droughts in our recent history. Additionally, this farm bill includes a number of provisions that work to improve access for beginning farmers and ranchers. Included in the bipartisan bill is part of the Next Generation in ***Agriculture*** Act, which I introduced with my colleague Senator Collins. It provides baseline funding for the Beginning Farmer and Rancher Development ***Program***, and it would codify positions at the USDA to coordinate beginning farmer and rancher ***programs*** and to provide youth organization outreach. The average age of farmers in our State and across the country is way too old. If we are going to help to build that next generation of farmers, we are going to have to pay attention to those risks and respond to those risks in a way that will make a difference for our future production. I am also excited that this legislation includes a number of provisions that work to raise the profile of Indian Tribes within the farm bill, and it includes a provision from the Tribal Food and Housing Security Act, which I introduced earlier this ***year***. Specifically, the provision included from my bill would waive the majority, if not all, of the administrative costs required to run the Food Distribution ***Program*** on Indian Reservations, which Tribes use to provide healthy, affordable food options to low-income individuals and families. It also would establish a permanent Rural Development Tribal Technical Assistance Office at USDA to provide rural development support for Native American communities and to offer greater certainty for the current Tribal Promise Zone designees. As we consider the farm bill, I wanted to make sure that Indian Country had a seat at the table, which is why I introduced this legislation. Indian Country faces a unique set of challenges, many of which can be addressed in the farm bill. I think sometimes we forget that the fundamental occupation of many of the Tribal members in my State is farming and ranching. I think we also sometimes forget that they suffer not only historic challenges to economic development but, as we are experiencing in all of rural America, challenges in economic development that are not only from the reservation but also from being rural. Checkoff ***programs*** are vitally important for our ag commodities, as they provide beneficial research, promotion, and education services to the producers they represent. It is critical that these ***programs*** function as intended in order to be preserved and protected from unnecessary scrutiny. The beef checkoff ***program*** has not, for some time, represented the majority view of beef producers and hasn't been functioning as intended. As such, I strongly encourage my colleagues to examine with a critical eye the Beef Promotion and Research Act of 1985 to ensure that the checkoff functions as a truly independent organization, representing the needs and viewpoints of the majority of our Nation's beef producers. The farm bill also makes important investments in ag research and enhances trade. I strongly believe that we need to increase our investment in research. I am pleased to see a robust level of support for our land-grant universities, and the inclusion of the Pollinator Health Task Force and funding is maintained in this bill. But I agree that more should be done in order to enhance ***agriculture*** so we may continue to be competitive on the global stage. With that said, we also have to improve market access and develop new export opportunities for our ***agricultural*** products. In North Dakota, we export soybeans to China, beans to Cuba, and barley to Mexico. And the list goes on. Building upon these successes will play a critical role in the improvement of the economic health of rural America. During consideration of the farm bill, we must also work to protect ***programs*** that are vitally important to farmers in my State who provide and produce American-grown sugar. Last week, I had the opportunity to deliver to each Senator a simple Hershey's candy bar with a sticker labeling the cost of the sugar included. First, I am going to thank Curt Knutson, a sugar beet farmer in the Red River Valley, who took time to put these candy bars together for me. In fact, he said he saw a rainy day, and he quickly put the stickers on. I think you will hear a lot about the sugar ***program***. People have probably been down here telling you how it burdens the confectionary industry and how this will, in fact, increase their costs. I think it is absolutely critical that you know that in this candy bar--not this big one, but a normal size one--there is only 2 cents' worth of sugar. Did you know that in 1980, a candy bar like this cost 35 cents and had 2 pennies' worth of sugar in it? Today, this same candy bar costs $1.49, but still contains just 2 cents of sugar. Don't let anyone tell you that we have a crisis as it relates to the sugar ***program***. The beet farmers and the sugar cane farmers guarantee a steady supply of sugar in this country, and we know that we need to maintain that industry in our State. I would encourage everyone to keep that in mind as they are being asked to roll back the sugar policy in the farm bill. Each ***year***, our sugar industry employs nearly 142,000 Americans in 22 States and generates over $20 billion in economic activity. The policy that makes it all possible--listen to this--is at a zero cost to taxpayers. Given the economic importance of this industry to our Nation, it is critical that we maintain the sugar ***program*** to protect the many jobs in this industry and so that we can continue to enjoy American-grown sugar. The chairman and ranking member really deserve incredible praise for the work they have done collaboratively, not just with members of our committee but, as you see in the back here, working with Members who aren't on the Ag Committee to listen to their response. This farm bill works to improve ***programs*** that were authorized by the 2014 farm bill and to provide much needed certainty to farmers and ranchers. I want to make a general observation. When all of us go home, we are asked: Why can't you get anything done? Why can't you work together to solve America's problems? I think it would be a wonderful way to exit for the Fourth of July if we were allowed an opportunity to say in a bipartisan way, after a robust discussion about amendments: We passed a farm bill. I know the Presiding Officer knows how important the farm bill is to her State of Mississippi. She comes with that as her top priority. Let's get this done. Let's work together. Let's try and overcome any hurdles that we have right now. Let's tell the American people that, when it comes to producing their food and having them access their food, this food bill is possible in a time of great division in this country. I am proud to have been a member of the Ag Committee. I am proud to say I played a role in improving this farm bill. I look forward to not only passing it but seeing what comes out of the conference committee. I yield the floor. The PRESIDING OFFICER. The Senator from Colorado. Mr. GARDNER. Thank you, Madam President. I know the Presiding Officer is a cattle farmer, as I think they are referred to in Mississippi. It is an honor to be [[Page S4478]] here on the floor with you to talk about important work for Mississippi. Colorado is an incredibly diverse State. When it comes to our economy, we are the--if you look at jobs per capita, we have more aerospace jobs per capita than any other State in the country. We have the second highest number of jobs outright, second only to California. Our tourism industry is world renowned--our first-class ski resorts, our gold medal trout fishing streams. It is incredible, all that we have. We are also one of the country's biggest ***agricultural*** producers. In fact, the ag economy in Colorado remains the fundamental foundational building block of our economy. I grew up in a part of Colorado that looks more like Kansas. Most people think it is in Kansas instead of Colorado. This is my backyard. This is where I live. I live in town. This is a farm, a pivot irrigation system that I grew up with. In fact, our family sells farm equipment. I have told stories about that to everybody here--everybody who will listen--so many times that they have probably stopped listening. I grew up selling farm equipment. I can remember, when I first ran for office, going around eastern Colorado and introducing myself to farmers. I would introduce myself. I would say: Hi, I am Cory Gardner, and I am running for the State legislature. I have met most of you at the implement dealership. I have sold half of you the wrong parts. I quit using that line when everybody would shake their head--yes, you have. So I grew up knowing a lot of great people in ***agriculture*** through that business. Water is the lifeblood of our area. ***Agriculture*** is the lifeblood of our area. There is an old saying that sometimes if there is a downturn in ***agriculture***, then our community will feel it next week. Well, that is not true anymore. If we have a downturn in ***agriculture***, our community feels it that day. That is how connected we are to global commodity prices and what it means for us. I am fifth-generation Coloradoan. Our entire family has been all ***agriculture***. It is the heart and soul of who we are as a country, and that is why this farm bill debate is so important. In Colorado, we have tremendous crop opportunities, livestock opportunities. We have some of the best hay operations in America. In fact, several of our counties--Yuma County, which is the county I am from, over the ***years*** has been ranked and rated one of the top corn- producing counties in the Nation. We are a leading wheat exporter. Eighty-seven percent of the wheat that is produced in the 4th Congressional District--my old 4th Congressional District in Colorado-- gets exported overseas. The research we are doing out in eastern Colorado on dryland cropping systems is pretty remarkable--the Akron research station there. The San Luis Valley is known nationally and around the world for our high-quality San Luis Valley potatoes, purple potatoes that you can get from the San Luis Valley. We have sorghum and barley. A lot of people are familiar with our Banquet beer in Colorado. We have great beef. We have pintos and potatoes. We have it all. And, of course, who could forget our world-renowned Palisade peaches? It is that time of ***year*** now when we are starting to see peaches in the farmers markets and in the stands all around. I challenge anybody from South Carolina or Georgia to compare their peaches to our peaches because we know we have the best. We are coming up on the Peach Festival, as well, in the Western Slope of Colorado. We certainly have sugar beets. We have an incredibly diverse economy. We have a diverse economy that represents a lot of export opportunities. Some of our best exports and some of our largest exports are beef. Frozen beef, fresh beef--you name it; we have a lot of beef. That is why trade is so critically important to our economy. We are going to get our ag economy growing. By the way, ag is kind of facing a tough time right now. Farm receipts are down about 35 percent from what they were in 2013. If you look at some of the golden ***years*** of ***agriculture*** not too long ago, we are probably down even further than that. When commodity prices drop, when exports drop, these communities that I grew up in--these ***agricultural*** communities in the Western Slope of Colorado and in the Eastern Plains--they feel that impact not next week, not the week after, they feel it immediately. That is why trade is so important. Let me give an example of this field right here. If you had an irrigated cornfield in Colorado--let's say that you had a good ***year***. Let's say that you raised 225 bushels an acre of corn. Let's say that in May the price of corn was $4.05 I looked it up yesterday, and it was about $3.55 That 50-cent drop in commodity price on 160 acres--if you take 160 acres a quarter, if you look at the farmable land, the irrigated land, that is probably around 120, 140 acres, somewhere in between that. If you just raise that corn crop on 120 acres of land, 225 bushels an acre, and that price drops 50 cents per bushel, that is about a $12,000 or $13,000 impact--loss of income--per quarter. The average farm size in Colorado is--let's say a corn farmer--let's just say they have 1,000 acres of corn, irrigated corn. If that price drops 50 cents, that is a $100,000-plus loss of income. If we start seeing the impacts of a trade war that lowers the price of these commodities, we will see that impact not tomorrow but today. These low commodity prices have already affected the health of our rural communities. We don't need any more downward pressure. Beef alone accounts for $675 million worth of these exports. We should be pursuing free-trade opportunities. Colorado-grown potatoes account for over 50 percent of all U.S potato exports to Mexico. NAFTA is incredibly important for this country, what we are doing with all of our ***agriculture*** products and how we are getting them to market. We know rural development is key, and ***agriculture*** is key and trade is key to that rural development. So the farm bill represents a great opportunity for us to focus on rural development--what we can do to help start young farmers, help them get a start and help them afford the operation, because it is incredibly expensive. A quarter of irrigated ground in Colorado at one point was approaching $1 million a quarter. A tractor could cost around $250,000 if you had to buy a new one, a big one. All of this means that we have an obligation to provide certainty in policy. That is what this debate is doing with the farm bill--providing our farmers, folks involved in ***agriculture***, with the certainty they need to plan, to be able to go to the bank to talk about next ***year***'s operation loan, this ***year***'s operation loan, how they are going to get the receipts to allow them to continue that generational business of ***agriculture*** in Colorado and beyond. We know economic times have also resulted in significant economic stress and significant mental stress. I am very pleased to have worked with a number of my colleagues to introduce the FARMERS FIRST Act earlier this ***year***. This is a bill that helps address some of the mental health concerns we have seen in ***agriculture***. In ***agriculture***, per 100,000 population--we have about 5 times the number of suicides in ***agriculture*** than the broader group of Americans-- 5 times higher suicide rate. This bill starts to address that. In Colorado, Don Brown, our ***agriculture*** commissioner--I grew up with him. He is from the same town I am from. They have restarted the suicide hotline in Colorado to address the mental health needs because of the challenges we face in ***agriculture*** today. I thank Commissioner Brown for that work. I thank my colleagues for the work we have been able to do together on the FARMERS FIRST Act to make sure we can help provide some of that relief. In this farm bill, we have also made great strides on conservation. I was able to get the EQIP amendment included in the farm bill. That addresses ***agricultural*** drought concerns to make sure that the farm bill more adequately addresses the critically important conservation title work as it relates to drought. I thank Senators Feinstein, Wyden, Udall, Moran, Bennet, and Harris for their support in allowing me to work with them on this amendment and to have it included in the substitute. If you look at the drought that is gripping the Western United States in particular, you have Arizona, 100 percent drought; California, 69 percent of the [[Page S4479]] land in a drought; Colorado, 79 percent of the State in a drought; Kansas, 79 percent in a drought; Oklahoma, 80 percent; Utah, 100 percent; North Dakota, 81 percent. These are areas that this EQIP language that was included will help address as we work toward solving this ongoing drought condition. Water is the lifeblood of the West. Colorado is the only State in the country where all water flows out of it and none flows into it, so we have to make sure we get this right. As you can see, this is a picture of the Colorado River. That is an example of a bloodline of water that goes from Colorado down to California and all the States in between that rely on this river. As we see, as that water in the river decreases, it puts more pressure on the upstream States. If we ever have a problem in the river, that is going to be a significant challenge between the upper basin States and the lower basin States. That is why the tools that we have helped provide in the farm bill will help us manage this river, will help us manage the land, will help us address conservation needs to use less water so that we can keep more water in the systems, keep more water on the land, and prevent the dry- up of ***agriculture***. We were able to streamline EQIP contracting, increase cost share for nutrient reduction practices, and increase the authority of USDA to enter into drought-related Conservation Reserve Enhancement ***Program*** agreements. This will help areas like the Republican River in Colorado and beyond. These are important inclusions in the farm bill. We have other things that should be highlighted, though, that will also address some of our water concerns. We know that forest fires are a significant challenge to Colorado. If there is a massive forest fire, all those watersheds that those forests are in result in debris flows and contamination of those water systems, those waterways, and that hurts our ability to have access to that water. In the omnibus that we passed earlier this ***year***, we were able to include certain language addressing categorical exclusions, building upon insect and disease--efforts to combat them in certain areas of the forest. The challenge we have in Colorado is that the categorical exclusions only apply to fire regime groups 1, 2, and 3, but in Colorado, we have about 24 percent of our zones of concern in Colorado that are in a different category, not in 1, 2, or 3, which means we can't use the categorical exclusion to address insect and disease concerns under that provision. Yet we know a significant area of these forests have insects. This is where a lot of the insect infestation has occurred. Insects have devastated our forests. It results in dead trees, and then the drought doubles the pressure on that, creating historic fire conditions, and then you end up imperiling the watersheds. We have offered an amendment to try to address that, to extend the categorical exclusion so that we can have better management opportunities to prevent the next disaster from occurring and to make sure that we can help manage our forests in a more responsible way. I am also excited that we were able to include work addressing the Akron research station in Akron, CO, in eastern Colorado, a dry land facility. We have an amendment that is incorporated in the substitute that authorizes research and extension grants to study the utilization of big data for more precise management of dryland farming ***agriculture*** systems. This goes into how much water we need and how we could better manage dryland cropping alternatives. If we have a drought that continues, we are going to have to have more tools and data to help manage farming practices so that we can do a better job of creating high yields in a low-moisture environment. These are all important issues that we worked on. Crop insurance is incredibly vital to our Main Streets in rural Colorado and across this country. That is why we have to continue to strengthen the Crop Insurance ***Program***. That is why I am glad the farm bill makes sure that it does just that. The conservation title is important to Colorado as well. There are a lot of issues this farm bills addresses. I thank Chairman Roberts for his work on this legislation. He is our neighbor in Kansas. I don't think he included a provision in the farm bill to thank Colorado for the water that we send to Kansas, but they have better lawyers than us, so I will not push that too far when it comes to some of the water conflicts that we have had. I say that jokingly, of course. What I don't say jokingly, of course, though, is what ***agriculture*** means to all of us. It is that bond that we share in our communities. It is the foundation of Colorado's economy and this country's economy. There are so few people today in ***agriculture***, that those of us who are involved in ***agriculture***, who are in ***agricultural*** communities, have to be strong advocates. I hope the work this Senate is doing when it comes to ***agriculture*** will be that ambassadorial effort that we need to be good stewards of our land, to continue to promote small farms, new farmers, and young farmers to make sure that we keep generations of farmers and ranchers on the land and that we don't have a buy-out and dry-out history because we mismanaged our water resources. This farm bill helps address some of our biggest challenges. Let's get our other policies like trade right, continue to work together in a bipartisan fashion, and we can make our farmers and ranchers proud of the work we do every day. Thank you. I yield the floor. The PRESIDING OFFICER. The Senator from Montana. Mr. TESTER. Madam President, I rise today on behalf of this Nation's farmers and ranchers. I would urge this body to continue in the bipartisan way that they have been on the farm bill to get this farm bill passed, keep in good shape the strong farm bill at this moment in time, and work to improve it and get it out of the body so that farmers can have the certainty they need with a predictable farm bill. I believe I am the only actively engaged working farmer in this body. I have lived on the farm I live on for over 61 ***years***. My wife and I have been farming the land that my grandfather and grandmother homesteaded, and my folks farmed after them, for the last 41 ***years***. During that time, I have been able to see good farm bills that have worked, and I have seen bad farm bills--the kinds of farm bills that have resulted in devastating consequences for our family farms, driving families off the land, paving the way for more consolidation; bad farm bills that have dried up our rural areas and our small towns and along the way dried up our rural way of life. This is an important time for folks in production and ***agriculture***. The commodity prices are low pretty much across the board. We are seeing this administration engaging in tariffs and a potential trade war that is threatening Montana's No. 1 industry--***agriculture***--and threatening the viability of the economy of Montana and rural America. That is why it is critically important that this week we pass a good farm bill that will work and give certainty to Montana's producers and rural communities across this country. In my travels around the State of Montana, I have had a number of listening sessions on the farm bill. I have heard from farmers and ranchers. I have visited with them, looked at them eyeball to eyeball, and heard their concerns and their priorities. During these farm bill listening sessions in Montana, I heard from grain growers, cattlemen, sugar beet producers, hops growers, wool growers, pulse growers, specialty crop producers, and organic farmers. We grow a lot of stuff in Montana. I even sat down with the folks who fight the good fight to make sure our kids don't go hungry. I sat down with fifth-generation Montana farmers and ranchers whose families have worked the land for over 100 ***years*** and young producers who are getting ready to go out for their very first harvest. For the most part, they all said the same thing; that is, they want certainty. They want access to quality crop insurance that is a big part of the safety net for our farmers and ranchers. In times when they can't get their paycheck from the marketplace, this safety net is critically important. They also want to be in a position financially where they can hand their farm--or their ranch or their operation--down to their kids and their [[Page S4480]] grandkids, but don't just take my word for it. Since my last farm bill listening session, literally hundreds of Montana's farmers and ranchers have written in to my office to make sure their voice is heard on the farm bill. Tom, from Glasgow, MT, wrote to me about the challenges facing farmers and ranchers. He said: I urge you to support the Farm Bill before it expires on September 30. The legislation that came out of the Senate ***Agriculture*** Committee has a robust farm safety net, including a strong Crop Insurance ***Program***. Our farmers face a challenging ***agriculture*** economy. They need the certainty of knowing what ***programs*** are available as they make their plans for the coming ***years***. That is critically important. Everybody who is in ***agriculture*** knows that you have to plan multiple ***years*** out before you can get to a point where you can harvest that crop and bring it to the bin and bring it to market. So having that kind of certainty of a long-term farm bill and getting one done long before September 30 is critically important. Another fellow by the name of Frank, from Lewistown, MT, wrote me about the important role the farm bill plays in feeding this country-- the United States. Here is what Frank said: The farm bill can help put the United States on track to ending food insecurity and hunger in our country. I urge you to work on a bipartisan farm bill that protects and strengthens domestic nutrition ***programs***, especially SNAP. We have a democracy in this country, and we are very proud of it, but as we offer that safety net for our folks in production ***agriculture***, we need to make sure we don't have hunger in this country, to the best of our ability, because democracies don't work well when you have a hungry society. So I am on the Senate floor to tell Tom and Frank and the hundreds of other Montana farmers and ranchers who have contacted me that their voices have been heard and that their priorities are reflected in this Senate farm bill. This bill reauthorizes critical crop insurance initiatives that keep farmers in business. It rejects the House attempt to combine and cut funding for successful conservation practices. It amends EQIP to allow dollars to flow to producers that focus on research conservation and drought resiliency. It strengthens our fight against foot-and-mouth- disease. It keeps in place important sugar provisions which have a multidecade track record of success, especially in the sugar beet country of Southeast and Eastern Montana. It reauthorizes funding for ***agricultural*** research and, as we know, for every dollar invested in ***agriculture*** research, we see major returns to our economy. It gives the green light to industrial hemp growers. Industrial hemp is a crop that can fit in most rotations around this country, and Montana is no exception, and it reauthorizes funding for critical USDA rural development grants, which help fund water and wastewater infrastructure, and it helps build rural communities. Although the House chose to make political hay out of the farm bill, I commend the folks in the Senate because we got to work and, through the Senate Ag Committee, we put together a bill that farmers and ranchers can literally take to the bank. We did so while protecting the provisions that feed hungry families and protect seniors. Now is the time to get this bill across the finish line. Through the amendment process this week, we have the opportunity to make this farm bill an even better bill. We have already attached a bipartisan amendment to this bill that strengthens the safety net by ensuring that ARC-county ***payments*** probably reflect yields. We are giving more authority to the State and local FSA committees to identify ARC boundaries that reflect the conditions and the crops being raised in that region. I want to thank the Montana Grain Growers for their support of this amendment, as well as the Montana Farmers Union for their input. It is my hope that folks continue to check their politics at the door and do what is right for Montana's family farms--the folks who are making a living off the land--by passing a good farm bill this week. Farmers and ranchers are always talking about the future. They are always thinking about the future, whether it is the future of commodity prices or market access or costs, yields, or, yes, the weather. They are constantly thinking about the future of their operation--how they can implement new practices that will make their operation more financially viable to pass on to their children. So let's get the job done this week and pass a good farm bill that gives our producers in this Nation and my producers in Montana the kind of long-term certainty they deserve and gives them the keys to building an even stronger family farm unit. Thank you. I yield the floor. The PRESIDING OFFICER. The Senator from North Carolina. Calling for the Release of Pastor Andrew Brunson Mr. TILLIS. Madam President, I am doing something this week I wish I didn't have to do. As a matter of fact, for the past several weeks I wish I didn't have to do this, but I have to draw attention to something that is very important to me and should be important to everybody in the United States and every person on Capitol Hill. It is about a man who has been held in prison in Turkey for 628 days, most of that time without charges, in a cell that was designed for 8 people that had 21 people in it. This man's name is Pastor Brunson. He is a Presbyterian minister who has spent most of the last 20 ***years*** doing missionary work in Turkey, sometimes going into Syria, visiting Syrian refugee camps in Turkey, living in and around the Izmir area. In October of 2016, after the coup attempt, President Erdogan started sweeping up thousands of people, including people who were doing nothing but trying to bring the Word to those who wanted to hear it--in this case, in the country of Turkey. He was actually accused of being a part of plotting the coup attempt. He subsequently has been accused of plotting terrorist activities against the people and the Government of Turkey. We have been working on this case for well over a ***year***. We treated it like constituent work. We were doing everything we were supposed to do, working with the State Department, working with the various agencies, reaching out to the country team to ask: Why can't we get this pastor free? Why is he being held without charges? How could a Presbyterian missionary--how could he possibly be considered a terrorist or a coup plotter? About 4 months ago, I was in a meeting, and I overheard--this is about the time he was indicted, about 17 months of being held without charges. I heard he was afraid that after the indictment was released, the American people would believe the indictment and just turn their backs on him and forget him. So it was important for me to go to Turkey. I requested a visa to get to Turkey. I went to the Turkish prison, and I told Pastor Brunson that is the last thing that is going to happen. I told him he had my personal commitment and that I knew I had the backing of the majority of the Members of the Senate and almost 200 Members of the House now who believe Pastor Brunson needs to be set free. It was important to tell him that face-to-face. About a month later, I went to his first court hearing. It was absurd. I spent about 12 hours in a Turkish courtroom hearing some of the most extraordinary--almost comedic--allegations against Pastor Brunson. Every week I vary the presentation of the allegations because there are so many you can't cover them in any one reasonable length of floor speech. So this week's absurd allegation is this notion that the Turkish prosecutors believe all the Christian religions in the United States are actually somehow woven together as some sort of intelligence-gathering, coup-plotting, terrorist-plotting network throughout the world to collect information and use it to the detriment of a sovereign nation like Turkey. That is the sort of--so he is an operative. He is a man who actually comes from Black Mountain, who is affiliated with the same church as Rev. Billy Graham, and has been, for 20 ***years***, plotting the overthrow of the Turkish Government. Now, keep in mind, it is only a concept. He hasn't been charged with any specific activity. There is no witness [[Page S4481]] attesting to some specific thing that he did, but because he is a Christian, because he is a missionary, and because he has been in Turkey for 20 ***years***, he has to be a part of this organization. Therefore, we are going to put him in prison for 628 days. That is what we are dealing with. Now, when we started down this path, I spoke with a lot of Turkish officials. What I heard from them is, well, justice has to take its course. We have an independent judiciary; justice has to take its course. Then, not too long ago, President Erdogan, who was just recently reelected President for, I believe, another 5-***year*** term, had the audacity to say: ``We will give you your pastor if you give us our pastor.'' Well, it turns out there is someone here in the United States who was previously an ally of President Erdogan. They had a falling out, and he is a part of a movement that wants to see change in Turkey. He is a man of faith--a man of Muslim faith. The President transformed what I believe started out being a situation of let's just let the independent judiciary take its course-- they transformed what was an illegal detainment, lengthy detainment of a Presbyterian pastor into what I believe is a hostage swap. The President said this. If the President could actually make this offer, then, clearly, he is not constrained by a judiciary outcome like we are in the United States. So the day President Erdogan said this, that was the day we could clearly say Pastor Brunson is being held as a political hostage, and the President--President Erdogan--has the power to end it. I do this speech every week, and I will do it every week for as long as Pastor Brunson is in prison. Every once in a while my mother or my wife will see a videotape of this speech, and they always say: Why do you act like you get so angry toward the end of it? Because I am. I am angry for a lot of reasons. One of them is that they are a NATO ally. Since 1952, Turkey has been a member of the NATO Alliance. At the most profound level, that means that if Turkey is attacked by another Nation and their safety, security, and freedom is at risk, then the United States has an obligation to submit our men and women in uniform to the country of Turkey to potentially lay down and die in defense of their freedom. That is what we call a partnership. Now, for the first time in the history of NATO alliance, they are holding an American hostage. So, on the one hand, in the Armed Services Committee where we spend a lot of time focusing on our alliances, a lot of time training with various countries--and Turkey is one I would like to have a great relationship with--but they are holding a North Carolinian hostage. They are subjecting him to a kangaroo court, and they think it is OK. For the first time in the history of an alliance, for a NATO alliance partner to behave this way is unacceptable. So we have taken all the steps we could diplomatically, and it hasn't worked to this point. Now we have to take additional steps, and one of those steps is to put a provision in the national defense authorization bill that asks certain questions about the long-term nature of our relationship with Turkey. Turkey is a very important ally in the Middle East. I hope that someday I come down to the floor gushing over all the great relationships we have. We have many. Their work in Afghanistan is important. Their work and fighting in Syria is important. But what is more important than anything is the freedom of a man who is held in prison and respect for a fellow NATO ally. So we have put a provision in the National Defense Authorization Act that asks certain questions, like, does Turkey have somebody illegally detained, yes or no? And our President can certify one way or the other. Does the fact that Turkey is considering the acquisition of the S-400 missile system from Russia, which comes with it a lot of intelligence gathering and other tools that could put the safety and security of the Air Force base that we have in Turkey and the manufacturing operations for the Joint Strike Fighter in Turkey at risk--certify one way or the other. Incidentally, because we rely on Turkey for the supply chain for the Joint Strike Fighter and if that supply chain were to shut down, if Turkey continued to drift further away as a NATO ally--does it make sense to have the entire manufacturing supply chain of the Joint Strike Fighter dependent on a country that is drifting away from the nations that are members of NATO? Those are simple provisions. We are asking the President of the United States to certify one way or the other. If he can't certify it, then we have to really start questioning just how much further we can go with a country that is holding an American citizen, with a country that is considering a would-be adversary's missile defense system, and with a country that is a critical link in the supply chain for the Joint Strike Fighter. We will be going into conference fairly soon on the national defense authorization. I am asking all of my colleagues--the 70 who signed on to a letter expressing their concern with the detainment of Pastor Brunson--to stick with us to make sure that provision makes it out of conference and that we hold Turkey accountable. It is within President Erdogan's power to end this now. I would love to come back to the floor next week and not be talking about the illegal detainment but talking about a freed man and an improving relationship with Turkey. My last message is to the Turkish people. This is not about the Turkish people. They are wonderful people. I have traveled to Turkey several times in various official capacities. They are wonderful people who love freedom and want freedom just like we have in the United States. This is about an administration that needs to understand what it means to be a NATO ally. It is about an administration that needs to understand what a real, independent judiciary looks like. It is about an administration that needs to be put on notice until they take the positive step in that direction. Madam President, thank you very much. I hope I don't have to come to the floor next week when you are presiding and present this same speech, but I promise you, as long as I am a Senator and Pastor Brunson is in prison, I will be back. I yield the floor. The PRESIDING OFFICER (Mr. Cotton). The Senator from Missouri. Mr. BLUNT. Mr. President, this week we are considering the bipartisan farm bill. The Senator from Mississippi who was just presiding, the Presiding Officer, and I were all raised on farms, so we have an immediate sense that this must be pretty important because of where we grew up and how we grew up. But I think people have less and less connection with what it really takes to grow the food and fiber we need in this country. The farm bill doesn't have quite the same resonance it used to have in terms of millions and millions and millions of families watching carefully to see what the Congress is going to do. In fact, the families who watch this most closely today may very well be the families who benefit from the nutrition parts of the farm bill. The vast majority of spending is in the nutrition parts of the farm bill. The truth is that if you don't have what people need to sustain themselves, nutrition policy really doesn't matter unless what we do in ***agriculture*** works. So a lot of the debate here is about that. In my State of Missouri, we have nearly 100,000 farms. The vast majority of those are family-owned and cover two-thirds of the total land of our State. The industry supports 400,000 jobs in a State of 6 million people, so it has a substantial impact on what we do. The Mississippi Valley, where the Presiding Officer and I are located, is the biggest piece of contiguous ***agricultural*** ground in the world, and we are in the middle of that. In terms of production in the United States, Missouri ranks second in the number of beef cows; fourth in rice; fifth in turkeys; sixth in soybeans; seventh in hogs; ninth in corn; and tenth in cotton. So there are a number of places in the farm bill that impact us, and those crops and others that we might not rank quite so high in are still an important part of our economy. World food demand is expected to double in the next 30 ***years*** or so. That is an easy thing to say and an easy thing to hear, but it is sort of a hard thing to think about. With all the time [[Page S4482]] in which people have been trying to develop better and better ***agriculture***--we think it took about 10,000 ***years*** to raise all the food we raise today--we have about 30 ***years*** to figure out how to raise twice as much food as we raise today, and we are likely to need to do that on no more land than we are doing it on now and with fewer inputs. We will need to do that in a way that probably uses not just less water per amount of food grown, but less water totally--not just less fertilizer per crop, but less fertilizer totally. So we will need a lot of science-based work to figure out how we meet this incredible opportunity and challenge of doubling all the food we grow. I saw some FFA students under a big shade tree looking back at the Capitol on two different days last week. Both times I said: I really can't think of any group I can talk to where I could say with such certainty that no matter what you do, understand that ***agriculture*** in the next 30 ***years*** as a part of our economy is going to be twice as big the day you retire from whatever you decide to do as it was the day you started. It would take a cataclysmic event for that not to be true. I said just a minute ago that world food demand will double in about 30 ***years***. We think world food needs will double in 40 ***years***. What is the difference? In 40 ***years***, we will have to have that much food to feed all the people there are to feed. We think that in 30 ***years*** it will have to double to meet people's demands for the kinds of food they want to buy. No matter what, in 40 ***years***, twice as much food as we have today will be needed. This farm bill gives us the chance to advance the kinds of policies that allow us to meet that challenge. It is a bipartisan bill. Chairman Roberts and Senator Stabenow, the top Democrat on the committee, have worked hard to produce this bill. Like all pieces of bipartisan legislation, it is not the bill either of them would have written on their own, but it is a bill that can and should pass. It makes difficult decisions on how to balance priorities and maintain budget discipline at the same time. It is logically connected with helping those who grow our food--the people who determine whether we have an affordable and dependable supply of food, fuel, and fiber. All of that is at stake in this legislation. The farm bill we are considering provides certainty for farmers. Like the farm bill we did 5 ***years*** ago, it takes a different course. It stays where we were. This is more evolutionary than a big revolutionary change. Five ***years*** ago, we went much more toward risk management, where the Federal Government basically helped put an insurance kind of component together to insure against the many things that happen in the life of a farm family and in the life of growing food. You don't control the weather. You don't control the prices. You don't control much of anything. You just hope that everything works out and allows you to continue to do something that in the case of almost all farm families in America, they love to do and that is why they do it. The bill makes forward-looking investments to help new and beginning farmers. The average age of farmers in America today is almost 60. That means half the farmers are over 60, and half the farmers are under 60. Obviously, we have to be concerned. We are concerned about pilots and say: Gee, we are running out of pilots because military-trained pilots are not going to be available to us. We are also about to run out of farmers. If half the farmers in the country today are over 60, we need to be looking for ways to allow beginning farmers to farm and to meet the needs as well as the opportunities of a growing world where, with fewer resources and the same amount of land, as I said before, we are going to have this great opportunity. Nobody in the world is better at this than we are, and nobody in the world is better positioned than we are to get ag products all over the world. This is a huge opportunity for our country. In my State--the one I know more about than any other State--we are home to world-class animal and plant scientists. There are more plant scientists within 100 miles of St. Louis, MO, than there are anywhere else in the world in the same amount of space. The farm bill will continue to allow those things to move forward and, again, try to do more with less and produce a better quality product with less input. As farmers deal with the unpredictability of the weather and the market, this is designed to help provide stability as that market grows. To go back to where I was a minute ago, I believe the biggest economic transactional group in America on any given day--people buying food, fuel, and fiber--relates to ***agriculture***. That is going to double in less than one working lifetime. That is almost never going to work out exactly right. The weather will not be right; the world crops will not be what we thought they were going to be. We want to be sure people don't give up on this opportunity because it is also such a big challenge. How do you communicate in a world environment with this kind of challenge? The bill also makes investments in rural America to expand high-speed broadband and improve rural infrastructure, something the President, in every discussion I have heard on infrastructure, talks about 25 percent of this needing to go to rural infrastructure. But part of that infrastructure is wireless technology and wireless infrastructure. If you are going to have precision farming, if you are going to not put more cost into parts of your field than you should, you and your equipment need to know exactly where you are--I mean precisely where you are. You can't do that if you are not connected to broadband in some way. The GPS systems, the data centers, the automation systems just don't work without that. If you don't have high-speed internet, you don't have high-speed commodity trading capacity. So while somebody maybe 10 miles down the road from you has instantaneous ability to take advantage of a market to buy or sell, yours may be just slow enough that you miss the moment. So the ability to live in rural America, to thrive in rural America, and to farm as you are going to need to farm for the world we are about to get into is really important. This farm bill isn't just about economic security, although that is a big part of it. It is also about what it takes daily to sustain yourself and those you care about. As I said, the nutrition ***programs*** are now a significant majority of farm bill spending. We are going to debate how some of that money should be spent. But we are entering a time of great opportunity--a time where Americans, particularly in the middle of the country, are really good when you have an economy that is production-oriented, based on growing things and making things, and that growing-things economy is a lot bigger than just production ***agriculture***. It is production ***agriculture***; it is food processing; it is insuring what happens on the farm; it is transportation. We are one incident away from identifying where all that food has been all the time. I am glad we are getting to the farm bill as quickly as we are. I hope we can pass our bill, come to conference with the House, and put a bill on the President's desk as soon as possible, so with all of the other things that farmers and their families have to deal with, the one thing they will know with some certainty is what the Federal farm bill and what Federal nutrition ***programs*** are going to look like over the next handful of ***years***. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll. Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Daines). Without objection, it is so ordered. Retirement of Justice Anthony Kennedy Mr. McCONNELL. Mr. President, just a few moments ago, Justice Anthony Kennedy announced that he is retiring as an Associate Justice of the U.S Supreme Court and taking senior status, effective July 31. First and foremost, I want to pause and express our gratitude for the extraordinary service that Justice Kennedy has offered our Nation. He has served on the Federal bench for 43 ***years***. In particular, we owe him a debt of thanks for his ardent defense of the [[Page S4483]] First Amendment right to political speech. As Justice Kennedy concludes his tenure on the Court, we wish him, his wife, Mary, and their family every happiness in the ***years*** ahead. The Senate stands ready to fulfill its constitutional role by offering advice and consent on President Trump's nominee to fill this vacancy. We will vote to confirm Justice Kennedy's successor this fall. As in the case of Justice Gorsuch, Senators will have the opportunity to meet with President Trump's nominee, examine his or her qualifications, and debate the nomination. I have every confidence in Chairman Grassley's conduct of the upcoming confirmation process in the Judiciary Committee. It is imperative that the President's nominee be considered fairly and not be subjected to personal attacks. Thus far, President Trump's judicial nominations have reflected a keen understanding of the vital role that judges play in our constitutional order. Judges must interpret the law fairly and apply it evenhandedly. Judicial decisions must not flow from judges' personal philosophies or preferences but from the honest assessment of the words and actual meaning of the law. This bedrock principle has clearly defined the President's excellent choices to date, and we will look forward to yet another outstanding selection. But, today, the Senate and the Nation thank Justice Kennedy for his ***years*** of service on the bench and for his many contributions to jurisprudence and to our Nation. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Toomey). Without objection, it is so ordered. Mr. SCHUMER. Mr. President, we recently received news that Justice Anthony Kennedy will be retiring, leaving a vacancy on the Nation's highest Court. This is the most important Supreme Court vacancy for this country in at least a generation. Nothing less than the fate of our healthcare system, reproductive rights for women, and countless other protections for middle-class Americans are at stake. Will Republicans and President Trump nominate and vote for someone who will preserve protections for people with preexisting conditions, or will they support a Justice who will put health insurance companies over patients or put the Federal Government between a woman and her doctor? The Senate should reject, on a bipartisan basis, any Justice who would overturn Roe v. Wade or undermine key healthcare protections. The Senate should reject anyone who will instinctively side with powerful special interests over the interests of average Americans. Our Republican colleagues in the Senate should follow the rule they set in 2016 not to consider a Supreme Court Justice in an election ***year***. Senator McConnell would tell anyone who listened that the Senate had the right to advise and consent, and that was every bit as important as the President's right to nominate. Millions of people are just months away from determining the Senators who should vote to confirm or reject the President's nominee, and their voices deserve to be heard now as Leader McConnell thought they deserved to be heard then. Anything but that would be the absolute height of hypocrisy. People from all across America should realize that their rights and opportunities are threatened. Americans should make their voices heard loudly, clearly, and consistently. Americans should make it clear that they will not tolerate a nominee, chosen from President Trump's preordained list and selected by powerful special interests, who will reverse the progress we have made over the decades. I yield the floor. The PRESIDING OFFICER. The Senator from Indiana. Mr. DONNELLY. Mr. President, I am here to talk about the bipartisan, commonsense farm bill that we are working on in the Senate this week. ***Agriculture*** is an essential part of the fabric that defines my home State of Indiana. Hoosier farmers are growing the food that feeds our families. Biofuel producers are making the ethanol and biodiesel that drive our economy. Ag students and researchers are developing the technologies of tomorrow. Together, they represent the best of Hoosier values. Right now, Hoosiers farmers in our communities are navigating significant challenges. They need us to work together to help provide solutions. Our farmers are dealing with turmoil on the international marketplace, uncertainty in Federal policies, like the RFS, and low commodity prices that, in many cases, are below the cost of production. This farm bill can provide our ag community with some stability, and we need to ensure that we do our part to get it across the finish line. Here is how Indiana Farm Bureau president Randy Kron described the situation: Farmers are relying on the Senate to pass a farm bill that will allow them to plan for their operations with some level of certainty for the next five ***years*** and provide a safety net in case extreme weather or a natural disaster damages their crops. Indiana's farmers are facing a lot of uncertainties right now. The dairy industry is facing low prices and lost contracts, there are fears over potential retaliatory tariffs and their impacts, there is a grain surplus that has brought commodity prices down drastically as well as the uncertainty of the Renewable Fuel Standard (RFS). Net farm income is down more than 50% compared to just five ***years*** ago, and the ***agriculture*** community is depending on the passage of this farm bill. If our nation's farmers have the ***programs*** and assurances they need, all U.S citizens will reap the benefit of quality, affordable food in our grocery stores. Phil Ramsey, a corn and soybean farmer from Shelbyville, IN, and the chairman of membership and policy for the Indiana Soybean Alliance, described the challenges farmers are facing by saying: After a spring that has challenged our farms from nearly every angle, Hoosiers and rural Americans need a Farm Bill now more than ever. With farm income down . . . input costs skyrocketing, the ethanol industry constantly under attack, and disrupted trade relations sharply driving down prices, the stability and safety net provided by the Farm Bill are critical to our farmers and ranchers across the nation. Randy and Phil are right. Now, more than ever, farmers need us to do our job, to put together a farm bill that makes sense and gives them the opportunity to succeed. A farm bill that gives us the best opportunities to be successful will help farmers manage the risks outside of their control, but it is about much more than that. It is also about helping rural communities thrive and also about fighting food insecurity. It is about investing in tomorrow's farms and the most advanced technologies. It is about ensuring that Hoosiers have the resources and the tools to develop new markets for their products anywhere in the world. It is about promoting conversation so that farms and natural habitats remain healthy, generation after generation, and doing the conservation work to make that possible. Because there is more wisdom in Indiana than in Washington, DC, I firmly believe a good farm bill is one that is written with input directly from Hoosiers and that addresses issues important to our State. From Wayne County to Evansville to Washington, IN, to DeKalb County, to Jasper County, to Rensselaer, across our State there are great ideas, great leadership, and great entrepreneurial skills that can help us build the best farm bill possible. That is why I took every opportunity to listen to the priorities and concerns of Hoosiers who are involved in nearly every segment of our State's ***agriculture*** community during my farm bill listening tour and in meetings over the past ***year***-plus. From student groups and researchers to anti-hunger advocates, to soybean and corn growers, to pork and dairy farmers, and to just about everyone in between, I wanted to hear from all of them about what this farm bill should do. I am not hired help for the people of Indiana. I work for all of our citizens. I took what I heard from Hoosiers, and I worked with my colleagues to develop this bill, to work this bill, and to successfully secure provisions that would include risk management tools for our farmers, while still ensuring full planting flexibility; to expand market opportunities for Hoosiers products; to [[Page S4484]] promote impactful, voluntary conservation activities; to help fight the opioid epidemic, which is a scourge on our State and our country; to support rural communities with investments in high-speed internet and waste and drinking-water infrastructure; to fight against food insecurity; and to invest in the research necessary for tomorrow's technologies. I would like to highlight a few of the Hoosiers priorities in this bill. One of my top priorities was helping to fight the opioid epidemic in rural communities. We know it will take all of us, working together, to confront this opioid epidemic--this horrible nightmare that we have. We have more work to do to stem the tide of this public health crisis in our rural communities. I am pleased this bill includes three of my bipartisan provisions that combat the opioid epidemic by targeting telemedicine and community facility investments for substance abuse treatment as well as by investing in prevention and education ***programs***. We want all of our families to be safe. We want all of our citizens across this country to avoid this scourge. We lost over 60,000 of our fellow brothers and sisters across this country to drug abuse last ***year***. We do not want to lose one more, and we want this farm bill to help end this. These provisions I have discussed were developed from my bipartisan rural opioids package I introduced with my friend, Chairman Pat Roberts, then-Senator Strange, and with Senator John Hoeven from North Dakota in 2017. I thank all of them for partnering with me on these efforts. I have also advocated for efforts to ensure that farmers are provided the tools they need to be good stewards for our environment, to hand off to our children and grandchildren, and an even safer, better, stronger planet. This bill will eliminate potential disincentives for voluntary conservation practices like cover crops and supports soil health improvement ***programs***. It also allows States to increase cost sharing for the most impactful conservation practices. Soil health and clean water are a passion for many Hoosiers, and for many Hoosier farmers, and this bill helps in those efforts. The need to expand market opportunities has also come up in my conversations with our farmers. I am fully committed to expanding market opportunities for our ag products. This farm bill will increase opportunities for Hoosier farmers through export promotion ***programs***. I worked with my colleagues on proposals to open up more markets for American exports, including my bipartisan bill that increases investments in two important export promotion ***programs***: the Foreign Market Development ***Program*** and the Market Assistance ***Program***. This is legislation I introduced in September of 2017 with my friends and Senators Joni Ernst of Iowa, Angus King of Maine, and Susan Collins of Maine. I have also worked to ensure full planting flexibility for our farmers who want to plant fruits and vegetables. This ensures that farmers can diversify their farms without worrying about losing access to commodity support ***programs*** in the future. It may sound a little bit technical, but it is critically important, and we have to make sure it gets done. Ensuring planting flexibility is a strong passion of mine. It builds on the bipartisan bill I introduced with Senator Todd Young, my colleague from our home State, in December of 2017, and it also builds on my work in the 2014 and the 2008 farm bill. Another important issue I care deeply about is helping those struggling with food insecurity. I am really proud that this bipartisan bill strengthens the oversight of the SNAP ***program*** and helps to fight food insecurity by reforming food assistance ***programs*** while protecting access to benefits and maintaining the integrity of the ***programs***. It makes it easier for seniors to access food assistance by reducing burdensome paperwork. This is based on legislation I worked on with my friend Bob Casey from Pennsylvania. Providing for the future of ***agriculture*** by making the investments in vital research and extension activities is another priority. This bill contains a provision of mine that reauthorizes and revamps the New Era Rural Technology ***Program*** to help our community colleges fund efforts to develop a workforce trained in the precision ***agriculture*** technologies that are expected to continue to improve the efficiency of modern farming. I have a few more amendments I am hoping we can get adopted this week, including one that increases funding for the Emergency Food Assistance ***Program***. This helps food banks and pantries respond to the needs of their local communities. I have also introduced a bipartisan amendment with Senators Smith and Fischer. It allows community colleges serving rural areas to receive funding through USDA's Essential Community Facilities ***Program***. This helps ensure rural communities have the local educational opportunities that can help our children thrive, that can help our friends and neighbors thrive, and that can help create success in every county in my State and across our country. Finally, I thank all of my colleagues on the Senate ***Agriculture*** Committee for their efforts to ensure that we had strong bipartisan support for getting the farm bill to this point. Everybody worked incredibly hard; everybody focused on doing what was right for America and not worrying about politics; and everybody focused on how we can help our ag community be stronger, have more success, and do even better in the future. Our farmers need us to continue working together as advocates for ***agriculture*** and for a farm bill that supports their hard work. The ag community gets up in the dark, works all day, and goes home in the dark. They are an incredible example for everybody in our country about dedication to family and faith and community and country. I know the farmers of Indiana and in Hoosier rural communities are tired of being pawns to partisan politics. They have been dealing with depressed commodity prices, chaotic trade markets, and the uncertainty of Federal policies, whether it was the previous administration's expansion of the WOTUS rule or this administration's efforts to undermine the RFS. It is time for us to do our part to make sure this is a strong bipartisan bill and that it is an example of us working together--not as Democrats or as Republicans but as Americans--to do good things for our economy and for our people. I urge the Senate to promptly pass this bill so we can conference with the House and get this to the President's desk as quickly as possible. Farmers and rural communities in Indiana and across our country are counting on us. It is an incredible privilege to represent our ag community on the ***Agriculture*** Committee and to work with the farm bill to make the lives of everybody in our farming communities better, stronger, and even more successful. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant bill clerk proceeded to call the roll. Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. ROBERTS. Mr. President, I ask unanimous consent that it be in order to call up the following amendments to the substitute amendment No. 3224: the amendment by Senator Lee, No. 3074, and the amendment by Senator Durbin, No. 3103. The PRESIDING OFFICER. Is there objection? The Senator from Florida. Mr. RUBIO. Mr. President, reserving the right to object, in this farm bill, when it was considered in committee, there was an amendment added that allows for American ***agricultural*** interests to promote American ***agriculture*** on the enslaved island of Cuba. In an effort to be accommodating, I have said: Well, that is fine. It is not a very large market, and, frankly, as long as we are not lending them money--because they are never going to pay us back--I am not going to object to the ability of American farmers to market our products to a market. In the end, it is food. What I do think we should not allow, however, is the ability to spend American taxpayer money in properties and in other places on the island that are owned and controlled by the Cuban [[Page S4485]] military. Last ***year***, President Trump issued an Executive order that prohibited American citizens who traveled to Cuba from staying at hotels or frequenting businesses or anything of this nature that is controlled by GAESA, which is a holding company controlled by the Cuban military. So what I have proposed as a way forward on this is to basically say: That is fine. You can promote American ***agriculture*** in Cuba. But while you are there and doing your activities, you can promote it, but you just can't spend any of these taxpayer dollars at any of the facilities or businesses controlled or owned by the Cuban military. The list is detailed and provided by the State Department via Executive order. That is the amendment I offered. To date, we have not been able to get it considered as part of any of these vehicles that are moving. Therefore, procedurally, I am wanting to protect my right to ensure this gets included in something that is incredibly important from my perspective, so I object. The PRESIDING OFFICER. Objection is heard. The Senator from Michigan. Ms. STABENOW. Mr. President, I want to indicate I certainly understand the concerns of the Senator from Florida, and we have been looking for the last 2 days to find a resolution. There are multiple interests on various sides of this issue on Cuba that we are trying to work through so that we can move forward on this as well as other amendments. As the chairman has indicated, there are two amendments we are trying to get pending so that we can move forward and take the next steps to be able to come to a resolution and get to a final vote on the farm bill, which our farmers, ranchers, and families in rural communities are very anxious to have us do. We will continue to work, as we have all day and as we did yesterday, looking for ways to resolve this and to be able to move forward. Hopefully, we can do that because there are a lot of folks really counting on us to come together and get this done. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I would only add at this point--and I think Members who have paid attention to this debate at all or to this particular issue are probably a little tired of hearing this, but maybe there are some who haven't really grasped the issue. We have to get a farm bill. We are the ***Agriculture*** Committee. ***Agriculture*** is in dire need of this farm bill--the farmers, the ranchers, the growers, their lenders, and everybody up the food chain. Our situation being what it is, I certainly hope that improves. Many people, of course, are interested in opening up any bill to amendments, having regular order, and voting on their amendments. I understand that. I think there are about 146 amendments we have agreed to. We are reaching out to people and urging them to come forward and, on a bipartisan basis, agree on these amendments or modify them and then agree to them. So it isn't as if we have not done that. At some point, we have to pass this bill. The issue is so paramount and the situation is so dire--on behalf of the folks who produce the food and fiber for this country in a troubled and hungry world to at least go on for another ***year***--that it is paramount over any other issue, despite the fact that some people want to come in under a reform they believe would be very salutary, and I understand that. Again, we have to pass this bill. With that observation, I hope people can understand and we can get some agreement with regard to some of these issues. None of my remarks are intended to impugn in any way the interest of the distinguished Senator from Florida. I yield the floor. The PRESIDING OFFICER. The Senator from Oregon. Women's Healthcare Mr. WYDEN. Mr. President, 2 ***years*** ago, the Supreme Court handed down its decision in Whole Women's Health v. Hellerstedt, which reaffirmed the longstanding view that the government should not be in the business of deciding what kind of healthcare a woman in America can or cannot receive. A number of my colleagues are going to be coming to the floor to discuss this issue. It was a crucial victory. My colleagues who have been so involved in this issue over the ***years***--Senator Murray and Senator Blumenthal--and I as the ranking Democrat on the Finance Committee have tried to do everything we possibly could because our committee has extensive jurisdiction over women's healthcare in a variety of ***programs*** that are crucial for women. It is in that context that I want to reflect on what has happened since the Supreme Court handed down that crucial victory, that important win for women's healthcare as embodied in Whole Women's Health v. Hellerstedt. At every turn since the President went to the White House, the President's administration has put themselves in between American women and their doctors. The President has sought to prevent healthcare providers from sharing critical care information. The President has sought to place restrictions on health clinics that women rely on every single day for lifesaving services, such as cancer screenings, physicals, prenatal care, and more. He has again and again sought to place restrictions on and attempted to defund health clinics, such as Planned Parenthood, that women in America rely on every single day for lifesaving services, such as cancer screenings, physicals, prenatal care, and more. I hope colleagues will look at the words that I used to describe those lifesaving services--lifesaving services that have absolutely nothing to do with abortion--nothing--cancer screenings, physicals, prenatal care, and more. That is what the President sought to place restrictions on and attempted to defund in terms of health clinics that offer those services. The latest blow to the cause of making sure women can go to the healthcare providers of their choosing came yesterday from the Supreme Court. Yesterday, the Court in effect opened the door for deceptive crisis pregnancy centers that are allowed to lie to women about what kind of care they are able to receive. All of these developments demonstrate that the effort for affordable, accessible healthcare is far from done, and it is going to take a constant push to ensure that healthcare in America moves forward and not backward. In my view, one of the biggest threats to Americans' healthcare is the Trump administration's full-throated endorsement of repealing preexisting condition protections. That is particularly important for women who count on these essential consumer protections to get affordable care for all services. American women don't want to turn back the clock to the days where health insurance was more expensive by default for women because maternity care and other services weren't covered in standard plans. Women don't want to be denied health insurance because of a cancer scare they had a few ***years*** back or a small preventive surgery. That was the reality before the Affordable Care Act. I can only say that at one time, Democrats and Republicans here in the Senate felt very strongly about loophole-free, airtight protection for women and men and all Americans against discrimination for preexisting conditions. I know that because in the context of debating the Affordable Care Act, I was the sponsor of legislation, the Healthy Americans Act, which had seven Democrats and seven Republicans as cosponsors. Our proposal did have loophole-free, airtight protection for women and all Americans against discrimination for preexisting conditions. Essentially, what we seven Democrats and seven Republicans proposed is what became part of the Affordable Care Act provisions against discriminating against those with preexisting conditions, and it is those protections, which are now law, which the Trump administration seeks to roll back. It is not widely known that it is not just men and women in the individual healthcare market whom the President's reckless approach on preexisting conditions is actually threatening. If the Trump administration is successful, protections for the 167 million Americans with employer-sponsored health insurance will also lose the Affordable Care Act's airtight, loophole-free preexisting condition protections. [[Page S4486]] That means America would be turning back the clock on healthcare, and an employer could once again put their bottom line over the health of the American people. Back then, it meant individuals were prevented from getting healthcare for months or leaving care for their preexisting condition uncovered. I think it is pretty clear that the American people do not want to return to a system like that. Over the Fourth of July break, I will be heading back to Oregon. I am going to have my 900th townhall meeting--900 meetings where, for an hour and a half, I don't give any speeches; folks can just come in and say what is on their minds and say what is important to them. I would say that at a significant number of those 900 open-to-all, 90-minute townhall meetings in Oregon, folks at home talk about the importance of the issue I have just described--the protection for women and men and all Americans against discrimination for preexisting conditions. Certainly, women in America can't afford to return to a system where they are systemically discriminated against. Women have been on the frontlines, standing up and speaking out to ensure that doesn't happen, ever since Donald Trump was elected. I thank my colleagues, particularly Senator Murray and Senator Blumenthal, who have been our leaders on this effort. As the ranking Democrat on the Finance Committee, I try to do everything I can to help them in their good work, and I appreciate their taking the time to point out that it has been 2 ***years*** since the Supreme Court handed down a historic decision that actually protected women and why we all feel so strongly about not walking back that decision. I thank Senator Murray, and I yield my time to her. The PRESIDING OFFICER (Mr. Gardner). The Senator from Washington. Mrs. MURRAY. Mr. President, I thank the Senator from Oregon. Retirement of Justice Anthony Kennedy I would just say I have been planning to come to the floor about a specific issue related to women's healthcare and rights and freedoms, but before I get to that, I want to comment on the news that is clearly very closely connected. It is clear that Justice Kennedy's retirement comes at a pivotal point in our Nation's history, when so many of our values are under attack by a President who has spent every day in office testing the limits of our Constitution. I share the deep concern of so many families across this country who are already suffering under the Trump administration and fear further erosion of the progress in this country. So, first, I want to be clear. I am hopeful that Republican leaders go back and look at what they said very recently and give families across the country the opportunity to weigh in with an election before moving forward to fill this seat. We don't know whom President Trump will nominate just yet or when he will make that nomination, but I want to go back to something my dear friend and colleague Senator Kennedy said because it highlights the stakes right now. He was talking about an extreme nominee, Robert Bork. He said: Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists would be censored at the whim of government, and the doors of the federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are at the heart of our democracy. Robert Bork was rejected, and Justice Kennedy took his place. Today, we face similar stakes right now, in this moment. Voting rights are at stakes. LGBTQ rights are at stake. The right to organize collectively is at stake. Those are just a few. There are a lot more. Families across the country are paying attention, and they are going to be watching what President Trump and individual Members of this Senate do right now. This is what they are going to want to know: Will their rights be protected? Will their freedoms be secure? Will the Supreme Court put people like them first, or will they stand with special interests, big business, and the most extreme ideologues in our country? Those are the questions people across this country will be asking. That is the conversation I expect we will have here in the Senate, and that is what President Trump should be considering as he thinks about this issue and hopefully as he slows this down and gives people across the country a chance to weigh in. Women's Healthcare Mr. President, one issue I know women across the country will be focused on and asking about is their constitutionally protected right to control their own healthcare decisions affirmed in Roe v. Wade, because, let me be clear, women and men in this country understand how directly tied this right is to a woman's freedom and economic security, and they overwhelmingly do not want to see that right rolled back. Today is the anniversary of a ruling that further upheld women's constitutionally protected reproductive rights, and I want to take a few minutes today to discuss what this decision meant for women's lives and why we will not stop fighting to protect the progress we have made. Almost half a century ago, in its historic Roe v. Wade decision, the Supreme Court ruled that every woman, no matter where she lives, has the constitutional right to make her own decisions about her body, her family, and her future, including the right to safe, legal abortion. But a right means nothing without the ability to exercise it. While Roe v. Wade has been the law of the land for ***years***, extreme conservatives have continually tried to undermine the Court's decision by peddling ideological policies that would make it hard for women to exercise their reproductive rights. Women across the country have not been silent about these efforts and neither has the Supreme Court. Two ***years*** ago, the Court reaffirmed the rights enshrined in Roe v. Wade when it ruled in favor of Whole Woman's Health and struck down an anti-abortion law in Texas that was designed to make it harder for women to access the care they need. The law in Texas attempted to undermine women's reproductive freedom by putting access to that care far out of reach for women. If it had been allowed to stand, the law would have closed three-quarters of the clinics in the State that provided abortion services. If it had been allowed to stand, hundreds of thousands of women would have no option but to travel hundreds of miles for their reproductive health services. The Texas law didn't stand; women's constitutional rights did. That Supreme Court ruling sent a strong message, one women have been making for ***years***, and one we continue to make clear today: Politicians have no business interfering with a woman's most personal decisions. Unfortunately, many people on the right continue to ignore that message. Unfortunately, they have continued to push for damaging, extreme policies that ignore the Supreme Court, the Constitution, and women across the country. From day one, President Trump and Vice President Pence have made it clear that turning back the clock on women's health and reproductive rights is a top priority for them. They recently proposed a harmful domestic gag rule on Federal family planning funds designed to restrict access to healthcare for women, interfere with care providers' ability to talk about the full range of reproductive health services with their patients, and ultimately make it harder for women to exercise their healthcare choices and constitutional rights. That is just the latest of so many extreme and ideological steps, statements, policies, and appointees that have repeatedly shown the Trump administration's hostility to women's rights. We are still seeing radical Republicans in many States pushing to put up new barriers, like those that were struck down in the Whole Woman's Health case, to prevent women from making their own healthcare decisions--barriers that would allow perhaps a woman's ZIP Code or her income to determine whether she is able to get the care she needs. We are also still seeing that every time far-right politicians try and bring us a step back, women and men across the country are stepping forward and [[Page S4487]] speaking out against them, and that is not going to stop. We are going to continue to defend women's reproductive rights, on all fronts and against all attacks. One effort to do that in Congress is the Women's Health Protection Act--legislation I am very proud to cosponsor--that would help protect women's constitutional rights to safe, legal abortion care and bring down harmful, ideological barriers to that care, like the one struck down in Texas, once and for all. I remember being in the room when the Supreme Court heard the Whole Woman's Health case and hearing the skepticism from many Justices as they asked thoughtful questions about Texas's flimsy excuses for trying to undermine women's rights. I remember being outside of the Court shortly afterward and seeing all the women and men making their voices heard and fighting for those rights. I remember being moved by the personal stories shared by so many women about what the right to make their own personal decisions meant for their health, for their family, and their opportunities in life. I am not going to let anyone forget those stories, including President Trump, Vice President Pence, and far-right politicians across the country. I am not going stop defending women's health and reproductive freedoms. I am not going to stop fighting to make sure our daughters and granddaughters have stronger rights and more opportunity, not less. I am not going to stop, and I know women and men across the country aren't going to either. There is no question in my mind that people nationwide understand just how important a woman's ability to control her own healthcare decision is. This is not about politics. It is about women's health. It is about their economic security, about a woman's ability to contribute fully and equally in our country. I am confident people across the country who do not want to go backward will stand up and make their voices heard and reject President Trump and Vice President Pence's extreme ideology wherever it rears its head. I am hopeful that President Trump takes this to heart as he thinks about his Supreme Court vacancy. I am hoping my Republican colleagues are paying attention. I am truly hoping President Trump decides to listen to people across the country, listen to what Republicans just said recently, and not jam a nominee through before people have a chance to weigh in. I yield the floor. The PRESIDING OFFICER. The Senator from Hawaii. Ms. HIRONO. Mr. President, first, I wish to thank Senator Blumenthal for organizing this block of time and for his continued leadership in the fight to protect women's healthcare. Today marks the 2-***year*** anniversary of the Supreme Court's decision in Whole Woman's Health v. Hellerstedt. That landmark decision struck down two provisions of a Texas law that imposed medically unnecessary, burdensome requirements on abortion providers and reaffirmed a woman's constitutional right to access safe, legal abortion. If the Supreme Court had allowed these provisions to stand, more than 75 percent of all reproductive health clinics in Texas would have been forced to close, leaving many women unable to access the care they need. Whole Woman's Health was a significant victory for reproductive freedom, but the assault on a woman's constitutionally protected right to an abortion has continued unabated over the past 2 ***years***. During that time, Iowa passed an outrageous bill that would prohibit women from seeking an abortion after 6 weeks of pregnancy, often even before these women knew they were pregnant. West Virginia enacted legislation that would prohibit the State's Medicaid ***Program*** from covering abortion services for low-income residents. Indiana passed an onerous new law requiring physicians to report confidential patient information to the State if a woman experienced complications from an abortion. Louisiana recently passed a law establishing a 15-week abortion ban that includes criminal penalties for any physician who performs the procedure after that time--with only a very narrow exception to save the life of the mother. These are the kinds of lengths those who want to limit a woman's right to choose will go to. Advocates have recognized the harm these laws would have on women and have filed suits to block their implementation. Several lower courts have ruled that these restrictions are unconstitutional and could come before the Supreme Court for review in the months and ***years*** ahead. These laws are only a few of the hundreds of new restrictions enacted in States across the country that are harming women's health and violating their constitutional right to an abortion. To understand the negative impact of these laws on women, I point to a recent report from the Guttmacher Institute that found 58 percent of women of reproductive age in our country live in a State considered hostile or extremely hostile to abortion rights. Only 30 percent live in a State supportive of abortion rights. We are talking about millions and millions of women who are living in States that are extremely hostile to abortion rights. Respect for a woman's constitutional rights should not depend on where she lives. Women in Texas, Louisiana, or Iowa deserve the same respect as women living in States like Hawaii, where we have some of the country's most humane, expansive protections for reproductive rights. In fact, Hawaii was the first State in the country to legalize abortion. These disparities and protections for women in different States can have life-or-death consequences for women in need of reproductive healthcare. Earlier this ***year***, I shared the story of Dr. Ghazaleh Moayedi--an abortion services provider who used to practice in Texas but now lives and works in Hawaii. Dr. Moayedi's story is worth sharing again because it poignantly captures what is at stake for women living in States with sweeping abortion restrictions. In her letter to me, Dr. Moayedi shared the story of a young woman in her Texas town who sought medical treatment with another provider after her water broke at 22 weeks. This woman desperately wanted a baby, but her fetus was not viable outside the womb. Because of Texas's restriction on abortion services, the patient's doctors were unable to counsel her on all medically appropriate options, including immediate delivery. This patient became increasingly ill and requested an abortion to prevent her condition from getting worse. The doctors on her case refused this request. Why? Because Texas law would not allow them to respond to her request. After spending 2 weeks in a hospital intensive care unit, this woman was ***transferred*** to Dr. Moayedi's care, where she ultimately had to have both hands and feet amputated due to severe infection. She also lost her baby. Dr. Moayedi recently moved from Texas to Hawaii, where she provides lifesaving abortion care to women at all stages of pregnancy, including a woman with a desired pregnancy who was flown in from a neighbor island for management of her previable labor. Despite the expert specialist care she received, the patient's water broke at 22 weeks. At that point, there was nothing Dr. Moayedi could do to prevent labor. She performed an abortion and saved her patient's life. The stark contrast in outcomes for Dr. Moayedi's two patients is completely unnecessary. Women across the country have a constitutional right to an abortion, and Congress needs to do more to fight back against what States like Texas, Louisiana, and Iowa are doing. It is time for Congress to pass comprehensive legislation that prevents States from imposing unconstitutional restrictions on abortions and that ensures every woman has access to the healthcare they need when and where they need it. We need to pass the Women's Health Protection Act, a bill introduced by Senator Blumenthal and one I have supported since its introduction in 2013. This critical piece of legislation would explicitly prohibit States from imposing restrictions that limit women's access to safe and legal abortion services. It would prevent States like Iowa, Louisiana, and Mississippi from imposing abortion bans before viability; it would preclude States like Arkansas from restricting access to medication abortion; and it would stop [[Page S4488]] States like Texas from passing laws that impose arbitrary and capricious requirements on facilities and abortion providers that do not improve the health of their patients. Passing this legislation is particularly important following Justice Kennedy announcing his retirement. The fundamental rights of women should not be subject to the whims of Donald Trump and whomever he selects to fill Justice Kennedy's seat. Congress needs to take decisive action to protect a woman's right to choose. I urge my colleagues to join me in supporting the passage of the Women's Health Protection Act. I yield the floor. The PRESIDING OFFICER. The Senator from New Hampshire. Retirement of Justice Anthony Kennedy Ms. HASSAN. Mr. President, before I begin my remarks concerning the Women's Health Protection Act, I want to state for the record that given Justice Kennedy's announcement today that he will retire, and there will therefore be a vacancy on the Supreme Court, any nominee for the Supreme Court must be committed to protecting the rights of all Americans, including the reproductive rights of women. Nominees can't just be focused on protecting corporate special interests and the powerful few. I also continue to believe that Supreme Court nominees should have broad support from both political parties and be able to clear a 60-vote threshold. A strong and independent judiciary that is above politics and is willing to stop abuses of power is more important than ever given that our current President regularly disregards established democratic norms and voices contempt for constitutional safeguards. Women's Healthcare Mr. President, with this attention on the Supreme Court, it is appropriate that I rise on the 2-***year*** anniversary of a critical victory for women and families across our Nation. Two ***years*** ago, the Supreme Court's ruling in Whole Woman's Health v. Hellerstedt reaffirmed that every woman has the right to make her own healthcare decisions and chart her own destiny. This decision preserved women's access to critical health services and reinforced that placing an undue burden on abortion access violates the 14th Amendment of the Constitution. Unfortunately, despite the fact that the Court has made this clear, politicians in Washington and in States across our country have made it their mission to undermine women's access to safe and legal abortions. Here in Congress, we have seen bill after bill that marginalizes women and restricts their fundamental rights, and my colleagues on the other side of the aisle have confirmed Trump administration officials and judges who are vehemently opposed to women having the freedom to make their own healthcare decisions. Additionally, State legislatures have pushed a number of burdensome restrictions. Politicians have pushed these restrictions under the guise of protecting women's health, but in the Whole Woman's Health case, the Supreme Court called their bluff and stated that the real point of these State laws was to deny women access to care. Unfortunately, many States have remained persistent in their efforts. Since that 2016 decision, State legislatures have introduced 1,039 restrictive bills and have passed 180 of them. These bills have focused on everything from closing abortion clinics to criminalizing providers who offer reproductive health services. No matter their ZIP codes, women deserve equal access to care, but it is clear that there will continue to be attempts from politicians to violate women's rights. With all of these relentless attacks, it is evident that what we need is Federal legislation that protects women's access to care in every State throughout our Nation. That is why, last ***year***, I was proud to join with dozens of my Democratic colleagues to introduce the Women's Health Protection Act. This legislation is vital because it protects women from the burdensome requirements that States are enacting. It would invalidate laws that require women to endure unnecessary tests and procedures and would invalidate laws that prevent doctors from prescribing and dispensing medication that is medically appropriate. Above all, the Women's Health Protection Act would ensure that women across the country receive safe, medically sound care if they choose to have an abortion. At a time when politicians in Washington and in State legislatures continue to marginalize women, I will continue to fight for the Women's Health Protection Act because women deserve respect when making their most deeply personal healthcare decisions, and they have to have the full independence to do so. Tribute to Master Sergeant Lee Hirtle Mr. President, I rise to recognize retired Air Force MSgt Lee Hirtle, who is also a retired New Hampshire State Trooper of Northfield, NH, as the June Granite Stater of the month for his incredible dedication to honoring our servicemembers and veterans who have passed. Over a decade ago, at a military funeral, Master Sergeant Hirtle noticed that ``Taps,'' the traditional bugle call performed at military funerals, was playing from a CD player that was hidden behind a gravestone. When he returned home from the funeral, Master Sergeant Hirtle went to his basement and dusted off his old trumpet--an instrument he had not touched since he had been a college student. He taught himself to play ``Taps'' and practiced until he was skilled enough to play at the funerals of fellow veterans and servicemembers. Since playing at his first funeral in 2007, he has sounded ``Taps'' over 3,650 times across the Northeast. When asked why he continues to sound ``Taps,'' Master Sergeant Hirtle talked about his first military funeral. At that funeral, he stood alongside a New Hampshire National Guard member named CPL Scott Dimond. A ***year*** later, after Corporal Dimond was killed while serving in Afghanistan, Master Sergeant Hirtle sounded ``Taps'' at his funeral. As the master sergeant said, servicemembers like Corporal Dimond--and all of our veterans--deserve the live version of ``Taps.'' We can never fully repay those who have served or have made the ultimate sacrifice in defense of our freedom, but we must commit ourselves to honoring those sacrifices. Master Sergeant Hirtle does that and is a true embodiment of that commitment. For his dedication to honoring those who served, I am so proud to recognize him as the Granite Stater of the month. I yield the floor. The PRESIDING OFFICER. The Senator from South Dakota. Amendment No. 3134 Mr. THUNE. Mr. President, I rise in support of my amendment, No. 3134. By providing haying and grazing flexibility, this amendment would offer commonsense and effective land management options for land enrolled in the Conservation Reserve ***Program***, or what we refer to as CRP. There are CRP contracts today that are typically 10 to 15 ***years*** in duration. As it stands, some CRP contracts only allow for vegetative cover to be removed once or twice during the life of the contract--a practice that is referred to as ``mid contract management.'' Even in areas that have experienced a drought or feed shortage, CRP mid contract management rules have required vegetative cover on CRP land to be destroyed--a practice I have never understood and one about which I get a lot of feedback from farmers across South Dakota who don't understand it either. The amendment before us today would allow haying and grazing under terms agreed to between the USDA and State technical committees, with safeguards in place that would protect the CRP cover when long-term droughts occur. Specifically, the amendment would allow haying and grazing on one-third of a producer's CRP contract acres on a rotating basis, which would be coupled with a reduction in the CRP rental ***payment***. CRP is important for so many reasons. After more than 30 ***years***, it remains the cornerstone of the conservation ***programs*** the USDA administers. In my opinion, we need more than the 24 million acres the current CRP acreage cap allows. In order to raise this cap in the current budget environment, in both the House and the Senate farm bills, the CRP cap is raised, and annual CRP rental rates are lowered to 80 and 88.5 percent of normal rental rates, respectively. In other words, to get an additional cap, you have to reduce the rental rate in order to offset the cost of raising the cap. The House found a way to do that. [[Page S4489]] It raised it to 29 million acres in its version of the bill, but it lowered rental rates to 80 percent of normal. In the Senate version of the bill, it only goes up 1 million acres, from 24 million acres to 25 million acres, but the rental rate is at 88.5 percent. My assumption is that in the conference with the House, when we get there, this will be an issue that will be negotiated. Yet, as I said before, it makes sense, in my view, to raise that cap because the cap today is not sufficient for what the demand is out there and for the importance of the ***program*** in terms of its impact on production and ***agriculture*** in our farming and ranching communities. The haying and grazing flexibility provisions in this amendment will help to offset these lower rental rates and make CRP a viable choice for a producer's less productive land in today's very tough ***agriculture*** economy. This amendment is a win for farmers and ranchers, and it is a win for conservation. I thank Senator Klobuchar, my neighbor from Minnesota, for cosponsoring this amendment. I think she will be here, at some point, to talk about this as well. I thank Chairman Roberts and Ranking Member Stabenow for following through on the commitment that they made at the Ag Committee markup, when we were debating this, to work with me on this amendment to improve the CRP ***program***. I also thank the stakeholder organizations and majority and minority committee staff, who worked with my staff over the past 2 weeks to reach agreement on the amendment before us today. In my view, this strengthens the farm bill, and it strengthens the CRP ***program*** in a way that many producers, farmers, and ranchers across my State have sought for a long time. It allows that added flexibility so that they can, on a 3-***year*** basis, rotate and allow a certain amount of those CRP acres to be harvested and to do away with this crazy mid contract management practice requirement that, as I mentioned earlier, has very little support out there in the farm community. It also does away with another issue that comes up frequently in States like mine when we have a drought. We had one in 2012, and we had one last ***year***, in 2017. We had to plead with the USDA to allow emergency haying and grazing. This also would eliminate the need for that and, on a periodic basis, when we would face those conditions in States like South Dakota and in other States across the country. I see that the distinguished committee chairman of the Ag Committee is here. As I said, I appreciate his leadership on this and on so many issues in this farm bill. I hope we get a good, strong, big vote in the end. Mr. ROBERTS. Will the Senator yield? Mr. THUNE. Absolutely. I am happy to yield to the chairman of the Ag Committee, Senator Roberts. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I rise in support of my colleague's amendment. As Senator Thune indicated, this amendment proposes to make changes to the Conservation Reserve ***Program***. Goodness knows that we have been working on that for several ***years***. As a matter of fact, I can even remember back in the House when I was the original sponsor of the Conservation Reserve ***Program*** and when Senator Thune was Congressman Thune and continued that effort. We provide additional flexibilities for the management of routine haying and grazing, which the Senator has pointed out. The amendment provides greater clarity for when and how often producers can conduct the active management of their CRP land. I strongly support that, as do all of the members of the committee. These flexibilities not only provide a benefit to the producer but a more active management of CRP also has a mutual benefit to the wildlife that relies upon the habitat created by CRP. What the distinguished Senator has pointed out is exactly right in that during the Ag Committee markup, both Senator Stabenow and I committed to working with him on this priority. I am pleased the amendment reflects that bipartisan agreement that has the support of the grower and wildlife organizations. I thank my colleague for working with Senator Stabenow and me on this amendment. I support it and urge my colleagues to do so as well. Thanks, dude. Mr. THUNE. Thank you, Mr. Chairman. I appreciate that endorsement. Again, I thank you for your hard work and that of your staff in helping to structure this in a way that we could get the broad support you mentioned from the commodity groups and the wildlife groups. I think this is a win-win for conservation and certainly a win-win for the CRP ***program*** and for the farmers and ranchers in South Dakota who--and not just in South Dakota but all across the country who make use of this important and vital resource. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Ohio. Tax Reform Mr. PORTMAN. Mr. President, today I want to talk about the tax reform legislation that this body passed at the end of last ***year***. It turns out that this week is the 6-month anniversary of the Tax Cuts and Jobs Act, the tax reform legislation. It is time for us to look at it and determine how it is working. It is particularly important because there are a number of provisions in the tax legislation that are not permanent. In other words, there is a sunset on some of the tax cuts. Some of these provisions expire as soon as the end of 2019, which is just the end of next ***year***, so it is time to start thinking about how it works. Second, we have Members on the other side of the aisle saying that we ought to get rid of this altogether. That would mean, of course, big tax increases for a lot of folks. But let's look at what the results are before we take those kinds of votes and make those kinds of decisions. I would submit that in the 6 months since it has been put into place, it has worked incredibly well for the people I represent, for the workers and small businesses I represent, and for those who are concerned about getting wages back up, fighting poverty, and helping to grow the economy. I know that in the debate we are having on the farm bill right now, there has been discussion about the food stamp ***program***. One of the points that are being made is that food stamp spending is actually down right now. It has decreased in the last 6 months. Why? Because the economy is improving. That is a good thing. Before tax reform, let's face it, our economy was incredibly weak. Wages were flat and had been flat for almost a decade. With the Congressional Budget Office estimating that this ***year***'s growth was going to be only 2 percent, we were looking at more weak economic performance. We were looking at another ***year*** where we were going to be performing way below our potential as an economy. So what happened? A couple months ago, when the Congressional Budget Office looked at what is happening with the economy, which they attributed to pro-growth policies, including tax reform, they said: You know what, the economy is not going to grow at 2 percent this ***year***. Their projection for this ***year*** is now 3.3 percent growth. That is a huge difference. Going from 2 percent to 3.3 percent is going to make a world of difference to people in their lives, in our economy, in their ability to see higher wages and better jobs. The economy is doing better. Six months into this new law, the economy is up and running and moving toward its full potential. In the most recent Congressional Budget Office estimate for this quarter, it looks as though we are going to see some significant growth. There is no estimate yet from the CBO, but it was stated that the Federal Reserve gave an estimate of 4.5 percent growth. I don't know if that will happen, but the consensus estimate from economists is that in the second quarter of this ***year***, we are likely to see growth at over 4 percent. We will hear the final number from the Congressional Budget Office at the end of July, but, again, we are seeing more jobs, higher wages, better economic growth, and therefore more opportunity for all Americans. That is a good thing. Why is tax reform helping to create this new opportunity for higher wages [[Page S4490]] and more growth? I am going to discuss three reasons why I believe this tax reform proposal has been helping to get the economy moving and why it is so important to keep these policies in place and to not risk higher taxes on individuals or lower economic growth if we were to move away from this legislation and not make it permanent. No. 1, updating our international tax code has definitely encouraged companies to invest in America. We had a totally outdated international tax code. We had the highest tax rates among all the industrialized countries at the business level for international companies. We had a system that actually encouraged companies to keep their money overseas and therefore spend it overseas. So a company facing our old Tax Code would have had their board and stakeholders saying: Don't bring that money back because it is going to be taxed too high. Keep it overseas. That was crazy. It made no sense whatsoever. Frankly, it took us too long to address that issue, but we finally did. Let me give an example. I am told that in the first quarter of this ***year***, more than $300 billion was brought into this country, repatriated back to America from overseas. This is the profit U.S companies made overseas, and $300 billion was brought back. Compare that to the first quarter of last ***year***, when $38 billion was brought back. This is because of tax reform. This is good. This money is being brought back to invest in America, and it is the most money on record, by the way. So something is changing, and it is positive. The change to the international system is helping in a number of ways, including companies bringing the money back and investing it here. Second, lowering the tax rate for small and large businesses has resulted in new investments in people, plant equipment, and technology. We have seen it in terms of higher bonuses, higher wages, and increased retirement contributions. There are a lot of examples. We have seen it in terms of investing in new technology and new equipment, which, in the end, is probably as important as anything because--think about it--one thing the economists have said about our economy over the last decade is that we are not improving our productivity as we should. What they mean by that is that the productivity of each worker has been disappointing, and that leads to lower wages and not having higher economic performance. If you make a worker more productive by investing in the latest technology and new equipment, that helps everybody. It helps that worker have a higher salary, and it helps the economy. That is actually happening out there. I have seen the results of it all over Ohio. I represent the State of Ohio, which has a lot of manufacturing and a lot of small businesses. I have gone around and talked with them. I visited 21 individual businesses and held about a dozen roundtable discussions with small and midsized businesses and one large business. We talked about this, and of the 21 businesses I visited, every single one of them is taking the tax savings and investing it in their people, their plant, and their equipment. Some are raising wages. Some are giving bonuses to their employees. Some are buying new equipment. Some are expanding their operations. Some of them are improving employee benefits. There is a company that has three branches of an auto parts store that stopped offering healthcare about 5 ***years*** ago because of the cost of the Affordable Care Act. They couldn't afford healthcare. Their people had to go out on the individual market and get it through the Affordable Care Act. They are now offering healthcare again, and the employees are extremely happy. Their costs are down, and their deductibles are down. They did that all with tax savings. Many companies have done a combination of these things. They are investing in their people. There is a small manufacturing company in Cincinnati, and shortly after the tax bill was signed into law, they said: We are going to give $1,000 bonuses to our people. And they did. They also invested in equipment. A company I visited in Columbus, OH, invested in equipment. It is a steel processer. The equipment they used was from 1986. The equipment itself was 31 ***years*** old, which is exactly the age of our old Tax Code. Nineteen eighty six was when we last reformed the Tax Code. After we modernized the Tax Code--finally modernized an antiquated tax code that was 31 ***years*** old--they got rid of a 31-***year***-old piece of equipment and replaced it with a brandnew piece of equipment. I thought that was appropriate. That is how these tax savings are being used. There are some groups in town that put up a website saying: These businesses have benefited from this and these employees. I can tell you that it is way understated. I can't find a business in Ohio that hasn't benefited from it. Some are doing more than others, no question about it. Some of the big financial service companies are giving big wage increases. Other small businesses might be investing in a new piece of equipment, but there are so many businesses out there. They are not all putting out press releases or talking about it, but they are doing something. This is good. This is why you see this economic growth coming up, finally, after so many ***years*** of flat wages and high expenses. You are seeing people begin to see a little improvement in their wages. That is really important. First are the international parts. Second is what this is doing in terms of the business side and how that affects people. The third one is direct tax relief to individuals because that is part of this bill too. If you hear people talk about this bill--sometimes on the other side of the aisle--you would think that is not in there. It is very much in there. People are able to keep more of their hard-earned money, and it goes directly to the middle-class constituents whom I represent. They are the ones who get the biggest bang for their buck because we doubled the standard deduction, taking it from $12,000 to $24,000 for a family because we doubled the child tax credit, including increasing the part that is refundable. Even if you don't have an income tax liability, you get it. We also lowered tax rates for people. That combination means that people have seen their paychecks go up. About 90 percent of workers in America got a paycheck that had more money going into their bank account rather than to Uncle Sam because their withholding changed. You know this if you are listening today because you probably had this happen to you if you are one of the 90 percent, which you probably are. Uncle Sam is taking a little less withholding, and you are able to keep a little more. As I said consistently during the debate on tax reform, and we went back and forth on this, I just said: Look, the proof is in the paycheck. We can argue this all day long. When people get their paycheck, it is either going to be better or not. For 90 percent of the people I represent, it is better. Of course, they are happy about that. In addition to that, we also made the Tax Code more progressive. What does that mean? That means those at the top of the income ladder are actually paying a larger portion of the overall tax burden, not a smaller portion. Let me say that again. The Tax Code is more progressive. If you are at the top of the income ladder, you are now paying a larger portion of the overall tax burden. At the lower end, you are paying less in terms of the overall tax burden. The biggest percentage tax increase is for those making over $1 million a ***year***, and the biggest tax decrease is for those making $30,000 a ***year*** or less. This is why the Joint Committee on Taxation, in response to questions I asked them directly, said that over 3 million Americans now have no tax liability at all in terms of income tax liability thanks to this tax reform effort because they are at the lower end of the economic scale. Before, they had a tax liability, but now they don't because of a lower rate doubling the standard deduction--doubling the tax credit. Three million Americans don't have to worry about Uncle Sam because they don't have tax liability anymore under this bill. This has changed the way our tax bill works. The Joint Committee on Taxation can show you those numbers. All of this resulted in higher wages for the first time in about a decade. This was the strongest wage growth for nonsupervisory employees in 9 ***years***. That is the latest data. You [[Page S4491]] can check it out at the Department of Labor. It also resulted in a lot more optimism out there. If you look at the surveys on optimism--I saw there was one done by an NBC station recently saying this is the highest level of optimism they have seen. There is optimism also in small businesses. The National Federation of Independent Business does surveys regularly. Their surveys are unprecedented because they are coming back saying that small businesses are ready to invest now and planning to invest. In my home State of Ohio, we had the Ohio Chamber of Commerce do a survey recently. They found that 70 percent of the businesses already added new employees. We are now in the second quarter, and 75 percent are planning to add new employees. It is amazing. This is actually happening as we talk because we changed a tax system that was discouraging growth, discouraging investment, and making it harder for people to get ahead, harder to see wages go up to meet expenses. There are good things going on. Since December, the number of long- term unemployed people has decreased by about 400,000 people. The unemployment rate has fallen from 4.9 percent to 4.3 percent in my home State of Ohio. Nationally, unemployment is now down to 3.8 percent, the lowest since 2000. That is all good news. What do you hear now? I hear from businesses, not so much about the tax burden--and, frankly, not so much about the regulatory burden because Congress has also done some things to relieve the regulatory burden, particularly for small businesses--but I hear that finding qualified workers is their biggest challenge. I heard it last weekend, and I will hear it this coming weekend. As a small business person myself, I sense it. It is a major hurdle right now. There is a shortage of workers. A big reason is what economists call the labor force participation rate. What does that mean? It just means the number of Americans who are unemployed and not looking for work at all is higher than it has been in the past. These are folks who are on the sidelines. They are not even reported in the unemployment numbers. It is so bad, our labor force participation rate was at its prerecession level of 66 percent of people working rather than the current 62.7 percent. If we just had a level of 66 percent working 10 ***years*** ago, our unemployment rate today would not be 3.8 percent. If you take into account those people, our unemployment rate would be about 8.6 percent. It is pretty disappointing. That is one challenge we still have with this incredible tax relief and tax cut legislation, and increasing economic opportunities, growing jobs, and raising wages. We still have a lot of people who are on the sidelines and not in the workforce. Among able-bodied men, by the way, between 25 and 55, 8.5 million of them are in this category. They are not even showing up in the unemployment numbers. That is wrong. You want them to have the dignity and self-respect that comes from work, and our economy needs these people to be able to work. According to the Congressional Budget Office's 30-***year*** projection they gave us yesterday, they think the labor force participation rate will get even worse. That is what they told us yesterday. It will be declining over the next 30 ***years*** to even below what it is now--below 60 percent. That can't happen. That is unacceptable. The low labor force participation rate cannot be the new normal, and it can't get worse. We want people to get that dignity and self-respect that comes from work. We want them to enter into our economy. As the economy is growing and businesses are expanding, there is no better time to reverse this trend, to bring people into the economy and bring them back to work. I have dug into this issue, trying to figure out why this is. There are a number of reasons: dependency on government ***programs*** and being sure we don't have people go to work who then lose all their benefits right away--trying to deal with that cliff. Then there is the tax issue. When you go to work, you have higher taxes. We should do more to get people into work making more pay. We should have work requirements in some of these ***programs***. That has been talked about a lot on the floor. We should deal with other issues, including the skills gap. We are doing it with career technical schools and other things. Opioid Epidemic Mr. President, I want to mention the single most important problem we face, and that is the opioid crisis. I say this because the opioid epidemic has hit our country and is, by the way, the No. 1 killer in my State of Ohio right now and in many States around the country. It is already having a devastating impact on everything--on crime, families, the ability for jails to work, our healthcare system to work--but it is also affecting employment in huge ways. A recent report by the Federal Reserve Bank of Cleveland found that counties with higher levels of opioid prescriptions have lower workforce participation rates. It is no wonder. They surveyed the business community, and about half the organizations they contacted said the opioid epidemic has negatively impacted their businesses. People can't get through the drug tests. Also, people aren't applying for work. Why do I say that? Well, the Department of Labor did a study earlier this ***year*** that showed 44 percent of these people outside the workforce altogether, who are off in the shadows or on the sidelines--44 percent of them had taken a drug, a pain medication the previous day. The Brookings Institute says the number is 47 percent. When further pushed, two-thirds said they were taking prescription pain medication. That is amazing. That 44 percent is likely underreported. There is a stigma attached to the opioid crisis. Second, there is a legal issue for a lot of people. It is not like this is an overreported number. That is an amazing number that nearly half of the people who are outside the workforce are saying they are taking pain medication on a daily basis. The sad reality is, again, it is likely to be much higher than that. We know what we have to do. We need to get people into treatment, support them, help them overcome their addiction, and get them back to work and leading productive lives. There are things Congress can and should do to take care of that. I ask unanimous consent to continue to discuss solutions to the opioid epidemic after the majority leader has a chance to make his remarks. The PRESIDING OFFICER (Mr. Lee). Without objection, it is so ordered. The majority leader. Cloture Motion Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for Senate amendment No. 3224. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion. The senior assistant legislative clerk read as follows: Cloture Motion We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3224 to ***Calendar*** No. 483, H.R 2, an act to provide for the reform and continuation of ***agricultural*** and other ***programs*** of the Department of ***Agriculture*** through fiscal ***year*** 2023, and for other purposes. Mitch McConnell, Shelley Moore Capito, Pat Roberts, John Barrasso, John Cornyn, Susan M. Collins, Lamar Alexander, John Hoeven, Orrin G. Hatch, Richard Burr, Roy Blunt, Steve Daines, Mike Crapo, Mike Rounds, John Boozman, Joni Ernst, Deb Fischer. Cloture Motion Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for H.R 2. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion. The senior assistant legislative clerk read as follows: Cloture Motion We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on ***Calendar*** No. 483, H.R 2, an act to provide for the reform and continuation of ***agricultural*** and other ***programs*** of the Department of ***Agriculture*** through fiscal ***year*** 2023, and for other purposes. Mitch McConnell, Shelley Moore Capito, Pat Roberts, John Barrasso, John Cornyn, Susan M. Collins, Lamar Alexander, John Hoeven, Orrin G. Hatch, [[Page S4492]] Richard Burr, Roy Blunt, Steve Daines, Mike Crapo, Mike Rounds, John Boozman, Joni Ernst, Deb Fischer. Mr. McCONNELL. I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived. The PRESIDING OFFICER. Without objection, it is so ordered.

**Load-Date:** June 29, 2018

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[***Trinidad and Tobago: Staff Concluding Statement of the 2018 Article IV Mission***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RWJ-R201-F0YC-N15T-00000-00&context=1516831)

Impact News Service

July 9, 2018 Monday

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**Length:** 3898 words

**Body**

Washington, D.C: International Monetary Fund has issued the following news release:

A Concluding Statement describes the preliminary findings of IMF staff at the end of an official staff visit (or ‘mission’), in most cases to a member country. Missions are undertaken as part of regular (usually annual) consultations under Article IV of the IMF's Articles of Agreement, in the context of a request to use IMF resources (borrow from the IMF), as part of discussions of staff monitored ***programs***, or as part of other staff monitoring of economic developments.

The authorities have consented to the publication of this statement. The views expressed in this statement are those of the IMF staff and do not necessarily represent the views of the IMF’s Executive Board. Based on the preliminary findings of this mission, staff will prepare a report that, subject to management approval, will be presented to the IMF Executive Board for discussion and decision.

The economy is slowly recovering from a prolonged recession driven by energy supply shocks and low energy prices. With signs of improvement driven by energy sector growth from the second half of 2017, the economy is expected to return to positive growth in 2018 as the recovery takes hold in the non-energy sector. Good progress is being made in implementing fiscal consolidation. As growth gathers pace, policies should focus on completing the fiscal adjustment, while insulating the economy from future commodity price swings within a medium-term fiscal policy framework, and on creating an enabling environment for the non-energy sector as an engine of growth .

The economy shows signs of improvement from the second half of 2017, with return to positive growth expected in 2018 following two ***years*** of recession. Real GDP contracted at a slower pace of 2.6 percent in 2017, following the 6.1 percent drop in 2016 driven by energy sector shocks. The strong recovery in gas production in 2017H2 had knock-on effects on downstream industries, while oil production remained largely flat, at a historically low level. The weak non-energy sector dampened the overall growth, reflecting weak activity in construction, financial services, and trade; continued shortage of foreign exchange (FX) and slow implementation of public investment projects weighed on the sector. Headline inflation fell to historic lows of 1.9 percent in 2017 on weak aggregate demand, and further to 1.1 percent y-o-y in April. While remaining at relatively low levels, the unemployment rate rose to 5.3 percent in 2017Q2 from 4.4 percent in 2016Q2 (up from 3.3 percent in 2014Q2), with youth unemployment at an estimated 12 percent in 2017, compared with 7.9 percent in 2014.

Fiscal performance improved, while financial buffers provided a cushion. The fiscal deficit reversed its rising trend of the past 7 ***years***, registering a slightly lower overall deficit in FY2017. Despite higher energy prices, energy-related revenues remained flat, due in part to fiscal incentives. The significant reduction in spending by 2.2 percent of GDP implemented through cuts in spending on ***transfers*** and subsidies, goods and services, and capital investment was partly offset by the fall in non-energy revenues from weak economic activity. Borrowing and one-off sources (from the Heritage and Stabilization Fund (HSF), and asset sales) helped finance the deficit. Central government debt rose to 42 percent of GDP and public debt, including contingent liabilities, reached 61 percent of GDP, approaching the government’s soft target of 65 percent. The balance of ***payments*** remained weak, with outflows through the financial account offsetting the current account surplus. [1] Financial buffers remained substantial, with HSF and sinking-fund assets at 30 percent of GDP and gross FX reserves at 9.4 months of imports at end-2017.

Economic prospects are expected to improve broadly over the medium-term . The economy is projected to grow at a modest pace as energy projects come onstream and the recovery takes hold in the non-energy sector. Near-term growth will likely be led by natural gas production with continued challenges in the oil sector. Gradual recovery in non-energy growth would help stabilize growth at 1.5 percent over the medium term. The fiscal deficit is expected to narrow to an average 4 percent of GDP as energy revenues rise, non-energy revenues recover, and spending falls with improved efficiency of ***transfers*** and subsidies. With one-off financing options diminishing over time, central government (public) debt is expected to reach 43 (64) percent of GDP by 2023. Despite projected current account surpluses, gross international reserves would fall over the medium term, though at a slower rate, with continued FX intervention under the current FX regime, absent a further increase in energy prices and a tighter fiscal stance.

The outlook is subject to a number of risks tilted to the downside in the near term. Key risks include lower energy prices, delays in delivering energy-related projects on time, and further disruptions to output, pending completion of the oil and gas tax regime reform. Delays in the implementation of the ongoing fiscal adjustment and persistence of FX shortages may weaken market confidence, and adversely affect the country’s funding costs. Tightening of financial conditions could stress balance sheets and undermine the non-energy sector’s capacity to import and produce. Rising US rates and further US-dollar appreciation could worsen competitiveness and pressure the currency. A sharp rise in energy prices or implementation of a comprehensive medium-term macroeconomic strategy and supportive structural reforms provide upside risks.

The risks to the outlook call for a comprehensive strategy to support the recovery and safeguard fiscal and external sustainability . The relatively favorable circumstances in 2018 with stronger energy prices and low inflation provide a window of opportunity to establish a medium-term adjustment strategy, to signal determination to resolve the challenges and complete ongoing reforms. The strategy should focus on: (i) completing the adjustment, while insulating the economy from future commodity swings; and (ii) creating an enabling environment for the non-energy sector to be an engine of growth, including through: improved FX access, business-friendly environment, diversification efforts, reduced crime, and growth-friendly, efficiency-enhancing public investments.

Addressing the Imbalances and Strengthening the Fiscal Framework

Higher energy prices provide both an opportunity and a risk to the reforms. The rise in energy prices since 2017 has supported improvements in fiscal and external balances and the authorities’ ongoing fiscal consolidation efforts. However, the difficulty in predicting the level and direction of change in energy prices underscores the need to keep the momentum of fiscal adjustment, put in place mechanisms for systematic implementation of countercyclical fiscal policy, and continue with the efforts for diversification.

Staff welcomes and supports the fiscal consolidation measures underway, and stresses that the adjustment needs to remain on track. The adjustment measures taken are a welcome step, but some revenue reforms have been delayed due to legislative and institutional constraints (e.g , the gaming tax, the Revenue Authority (RA), the Tax Policy Unit, and reintroduction of the property tax). Further cost savings from reduced ***transfers*** and subsidies await completion of the World Bank Public Expenditure Review (PER). The authorities should continue their efforts to address the obstacles to speedy implementation of the measures, and focus efforts on reducing reliance on non-core revenues.

Efforts should focus on delivering the targeted fiscal adjustment over the medium-term. Notwithstanding the improvement in FY2017/18 , the size of the imbalances calls for further adjustment, to create fiscal space for future commodity shocks, alleviate market concerns about the adequacy of fiscal and external adjustment, and put the public debt on a sustainable, downward trajectory. With the significant adjustment of 2.2 percent of GDP in FY2017, staff suggests measures (balancing between revenue-raising and current expenditure-containment) that yield about 4.4 percent of GDP paced over 4-5 ***years***, which would contain central government debt around 30 percent of GDP and public debt below 55 percent. Many of these measures are already in train, but will require steadfast implementation over the medium-term.

On the revenue side, completing the energy taxation and tax administration reforms are a priority. Staff welcomes ongoing reforms to enhance the fiscal regime for oil and gas to reduce tax leakages, while providing attractive terms for investment. The RA would enhance revenue collection and cost-saving across agencies and address weaknesses in tax administration. Staff encourages speedy approval of RA legislation by Parliament, implementation of Tax Administration Diagnostic Assessment Tool recommendations, and acceleration of VAT refund ***payments*** owed to taxpayers. Higher taxes on tobacco or sugary drinks could be considered as a contingency measure, as well as a gradual increase in the VAT rate toward the regional average (15 percent).

On the expenditure side, containing current spending should remain a priority. ***Transfers*** to public utilities continue to represent a significant fiscal drain. Staff concurs with the authorities that raising utility tariffs should be guided by a rate determination exercise by the Regulated Industry Commission, and implemented with urgency. Identifying cost savings from the PER should suggest further cost savings in education, health, and social services. Redirecting savings from current spending to the most vulnerable segments of society and efficient, growth-enhancing public investment could deliver better returns (given higher fiscal multiplier), reducing the measures’ negative social/growth impacts.

Staff welcomes the authorities’ intention to establish a medium-term fiscal policy framework (MTFF). The framework should take into account potential uncertainties associated with commodity cycles and provide a systematic tool for countercyclical policy implementation to help insulate the economy from commodity price-driven volatility going forward. The HSF, which accumulates financial buffers from windfall savings, could in principle perform such a role, but the rules governing its inflows and outflows are neither linked to fiscal indicators nor based on longer-term fiscal sustainability assessments, limiting its potential as a countercyclical tool. Staff recommends adopting formal fiscal targets and a clearly-communicated MTFF to guide fiscal policy. The HSF should be fully integrated with the MTFF, and ***transfers*** to/from it should be linked to an appropriate fiscal target that provides the government with a commitment device to anchor its adjustments and shield against pressure to deviate from the adjustment path. Tailored TA could help determine an appropriate anchor(s) to support fiscal sustainability and implementation of countercyclical fiscal policy; the Fund stands ready to provide TA as needed.

In this context, the authorities should also consider adopting an asset-liability management framework. Public debt and the HSF need to be managed in an integrated framework, to limit situations where the authorities may need to borrow to save into the HSF (e.g , when running a fiscal deficit). The publication of a medium-term debt strategy should also facilitate borrowing at more favorable terms for the government, provide more clarity and predictability to the financial system, and reduce adverse implications of various borrowing strategies for financial institutions (e.g , increase in sovereign exposure), the government (e.g , higher borrowing cost), and the economy (e.g , higher inflation).

Other structural reforms to strengthen public sector management need urgent attention. Staff welcomes initiatives to reform the National Insurance System (NIS), with contribution income no longer sufficient to meet benefits ***payments*** since 2014. Staff welcomes proposals to further increase the contribution rate and gradually raise the effective retirement age from 60 to 65 starting in 2025 to keep the system sustainable and reduce contingent liabilities to the government. Urgent action is needed to increase efficiency and reduce labor rigidities in the public sector. Comprehensive public service reforms would increase the ability of the Public Services Commission Department and the Chief Personnel Officer to address the institutional constraints to enable efficient functioning of the government.

Restoring External Balance

The tightness in the FX market is believed to have eased compared to last ***year***, but the market continues to be in a state of disequilibrium with strong excess demand. FX shortages remain despite the 7 percent nominal depreciation in 2016, the current account surplus in 2017, and increased FX inflows from energy companies, and notwithstanding the Central Bank of Trinidad and Tobago’s bi-monthly intervention to maintain a stable exchange rate vis-à-vis the US $. Anecdotal evidence continues to suggest existence of an informal parallel market.

The impact of the shortages on the non-energy sector remains a concern. Some companies with large import needs reportedly left the market, with delays in settling bills and getting inputs for production, and some companies moved to import substitution. FX queuing also continues; while requests are eventually fulfilled, waiting time can range from 2-3 weeks to a month, depending on the amount, purpose, and the time of the request, and the frequency of business with the banks. Uncertainty about the availability of FX or expectations of a further depreciation are believed to incentivize FX hoarding that in turn contribute to tightness in the market.

T he FX market should be cleared on a sustained basis. Considering further potential volatility in energy prices, the authorities could take advantage of the current relatively stable period with low inflation and positive steps taken for fiscal consolidation to address the FX-shortages, by adjusting the price or supplying FX at the given exchange rate. While the US$100-million EximBank FX Facility introduced in May 2018 may help alleviate somewhat the FX shortage for eligible manufacturers to finance their inputs, it could add to market distortions if it is not carefully designed and implemented, and create incentives for misuse, as well as possibly introducing an exchange measure subject to the IMF’s Article VIII. The Facility needs to be carefully designed to ensure transparency and consistency with international standards, and the authorities provide sufficient FX to meet demand for all current international transactions.

T he exchange rate could play a more active role as an automatic stabilizer and help manage the transition to a more balanced/flexible FX market. The currency remained broadly stable since the depreciation in 2016, while vulnerability to terms-of-trade shocks continues. Greater flexibility, implemented through a mechanism that allows some market force in determining the exchange rate, would facilitate adjustment to external shocks, help restore competitiveness, and safeguard foreign reserves. Implementing exchange rate adjustment gradually (within more flexible forms of a peg, such as widening bands) would permit two-way exchange-rate variation, and in so doing reduce incentives for FX-hoarding and one-way currency bets, while maintaining the exchange rate as nominal anchor.

In Staff’s view, such a move requires careful design and implementation, if it is to be successful. Assessing balance-sheet exposures of the public and private sectors and exchange-rate passthrough to inflation would be important to make sure the arrangement does not result in adverse balance sheet problems. Accompanying the exchange rate move with supportive fiscal, monetary, financial, and structural policies, and safety nets, and a clearly-defined intervention (on when and how to intervene) and communication strategy (on what and when to announce) would help limit large movements and the rate being pushed quickly to band limits. Maintaining the current policy, which the authorities intend to, puts the burden of adjustment on fiscal, monetary, and structural policies, and requires ample reserve/fiscal buffers and adjustments with larger growth effects. Country experiences suggest that preserving a peg regime can provide a helpful anchor for undiversified economies, but only with large finan­cial buffers and credible fiscal adjustments under persistent shocks.

Addressing Monetary Policy Challenges

Regardless of the FX policy, the CBTT should continue to set its monetary policy stance consistent with fiscal, monetary, and exchange rate policies. In setting the policy rate, the CBTT has been striking a balance between supporting the recovery, while being cognizant of the possible effect of a further narrowing of the TT-US short-term interest rate differential on capital outflows and pressure on the currency. As the differential fell below parity during 2018 with rising US interest rates and relatively stable domestic rates, staff supports the decision to increase the repo rate to 5 percent on June 29, taking into consideration the signs of pickup in economic activity, low inflation, and the likely impact of a further rise in the US interest rate differential on external balance. Further rises in the US interest rate differential could complicate monetary policy, making it difficult to maintain the rate to support economic recovery. Monetary policy will bear the burden of adjustment in the absence of exchange rate flexibility and very ambitious fiscal consolidation. In staff’s view, allowing a gradual exchange-rate adjustment within the constraints of a band could provide some scope for more flexible monetary policy.

Safeguarding Financial Sector Stability

The financial system has remained remarkably stable notwithstanding the deep recession in the past two ***years***, but there are pockets of vulnerabilities. Banks continue to be well-capitalized and profitable and credit quality remains relatively high, with NPL ratios one of the lowest in the region. The recession has not been fully reflected in unemployment until recently, but early-2018 data indicate weaknesses in asset quality (for real estate, construction, and credit cards), with some increase in the overall level of past due loans for 30-89 days. With the robust growth in private-sector credit in 2018, staff welcomes the authorities’ vigilance in monitoring credit quality developments, given high indebtedness of the household sector, sovereign exposures, and relatively low domestic interest rates. An increasingly interconnected and complex financial system, cross-border presence of insurance companies, and gaps in the oversight framework for credit unions and mutual funds, call for careful monitoring of systemic risks. Staff looks forward to the upcoming FSAP to assess the overall financial system stability.

Efforts must focus on risk-based, consolidated, cross-border supervision . In this context, systematic monitoring of bank profitability, asset quality, loan-loss-provisioning, and classification are key. Banks’ FX and sovereign exposures are well managed, but indirect exposures must be ascertained with systematic monitoring of exposures and an appropriate prudential oversight, in particular in a stable exchange rate environment. Implementation of Basel II is on track for January 2019 and progress has been made on the recent TA recommendations on mutual funds and credit unions. The Insurance Bill was passed but must be proclaimed to become law, which will then be a significant milestone towards strengthening supervision of the insurance sector, promoting good governance and risk management practices, and prudential regulation and oversight of financial groups.

The AML/CFT framework must be strengthened to avoid remaining on the FATF list of jurisdictions with strategic deficiencies, and limit potential fallout for financial institutions. While FATF International Cooperation Review Group (ICRG) noted the significant progress made in addressing the existing deficiencies, further improvements are needed, with the removal from the ICRG list pending the passage of legislation and other measures to effect reform in the deficient areas. The legislation is with the Joint Select Committee to be compliant with aspects of the Global Forum, but the jurisdiction must still resolve some issues of discriminatory tax treatment. Notwithstanding, no CBR losses have been observed since the 2016 IMF survey, but banks devote significant resources to due diligence, relationship maintenance, and increased fees in drafts. Some banks de-marketed some customers and business lines seen as high risk (casinos, gaming, money businesses, and drafts). No significant impact has yet been observed from tax black-listing or Global Forum decisions, but banks wait for assurances from the government on legislations put forward to Parliament.

Structural Reforms to Support Sustainable Growth

Reforms to improve the business environment are crucial to support fiscal adjustment and boost economic growth. With the economy heavily-dependent on the energy sector, obstacles to non-energy growth must be addressed and diversification efforts intensified. Efforts to support tourism should continue, given its linkages to ***agriculture***, services, and lite-manufacturing, and obstacles to its growth (e.g , air/sea connectivity, cost of doing business, and access to finance) should be addressed. Institutional reforms should focus on improving paying taxes and enforcing contracts, and legal frameworks should facilitate legislative-passage of ongoing reforms. Violent crime, with homicide rates one of the highest in the Caribbean, presents a drag on the economy, with direct crime-related costs from public, private, and social spending estimated at 3.5 percent of GDP—around the average for the Latin American and Caribbean region . Staff supports government efforts for crime reduction and suggests a balanced approach with prevention and crime-control ***programs***.

Important progress has been made to address data quality and coverage, but further efforts are needed, particularly in national accounts and balance of ***payments***. Data quality and timeliness continue to limit ability to assess vulnerabilities and policymaking. Methodological improvements following CARTAC technical assistance resulted in substantial changes in the current account historical data. While this enhanced the robustness of the data, frequent changes in data make the task of external assessment difficult. The move to the independent National Statistical Institute is ongoing but sustained efforts are needed to build statistical capacity and prioritize commencement of its operations. The household budget survey and the survey of living conditions need full funding to improve data timeliness and quality. The Economic Management Division of the Ministry of Finance needs to attract and retain staff to assist in fiscal planning. Inter-agency collaboration is key to the production of timely and accurate data.

**Load-Date:** July 10, 2018

**End of Document**



[***Washington: AGRICULTURE AND NUTRITION ACT OF 2018 (Senate - June 27, 2018)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SNS-G5G1-F0YC-N212-00000-00&context=1516831)

Impact News Service

June 28, 2018 Thursday

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**Length:** 44284 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 The PRESIDING OFFICER. The clerk will report the bill. The senior assistant legislative clerk read as follows: A bill (H.R 2) to provide for the reform and continuation of ***agricultural*** and other ***programs*** of the Department of ***Agriculture*** through fiscal ***year*** 2023, and for other purposes. The PRESIDING OFFICER. The Senator from Kansas.

Amendment No. 3224 (Purpose: In the nature of a substitute.) Mr. ROBERTS. Mr. President, I call up the substitute amendment No. 3224. The PRESIDING OFFICER. The clerk will report. The senior assistant legislative clerk read as follows: The Senator from Kansas [Mr. Roberts] proposes an amendment numbered 3224. Mr. ROBERTS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered. (The amendment is printed in today's Record under ``Text of Amendments.'') The PRESIDING OFFICER. The majority leader. Amendment No. 3134 to Amendment No. 3224 Mr. McCONNELL. Mr. President, I call up the Thune amendment No. 3134. The PRESIDING OFFICER. The clerk will report. The senior assistant legislative clerk read as follows: The Senator from Kentucky [Mr. McConnell], for Mr. Thune, proposed an amendment numbered 3134 to amendment No. 3224. Mr. McCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows: (Purpose: To modify conservation reserve ***program*** provisions) In section 2103, strike subsections (b) and (c) and insert the following: (b) Specified Activities Permitted.--Section 1233(b) of the Food Security Act of 1985 (16 U.S.C 3833(b)) is amended-- (1) by striking paragraphs (1), (2), (3), and (5); (2) by redesignating paragraph (4) as subparagraph (C) and indenting appropriately; (3) by inserting before subparagraph (C) (as so redesignated) the following: [[Page S4461]] ``(B) harvesting, grazing, or other commercial use of the forage, without any reduction in the rental rate, in response to-- ``(i) drought; ``(ii) flooding; ``(iii) a state of emergency caused by drought or wildfire that-- ``(I) that is declared by the Governor, in consultation with the State Committee of the Farm Service Agency, of the State in which the land that is subject to a contract under the conservation reserve ***program*** is located; ``(II) that covers any part of the State or the entire State; and ``(III) the declaration of which under subclause (I) is not objected to by the Secretary during the 5 business days after the date of declaration; or ``(iv) any other emergency, as determined by the Secretary;''; (4) in the matter preceding subparagraph (B) (as so designated), by striking ``The Secretary'' and inserting the following: ``(1) In general.--The Secretary''; (5) in paragraph (1) (as so designated)-- (A) by inserting before subparagraph (B) (as so designated) the following: ``(A) consistent with the conservation of soil, water quality, and wildlife habitat-- ``(i) managed harvesting and other commercial use (including the managed harvesting of biomass), in exchange for a reduction in the annual rental rate of 25 percent for the acres covered by the activity, except that in permitting those activities, the Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, shall-- ``(I) develop appropriate vegetation management requirements; ``(II) subject harvesting to restrictions during the primary nesting season for birds in the area, as determined by the Secretary, in consultation with the State technical committee; ``(III) not allow harvesting to occur more frequently than once every 3 ***years*** on the same land; and ``(IV) not allow more than \1/3\ of the acres covered by all of the conservation reserve ***program*** contracts of the owner or operator to be harvested during any ***year***; and ``(ii) grazing, in exchange for a reduction in the annual rental rate of 25 percent for the acres covered by the activity, except that in permitting that grazing, the Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, shall-- ``(I) develop appropriate vegetation management requirements and stocking rates, based on stocking rates under the livestock forage disaster ***program*** established under section 1501(c) of the ***Agricultural*** Act of 2014 (7 U.S.C 9081(c)) (referred to in this subsection as the `livestock forage disaster ***program***'), for the land that are suitable for continued grazing; ``(II) identify the periods during which grazing may be conducted, taking into consideration regional differences, such as-- ``(aa) climate, soil type, and natural resources; ``(bb) the appropriate frequency and duration of grazing activities; and ``(cc) how often during a ***year*** in which grazing is permitted that grazing should be allowed to occur; ``(III) not allow grazing to occur more frequently than once every 3 ***years*** on the same land; ``(IV)(aa) in the case of a conservation reserve ***program*** contract that covers more than 20 acres, not allow more than \1/3\ of the acres covered by all of the conservation reserve ***program*** contracts of the owner or operator to be grazed during any ***year***; or ``(bb) in the case of a conservation reserve ***program*** contract that covers less than or equal to 20 acres, allow grazing on all of the land covered by the contract at 25 percent of the stocking rate permitted under the livestock forage disaster ***program***; and ``(V) allow a veteran or beginning farmer or rancher to graze livestock without any reduction in the rental rate; and''; and (B) in subparagraph (C) (as so redesignated), by striking ``; and'' and inserting a period; and (6) by adding at the end the following: ``(2) Restrictions and conditions.--Paragraph (1)(A) shall be subject to the following restrictions and conditions: ``(A) Severe or higher intensity drought.--Land located in a county that has been rated by the United States Drought Monitor as having a D2 (severe drought) or greater intensity for not less than 1 month during the normal grazing period established under the livestock forage disaster ***program*** for the 3 previous consecutive ***years*** shall be ineligible for harvesting or grazing under paragraph (1)(A) for that ***year***. ``(B) Damage to vegetative cover.--The Secretary, in coordination with the applicable State technical committee established under section 1265(a), may determine for any ***year*** that harvesting or grazing under paragraph (1)(A) shall not be permitted on land subject to a contract under the conservation reserve ***program*** in a particular county if harvesting or grazing for that ***year*** would cause long-term damage to the vegetative cover on that land. ``(C) State acres for wildlife enhancement.--The Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, may allow grazing or harvesting in accordance with paragraph (1)(A) on land covered by a contract enrolled under the State acres for wildlife enhancement ***program*** established by the Secretary or established under section 1231(j) through the duration of that contract, if grazing or harvesting is specifically permitted under the applicable State acres for wildlife enhancement ***program*** agreement for that contract. ``(D) Conservation reserve enhancement ***program***.--The Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, may allow grazing or harvesting under paragraph (1)(A) to be conducted on land covered by a contract enrolled under the conservation reserve enhancement ***program*** established by the Secretary under this subchapter or under section 1231A, if grazing or harvesting is specifically permitted under the applicable conservation reserve enhancement ***program*** agreement for that contract.''. (c) Harvesting and Grazing.--Section 1233 of the Food Security Act of 1985 (16 U.S.C 3833) is amended by adding at the end the following: ``(e) Harvesting and Grazing.-- ``(1) In general.--The Secretary, in consultation with the State technical committee established under section 1261(a) for the applicable State, may permit harvesting and grazing in accordance with subsection (b) on any land subject to a contract under the conservation reserve ***program***. ``(2) Exception.--The Secretary, in coordination with the applicable State technical committee established under section 1261(a), may determine for any ***year*** that harvesting or grazing described in paragraph (1) shall not be permitted on land subject to a contract under the conservation reserve ***program*** in a particular county, or under a particular practice, if harvesting or grazing for that ***year*** in that county or under that practice, as applicable, would cause long-term damage to vegetative cover on that land.''. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I rise today as the Senate considers legislation on an issue that is critically important to our Nation--the ***Agriculture*** Improvement Act of 2018, the farm bill. The goal, the responsibility, the absolute requirement is to provide farmers, ranchers, and growers--everyone within America's valued food chain--certainty and predictability during these very, very difficult times. We are, indeed, in a rough patch with regard to ***agriculture***. Many of my colleagues have introduced legislation over the last ***year*** that addresses priorities and stakeholders in their States. The bill that passed the ***Agriculture*** Committee with a strong 20-to-1 vote earlier this month addresses many of those concerns. In fact, the Ag Committee-passed product includes portions of 65 stand-alone bills, and an additional 73 amendments were adopted in the committee. We have also included 18 amendments in today's substitute amendment. Needless to say, we have worked to include as many priorities from Members both on and off the Ag Committee, and we want to continue to work with Members to address their concerns. That is why we are here. We are endeavoring to craft a farm bill that meets the needs of producers across all regions and all crops. All of ***agriculture*** is struggling, not just one or two commodities. We must have a bill that works across all of our great Nation. That means, with bipartisan support, we must do our job. We must pass a bill that provides our farmers, ranchers, and rural communities the much needed certainty and predictability they deserve. I appreciate the bipartisan support that we have had to date of those on the Ag Committee who voted to report a bill in such a strong manner--and other Members of the Senate--and I look forward to working with my colleagues on continuing to move this process forward. I will not say that it is an emergency, but we have to move this bill to provide farmers certainty and predictability during the very tough times they face. I yield the floor. The PRESIDING OFFICER. The Senator from Michigan. Ms. STABENOW. Mr. President, I want to concur with the comments of our chairman, Senator Roberts. All together, I believe we have 91 amendments between the work of the committee on a bipartisan basis and the work we have put into the substitute. We have listened and worked together with colleagues on both sides of the aisle and put forward a package of bipartisan amendments that will allow us to move forward in a way that will provide certainty for our farmers and ranchers, as well as our families. [[Page S4462]] Now we will take the next step, and we look forward to working with colleagues to move this forward to get to a final vote this week. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I wish to list the amendments that are included in the substitute that my distinguished colleague Senator Stabenow and I and our diligent staff have been working on. They are as follows: Senator Jones, No. 3081; Senator Smith, No. 3082; Senator Kennedy, No. 3097; Senator Murkowski, No. 3110; Senator Hatch, No. 3125; Senator Merkley, No. 3147; Senator Tester, No. 3148; Senator Gillibrand, No. 3154; Senator Gardner, No. 3157; Senator Moran, No. 3159; Senator Collins, No. 3160; Senator Peters, No. 3164; Senator Shaheen, No. 3172; Senator Feinstein, No. 3177; Senator Cornyn, No. 3186; Senator Cantwell and Senator Crapo, No. 3209; and Senator Gardner, again, No. 3218; and Senator Grassley. I wish to note that this represents 18 amendments put in the substitute--extremely bipartisan. I have read ``Republican,'' ``Democrat,'' ``Democrat,'' ``Republican'' all through these 18 amendments. We have proceeded that way in committee. We are proceeding this way on the floor. I urge Members to bring their amendments to the floor for consideration, and, hopefully, the amendments will be of a nature that we can consider them without controversy. I know people have strong concerns about whatever amendment they submit. Again, the ultimate goal is to do this quickly and to provide farmers certainty and predictability during this difficult time they are going through. I hope Members will keep that in mind with regard to any amendment they may be considering. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Family Separation Mr. DURBIN. Mr. President, last night, in the San Diego Federal District Court, U.S district court judge Dana Sabraw made a critical ruling that will affect the lives of thousands of people who have been the focal point of America's attention over the last several weeks. Judge Sabraw was appointed to the Federal bench by President George W. Bush. In reading about him online, he is a Japanese American whose background was in private practice law before he assumed the Federal bench. He was given the responsibility of ruling on the Trump administration's zero tolerance policy. You will remember that policy. It started in April. It was a decision by the Trump administration and Attorney General Sessions to separate children from their mothers and parents if they attempted to enter the United States without having legal authorization. The net result of that policy was the separation of thousands of children from their parents. It has been on the news almost every day for weeks now. A firestorm of opposition has come about on both political sides of the aisle. Democrats and Republicans have said this is unfair; that it is not right. Even the First Ladies--Democrats and Republicans--have come together in an unusual show of unanimity in their opposition to President Trump and Attorney General Sessions' zero tolerance policy. Attorney General Sessions defended the policy and said he had a Biblical defense for what they were doing. President Trump made it clear he was behind the policy as well. Yet the opposition grew and grew in its intensity to the point at which there were statements made by the Pope, as well as by an evangelical supporter of the President, Franklin Graham, when they called the administration's decision immoral. Late last week, President Trump issued an Executive order that said he was ending this family separation, but that order didn't contain one word about what was going to happen to these children. There was no resolution of the whole question of reuniting these children with their parents. I learned about this matter months ago--well, several weeks ago, at least--when we learned that a mother from the Congo had made it through South America and Central America to our border in California. She presented herself with her 6-***year***-old daughter and asked for asylum because she feared persecution and death back in her home country. That happened over 6 months ago. They removed her 6-***year***-old daughter from her custody and flew the girl 2,000 miles to Chicago. So the mother remained in San Diego, and the daughter was in Chicago. That was when we learned about it in my office. We started pursuing it. After we brought it to the attention of those at the Department of Homeland Security, they said that was not the policy, and they were going to work on it. They did reunite the mother and child, but the separation of this family led to this lawsuit, the lawsuit Judge Sabraw ruled on last night. Mr. President, I ask unanimous consent that the opinion of the court be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows: Judge Sabraw's order begins as follows: ``Eleven weeks ago, Plaintiffs leveled the serious accusation that our Government was engaged in a widespread practice of separating migrant families, and placing minor children who were separated from their parents in government facilities for ``unaccompanied minors.'' According to Plaintiffs, the practice was applied indiscriminately, and separated even those families with small children and infants--many of whom were seeking asylum. Plaintiffs noted reports that the practice would become national policy. Recent events confirm these allegations. Extraordinary relief is requested, and is warranted under the circumstances. On May 7, 2018, the Attorney General of the United States announced a ``zero tolerance policy,'' under which all adults entering the United States illegally would be subject to criminal prosecution, and if accompanied by a minor child, the child would be separated from the parent. Over the ensuing weeks, hundreds of migrant children were separated from their parents, sparking international condemnation of the practice. Six days ago on June 20, 2018, the President of the United States signed an Executive Order (``EO'') to address the situation and to require preservation of the ``family unit'' by keeping migrant families together during criminal and immigration proceedings to the extent permitted by law, while also maintaining ``rigorous[]'' enforcement of immigration laws. See Executive Order, Affording Congress an Opportunity to Address Family Separation Sec. 1, 2018 WL 3046068 (June 20, 2018). The EO did not address reunification of the burgeoning population of over 2,000 children separated from their parents. Public outrage remained at a fever pitch. Three days ago on Saturday, June 23, 2018, the Department of Homeland Security (``DHS'') issued a ``Fact Sheet'' outlining the government's efforts to ``ensure that those adults who are subject to removal are reunited with their children for the purposes of removal.'' Plaintiffs assert the EO does not eliminate the need for the requested injunction, and the Fact Sheet does not address the circumstances of this case. Defendants disagree with those assertions, but there is no genuine dispute that the Government was not prepared to accommodate the mass influx of separated children. Measures were not in place to provide for communication between governmental agencies responsible for detaining parents and those responsible for housing children, or to provide for ready communication between separated parents and children. There was no reunification plan in place, and families have been separated for months. Some parents were deported at separate times and from different locations than their children. Migrant families that lawfully entered the United States at a port of entry seeking asylum were separated. And families that were separated due to entering the United States illegally between ports of entry have not been reunited following the parent's completion of criminal proceedings and return to immigration detention. This Court previously entered an order finding Plaintiffs had stated a legally cognizable claim for violation of their substantive due process rights to family integrity under the Fifth Amendment to the United States Constitution based on their allegations the Government had separated Plaintiffs from their minor children while Plaintiffs were held in immigration detention and without a showing that they were unfit parents or otherwise presented a danger to their children. See Ms. L. v. U.S Immigration & Customs Enf't, 302 F. Supp. 3d 1149, 2018 WL 2725736, at \*7-12 (S.D Cal. June 6, 2018). A class action has been certified to include similarly situated migrant parents. Plaintiffs now request classwide injunctive relief to prohibit separation of class members from their children in the future absent a finding the parent is unfit or presents a danger to the child, and to require reunification of these families once the parent is returned to immigration custody unless the parent is determined to be unfit or presents a danger to the child. [[Page S4463]] Plaintiffs have demonstrated a likelihood of success on the merits, irreparable harm, and that the balance of equities and the public interest weigh in their favor, thus warranting issuance of a preliminary injunction. This Order does not implicate the Government's discretionary authority to enforce immigration or other criminal laws, including its decisions to release or detain class members. Rather, the Order addresses only the circumstances under which the Government may separate class members from their children, as well as the reunification of class members who are returned to immigration custody upon completion of any criminal proceedings.'' Judge Sabraw went on to explain why an injunction was needed despite the Trump Administration's claims that it was unnecessary. He said: ``[T]he Court addresses directly Defendants' argument that an injunction is not necessary here in light of the EO and the recently released Fact Sheet. Although these documents reflect some attempts by the Government to address some of the issues in this case, neither obviates the need for injunctive relief here. As indicated throughout this Order, the EO is subject to various qualifications. For instance, Plaintiffs correctly assert the EO allows the government to separate a migrant parent from his or her child ``where there is a concern that detention of an alien child with the child's alien parent would pose a risk to the child's welfare.'' EO Sec. 3(b) (emphasis added). Objective standards are necessary, not subjective ones, particularly in light of the history of this case. Furthermore, the Fact Sheet focuses on reunification ``at time of removal[,]'' stating that the parent slated for removal will be matched up with their child at a location in Texas and then removed. It says nothing about reunification during the intervening time between return from criminal proceedings to ICE detention or the time in ICE detention prior to actual removal, which can take months. Indeed, it is undisputed ``ICE has no plans or procedures in place to reunify the parent with the child other than arranging for them to be deported together after the parent's immigration case is concluded.'' Thus, neither of these directives eliminates the need for an injunction in this case.'' Judge Sabraw went on to say: ``The Executive Branch, which is tasked with enforcement of the country's criminal and immigration laws, is acting within its powers to detain individuals lawfully entering the United States and to apprehend individuals illegally entering the country. However, as the Court explained in its Order on Defendants' motion to dismiss, the right to family integrity still applies here. The context of the family separation practice at issue here, namely an international border, does not render the practice constitutional, nor does it shield the practice from judicial review.'' The judge went on to discuss the shameful lack of planning that has characterized the Trump Administration's zero- tolerance policy, saying: ``[T]he practice of separating these families was implemented without any effective system or procedure for (1) tracking the children after they were separated from their parents, (2) enabling communication between the parents and their children after separation, and (3) reuniting the parents and children after the parents are returned to immigration custody following completion of their criminal sentence. This is a startling reality. The government readily keeps track of personal property of detainees in criminal and immigration proceedings. Money, important documents, and automobiles, to name a few, are routinely catalogued, stored, tracked and produced upon a detainees' release, at all levels--state and federal, citizen and alien. Yet, the government has no system in place to keep track of, provide effective communication with, and promptly produce alien children. The unfortunate reality is that under the present system migrant children are not accounted for with the same efficiency and accuracy as property. Certainly, that cannot satisfy the requirements of due process.'' He also discussed the Trump Adminstration's problematic treatment of those seeking asylum: ``Asylum seekers like Ms. L. and many other class members may be fleeing persecution and are entitled to careful consideration by government officials. Particularly so if they have a credible fear of persecution. We are a country of laws, and of compassion. We have plainly stated our intent to treat refugees with an ordered process, and benevolence, by codifying principles of asylum. The Government's treatment of Ms. L. and other similarly situated class members does not meet this standard, and it is unlikely to pass constitutional muster.'' Judge Sabraw concluded his order as follows: ``The unfolding events--the zero tolerance policy, EO and DHS Fact Sheet--serve to corroborate Plaintiffs' allegations. The facts set forth before the Court portray reactive governance--responses to address a chaotic circumstance of the Government's own making. They belie measured and ordered governance, which is central to the concept of due process enshrined in our Constitution. This is particularly so in the treatment of migrants, many of whom are asylum seekers and small children. The extraordinary remedy of classwide preliminary injunction is warranted based on the evidence before the Court. For the reasons set out above, the Court hereby GRANTS Plaintiffs' motion for classwide preliminary injunction, and finds and orders as follows: (1) Defendants, and their officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them, are preliminarily enjoined from detaining Class Members in DHS custody without and apart from their minor children, absent a determination that the parent is unfit or presents a danger to the child, unless the parent affirmatively, knowingly, and voluntarily declines to be reunited with the child in DHS custody. (2) If Defendants choose to release Class Members from DHS custody, Defendants, and their officers, agents, servants, employees and attorneys, and all those who are in active concert or participation with them, are preliminary enjoined from continuing to detain the minor children of the Class Members and must release the minor child to the custody of the Class Member, unless there is a determination that the parent is unfit or presents a danger to the child, or the parent affirmatively, knowingly, and voluntarily declines to be reunited with the child. (3) Unless there is a determination that the parent is unfit or presents a danger to the child, or the parent affirmatively, knowingly, and voluntarily declines to be reunited with the child: (a) Defendants must reunify all Class Members with their minor children who are under the age of five (5) within fourteen (14) days of the entry of this Order; and (b) Defendants must reunify all Class Members with their minor children age five (5) and over within thirty (30) days of the entry of this Order. (4) Defendants must immediately take all steps necessary to facilitate regular communication between Class Members and their children who remain in ORR custody, ORR foster care, or DHS custody. Within ten (10) days, Defendants must provide parents telephonic contact with their children if the parent is not already in contact with his or her child. (5) Defendants must immediately take all steps necessary to facilitate regular communication between and among all executive agencies responsible for the custody, detention or shelter of Class Members and the custody and care of their children, including at least ICE, CBP, BOP, and ORR, regarding the location and well-being of the Class Members' children. (6) Defendants, and their officers, agents, servants, employees, attorneys, and all those who are in active concert or participation with them, are preliminarily enjoined from removing any Class Members without their child, unless the Class Member affirmatively, knowingly, and voluntarily declines to be reunited with the child prior to the Class Member's deportation, or there is a determination that the parent is unfit or presents a danger to the child. (7) This Court retains jurisdiction to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Order and Preliminary Injunction.'' Mr. DURBIN. Mr. President, let me read some of the words Judge Sabraw wrote last night in his order, in his conclusion, about the zero tolerance policy of separating children from their parents. The unfolding events--the zero tolerance policy [the judge writes] serve to corroborate Plaintiffs' allegations. The facts set forth before the Court portray reactive governance--responses to address a chaotic circumstance of the Government's own making. They belie measured and ordered governance, which is central to the concept of due process enshrined in our Constitution. This is particularly so in the treatment of migrants, many of whom are asylum seekers and small children. The extraordinary remedy of classwide preliminary injunction is warranted based on the evidence before the Court. For the reasons set out above, the Court hereby GRANTS Plaintiffs' motion for classwide preliminary injunction, and finds and orders as follows. It goes into detail, and I will not read it in its entirety since it is now going to be printed in the Record, but it reads, clearly, that the court is enjoining the government--the Trump administration--from separating minor children from their parents. It goes on to read that it also orders the Trump administration to reunify all class members with their minor children who are under the age of 5 within 14 days of the entry of this order, and defendants must reunify all class members with their minor children who are aged 5 and older within 30 days of the entry of the order. Defendants must immediately--and this is the government--take all steps necessary to facilitate the regular communication between class members and their children. The court went on to say that within 10 days, the government--the defendants--must provide parents telephonic contact with their children if the parent is not already in contact with his or her child. Last Saturday, the Department of Health and Human Services issued [[Page S4464]] what I consider to be a rosy and misleading press release about how much information they had about the parents and their children and how much telephone communication was taking place. I will tell you, in having contacted various people who are well aware of the situation, they have really overstated the contact information as well as the context between parents and children. Now they are being tested. The court has told them to return these children to their parents. Last Friday, I was in Chicago at one of the agencies that was the custodian for 66 of these children who have been the victims of President Trump's zero tolerance policy. It was an experience I still remember and will not ever forget--of seeing six little children walk into a conference room, where I was sitting--little kids--and learning that two of them, who I thought might be twins because they had similar hairdos, were, in fact, as one of them said to me, ``just amigas,'' friends. One was 5 ***years*** old, and one was 6 ***years*** old. As a father, it is hard for me to remember my kids at that age, but I can sure visualize my grandkids for a moment, who are now 6, 7, and 8, if they were to be separated from their parents by thousands of miles for weeks at a time. That was the policy of zero tolerance--to put pressure on those who consider seeking protection or asylum in this country. I just left a meeting downstairs with a person whom I admire greatly. His name is King Abdullah of Jordan. I admire him for so many things-- his efforts to find peace in the Middle East--but especially because that tiny Kingdom of Jordan, in the Middle East, has done something which should be a lesson to the world. That nation of 7 million Jordanians has accepted 3 million refugees. It is at their political peril for them to have that large of a population within their borders. Yet, time and time again, refugees have presented themselves to Jordan and have been given not only humane treatment but good treatment under the circumstances. The United States and many other nations have helped, and I am glad we have, for it is the right thing to do. Compare what we have done in the United States when it comes to refugees. Historically, we have accepted 75,000 to 100,000 refugees a ***year*** after careful screening, inspection, and vetting. In some cases, we have gone way beyond that. When the Cubans came over and said they wanted to escape Castro's communism, we opened our doors. Thank goodness, we did, as they have made a great addition to America. Three Members of the U.S Senate are Cuban Americans, and I am sure they are very proud of their family heritage. We opened our doors to Cuban refugees. We opened our doors to refugees as well from the Soviet Union and to people who wanted to practice their Jewish religion and felt they were being discriminated against. We opened our doors for them. We opened our doors for the Vietnamese to come here after the war and to become part of America because they had been on our side and had fought for freedom in their country and had run the risk of being killed. Time and again, the United States has opened its doors. What has happened under this administration? First, the President announced last ***year*** that he was reducing the number of refugees to 45,000 a ***year*** who would be allowed in America--a dramatic cutback. How many have been accepted so far this ***year*** as we are well over the halfway point of this fiscal ***year***? There have been less than 16,000 refugees. After careful screening, there have been less than 16,000. I believe we can do better. I believe there are those who are in need of help. I believe this is the definition of who we are as Americans-- the way we treat the people at our borders. If we are humane, if we are civilized, if we are caring, it is a message to the world. If we are the opposite, it is also a message to the world. Right now, we have to look at the scoreboard. The kids have won, and zero tolerance has lost. I hope now we can sit down and come up with a rational, reasonable approach. America cannot accept every person who wants to live here. I wish we could, but we can't. We have to have an orderly process, and we must have border security, but we need to do it with clarity and with humanity. We need to follow our Constitution, which the President, I hope, is reminded of after this decision last night. This decision reads that due process is a part of the Constitution and that the chaotic governance of this administration is not consistent with the Constitution and its principles. It is time now for the President to understand that and to reunite these children under the age of 5 within 14 days. Within 30 days, those under the age of 18 need to be reunited as well. Then we can move forward and put this sad chapter in American history behind us. I yield the floor. The PRESIDING OFFICER. The majority whip. Mr. CORNYN. Mr. President, I understand that the Democratic leader may be on his way, and I will yield the floor when he comes, but I do want to respond to the comments that have been made by my friend, the Senator from Illinois, the Democratic whip. I think what he is proposing is a false choice. He says we need to do away with zero tolerance when it comes to enforcing our immigration laws. Basically, what that means is an argument for the nonenforcement of our immigration laws. We can actually enforce our immigration laws and keep families together. Indeed, we have a proposal, which I know he is very familiar with, to do precisely that--proposed by Senator Tillis and Senator Cruz. I know he and Senator Feinstein are talking to them, and hopefully they can come up with a bipartisan solution. Yet the argument that somehow this is a new phenomenon is just not borne out by the facts. We all remember 2014, when the vast wave of unaccompanied children who came across the border from Central America was called a humanitarian crisis by President Obama. It was because we simply were not prepared to deal with the medical and other needs, feeding, housing, and taking care of these tens of thousands of children who were streaming across the border. Central America, basically, has some very serious problems which result in there being people who flee from those countries and seek, in many cases, asylum in the United States. Yet the idea that President Trump started something new when he decided to enforce the law or that this phenomenon of children coming across the border is something new is simply not the case. It has been happening for a long time. Back when President Obama was detaining families and was separating families, on some occasions when the accommodations were not available to deal with them together, we didn't hear a peep out of our friends on the other side of the aisle. When 1,500 unaccompanied children from Central America--those placed with sponsors here in the United States who were not American citizens, who were not even family members, and who had not had criminal background checks--were unaccounted for, as reported in a New York Times story recently, that was as a result of the flawed policies of the past in dealing with this humanitarian crisis. We do agree on one thing; that is, that families ought to be kept together, and the President has said as much. Yet what every single Democrat across the aisle has agreed to is a bill by our friend from California Senator Feinstein, which, simply goes from zero tolerance, when it comes to violating the immigration laws, to zero enforcement. What that bill would result in is a return to the flawed catch-and- release policies of the past because, if you can't enforce the law--if you don't have the immigration judges, if you don't prioritize these family cases--then you will have to give people notices to appear at some time in the future. Of course, most of them will not show up for their court hearings, and the cartels and human smugglers, whose business models depend on their ability to exploit these gaps in American law, will win. They will win because they will have successfully circumvented the enforcement of America's immigration laws. Those are the people who benefit the most from this. I am very sympathetic to the circumstances of these children and their families living in Central America, but as my colleague said, we simply can't accept anybody and everybody who wants to come to the United States under any and all circumstances. That [[Page S4465]] is why we have a legal system of immigration. That is why we have due process to consider asylum claims, which should be considered and should be expedited, in my view, while these family units are detained, and not simply say that we are going to go from zero tolerance of immigration law violations to zero enforcement and return to a catch- and-release policy, which is associated with huge surges in additional illegal immigration. According to Manuel Padilla, the Rio Grande Border Patrol Chief, who I was with this last Friday, that is a big mistake. The American people understand that we need to enforce our immigration laws. They are as compassionate as we all would hope to be about keeping these families together as much as we can, but at some point we need to enforce our laws. In this case, that means family units need to be detained in a secure, safe, and humane facility, but then they need to present those claims to an immigration judge on a prioritized basis. If they don't meet the legal criteria, then we simply don't have any alternative but to return them to their home country. That is the law of the land. So 83 percent of the children in U.S custody now came unaccompanied because their parents sent them from Central America by themselves. Only 17 percent came as part of a family unit. This is a longstanding problem, and we need to fix it. We have legislation that can do that, and we need to pass it this week in my view. I see the distinguished Democratic leader here. Mr. SCHUMER. I am not--keep going. Mr. DURBIN. Will the Senator from Texas yield for a question? Mr. CORNYN. Sure. The PRESIDING OFFICER. The Democratic whip. Mr. DURBIN. Mr. President, I would like to make one point and then ask a question. When President Obama, who was my friend and colleague in the Senate, came up with family detention policies under his administration, I objected, as well, and I can show the Senator from Texas the objection. Mr. CORNYN. Mr. President, I am sorry; I did not mean to suggest that the Senator from Illinois didn't object back then, but my point is that Senator Obama--President Obama had the same policies that are now being objected to under President Trump. Mr. DURBIN. The question I have for the Senator from Texas is this: If our goal is to make sure that the person presenting himself or herself actually appears as scheduled for the required hearings to be considered for eligibility under American law, if that is our goal, I would like to suggest to the Senator from Texas--and I think he can find in his own State evidence of this--over 90 percent of those in that circumstance appear at a hearing, as required, if they have one of three things: legal counsel; second, case management, which is the counsel of groups like Catholic Charities or Lutheran family services; or in some circumstances, ankle bracelets, where the government can monitor where they are. Over 90 percent show up, as required, for a hearing. It costs as little as $4 or $5 a day. It costs over $300 a day to detain a family. It is certainly not in the best interests of taxpayers to spend an amount that is unnecessary. Wouldn't the Senator agree that we ought to look for alternatives to detention that would also guarantee the appearance of individuals? Mr. CORNYN. Mr. President, I would respond to my friend from Illinois that I think alternatives to detention are a reasonable thing to look at, but the point is that people need to show up for their court hearings because right now, without detention, based on catch-and- release policies, these people simply fade away into the landscape and basically win the lottery when it comes to immigrating illegally to the United States without making a legitimate asylum claim. I would say on the representation issue that I certainly support pro bono legal counsel being allowed to represent the asylum seekers, and I believe that is the practice now. I would be reluctant to ask an American taxpayer to fund a lawyer for every immigrant who shows up at the border and makes a claim for an immigration benefit. I think that might be a bridge too far. But I do think that pro bono legal counsel makes a lot of sense. Recognition of the Minority Leader The PRESIDING OFFICER. The Democratic leader is recognized. Mr. SCHUMER. Mr. President, I thank my friends from Illinois and Texas for yielding the floor to me amidst that interesting debate. Family Separation and Asylum Processing Mr. President, yesterday a Federal judge ordered the Trump administration to immediately reunify the families who were separated by the administration's policy. It certifies what we in the Congress already expect--that the administration will expend all resources at its disposal to immediately reunite the over 2,000 families who have been separated. This should be the President's first order of business to undo the harm he has caused through his chaotic and cruel family separation policy. In addition to this effort, Democrats believe we should start addressing the root cause of the migrant crisis, attacking the disease as well as the symptoms. We believe that Central American countries should conduct asylum processing within their own countries. We believe the United States should help governments in Central America crack down on the ability of gangs and cartels to operate freely and ruthlessly in their countries. And we believe we should go after the drug cartels, smugglers, and drug traffickers with increased penalties and sanctions. There were robust efforts during the last administration to do exactly that, and they were showing progress. But President Trump, in shortsighted fashion, proposed significant cuts to the aid and resources used to fight the cartels and stop the violence in Central America. This is not only dangerous, but it also shows a basic lack of understanding. There is a pretty simple reason people are fleeing Central America. It is the impunity of these gangs and cartels and the brutal violence they spread. Many of the young people who want to escape being killed are then forced to use smugglers and other coyotes and carry drugs into this country through no fault of their own. We should stop this there in ways that we have been successful in Colombia, and that would greatly reduce the number of people coming to the border. That would make things easier for our country, but it would also make their lives a lot better and safer if they could file an asylum claim in their own country and get it adjudicated quickly. This is what many Democrats are going to propose in about an hour. There are other things we can also do, but we are addressing this issue today. President Trump needs to end the inhumanity and chaos at the border. We have to develop a real strategy to go after the gangs and cartels in Central America, curbing the violence that sends migrants to our borders in the first place. Later today, I will be joining with several of my colleagues to discuss how we believe the United States should go about this. China and Trade Mr. President, on China, I have long argued that the best way to make progress in our trade relationship with China is to be consistently tough until real concessions are won. China has flagrantly abused international trade rules and norms for more than a decade, stealing our intellectual property and know-how, illegally dumping artificially cheap goods into our markets, and denying blue-chip American companies access to their markets unless those companies sign away their know-how and intellectual property. Previous attempts to force China to change its behavior have been faulty and milquetoast, at best. Unsurprisingly, these efforts have largely failed. While we disagree on a lot of things, I was happy to hear President Trump talk as if he had learned from the lessons of the past. President Trump has, at times, pursued a tough, aggressive course of action against China, and I have applauded him when he has. But President Trump seems unable to consistently keep pressure on China. Every time I think he is going down the right path, he turns around and gives China a pass on something. Take the Chinese telecom giant ZTE, for example. Out of the blue, President Trump relaxed penalties on ZTE and loosened the restrictions on its sales in [[Page S4466]] the United States, despite the fact that it has been labeled a national security threat by our military. Why? It seemed to no end other than to placate President Xi, hardly our friend on economic issues. This morning, after threatening a tough new approach to limit China's ability to invest in the United States where national security was concerned, the Trump administration has once again backed off, it seems. Instead, the President seems to be endorsing a bill here in Congress to expand the authority of CFIUS, the Committee on Foreign Investment in the United States. That is a good provision in the NDAA. It passed with a filibuster-proof majority. An endorsement of the provision hardly means much because it is going to pass. Many of us wanted it to go further. Expanding CFIUS is not just for military and national security, but for economic security as well. But it is not sufficient--not sufficient. Mr. President, you are backing out again. President Xi is outfoxing you and outplaying you again. Once again, we get the tough talk and no action. This happens over and over and over again with this President and this administration. Why are we waiting to impose real pressure on China for its efforts to undermine our Nation's economic wellspring? It is another example of President Trump starting down a tough path with China and then just veering off course for reasons unexplained, sometimes on a whim. It appears there is a total war in the administration over just how strong the President should be with China. One week he is pulled in one direction, and the next, the opposite. If we are going to convince the Chinese Government we are serious, the United States must be strong, tough, and consistent. Otherwise, the President's approach will not succeed in changing China's behavior--or convincing President Xi that he means business--to the detriment of American workers, American businesses, and the economy for generations to come. Supreme Court Rulings Mr. President, there is one final topic, on the Supreme Court and what they did yesterday and today. Yesterday, the Supreme Court ruled that California was violating the First Amendment by requiring crisis pregnancy centers to provide information to their patients about abortions. It comes alongside a rule to affirm the President's travel ban in which the majority also bent over backward to accept President Trump's position. You would have to be living with your head in the sand over the past 2 ***years*** not to see a racial and religious animus behind the President's decision to ban travel into the United States from Muslim- majority countries. Unfortunately, both cases were decided 5 to 4. Five conservative judges ruled against California law and the travel ban. Anyone watching the Bench at the moment ought to be shaking their heads at the political polarization of the Court. The abortion case makes it even worse. As Justice Breyer pointed out in his dissent, in 1992, there was a California case where the Supreme Court upheld a Pennsylvania law requiring a doctor to provide information about adoption services. In other words, clinics performing abortions, helping women, had to provide alternative information. Now the shoe is on the other foot. California passed a law that said that clinics that try to dissuade women from having abortions, which is their right, also had to provide information about abortion. The majority ruled one way in the one case and the opposite in the other case. If free speech works in the one case, why doesn't it work in the other? If the government can compel a doctor in Pennsylvania to provide women information about adoption, why can't the government compel someone in California to provide information to a woman about abortion? There is a total contradiction. The majority somehow argued there was a glaring difference between the two cases, but it is plainly sophistry. In fact, there was little to no difference between these two cases. Let me state it again exactly. If an abortion clinic should be required to give information about alternatives, why shouldn't an anti- abortion clinic be required to do the same exact thing? Why does free speech apply to one and not the other? Why does lack of free speech fit one and not the other? Many Americans see this Court in a much more negative light than they used to. Chief Justice Roberts famously claimed in his confirmation hearings that he would ``call the balls and strikes'' as he sees them. Here we have the Chief Justice of the Supreme Court leading a majority departing from a clear precedent to affirm a conservative ideology, an anti-choice ideology. No one can see Chief Justice Roberts' decision in the California case as calling balls and strikes; instead, it is a wild, political pitch. And I would say to the Chief Justice: You are demeaning the Court you seek to uphold, in this type of contradiction, and the dissenting opinion showed its outrage at it. Just a moment ago, the Court ruled on the Janus decision. In the Janus decision, the Court said people had a First Amendment right not to join a union. That is a crazy idea cooked up by the conservative anti-labor movement and pursued relentlessly until a favorable collection of Judges would accept such a harebrained theory. The First Amendment and the right to organize are two totally separate things, but somehow the hard right first pays for these think tanks, which come up with these ideas, and then they assemble enough people in the Court who see things politically--not constitutionally, not legally, not ideologically--to affirm this decision. Unions are only 6 percent of private sector America. They are declining in membership, and it is a reason the middle class doesn't make more money even in this prosperous economy. This is an awful decision. It is going to increase economic polarization in this country. It is going to make it harder for middle-class people to earn a decent living. And sooner or later, people are going to get so angry that Lord knows what will happen. The American people are now seeing the results of a coordinated political campaign by deep-pocketed conservative interests to influence the bench all the way up to the Supreme Court. Justice Gorsuch, of course, and the current conservative majority on the Court are the capstone of these efforts, the result of an appalling decision by Senate Republicans to refuse President Obama a Supreme Court pick. Alongside the California ruling, the Roberts' Court affirmed a plainly discriminatory travel ban, unleashed a flood of unlimited, dark money in our politics, and scrapped a key pillar of the Voting Rights Act--all goals of the hard right, all having little to do with the Constitution or reading the law, all making America a more polarized, economically divided country. Opponents of these decisions and the President's policy should focus on the Supreme Court, whose thin majority will once again hang in the balance this November. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Sullivan). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Immigration Mr. LANKFORD. Mr. President, today, Wednesday, is day 83,723 since the Senate first achieved a quorum and started work. No grand celebration there. That is 229 ***years***, 2 months, and 22 days. In that time, this body has deliberated over some of the most difficult issues of our time--of any time--slavery, war, voting rights. They have all been difficult issues that our Nation has debated in this building. But lately it seems we have less and less debate and more and more empty-Chamber quorum calls. For the people who watch the debate in this room and watch an empty room and think ``Where is the debate happening in the Senate?'' I can assure you there is work being done. There is a lot happening in committee hearings right now. There is a lot happening in different offices on trying to work through the issues. Our days are busy and full, but for some reason, we are not getting to some of the biggest debates of the moment that need to be done and completed. We had a real push in the nomination process. We spent 100 days in [[Page S4467]] the last 18 months just on a quorum call waiting for a nomination to come up. That didn't happened in the last five Presidents combined. There have only been 25 requests for additional time for any nominee in five Presidents. This time, in 18 months, there have been 100. It is slowing down the body. We have to fix that. We have to fix our budget process. Our appropriations process is working a little better this ***year***, and that is good. We moved three bills last week. That is the first time that has happened in a decade in the Senate. That is good progress, but we have to complete the process so we don't end up with omnibus bills. That is going to take some reform. There are 16 of us--8 Republicans and 8 Democrats--who are meeting consistently to work on how to reform the process of our budgeting to make sure that we can fix that. So there is some work that needs to be done. There is also some reform that needs to be done. But as we deal with things like the farm bill this week--so far, we have not had amendments and votes on it--we have to reform the process on how we get through the farm bill, how we get through our appropriations process, and how we get through nominations. We also need to work through things that are difficult, things like immigration. I have been in this body multiple times to talk about this issue, and I will continue to come back to this body to raise it. The challenge we have with immigration is that there seems to be no deadline to solve it, so Congress just delays actually working on immigration. When a deadline comes, Congress finds a way to get around it, or the courts step in and make some change and say: We are going to make some ruling, which delays a decision here, and it just gets delayed again. The Nation is once again looking at the issue of immigration because of what we are watching happen with families on the border. Americans are people of great compassion. We do not want to see families separated. But we also understand the basics of the law. So how do we deal with all these things together? I would say first, this body has to learn how to focus on solving the issue of immigration rather than just complaining about the issue of immigration. We can't have it come up every once in a while when it is in the news and then work on something else when the news stops focusing on it. We have to solve this issue. Last February, we had four different bipartisan bills that came before the Senate. All four of them failed. You would think that there would have been work to say: Let's combine them. Let's find the common ground between the four different bills, form a final bill, and pass it in the Senate. Instead, the Senate got distracted with something else and walked away. We have to solve the issues on immigration. What is currently separating families is not a new issue. Some people believe it might be, but it is not new. This comes out of the Flores decision from 1997. Every single President has struggled under this Flores decision from a court in California. That court said that you can only detain children for 20 days. Well, it takes 35 days to do a hearing. So the court set up an impossible situation where it takes 35 days to do a hearing and you can only hold children for 20 days. So every administration has had the same problem: Do I release people into the country and tell them to show up for what is called a notice to appear at a future court date so their family can stay together, or do I separate families? Previous administrations have said: I will just release people into the country and will tell them to show up at a hearing at a future date. Well, there are a couple of problems with that. One is that thousands upon thousands of those individuals never show up for their first hearing, the notice to appear. The vast majority beyond that, after they show up for their first hearing, are given what is called a notice of removal, which says: You don't qualify to be in the country legally, so you need to leave. The problem is that 98 percent of those individuals then don't leave. Once they get that notice of removal, they find a way to disappear into the country. They move to a new city, and they are gone. This administration is struggling with that, saying: Well, what we have created is an incentive to come into the country illegally. If you cross the border and bring your family, you will be released into the country, and then you can just disappear, and no one will ever try to find you. That is a problem with the legal system, period. I am not cold to immigration. Quite frankly, I am grateful we are one of the most open immigration countries in the world. We have 1.1 million people a ***year*** who become legal citizens of the United States, going through the process the right way. I just spoke at a naturalization ceremony in Oklahoma City. If you ever come to one--and I encourage every American to go to one of the naturalization ceremonies, but take Kleenex with you. They are incredibly moving events--watching people from all over the world stand and raise their right hand and take their oath to become an American citizen, say the Pledge of Allegiance for the first time as an American, hold the little American flag and wave it, and seeing their family cheer them from the audience, saying: We are Americans together. It is incredibly moving to see that. There are 1.1 million people a ***year*** who do it the right way. Let me add one more number. Half a million people a day legally cross our southern border. Let me run that past this body again. Half a million people a day legally cross our southern border. We are not a nation that is closed to immigration. We are a nation that is open to immigration. Half a million people a day legally go through that process of crossing the border back and forth. That is just coming from the south to the north; that is not counting the people going from the north back to the south, back into Mexico. We are an open nation for immigration, but we have real issues that need to be resolved. Let me run through a couple of these. We have to solve the Flores issue. We shouldn't have an impossible situation to say: You can either release people into the country whom we know, by and large, will never show up for a court hearing or detain them and separate families. That is intolerable. This body can fix that, but no one has since 1997. It is time for us to be able to take ownership of that and to be able to fix that. We should not separate families, but neither should we just release them into the country and give them a notice to appear. Many people in this body may not know, but right now, if you called our Department of Justice and DHS and asked them: In the regions of the country, when is the next available court date for an immigration hearing for a notice to appear? They will tell you--because we have just checked--that the next available court date--if you are crossing the southern border right now, they will hand you a notice to appear for August of 2022--August of 2022. They will release you into the country on your own recognizance, hoping you will show up 4 ***years*** and 2 months from now at the next available court hearing. That is intolerable. So what do we do? Let's start with some basics. Can we agree that we should add more immigration judges? We have 350 immigration judges in the country. Last ***year***, this body agreed and voted to add another 150. It is still not close to what is needed. We have a backlog of 700,000 immigration cases right now. It is not possible for that group of immigration judges to actually get through all of that. Can we agree to add more immigration judges so individuals get due process but don't have to wait 4 ***years*** to get due process? We should be able to agree on that. We should be able to agree on reforms to the process. It takes over 700 days to hire a new immigration judge. That is a broken process for hiring. Can we agree that process needs to be fixed? Can we agree on basic southern border security? That used to not be a controversial thing. In 2006, this body passed something called the Secure Fence Act. It added 650 miles of fence and border onto our southern border. That vote passed with overwhelming support from this body, Republican and Democratic. Outspoken conservatives, such as Chuck Schumer, Joe Biden, and Senator Barack Obama, voted for the Secure Fence Act in 2006. This used to not be a partisan issue that we would [[Page S4468]] just have basic border security. So 650 miles of fencing is now on our southern border today because of the bipartisan Secure Fence Act that passed with overwhelming support from this body in 2006. Can we still agree that securing our southern border is a good thing or is that still a partisan issue? I hope it will not be. That should be a basic principle of trying to secure our southern border. Every Nation just wants to know who is coming in and out of our borders. Even for asylum seekers--there has been much in the news about asylum. Asylum seekers who go to the port of entry have not violated any law. They are going to a port of entry and saying: I request asylum. What is interesting from that is even if I go back to, let's say, 2016, the last ***year*** of the Obama administration, of the people who came to the border requesting asylum, after they got into the country, only 40 percent of them actually filed paperwork for asylum. Of that 40 percent who actually filed paperwork for asylum, only 13 percent of them actually received asylum, and that is in the last ***year*** of the Obama administration. We should allow for asylum, but they should come to the ports of entry. That is the right spot to do it, not skip around the ports of entry, and when they are arrested for coming between the ports of entry, then claim: Now I want asylum. Those folks, the vast majority of them who claim they want asylum, never actually file the paperwork to get it. Once they are released into the country, they never follow through with the actual request. We should be able to fix some of those issues. We should also be able to fix the DACA issue. I have raised this in this body multiple times, and I have talked about it often at home. We have a couple of million kids who have grown up in this country whose parents illegally crossed the border when they were infants and children at the time and who have grown up in this country. They don't know another country. Now, their parents violated the law. Those kids did not violate the law. What do we do with them? The most simple principle, and that is what I hope we can agree on common ground is, let's secure the border. Let's take a couple ***years*** to make sure we secure the border, but let's also give a shot to those kids who are here with the DACA ***Program*** to be naturalized, to become citizens of the United States in the only country they have ever known. This shouldn't be that controversial either. Quite frankly, that opinion is agreed upon by President Obama and by President Trump. Back in February, over 70 Members of this body voted for a bill that allowed for naturalization of individuals in the DACA ***Program***. We had four bills we voted on. None of them got 60 votes, but if you count up each of the people who voted for them on a bill that included naturalization of those kids, over 70 people voted for that in this body on some level. We have common agreement that we should do that. We can't seem to finish the work to actually do it though. We should be able to resolve it. We should be able to fix the issues of family separation. We should be able to solve basic border security issues. This is doable stuff, but we need this body to focus and to actually get it done. Every issue we debate is controversial. Some of them are louder and more controversial than others--I get that--but that is our job, to go through the difficult issues, read the Constitution, and talk to the people at home to deal with the issue and make a decision. I encourage this body to finish the work. We should be able to secure our border. We should deal with this issue of family migration. We should keep families together but actually go through the legal process, not just release them into the country for a hearing 4 ***years*** from now, for which they probably will not show up. We should do this and find that common ground. Let's work together. Let's finish the task that needs to be done on this and actually get this resolved. With that, I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mrs. CAPITO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Tax Reform Mrs. CAPITO. Mr. President, I rise today to highlight the 6-month anniversary of the Tax Cuts and Jobs Act. I would like to illustrate what it has meant to the people of West Virginia since President Trump signed this into law. I will speak in a larger sense, as well, regarding what a difference it has made in this country. We see it in the news every single day, and the benefits are really undeniable. Since Congress passed tax reform, we have seen incredible job creation--more than 1 million jobs, to be exact. We have seen unemployment drop to historic lows and wages are on the rise. Our small businesses and their employees are feeling optimistic again. When I travel throughout the State and visit our small businesses, there is a real hop in the step of those small business owners and those who work there because of their increased business, because of their ability to expand, and other things that they have wanted to do for ***years***. So it really has been an incredible transformation. Only a few days ago, a ``CNBC News'' survey showed that 54 percent of Americans say the economy is ``good or excellent''--good or excellent. That is the highest percentage that has ever been recorded in the 10 ***years*** that CNBC has been doing the survey. But even more important are the number of stories that I have heard of what has transpired since we did tax reform. In letters, in meetings, and everywhere around town, I have heard from West Virginians who are feeling the positive effects of tax reform. Our small businesses have been able to expand and hire new employees. They have been able to give back to their employees, whether in the form of bonuses or reaching out to their communities with more charitable donations. Others have been able to create jobs and hire more workers. Just this month, I received a letter from a constituent, Chris from Charleston, who owns an eye consulting business. Chris wrote that the Tax Cuts and Jobs Act is ``legislation that has benefited small business owners all across the country and our folks back here in West Virginia.'' He said that as a result of the tax cuts, small businesses have hired more people, raised employee wages, and expanded opportunities and operations. He continued to talk about the other aspects of the tax cuts. He said: That doesn't sound like a tax cut that only caters to the rich and powerful. As each week passes, more and more of our fellow Americans support the new tax code. I hear it from my patients in the office all the time. Chris isn't alone. I have heard from families who are better able to cover expenses and invest in their children's education. When President Trump traveled to West Virginia this spring, we spoke to one family, the Ferrell family from Huntington. Thanks to tax reform, the Ferrells were able to open a 529 savings account for the first time to help support their children in their education. I have heard from families who have been able to afford high-speed internet for the first time. That might sound like a little thing to a lot of people, but it is a big thing to a family and to a child who comes home from school and can't do their homework because they don't have connectivity. Because of that change, one more student in our State is able to complete their homework at home. They no longer have to feel left behind when they get back to school. That is a powerful thing. But it is not just West Virginia's small businesses and working families who are benefiting from tax reform. In our State, these benefits are helping to improve entire communities. During President Trump's roundtable--again, in West Virginia--we also heard from Tony, who is a rural mail carrier. Tony and his wife Jessica live in Hurricane, WV, with their two sons. Tony explained that because of tax reform, their family was not only able to make home improvements, but they were also able to make more charitable contributions. Specifically, they took extra money that they are seeing in their paychecks and gave it to their church, specifically for the faith-based initiative that has [[Page S4469]] been a very successful resource in fighting the opioid epidemic that we see throughout our State. It is no secret that this opioid epidemic is severely damaging and having devastating consequences in our State with our communities and our families. But because of tax cuts and Tony and Jessica's generosity, at least one community has extra support that can be used to fight back against the drug crisis. I know this is not an isolated incident. It is one that illustrates a very important point: Tax reform is making real and meaningful changes in West Virginia and across the country. That is certainly not crumbs to us in the Mountain State. Just think that it has only been 6 months--only 6 months--and already 4 million workers have received bonuses across the country. Consumer confidence is at an all-time, 18-***year*** high, and 102 utility companies have cut their rates. Think of what that does for the folks at the lower end of the economic scale. When your power bill is $50 or $100 less or even $25 less a month, that makes a difference. That makes a real difference. And more than 8,000 low-income communities have been designated as opportunity zones. I am excited to see what else is ahead for the State of West Virginia and for all Americans thanks to the Tax Cuts and Jobs Act. I am excited to continue building on the incredible momentum that we have created, and I am excited to continue delivering pro-growth solutions that will help to improve lives all across this country. Tribute to Dennis Frye On another note, Mr. President, I was just visited by Dennis Frye, who is a retiring park ranger in Harpers Ferry. He has been a good friend to me. He is a historian of the highest degree on the Civil War and the critical battles that were fought in and around Harpers Ferry and in that region of our State and in Virginia and Maryland. I want to thank him for his service, for his 42 ***years***, 32 of those in the Park Service. He is a public servant who will never be forgotten in our region. I know he is going to continue to give back to the community. So I want to say thank you to Dennis for his depth of knowledge, for his appreciation for our history, and for his appreciation of what we can really learn about our future if we look back at our history. So thank you to Dennis Frye. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Pennsylvania. Mr. TOOMEY. Mr. President, I rise to address an amendment that I worked on with my colleague Senator Corker from Tennessee. It is an amendment that I hope we are going to get a vote on today because I think it is timely, it is important, and it is really a measure that would simply restore to Congress a responsibility that the Constitution assigns to Congress. So what am I talking about? I am talking about the amendment that we have crafted that would simply require that before a President--this President or any other President--can invoke section 232 of our trade law, which is the provision that grants the President special powers when the national security of America is threatened or is at risk and gives him the power to impose tariffs in that situation, what this amendment would do is that it would say that when a President makes the determination that he wants to impose tariffs because it is essential for the security of our country, he could do so as long as he has the assent from Congress. It would require an expedited process and a simple majority vote. It couldn't be dragged out. It couldn't be filibustered, but it would ultimately be congressional responsibility. Now, why do I say that this would be restoring to Congress its constitutional power? Well, it is because the Constitution is very unambiguous about this. Article I, section 8, clause 1 states that ``the Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises.'' It goes on from there. Duties are tariffs, and I don't think anybody disputes that. So article I, section 8, clause 1 assigns that responsibility to Congress. Clause 3 goes on further to make it clear that this is Congress's responsibility, by stating that the Congress shall have the power ``To regulate Commerce with foreign Nations.'' Well, the imposition of duties clearly is an exercise in regulating commerce with foreign nations. Now, over time the Congress has ceded authority in this area-- unwisely, in my view--to the Executive, and that has been going on for decades. There is no question about it. The Executive now has a lot of authority under powers that Congress has delegated to the President. Frankly, it is part of a broader trend of congressional powers that are being delegated to the executive branch, to regulators, agencies, and to the Cabinet. I think it is a mistake. I think this is a congressional responsibility. We ought to take that responsibility, and we ought to take it seriously. Why do I think it is important in this particular case? Because, in my view, this section 232 provision is being misused. It is meant to ensure that our Defense Department can procure defensive materials needed in time of war. That was the real motivation behind creating this power for the President to block foreign trade in the event that our national security depended on it. What do we have instead? We have this provision being invoked as a way to impose tariffs on some of our closest allies, our closest friends, and most important trading partners--in fact, the Canadians, the Mexicans, and the European Union--over very small amounts of steel that we import. In the case of Canada, it is really quite amazing. Do we have a closer ally than our next-door neighbor, Canada, the country that sends troops to fight alongside ours whenever we have a need to do that, a country with whom we have massive amount of trade in both directions, a country with whom we have a balance of trade overall, a country where we actually have a surplus in steel? What we are doing is we are imposing taxes on Americans, taxes on my constituents if they choose to buy steel from Canada, and we are saying that is necessary for national security purposes. Of course, it is not. It has nothing to do with national security, and the Secretary of Commerce admitted as much before our committee last week when he said what it is really about is getting the Canadians to agree to the changes the administration wants to make in NAFTA. Well, I don't agree with those changes in the first place. So we are misusing a national security element of our law to punish American consumers for products that originate from one of the friendliest countries on the planet with respect to our country, and I think this is a problem. By the way, it is not the first time that we have had really dubious trade policy from the administration. I totally disagreed with the Mexican sugar deal that was negotiated. It is a protectionist bill that treats domestic sugar growers very, very well. They get an artificially high price for their sugar, and all of us who are consumers of sugar pay too high a price. Then we had tariffs imposed on solar panels and washing machines. We now are finding that, first, we had tariffs on Canadians, Mexicans, Europeans, and South Koreans. Then, there was relief. But, then, that expired, and now the tariffs are back. We have gone too far down the road. This has become very disruptive. This is bad for our economy, it is bad for my constituents, and, fundamentally, it is a responsibility that we have. It is in the Constitution. It says so. So what this amendment does is that it simply says: Look, the President can invoke 232; the President can invoke national security if he sees fit, but he has to come back to Congress for an expedited up- or-down vote. Frankly, that is exactly what our responsibility is. This bill is relevant. The ag community is more adversely affected by the retaliation against these ill-conceived tariffs than any other sector of the economy I can think of. This is the bill that addresses ag policy. This is the right moment to have this debate and to decide whether we want to take the responsibility that the Constitution assigns to us or not. By the way, I get that not everybody agrees with what Senator Corker and I and others are trying to do, but I hope everybody acknowledges that the role of the Senate is to debate and vote on tough issues. That is part of what we are sent here to do--to decide what our policy will be--and that necessarily includes having a debate and having a vote. [[Page S4470]] So I think my colleague from Tennessee is going to make a request that we be able to consider this amendment and vote on this. I wholeheartedly support this effort. I think it is very, very important. I yield the floor. The PRESIDING OFFICER. The Senator from Tennessee. Mr. CORKER. Mr. President I want to thank my friend from Pennsylvania for his comments and for his leadership on issues relative to free trade and other important issues to our Nation. I just want to reiterate for a minute, before I ask for this amendment to be called up, the fact that this particular amendment, No. 1, is cosponsored by 14 people of various ideologies, on both sides of the aisle. Senator Flake, who is here on the floor, is a cosponsor of this amendment. It is probably one of the most supported amendments we are going to vote on as it relates to the farm bill. Is the farm bill the right place? Absolutely. Farmers around our country are being hurt by this administration's trade policies, and more than 20 farm bills could help them. So it is very important for us to address this issue now. Some of my friends on the other side of the aisle--by the way, we have many people on the other side of the aisle supporting this legislation, this amendment--have said: Well, we don't want to hurt our ability to impose tariffs on China. This has nothing to do with that. As the Senator from Pennsylvania mentioned, the President has used section 201 of the Trade Act to put in place tariffs on solar panels and on washing machines. He did that in January. The additional tariffs that he is putting in place on China are under section 301. What this amendment narrowly focuses on is the abuse of authority that the administration is utilizing to put tariffs in place on Canada, Mexico, and on many of our allies, especially in Europe, and what he is doing is citing national security. It is dubious. All of us know that it has nothing whatsoever to do with national security, but the reason the President is using this is that he doesn't have to prove anything to use it. Under the other sections, you have to deal with the WTO or the ITC, and you have to actually make a case for what it is you are doing. When you use section 232, no case has to be made. He can just do it. Therefore, because of this abuse of authority, that is the reason we believe the President ought to be free to negotiate these. Sure, he is the leader of our Nation, but once he completes those negotiations, if he is going to use section 232 of the Trade Act, we believe he should come to Congress, as was laid out by the Senator from Pennsylvania. With that, I ask unanimous consent to set aside the pending amendment to call up amendment No. 3091. The PRESIDING OFFICER. Is there objection? The Senator from Ohio. Mr. BROWN. Mr. President, I reserve the right to object. My colleague raises concerns about the effect of retaliatory tariffs on our farmers and others. I couldn't agree more, but we should not pit farmers against steelworkers. Only a few days after Candidate Trump became President-elect Trump, my first correspondence with him was about how we do trade policy in the next few ***years***. One of the conditions--one of the admonitions, if you will--was that you don't play off one industry against another. You don't play off ***agriculture*** against autos or steel or chemicals or anything else. I think my colleagues agree that it benefits all Americans if we stop China cheating, if we force them to play by the rules. I would say to my colleagues today--to Senator Toomey and Senator Corker--that I understand they have some bipartisan support on this, but I would say that probably the worst thing you do for America's farmers is to jeopardize passage of the farm bill today. I have spoken with Senator Roberts and Senator Stabenow about that, and that is exactly what this amendment would do. The amendment would gut, most importantly, one of our trade enforcement tools, a tool Congress passed and enhanced in the Finance Committee just in the last couple of ***years*** to ensure we protect the industries necessary to defend our country. I know my colleague from Tennessee generally opposes the President's trade agenda. I think he does that from an intellectually honest position, but that is not justification for completely undoing a decades-old statute that is one of the few tools we have to defend national security interests against distortions in the global market. The steel and aluminum tariffs the President has put in place are long overdue actions to defend against the further shrinking of two sectors critical to national defense. Senator Toomey knows this in the western part of his State, as I know it in mine. I know my colleagues agree that excess steel production capacity in China is troubling. We are talking about a country that now has the capacity to produce half of the world's steel, close to half of the smelt, and half of the world's aluminum. It has affected the global market. It has made steel overcapacity a global problem. We know that China puts people to work because they can't afford to have tens of millions of young men unemployed in the country. They subsidize their energy, water, capital, and land. They have dozens of government-owned enterprises. They want to keep their people at work. They cheat when they do. That is very simple. We have an administration now that is finally willing to take action and defend our highly competitive steel industry and steel workers. I know what a competitive steel plant looks like. I was at ArcelorMittal in Cleveland, 7 miles from my house, only a week ago. That is the first steel mill in the world that has been able to produce raw steel with one person-hour of labor. Think of that, a ton of steel produced by one person-hour. That tells you how productive our plants are, but against China cheating and subsidizing nearly all of the components--we simply can't do that. The State of Tennessee, perhaps, has been lucky to avoid the devastation brought to steel towns, like Steubenville, Yorkville, Martins Ferry, Warren, and Lorain, all cities in Ohio, up and down the Mon River in Pennsylvania--Senator Toomey said the same thing--all as a result of China's excess capacity. The shuttered steel mills and thousands of steel workers in Ohio who lost their jobs are constant reminders for my State that this trade enforcement action by the President was long overdue. We have to have steel and aluminum sectors in this country to defend ourselves. It is that simple. We will not have these critical sectors if our steel and aluminum producers can't keep their doors open. This section of the statute, 232, was Congress's way, some time ago, of acknowledging there are connections between trade and national security. Imports can undermine our national security. Congress has recognized that for ***years***. There should be ways for the President to take action when that is the case. The Corker amendment fundamentally rejects that idea and hamstrings the President's ability to protect America's national security interests. Even worse, the Corker amendment would immediately remove the 232 steel and aluminum tariffs, including those on China. Why would any colleagues vote to let China off the hook? Just look at the bipartisan effort to pass the Foreign Investment Risk Review Modernization Act, which passed down the hall, I believe, with only two ``no'' votes. There is broad bipartisan support also for ensuring that the President take a tough stance with ZTE, which he has not been wild about doing. But for some reason, when it comes to aluminum and steel, it is OK to let China off the hook. It makes no sense. I know some of my colleagues who support this amendment will say that they would support the President's actions if they were targeted just to China. They think the Corker amendment is necessary because the President has applied these tariffs to our allies. But steel overcapacity is a global problem. It needs a global solution. If we don't take a more comprehensive action, China will cheat their way into those other markets. Ask ArcelorMittal, ask Nucor, ask AK Steel, ask U.S Steel, just to name a few domestic producers we have in my State. They have all seen the tricks China uses to work around our anti- dumping and countervailing duty laws. [[Page S4471]] Look at the findings of Ambassador Lighthizer's recent report on China's intellectual property theft. He found that China was stealing about $50 billion of intellectual property from the United States every single ***year***. The evidence is clear. I don't even particularly fault China because they are acting in their national interests. Maybe we should try to do the same thing. China is determined to gain U.S market share in technological advances, and they will stop at nothing to get it. I agree that we should work with our allies, and this administration, to a degree, has. They have negotiated agreements with South Korea, Brazil, Argentina, and Australia. Some of our colleagues are concerned, rightly, about Canada and Mexico being covered by the tariffs. I share that concern. But gutting trade enforcement is not the way to fix that. I have worked with the administration to reach a solution through negotiations; I encourage my colleagues to do the same. I spoke to Ambassador Lighthizer again late last night. We are in a holding pattern with NAFTA talks until Mexico's elections, in about a week. But soon after that, NAFTA talks will pick right up. Steel and aluminum tariffs will be part of that dialogue, as they should be. Because Canada and Mexico have such close proximity to our market, they are primary targets for Chinese transshipment. We have to guard against that or the section 232 tariffs simply will not be effective. I am confident an agreement with our NAFTA partners can be reached. I hope it is reached soon. Canada and Mexico are important parts of the North American steel supply chain. They are important partners in making sure our efforts to address steel overcapacity are effective. The tariffs have been effective. Just yesterday, Republic Steel announced that one of its rolling mills in Lorain, OH, will restart in September. In Granite City, IL, 800 steelworkers were called back to work. The Corker amendment would threaten these new jobs and would thwart other announcements of steel mills restarting in the United States. To summarize, the Corker amendment would permanently undermine a longstanding section of statute that makes sure the United States has the industries necessary to defend itself. It would let bad actors, like China, off the hook, able to flood our markets with unfairly traded steel. It disregards ongoing negotiations with our NAFTA partners. It threatens the improvements seen in our steel and aluminum industries since the tariffs were imposed. For all those reasons, I object. The PRESIDING OFFICER (Mrs. Ernst). Objection is heard. The Senator from Tennessee. Mr. CORKER. Madam President, I don't even know where to start. The Senator from Ohio is a friend of mine. We came in together at the same time. He has written books on labor and trade, and I respect the fact that he knows a great deal about the topic. We serve together on the Banking Committee, and I respect him. Much of what he just said was focused on China. I have never heard of a trade policy where you have a country like China, which is, in fact, dumping steel around the world because it is in their interest--I have never heard of a trade policy where you punish your friends in order to get at someone who is doing something to you. So we are punishing Canada and Mexico. We are fortunate to live in the neighborhood we live in, to have the neighbors we have. We are punishing our European allies, who have been with us for centuries, in order to get at China. It makes no sense. As a matter of fact, I haven't heard a person who has gone to the White House to talk about what they are putting in place--a trade policy--come back over here and be able to articulate anything coherent about that policy. I haven't heard a single soul be able to explain to me why we would punish our allies in Europe and our neighbors next door in order to get at China. Section 232 has nothing to do with China. That is absolutely not true; it has nothing to do with China. China is being punished by 201 and 301, and we are punishing our allies by abusing a national security section called 232. So I don't know what to say. Mr. TOOMEY. Will the Senator yield? Mr. CORKER. Let me finish one more thing before I yield, and I will gladly yield. People in our Nation are being hurt today. People are being hurt. We saw the Harley-Davidson issue, where they are going to move some of the jobs overseas to avoid these tariffs. Other companies are going to be doing the same. Right now, farmers are being hurt around our country. On July 1, a whole other set of countermeasures is coming in from other countries. On July 6, there will be a whole other set of countermeasures coming in. I just want the record to be clear. The Senator from Ohio, my friend, will not even allow us to vote. If he disagrees with this policy, he can vote against it. He is not even allowing us to vote on something that could ease and stop the pain that is being inflicted on our country by a trade policy that is not coherent, that is being made up on a daily basis, and that has nothing whatsoever to do with what China is doing with steel and aluminum. I don't know what this body has become when you can't even vote on an issue that is current, that is damaging farmers more than 20 farm bills could make up for. With that, I yield the floor to my friend from Pennsylvania. Mr. TOOMEY. Madam President, I thank my colleague from Tennessee. I will put aside how stunned I was to hear that my colleague from Ohio has suggested that maybe we want to emulate the Communist-managed economy of China as a good model for economic development. That is just breathtaking to me. But I really want to stress the point that the Senator from Tennessee made, and that is the fact that this amendment has nothing to do with China. We can go on all day about how outrageous some Chinese behavior is in the trade space. It is true; there is really bad behavior, and, by the way, we need to address that. We would be better able to address things like the theft of intellectual property and porous technology ***transfer*** if our allies were working with us to address that outrageous behavior. But it is harder to get your allies to work with you when you are hitting them with tariffs and the excuse is national security. Let me just put a little bit of scale to this. Our colleague suggested how important it is that these industries survive. I completely agree. Domestic producers produce 75 percent of all the steel we consume. We import about 25 percent of it. Do you know how much of that comes from China? About 2 percent of the 25 percent. We don't import steel from China; that is the reality. We do import a little bit of steel. The No. 1 source is Canada, which buys more steel from us than we buy from them. So that is our national security threat; that is why we need to hit my constituents with a tax when they choose to buy those kinds of steel the Canadians happen to specialize in and Americans don't. This makes no sense at all. Finally, my last point is this: We have sincerely held differences of opinions on this. Why can't we vote? Isn't that what the Senate is here for? Let's debate this, let's consider this, and let's have a vote. I didn't think the purpose of the Senate was to avoid votes that people think are tough or challenging or that they even disagree with. I fully accept disagreement. I don't expect unanimous agreement on the outcome, on the policy. But why in the world is this a body that can't have a debate and vote about something as timely, important, and relevant as this? The PRESIDING OFFICER. The Senator from Tennessee. Mr. CORKER. Madam President, I will be very brief. I know the Senator from Ohio wants to speak, and the Senator from Wyoming has been waiting. People in our Nation are being hurt today. Americans are being taxed heavily. A tariff is a tax on the American people. What the Senator from Ohio is doing is saying that the Senate should not even vote on a measure to alleviate the pain that Americans are going to feel and the jobs that are going to be [[Page S4472]] lost over the next couple of months as this trade war continues. I am just disappointed. I cannot believe it. With the zeal with which we both came to the Senate 11\1/2\ ***years*** ago to debate and deal with the big issues of our Nation and to have an amendment that is supported in a bipartisan way when people know that the trade policy being put forth by this administration is being made up on a daily basis and they know that jobs are going to be lost and farmers are already hurt, we cannot even vote, even though we may disagree, on an amendment. So on this day, June 27, let it be known that on a bill that is very relevant because of the pain that farmers are going through, we were kept from voting on a measure that would have alleviated an incoherent policy from continuing as it relates to trade. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Ohio. Mr. BROWN. Madam President, I appreciate Senator Corker's comments. I appreciate a little less those of Senator Toomey, who tried to say that I was thinking that the People's Republic of China has an economy we should emulate. What I actually said--and I have seen him do this before. What I actually said is that China's Government fights for its national interests by putting people to work, and our trade policy, for 25 ***years***--since NAFTA, since PNTR, since CAFTA, since South Korea, many of them pushed by Presidents whom I have stood up for--has undermined American national security and domestic security. So I just reject that. But I appreciate Senator Corker's comments about voting on this. This is a major change in policy, with no legislative hearings, with no real discussion or debate. It is a bit rich when the majority party talks about our not allowing votes when, to start with, there was the Supreme Court nominee of 3 ***years*** ago and all the times we tried to do a transportation bill, important in our Banking Committee, as Senator Corker knows. He wasn't really part of the obstruction, but I just find it a bit rich. The reason is that Senator Hatch has already said he wants to do hearings to really understand what it would mean to roll back ***years*** of having these trade remedies, like 232. What would it mean? We have lost 7,000 jobs in the steel industry in my State. I don't know the number in Western and Central Pennsylvania--in Senator Toomey's State--but I want to move quickly on having these real discussions and real debates. Having a vote on a bill that nobody really understands, except it is reacting to the President's sometimes bungled positions and attempts on trade enforcement--I share that frustration. I am his ally on this, but I have been frustrated, too, with the back-and-forth on which countries are in and which countries are out. Fundamentally, tariffs are a temporary tool. They are not a trade policy used by the President, in this case to force a discussion and a real policy about what to do with China's excess capacity, where half the world's steel can be made in one country, and they put people to work and undermine international trade laws by doing it. People in my State have paid the price, as they have all over the country. The PRESIDING OFFICER. The Senator from Tennessee. Mr. CORKER. Madam President, this amendment has nothing to do with China. This amendment deals with Canada, Mexico, our European allies, and other countries. I guess when we go back home this week and we talk to our constituents and they talk to us--I had a member of the UAW write a letter to the editor thanking me for these efforts that are underway to stop these tariffs that are killing the automobile industry or will kill the automobile industry that exists in Ohio and Tennessee. But I guess what I will tell him is, well, we couldn't vote on a simple measure that would allow Congress to vote up or down on tariffs the President negotiates. But what we are going to do, while you lose your jobs, while you pay 25 percent more for steel and aluminum, while these industries go away, I will tell them: Well, we are going to have hearings. With that, I yield the floor. The PRESIDING OFFICER. The Senator from Wyoming. Budget and Appropriations Process Mr. ENZI. Madam President, I am so glad that you are presiding at this time because I know you are part of the Joint Select Committee on Budget Reform. I want to address that a little bit. Earlier this week, the Senate passed its version of the fiscal ***year*** 2019 Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs spending bills. Prior to this week, the last time the Senate had passed its version of a regular appropriations bill--not a supplemental or an omnibus bill--was more than 2 ***years*** ago. I commend Chairman Shelby and the members of the Appropriations Committee for their work in getting us this far and for their commitment to restoring a more regular process for the consideration of appropriations measures. I hope that in the weeks to come, we will be able to process more such measures in a similarly productive manner. It was a long road getting to this point. Last February, after a brief government shutdown that followed an immigration policy dispute and a yearlong stalemate on appropriations, Congress and the administration agreed to legislation establishing new discretionary spending caps for this fiscal ***year*** and the next and providing a process for budget enforcement--something normally done by the Budget Committee. This latest budget agreement follows a string of 2-***year*** budget deals, each reached under the threat of a shutdown. In fact, frustration with the current process has grown so great that through the February legislation, Congress created the Joint Select Committee tasked with improving our broken budget and appropriations process. I commend the Joint Committee and its leaders, Co-Chairman Womack and Co-Chairwoman Lowey, for their work on this subject. Our budget and appropriations process is clearly in need of reform, and I wish them success in this effort. Today, I rise to share some of my thoughts and experiences on this subject, having led bipartisan efforts in the Senate Budget Committee to explore and reform the budget process. As my colleagues know, the Senate Budget Committee sets the top-line spending levels that the Appropriations Committee then divides each ***year*** among the various departments and accounts. The Appropriations Committee does the specific spending. While there are many potential improvements we could make in this process, I will focus my remarks at this time on just three points. First, the annual spending process will never truly improve so long as we are willing to hold it hostage to larger ideological or political battles. Both sides have been guilty of this in the past, and until we are willing to say ``no more,'' no process reform will succeed. I am hopeful that the progress we are seeing now on fiscal ***year*** 2019 appropriations bills is a sign that we have reached a tipping point and are willing to work together, as the American people expect us to do. The second topic I want to address is the need to move to a biennial funding cycle. I have been pleased to hear some members of the joint committee voice support for this concept, and I hope that consensus on this point continues to build. The appropriations process--the spending process--has rarely worked as intended. In all but 4 ***years*** between 1977 and 2018, continuing resolutions, or CRs, were enacted because of the failure of Congress to complete all of the regular appropriations bills before the beginning of the new fiscal ***year***. We have actually had more than 180 continuing resolutions signed into law over the last four decades. In this fiscal ***year*** alone, we required five. These short-term continuing resolutions keep the government funded while we continue our work, but their recurring nature demonstrates the problems with our current process. The individual agencies have to operate on last ***year***'s budget until something new is approved. All too often, by the time Congress can agree on how to appropriate money for a given ***year***, the result is a massive omnibus that funds the entire government. Members are [[Page S4473]] then presented with a choice--either pass the bill or shut down the government. I have long believed that one of the most important things we can do is fix this process. The way to do that would be to move to a biennial appropriations system. By providing funding for 2 ***years*** instead of 1, Congress would immediately make the consideration of regular appropriations measures more likely. Instead of subjecting itself to a nearly perpetual annual cycle of developing and attempting to pass 12 appropriations bills for the next fiscal ***year***, which starts October 1, Congress could spread those bills over 2 ***years***, allowing more time to develop and scrutinize them and give 2 ***years***' worth of planning to everybody. Not only would a biennial appropriations process help Congress execute its power of the purse, it would also benefit the Federal agencies too. Agencies would have more time to devote to developing and to executing long-term strategies and would finally have some certainty in their budgets. Nowhere is the need for this more obvious than at the Department of Defense. The Budget Committee has heard repeatedly from Defense Department leaders that the one thing they want more than anything is budgetary certainty. Annual spending fights and the inability to plan under continuing resolutions have wreaked havoc on the Department's workforce and contracting efforts. Secretary of the Navy Richard Spencer recently delivered public remarks in which he identified $4 billion in waste due to a lack of financial stability. He said: Since 2001, we have put $4 billion in a trash can, poured lighter fluid on top of it, and burned it. It's enough money that it can buy us the additional capacity and capability that we need. Instead, that $4 billion of taxpayer money has been lost because of inefficiencies [caused by] continuing resolutions. Transitioning to a biennial appropriations process could help solve that problem. Last Congress, I introduced legislation that would continue the budget resolution process on an annual cycle in order to allow for top- line adjustments and reconciliation instructions as events warrant but would move toward a bifurcated biennial appropriations process. Under such a proposal, appropriations would continue to be divided among 12 different bills, 6 of which would be adopted in the first session of Congress, and 6 would be adopted in the second session. Maybe we could even make it so the six toughest ones would be done right after an election and the six easier ones, just before an election, to take more of the politics out of it. By cutting in half the number of bills required to be adopted annually, Congress could create space for itself to devote more time and attention to oversight and other national priorities. If adopted, I believe this proposal would yield a more sustainable and successful budget and appropriations process--a goal I believe both parties share. I thank Speaker of the House Ryan for his comments this morning in which he suggested that we should do it on a biennial basis and that they should be divided into two segments of six, each for a 2-***year*** period, so they would stagger how they are approached. My third suggestion is a minor one but could have some of the most significant impact on the budget. The first one is, change the name of the Budget Committee. People think that we actually make all of those spending decisions. We don't. We set the top line for the Appropriations Committee, which is also improperly named, so they can do their work. My suggestion would be that we stop calling the Budget Committee the Budget Committee and call it the Debt Control Committee. We ought to be and are responsible for seeing how much revenue is coming in and what some of the different allocations are and doing a lot of reviews of that and checking to see what the debt-to-GDP ratio is going to be and how much the debt limit is going to go up, which becomes another subject of debate. If that were the Debt Control Committee, all of that could be done in committee, with one approval here on the floor. The other half of that suggestion is that the Appropriations Committee ought to be called the Budget Committee because they really are the ones in control of the spending, in control of the budget. In every State in the Nation, the committee that actually does the appropriations is the budget committee. That would stop the flood of people who come in right after the President's budget comes out and before the Senate Budget Committee does their work, where they think they have to come in and ask for the details on their expenditures at that time. If it was the Debt Control Committee, they would have a whole different perspective on what it was that committee is trying to do, and they would take their suggestions to the appropriate committee, which would be the Appropriations Committee, renamed the ``Budget Committee'' so they would understand what they are doing. As the Joint Select Committee continues to work, I encourage my colleagues here and in the other body to consider biennial appropriations as a necessary reform. I wish them success in their endeavor. I yield the floor. The PRESIDING OFFICER. The Senator from New Jersey. Mr. BOOKER. Madam President, I rise today to talk about the farm bill. I want to start by thanking Senators Roberts and Stabenow for making this farm bill a model of bipartisanship. I have lived in a community in Newark for the last two-plus decades that most folks would not associate with a farm bill. The truth is, the issue we are grappling with in this bill affect all of our American communities--suburban, urban, and rural alike. Folks in my community have borne the burden of horrific environmental injustices for decades--from toxins that poisoned our river, to lead in our soil, to pollutants in the air. Families in my city cannot plant crops in their soil because huge swaths of my city in many areas are toxic. We also have food deserts that exist in communities like mine, where people don't have access to healthy foods. I have also visited rural areas of our country that endure the same kinds of injustices. I have met families who cannot open their windows because industrial farming operations are spraying waste into the surrounding air. Families can't hang their clothes outside, they can't run their air-conditioning, and they can't plant in their soil because of the way we do factory farming. The truth is, pollution and environmental degradation at the local scale, in communities like mine and many of the communities I visited, are real for folks all across this country. It is real for rural folks; it is real for urban folks; and it is real for suburban folks. It has caused the same misaligned incentives that are also contributing to the much larger scale problem of climate change. Just like local-scale pollution--toxins--in communities like mine and others, global climate change is very real and cannot be ignored because of its impacts on folks all over our country, particularly on those in vulnerable communities. So I will take a few moments to talk about these kinds of pollutants and to talk about climate change, which is closely intertwined with issues within the farm bill, even if it doesn't appear to be so at first glance. The numbers on what is happening to our climate are clear. We know that atmospheric carbon dioxide levels are higher now than they have been at any point in recorded history and that our global carbon emissions are still rising. Sixteen of the seventeen warmest ***years*** on record in history have all occurred in the 21st century, and if nothing changes, we are headed for 3 degrees Celsius of warming by 2100, which would cause catastrophic changes in many parts of the world and in many parts of the United States of America. Hurricanes in the North Atlantic will actually continue to become stronger and more intense and potentially more devastating. Drought and heat waves out West will become ever more frequent, and parts of the southwestern United States could see temperatures above 100 degrees for one-third of the ***year***. All of the extreme weather will have a dramatic impact on our farmers. Climate change is real for American family farmers even now. Some U.S crop yields are expected to drop significantly with climate change, and estimates suggest that under a ``business [[Page S4474]] as usual'' emissions scenario, yields of wheat and soybeans and corn could fall by 20 to 50 percent by the end of this century. Just as climate change impacts our ***agricultural*** system, our ***agricultural*** system also impacts the climate. Although it is often not discussed in the same breath as transportation or power generation, the global ***agricultural*** industry is, actually, one of the largest contributors to climate change. Some estimates suggest that up to one- third of our global greenhouse gas emissions come from ***agriculture***, and these numbers are projected to grow and grow and grow as people's diets from around the world continue to change. In fact, as China and India and parts of Africa move to a Western diet, our globe simply cannot sustain that impact. As people shift to our diet, global ***agricultural*** emissions are projected to rise another 80 percent by 2050 alone. This is huge. This is unsustainable. Industrial animal ***agriculture***, in particular, is especially harmful to the climate. This factory farming is having a tremendous impact on our climate. Globally, livestock production alone accounts for nearly 15 percent of all human-caused greenhouse gas emissions, which is greater than the total greenhouse gas emissions for the entire global transportation sector. It is a fact. We have all of the tools we need to tackle the dual challenge of climate change and environmental degradation, but in order to solve these problems, we must address the impacts of this consolidating global industrial farming system. This system is having an impact on our climate and environment. The farm bill should find ways to reduce the pollution, to reduce the impact, to reduce the environmentally devastating impact it is having on our country. The 2018 Senate farm bill takes some small steps in the right direction. The farm bill grows the overall funding for ***agricultural*** conservation practices. It encourages farmers to plant cover crops, which improve soil and water quality. The farm bill also helps to drive climate-smart ***agriculture*** with several initiatives to keep carbon stored in our soils and in our forests. Yet what we really need is a fundamental shift in some of the major elements of our food system, shifts that, actually, can improve health and well-being and improve our Nation as a whole. We need to emphasize local farm economies, where food is produced in a way that minimally impacts the environment and, actually, empowers our small- and medium-sized farmers. We also need to grow more of our produce by using organic and regenerative methods. We need to put limits on the ability of major ***agricultural*** corporations, which are growing in size, to consolidate--to merge--and dictate the market. These corporate ***agricultural*** institutions that are growing so large and so powerful are dictating practices that are contrary to our very idea of farming in our country, whereby small- and medium-sized farmers who engage in practices that are more sustainable are being overrun by these large factory farms. We need to protect small family farmers from being squeezed out of business. I am a New Jersey Senator, but I have been meeting farmers from all over our country who have told me the painful stories of what we are allowing to happen as our country is being gutted out of our traditional farmers by these big agribusinesses. Consolidation in the ***agricultural*** industry is threatening the American farmer. The top four grain companies today control 90 percent of the global grain trade, and just four companies now control 60 percent of the poultry market. While giant agribusinesses are posting record earnings, our farmers--our American farmers--are facing desperate times. A farmer's share of every retail dollar has plummeted from 41 percent in 1950 to, approximately, 15 percent today. Many of these large corporate ***agricultural*** companies--some of them are not even American-owned--are continuing to punish America's small farmers by shrinking their margins, driving them out of business, and undermining what is an American way of life. This consolidation must stop. I am working on a new bill that would help address this challenge, but for the farm bill that is before us, I will speak now about three amendments that I have filed. First, I will talk about the amendment that Senator Lee and Senator Hassan and I have filed--a bipartisan amendment that would make much needed reforms to our checkoff ***programs***. Checkoff ***programs*** collect fees which amount to their being a tax on all farmers. They collect these fees from producers of particular ***agricultural*** commodities. They are supposed to use these fees that are collected from farmers to promote and do research on that particular commodity. Unfortunately, we have seen some of these checkoff ***programs*** plagued by conflicts of interest--people who are engaging in anti- competitive behavior and funneling dollars to trade associations that only represent a sliver of the farmers who are required to pay into the checkoff ***programs***. As one would imagine, those farmers who get the benefit are the big agribusinesses, often to the detriment of our small- and medium-sized farmers. Let me give you some examples. We know, for example, in 2015, that documents obtained from requests under the Freedom of Information Act showed that the American Egg Board illegally used checkoff dollars to attempt to halt the sales of an egg- free mayonnaise product. Talk about anti-competitive activities. In 2016, it was discovered that the Oklahoma Beef Council lost 2.6 million checkoff dollars to embezzlement by a staff member who wrote over 790 fraudulent checks to herself during a 10-***year*** period. In 2017, it came to light that the USDA had failed for more than 4 ***years*** to publish legally required annual financial reports on the $400 million per ***year*** dairy checkoff ***program***. This ***year***, 2018, a Federal court ruled that the USDA had unlawfully approved the spending of $60 million of hog farmers' checkoff money on a defunct promotional campaign. So this amendment I am leading with Senator Lee and Senator Hassan would make some commonsense reforms to the checkoff ***program*** in order to stop these abuses. Frankly, I don't see how anyone could argue against what are very commonsense, moderate reforms to the checkoff ***program*** so as to create fairness and transparency and actually stop and prohibit these conflicts of interest. That is what the amendment would do-- prohibit conflicts of interest. The amendment would require more transparency and mandate that the USDA publish budgets and expenditures that the USDA approves. The amendment would prohibit anti-competitive behavior, such as we saw from the American Egg Board in its attacking of a startup company that it viewed as a threat. The language from the emails was actually stunning--about working to kill a business. The amendment would prohibit checkoff boards from contracting with entities that engage in ag lobbying. I am one of those people. We have enough lobbyists here in DC, so I hope that this bipartisan amendment to implement commonsense reforms will get a vote and that it will receive the bipartisan support it needs to pass. There are two other amendments I have filed that I would like to discuss that would help to protect contract farmers. They are the salt of the Earth. These farmers are Americans, many of whom have been on their land for generations, and what is happening now is unacceptable. The first amendment I am filing to protect contract farmers would prohibit retaliation against these farmers by the large integrators, like Smithfield and Tyson. As our ***agricultural*** markets have become more and more corporate- concentrated, the rights and bargaining power of our family farmers have diminished dramatically. The traditional model of independent farmers selling to independent processors has shifted toward one of contract production, particularly in the livestock and poultry sectors. Farmers now go into debt in excess of $1 million to help build the facilities on their farms in order to get into this new contract production and often put their farms and their homes up as collateral. For the majority of contract farmers, the large corporate integrator with which one must contract is either the [[Page S4475]] only company or one of two companies in a farmer's area. These farmers simply don't have the option of shifting to other buyers. Under these new circumstances of consolidated corporate, major agribusinesses, contract farmers--small farmers, small business people--are left incredibly vulnerable to retaliation by these big corporate agribusinesses. At least one--Smithfield, for example--is not even an American company. It is a Chinese company. Recently, I had some contract farmers come to my office to meet with me. These farmers were terrified of coming to DC and actually talking to Members of Congress and Senators. They were terrified that the integrators they contract with might find out that they were talking to us and raising legitimate concerns about the abuses they were suffering. This is the United States of America. We are making our farmers, our small business people, afraid of even talking about the abuses they are suffering from these massive, multinational ***agricultural*** corporations. Our contract farmers should not have to live like this. They should not have to be afraid that they will be retaliated against for engaging in lawful activities like speaking with Members of Congress or the USDA or for joining together in producer associations. James Madison's Federalist No. 50 talks about this idea of free association. Yet these contract farmers are afraid of doing that. The second amendment I am filing to help contract farmers would require transparency in how these large corporate integrators calculate the ***payments*** they make to contract farmers. The ***payment*** mechanisms that are used by poultry companies and meat packers to pay livestock and poultry farmers are deliberately opaque. It is deliberately difficult to understand how those ***payments*** are made. Not only does this lack of transparency make it difficult for farmers to make wise business decisions, but it allows integrators to manipulate the farmers' compensation. It is a practice that is despicable. It is not the free, open, and transparent market we all claim to have in the United States. These are large, concentrated, massive corporations manipulating local contract farmers in our communities for nefarious purposes. My amendment would simply require poultry companies, swine contractors, and meat packers to provide farmers with the relevant statistical information and data used to calculate their compensation. This is clear. You shouldn't do these things to squeeze or retaliate or pit farmers against each other. These are businesses. Have some transparency about the data so businesses can make sound decisions. When President Obama left office, the USDA would have proposed rules that would have prohibited this kind of retaliation from these large corporate entities. They would prohibit retaliation by integrating and requiring more transparency in ***payments*** to contract farmers. We were moving in the right direction. Unfortunately, under this administration, when they came in, they killed these GIPSA rules, once again siding with big agribusinesses, some of which are these foreign- owned companies that are coming in and rendering our contract farmers and our small family businesses into what has been compared to sharecropping. The dignity of these small businesses, the humanity, the American tradition of farming is being eroded and undermined by these massive corporations, many of them foreign-owned. They are attacking our way of life. They are attacking one of the most dignified professions in America, which is small farming. It is outrageous and unacceptable what is going on to contract farmers across our country. These two amendments would reverse the Trump administration's rollback of these important protections for our small contract farmers. I urge, with all of my heart, my colleagues to support these two amendments to be with the small farmers of America, to be with these people who are now struggling with mortgages and facing bankruptcy, who are now suffering because of these large corporations that are making their lives so difficult, that are undermining what has been the American way for centuries. I conclude by speaking about the importance of SNAP and SNAP assistance for the food insecure. I was relieved. I actually rejoiced to see that the Senate farm bill does not cut SNAP funding. In 2014, I voted against the farm bill because it contained more than $8 billion in cuts to SNAP, the Supplemental Nutrition Assistance ***Program***. It disproportionately helps people in my State of New Jersey, so the cuts disproportionately impacted my State. The truth is, at a time when we continue to heavily subsidize these large agribusinesses, I say very purposely that there is still corporate welfare in our farm bill. We should not force struggling families, seniors, and disabled citizens, working Americans to make sacrifices they can't afford. At the end of the day, this ***program*** aims to feed our country's most vulnerable population, with more than half of SNAP recipients being children and seniors. I repeat that. More than half of SNAP's benefits are for our kids and our elderly. In my home State of New Jersey, approximately 142,000 senior citizens and 113,000 disabled residents receive SNAP. SNAP helps a cross-section of Americans in all ethnic groups. SNAP helps folks in our cities, towns, suburbs, and rural communities alike, and SNAP feeds our family farmers who too often rely on food assistance to feed themselves and their families while producing the food we eat. The irony of that is unacceptable. SNAP feeds our childcare workers, our healthcare providers, and our veterans. SNAP feeds those who are in between jobs or who have three jobs and are still struggling to make ends meet. I am glad to see the Senate bill has rejected the damaging and destructive SNAP cuts in the partisan House farm bill because, the truth is, at a time when over 13 million children in our country-- please understand, the children in America, a global, knowledge-based society, the greatest natural resource a country has is not coal, oil or gas, but the genius of our children, and young minds need proper nutrition. At a time when 13 million children in our country face food insecurity, what we need to be doing is funding ***programs*** like SNAP--not funding them less but actually funding them more. SNAP plays a critical role in making sure children are able to focus in a classroom and not be distracted about where their next meal is coming from or the hunger pains they are feeling. I live in a low-income community. I am a Senator who lives in a community where, according to the last census, the median income is $14,000 per household. I see my neighbors, working folk, working full- time jobs and still not making ends meet. When I go to my local bodega, I see people use ***programs*** like SNAP. God bless America, if we are not going to raise the minimum wage so people who work a full-time job in this country don't have to still live in poverty, we should not be cutting ***programs*** that are essential to helping families meet their nutritional needs. I see this at the end of the month when SNAP benefits are running out. One study shows that calories fall by up to 25 percent--the intake of calories for folks on food stamps--from the beginning of the month to the end. Families struggle. Kids struggle when there is less food in the house, when they go to school hungry. What does that do to cultivate that genius? That is why we should be passing the SNAP for Kids Act of 2018 introduced by my friend and colleague Senator Kirsten Gillibrand. If we are serious about helping our communities and making sure every child, every adult, every senior citizen has access to their next meal, this legislation is important. I yield the floor. The PRESIDING OFFICER. The Senator from Louisiana. Mr. KENNEDY. Madam President, I would like to talk today for a few minutes about food stamps and the farm bill. Let me preface it by saying, it has been my experience that the American people are the most generous people in the world. We spend about $1 trillion of taxpayer money at the Federal, State, and local levels helping our neighbors who are less fortunate than we are. In America--and I am very proud of this--if you are homeless, we will house you. If you are too poor to be sick, we will pay for your doctors. If you are hungry, we will feed you. That separates our country from a lot of other countries [[Page S4476]] that exist and have existed in the world, and I am very proud of those principles as an American. So I do get upset when people suggest that the American taxpayer is not generous with his or her money. We are the most generous people in the world. In that regard, I know that for many Americans, the Food Stamp ***Program***--we call it the Supplemental Nutrition Assistance ***Program***, some people call it SNAP--means the difference between an empty stomach and a warm meal, and that is just a fact. I am talking about the men and women, many of whom are hard-working, who do all they can to provide for their families, but they need just a little extra help to put food on the table. The American people are happy to provide it. Each and every ***year***, the Federal Government spends more than $68 billion to make sure no American has to wonder where his or her next meal is going to come from. It is the generosity of the American people that pays for those meals. If the Food Stamp ***Program*** is going to continue to provide food to the 42.2 million Americans who use their benefits every month--and I want you to think about that number--42.2 million Americans out of a country of over 120 million, including one in five Louisianians, we have to do our part to ensure our ***program***'s integrity. This is a natural fact. The Food Stamp ***Program*** is rife with fraud and criminal activity. Every ***year*** more than $1.2 million of SNAP benefits are stolen or misused by criminals. So it is no wonder Congress has been discussing requiring photo identification at the point of sale for the Food Stamp ***Program*** since the 1970s. As early as 1981, our GAO testified--and GAO, they are not politicians, not Republicans, and not Democrats. I don't mean this in a pejorative sense, but they are bean counters. GAO testified that such efforts would be effective in reducing overissuance, but we have not acted. Reform is long overdue, and the time to act, it seems to me, is right now when we are considering the farm bill. If SNAP is going to be available to the people who depend on it most of the ***years*** to come, we have to do more to ensure that taxpayer dollars are going where taxpayers intended them to go. That is why I have offered an amendment to the farm bill which will help protect our precious SNAP dollars by requiring a photo ID to use your benefits. It doesn't take anybody off the rolls, it just says you have to have a photo ID to use your benefits. This amendment is very simple. It will require States to list on EBT cards the names of all of those who are eligible to use the EBT card. Household members listed on the card must then produce photo ID at point of sale when they use the EBT cards--about as simple as you can get. Two States right now are already doing it and doing it successfully. One State is Maine and one is Massachusetts. They both have successful SNAP benefit photo ID bills in law that are already saving thousands-- indeed, probably millions--of taxpayer dollars. This should send a very clear message to every Governor and every legislature and every Congresswoman and every Congressman that food stamp reforms can work. In the past few months, we had numerous SNAP benefit fraud cases that have been identified throughout our country. In Tennessee, for example, two men were found to have been selling their EBT cards to undercover cops in exchange for cash and heroin. In New Jersey, a couple managing a grocery store exchanged more than $4 million in SNAP or food stamp benefits for cash between the ***years*** 2014 and 2017. In Rochester, NY, a storeowner was found to have used cash to purchase food stamp benefits from beneficiaries for less than half their full value over a 5-***year*** period. Now that is not what the American taxpayer intends the Food Stamp ***Program*** to do. That one individual's criminal actions cost taxpayers and people who really need food stamps $1.2 million. That was only one act, and I could go on and on. In the farm bill, we are asking the taxpayers to spend $68 billion a ***year***. We throw this figure ``1 billion'' around like it is a nickel. A billion dollars is a lot. If I started counting right now to a billion--1, 2, 3, 4, 5, 6, 7, 8, 9, 10--it would take me 32 ***years*** to count to 1 billion. It would be 2050 when I finished. I wouldn't make it. We are asking taxpayers not to spend $1 billion a ***year***, but $68 billion of their money on the farm bill. We have an obligation, therefore, to keep an eye on that money and to make sure it is going to those who need it the most. The Federal Government and not a single one of us in this Congress should stand by and tolerate criminal stealing from the mouths of children. That is not a Democratic principle; that is not a Republican principle. That is a human principle. We owe it to the American taxpayer and to every family who relies on food stamps to put food on the table to protect the ***program*** from those who would take advantage of our generous American spirit. It is in that spirit that I will be offering my amendment. I yield the floor. The PRESIDING OFFICER (Mrs. Hyde-Smith). The Senator from North Dakota. Ms. HEITKAMP. Madam President, first, I want to acknowledge and thank Chairman Pat Roberts and Ranking Member Debbie Stabenow for their incredible hard work and commitment to draft such a strong bipartisan farm bill. We would not be here today if it weren't for their tenacity. I think, more importantly, we would not be here today if it weren't for their love of ***agriculture*** and their love of rural America. Knowing these are challenging times in rural America, the one thing we can do here is to take this important policy and enact it into law so that we can give a 5-***year*** window of certainty to American farmers and farmers in my State. Over 90 percent of the land in North Dakota is engaged in the production of ***agriculture***, whether it is farming or ranching. It is the bedrock of what we do in North Dakota. In fact, it is who we are. In every given ***year***, 30,000 farmers and ranchers lead the Nation in the production of over 10 different commodities. These ***agriculture*** products are sold in every State and exported to every corner of the globe. At a time when farm income is down and commodity prices have declined, it is so important that we, as members of the Senate, work together in a bipartisan way to provide our Nation's farmers and ranchers with a strong farm bill. With disruptions in trade weighing heavily on our ***agricultural*** producers, the single most important job right now is to provide certainty to farmers and ranchers by passing this farm bill and reauthorizing it beyond September 30, 2018. In fact, it is important to note that net farm income since 2013 has been literally cut in half. When people say: Why do we need a farm bill? Why should we care? I would suggest that if we want food security in this country and if we want to make sure that we have farmers in this country, we need to care. How many American families could really support or weather a 50- percent reduction in their income? When I first came to the Senate, I was fortunate enough to receive a committee assignment on the Senate ***Agricultural*** Committee, which for North Dakota is, quite honestly, the highest and most important committee assignment. Passing a strong, bipartisan farm bill has been my highest priority since coming to the Senate. I helped to write, negotiate, and pass the 2014 farm bill, and as a member of the Ag Committee, I have been working with farmers and ranchers to make sure that the 2018 farm bill is as strong as possible for North Dakota. Since 2014, when the farm bill was signed into law, I have heard from countless farmers and ranchers about what ***programs*** worked and what didn't work and how we can build a stronger rural America. While the 2014 farm bill addressed a number of key priorities needed to ensure an effective safety net for farmers and ranchers, there were challenges with aspects of the law. Understanding these concerns, I am pleased that members of the committee, the current administration, the chair, and ranking member have been willing partners in addressing these important challenges. In particular, I am excited that this bipartisan farm bill includes language from our ARC-CO Improvement Act, a bill I introduced with Senator Ernst last October. It works to strengthen [[Page S4477]] and improve the ***Agricultural*** Risk Coverage-County ***Program***. This language would direct the Farm Service Agency to use more widely available data from the Risk Management Agency as the first choice in calculating yields so that county level data is more accurate and updated. This would calculate safety net ***payments*** to reflect what is owed to producers in the physical county where their farms are located and not where their farmstead is. This bill succeeds in protecting and improving the safety net that allows farmers and ranchers to weather the most difficult times and thrive during favorable conditions. This bill extends and makes improvements to the commodity ***programs*** passed in the 2014 farm bill and maintains the farm safety net that is crop insurance. I do want to give a shout out to my colleague Senator Roberts. Every time there was testimony on the farm bill, he started with crop insurance, crop insurance, crop insurance; and that is a sentiment that is shared by almost every producer in my State. From those provisions passed in 2014, this bill extends the livestock disaster ***programs***, which played a valuable role in North Dakota last ***year*** as we experienced one of the worst droughts in our recent history. Additionally, this farm bill includes a number of provisions that work to improve access for beginning farmers and ranchers. Included in the bipartisan bill is part of the Next Generation in ***Agriculture*** Act, which I introduced with my colleague Senator Collins. It provides baseline funding for the Beginning Farmer and Rancher Development ***Program***, and it would codify positions at the USDA to coordinate beginning farmer and rancher ***programs*** and to provide youth organization outreach. The average age of farmers in our State and across the country is way too old. If we are going to help to build that next generation of farmers, we are going to have to pay attention to those risks and respond to those risks in a way that will make a difference for our future production. I am also excited that this legislation includes a number of provisions that work to raise the profile of Indian Tribes within the farm bill, and it includes a provision from the Tribal Food and Housing Security Act, which I introduced earlier this ***year***. Specifically, the provision included from my bill would waive the majority, if not all, of the administrative costs required to run the Food Distribution ***Program*** on Indian Reservations, which Tribes use to provide healthy, affordable food options to low-income individuals and families. It also would establish a permanent Rural Development Tribal Technical Assistance Office at USDA to provide rural development support for Native American communities and to offer greater certainty for the current Tribal Promise Zone designees. As we consider the farm bill, I wanted to make sure that Indian Country had a seat at the table, which is why I introduced this legislation. Indian Country faces a unique set of challenges, many of which can be addressed in the farm bill. I think sometimes we forget that the fundamental occupation of many of the Tribal members in my State is farming and ranching. I think we also sometimes forget that they suffer not only historic challenges to economic development but, as we are experiencing in all of rural America, challenges in economic development that are not only from the reservation but also from being rural. Checkoff ***programs*** are vitally important for our ag commodities, as they provide beneficial research, promotion, and education services to the producers they represent. It is critical that these ***programs*** function as intended in order to be preserved and protected from unnecessary scrutiny. The beef checkoff ***program*** has not, for some time, represented the majority view of beef producers and hasn't been functioning as intended. As such, I strongly encourage my colleagues to examine with a critical eye the Beef Promotion and Research Act of 1985 to ensure that the checkoff functions as a truly independent organization, representing the needs and viewpoints of the majority of our Nation's beef producers. The farm bill also makes important investments in ag research and enhances trade. I strongly believe that we need to increase our investment in research. I am pleased to see a robust level of support for our land-grant universities, and the inclusion of the Pollinator Health Task Force and funding is maintained in this bill. But I agree that more should be done in order to enhance ***agriculture*** so we may continue to be competitive on the global stage. With that said, we also have to improve market access and develop new export opportunities for our ***agricultural*** products. In North Dakota, we export soybeans to China, beans to Cuba, and barley to Mexico. And the list goes on. Building upon these successes will play a critical role in the improvement of the economic health of rural America. During consideration of the farm bill, we must also work to protect ***programs*** that are vitally important to farmers in my State who provide and produce American-grown sugar. Last week, I had the opportunity to deliver to each Senator a simple Hershey's candy bar with a sticker labeling the cost of the sugar included. First, I am going to thank Curt Knutson, a sugar beet farmer in the Red River Valley, who took time to put these candy bars together for me. In fact, he said he saw a rainy day, and he quickly put the stickers on. I think you will hear a lot about the sugar ***program***. People have probably been down here telling you how it burdens the confectionary industry and how this will, in fact, increase their costs. I think it is absolutely critical that you know that in this candy bar--not this big one, but a normal size one--there is only 2 cents' worth of sugar. Did you know that in 1980, a candy bar like this cost 35 cents and had 2 pennies' worth of sugar in it? Today, this same candy bar costs $1.49, but still contains just 2 cents of sugar. Don't let anyone tell you that we have a crisis as it relates to the sugar ***program***. The beet farmers and the sugar cane farmers guarantee a steady supply of sugar in this country, and we know that we need to maintain that industry in our State. I would encourage everyone to keep that in mind as they are being asked to roll back the sugar policy in the farm bill. Each ***year***, our sugar industry employs nearly 142,000 Americans in 22 States and generates over $20 billion in economic activity. The policy that makes it all possible--listen to this--is at a zero cost to taxpayers. Given the economic importance of this industry to our Nation, it is critical that we maintain the sugar ***program*** to protect the many jobs in this industry and so that we can continue to enjoy American-grown sugar. The chairman and ranking member really deserve incredible praise for the work they have done collaboratively, not just with members of our committee but, as you see in the back here, working with Members who aren't on the Ag Committee to listen to their response. This farm bill works to improve ***programs*** that were authorized by the 2014 farm bill and to provide much needed certainty to farmers and ranchers. I want to make a general observation. When all of us go home, we are asked: Why can't you get anything done? Why can't you work together to solve America's problems? I think it would be a wonderful way to exit for the Fourth of July if we were allowed an opportunity to say in a bipartisan way, after a robust discussion about amendments: We passed a farm bill. I know the Presiding Officer knows how important the farm bill is to her State of Mississippi. She comes with that as her top priority. Let's get this done. Let's work together. Let's try and overcome any hurdles that we have right now. Let's tell the American people that, when it comes to producing their food and having them access their food, this food bill is possible in a time of great division in this country. I am proud to have been a member of the Ag Committee. I am proud to say I played a role in improving this farm bill. I look forward to not only passing it but seeing what comes out of the conference committee. I yield the floor. The PRESIDING OFFICER. The Senator from Colorado. Mr. GARDNER. Thank you, Madam President. I know the Presiding Officer is a cattle farmer, as I think they are referred to in Mississippi. It is an honor to be [[Page S4478]] here on the floor with you to talk about important work for Mississippi. Colorado is an incredibly diverse State. When it comes to our economy, we are the--if you look at jobs per capita, we have more aerospace jobs per capita than any other State in the country. We have the second highest number of jobs outright, second only to California. Our tourism industry is world renowned--our first-class ski resorts, our gold medal trout fishing streams. It is incredible, all that we have. We are also one of the country's biggest ***agricultural*** producers. In fact, the ag economy in Colorado remains the fundamental foundational building block of our economy. I grew up in a part of Colorado that looks more like Kansas. Most people think it is in Kansas instead of Colorado. This is my backyard. This is where I live. I live in town. This is a farm, a pivot irrigation system that I grew up with. In fact, our family sells farm equipment. I have told stories about that to everybody here--everybody who will listen--so many times that they have probably stopped listening. I grew up selling farm equipment. I can remember, when I first ran for office, going around eastern Colorado and introducing myself to farmers. I would introduce myself. I would say: Hi, I am Cory Gardner, and I am running for the State legislature. I have met most of you at the implement dealership. I have sold half of you the wrong parts. I quit using that line when everybody would shake their head--yes, you have. So I grew up knowing a lot of great people in ***agriculture*** through that business. Water is the lifeblood of our area. ***Agriculture*** is the lifeblood of our area. There is an old saying that sometimes if there is a downturn in ***agriculture***, then our community will feel it next week. Well, that is not true anymore. If we have a downturn in ***agriculture***, our community feels it that day. That is how connected we are to global commodity prices and what it means for us. I am fifth-generation Coloradoan. Our entire family has been all ***agriculture***. It is the heart and soul of who we are as a country, and that is why this farm bill debate is so important. In Colorado, we have tremendous crop opportunities, livestock opportunities. We have some of the best hay operations in America. In fact, several of our counties--Yuma County, which is the county I am from, over the ***years*** has been ranked and rated one of the top corn- producing counties in the Nation. We are a leading wheat exporter. Eighty-seven percent of the wheat that is produced in the 4th Congressional District--my old 4th Congressional District in Colorado-- gets exported overseas. The research we are doing out in eastern Colorado on dryland cropping systems is pretty remarkable--the Akron research station there. The San Luis Valley is known nationally and around the world for our high-quality San Luis Valley potatoes, purple potatoes that you can get from the San Luis Valley. We have sorghum and barley. A lot of people are familiar with our Banquet beer in Colorado. We have great beef. We have pintos and potatoes. We have it all. And, of course, who could forget our world-renowned Palisade peaches? It is that time of ***year*** now when we are starting to see peaches in the farmers markets and in the stands all around. I challenge anybody from South Carolina or Georgia to compare their peaches to our peaches because we know we have the best. We are coming up on the Peach Festival, as well, in the Western Slope of Colorado. We certainly have sugar beets. We have an incredibly diverse economy. We have a diverse economy that represents a lot of export opportunities. Some of our best exports and some of our largest exports are beef. Frozen beef, fresh beef--you name it; we have a lot of beef. That is why trade is so critically important to our economy. We are going to get our ag economy growing. By the way, ag is kind of facing a tough time right now. Farm receipts are down about 35 percent from what they were in 2013. If you look at some of the golden ***years*** of ***agriculture*** not too long ago, we are probably down even further than that. When commodity prices drop, when exports drop, these communities that I grew up in--these ***agricultural*** communities in the Western Slope of Colorado and in the Eastern Plains--they feel that impact not next week, not the week after, they feel it immediately. That is why trade is so important. Let me give an example of this field right here. If you had an irrigated cornfield in Colorado--let's say that you had a good ***year***. Let's say that you raised 225 bushels an acre of corn. Let's say that in May the price of corn was $4.05 I looked it up yesterday, and it was about $3.55 That 50-cent drop in commodity price on 160 acres--if you take 160 acres a quarter, if you look at the farmable land, the irrigated land, that is probably around 120, 140 acres, somewhere in between that. If you just raise that corn crop on 120 acres of land, 225 bushels an acre, and that price drops 50 cents per bushel, that is about a $12,000 or $13,000 impact--loss of income--per quarter. The average farm size in Colorado is--let's say a corn farmer--let's just say they have 1,000 acres of corn, irrigated corn. If that price drops 50 cents, that is a $100,000-plus loss of income. If we start seeing the impacts of a trade war that lowers the price of these commodities, we will see that impact not tomorrow but today. These low commodity prices have already affected the health of our rural communities. We don't need any more downward pressure. Beef alone accounts for $675 million worth of these exports. We should be pursuing free-trade opportunities. Colorado-grown potatoes account for over 50 percent of all U.S potato exports to Mexico. NAFTA is incredibly important for this country, what we are doing with all of our ***agriculture*** products and how we are getting them to market. We know rural development is key, and ***agriculture*** is key and trade is key to that rural development. So the farm bill represents a great opportunity for us to focus on rural development--what we can do to help start young farmers, help them get a start and help them afford the operation, because it is incredibly expensive. A quarter of irrigated ground in Colorado at one point was approaching $1 million a quarter. A tractor could cost around $250,000 if you had to buy a new one, a big one. All of this means that we have an obligation to provide certainty in policy. That is what this debate is doing with the farm bill--providing our farmers, folks involved in ***agriculture***, with the certainty they need to plan, to be able to go to the bank to talk about next ***year***'s operation loan, this ***year***'s operation loan, how they are going to get the receipts to allow them to continue that generational business of ***agriculture*** in Colorado and beyond. We know economic times have also resulted in significant economic stress and significant mental stress. I am very pleased to have worked with a number of my colleagues to introduce the FARMERS FIRST Act earlier this ***year***. This is a bill that helps address some of the mental health concerns we have seen in ***agriculture***. In ***agriculture***, per 100,000 population--we have about 5 times the number of suicides in ***agriculture*** than the broader group of Americans-- 5 times higher suicide rate. This bill starts to address that. In Colorado, Don Brown, our ***agriculture*** commissioner--I grew up with him. He is from the same town I am from. They have restarted the suicide hotline in Colorado to address the mental health needs because of the challenges we face in ***agriculture*** today. I thank Commissioner Brown for that work. I thank my colleagues for the work we have been able to do together on the FARMERS FIRST Act to make sure we can help provide some of that relief. In this farm bill, we have also made great strides on conservation. I was able to get the EQIP amendment included in the farm bill. That addresses ***agricultural*** drought concerns to make sure that the farm bill more adequately addresses the critically important conservation title work as it relates to drought. I thank Senators Feinstein, Wyden, Udall, Moran, Bennet, and Harris for their support in allowing me to work with them on this amendment and to have it included in the substitute. If you look at the drought that is gripping the Western United States in particular, you have Arizona, 100 percent drought; California, 69 percent of the [[Page S4479]] land in a drought; Colorado, 79 percent of the State in a drought; Kansas, 79 percent in a drought; Oklahoma, 80 percent; Utah, 100 percent; North Dakota, 81 percent. These are areas that this EQIP language that was included will help address as we work toward solving this ongoing drought condition. Water is the lifeblood of the West. Colorado is the only State in the country where all water flows out of it and none flows into it, so we have to make sure we get this right. As you can see, this is a picture of the Colorado River. That is an example of a bloodline of water that goes from Colorado down to California and all the States in between that rely on this river. As we see, as that water in the river decreases, it puts more pressure on the upstream States. If we ever have a problem in the river, that is going to be a significant challenge between the upper basin States and the lower basin States. That is why the tools that we have helped provide in the farm bill will help us manage this river, will help us manage the land, will help us address conservation needs to use less water so that we can keep more water in the systems, keep more water on the land, and prevent the dry- up of ***agriculture***. We were able to streamline EQIP contracting, increase cost share for nutrient reduction practices, and increase the authority of USDA to enter into drought-related Conservation Reserve Enhancement ***Program*** agreements. This will help areas like the Republican River in Colorado and beyond. These are important inclusions in the farm bill. We have other things that should be highlighted, though, that will also address some of our water concerns. We know that forest fires are a significant challenge to Colorado. If there is a massive forest fire, all those watersheds that those forests are in result in debris flows and contamination of those water systems, those waterways, and that hurts our ability to have access to that water. In the omnibus that we passed earlier this ***year***, we were able to include certain language addressing categorical exclusions, building upon insect and disease--efforts to combat them in certain areas of the forest. The challenge we have in Colorado is that the categorical exclusions only apply to fire regime groups 1, 2, and 3, but in Colorado, we have about 24 percent of our zones of concern in Colorado that are in a different category, not in 1, 2, or 3, which means we can't use the categorical exclusion to address insect and disease concerns under that provision. Yet we know a significant area of these forests have insects. This is where a lot of the insect infestation has occurred. Insects have devastated our forests. It results in dead trees, and then the drought doubles the pressure on that, creating historic fire conditions, and then you end up imperiling the watersheds. We have offered an amendment to try to address that, to extend the categorical exclusion so that we can have better management opportunities to prevent the next disaster from occurring and to make sure that we can help manage our forests in a more responsible way. I am also excited that we were able to include work addressing the Akron research station in Akron, CO, in eastern Colorado, a dry land facility. We have an amendment that is incorporated in the substitute that authorizes research and extension grants to study the utilization of big data for more precise management of dryland farming ***agriculture*** systems. This goes into how much water we need and how we could better manage dryland cropping alternatives. If we have a drought that continues, we are going to have to have more tools and data to help manage farming practices so that we can do a better job of creating high yields in a low-moisture environment. These are all important issues that we worked on. Crop insurance is incredibly vital to our Main Streets in rural Colorado and across this country. That is why we have to continue to strengthen the Crop Insurance ***Program***. That is why I am glad the farm bill makes sure that it does just that. The conservation title is important to Colorado as well. There are a lot of issues this farm bills addresses. I thank Chairman Roberts for his work on this legislation. He is our neighbor in Kansas. I don't think he included a provision in the farm bill to thank Colorado for the water that we send to Kansas, but they have better lawyers than us, so I will not push that too far when it comes to some of the water conflicts that we have had. I say that jokingly, of course. What I don't say jokingly, of course, though, is what ***agriculture*** means to all of us. It is that bond that we share in our communities. It is the foundation of Colorado's economy and this country's economy. There are so few people today in ***agriculture***, that those of us who are involved in ***agriculture***, who are in ***agricultural*** communities, have to be strong advocates. I hope the work this Senate is doing when it comes to ***agriculture*** will be that ambassadorial effort that we need to be good stewards of our land, to continue to promote small farms, new farmers, and young farmers to make sure that we keep generations of farmers and ranchers on the land and that we don't have a buy-out and dry-out history because we mismanaged our water resources. This farm bill helps address some of our biggest challenges. Let's get our other policies like trade right, continue to work together in a bipartisan fashion, and we can make our farmers and ranchers proud of the work we do every day. Thank you. I yield the floor. The PRESIDING OFFICER. The Senator from Montana. Mr. TESTER. Madam President, I rise today on behalf of this Nation's farmers and ranchers. I would urge this body to continue in the bipartisan way that they have been on the farm bill to get this farm bill passed, keep in good shape the strong farm bill at this moment in time, and work to improve it and get it out of the body so that farmers can have the certainty they need with a predictable farm bill. I believe I am the only actively engaged working farmer in this body. I have lived on the farm I live on for over 61 ***years***. My wife and I have been farming the land that my grandfather and grandmother homesteaded, and my folks farmed after them, for the last 41 ***years***. During that time, I have been able to see good farm bills that have worked, and I have seen bad farm bills--the kinds of farm bills that have resulted in devastating consequences for our family farms, driving families off the land, paving the way for more consolidation; bad farm bills that have dried up our rural areas and our small towns and along the way dried up our rural way of life. This is an important time for folks in production and ***agriculture***. The commodity prices are low pretty much across the board. We are seeing this administration engaging in tariffs and a potential trade war that is threatening Montana's No. 1 industry--***agriculture***--and threatening the viability of the economy of Montana and rural America. That is why it is critically important that this week we pass a good farm bill that will work and give certainty to Montana's producers and rural communities across this country. In my travels around the State of Montana, I have had a number of listening sessions on the farm bill. I have heard from farmers and ranchers. I have visited with them, looked at them eyeball to eyeball, and heard their concerns and their priorities. During these farm bill listening sessions in Montana, I heard from grain growers, cattlemen, sugar beet producers, hops growers, wool growers, pulse growers, specialty crop producers, and organic farmers. We grow a lot of stuff in Montana. I even sat down with the folks who fight the good fight to make sure our kids don't go hungry. I sat down with fifth-generation Montana farmers and ranchers whose families have worked the land for over 100 ***years*** and young producers who are getting ready to go out for their very first harvest. For the most part, they all said the same thing; that is, they want certainty. They want access to quality crop insurance that is a big part of the safety net for our farmers and ranchers. In times when they can't get their paycheck from the marketplace, this safety net is critically important. They also want to be in a position financially where they can hand their farm--or their ranch or their operation--down to their kids and their [[Page S4480]] grandkids, but don't just take my word for it. Since my last farm bill listening session, literally hundreds of Montana's farmers and ranchers have written in to my office to make sure their voice is heard on the farm bill. Tom, from Glasgow, MT, wrote to me about the challenges facing farmers and ranchers. He said: I urge you to support the Farm Bill before it expires on September 30. The legislation that came out of the Senate ***Agriculture*** Committee has a robust farm safety net, including a strong Crop Insurance ***Program***. Our farmers face a challenging ***agriculture*** economy. They need the certainty of knowing what ***programs*** are available as they make their plans for the coming ***years***. That is critically important. Everybody who is in ***agriculture*** knows that you have to plan multiple ***years*** out before you can get to a point where you can harvest that crop and bring it to the bin and bring it to market. So having that kind of certainty of a long-term farm bill and getting one done long before September 30 is critically important. Another fellow by the name of Frank, from Lewistown, MT, wrote me about the important role the farm bill plays in feeding this country-- the United States. Here is what Frank said: The farm bill can help put the United States on track to ending food insecurity and hunger in our country. I urge you to work on a bipartisan farm bill that protects and strengthens domestic nutrition ***programs***, especially SNAP. We have a democracy in this country, and we are very proud of it, but as we offer that safety net for our folks in production ***agriculture***, we need to make sure we don't have hunger in this country, to the best of our ability, because democracies don't work well when you have a hungry society. So I am on the Senate floor to tell Tom and Frank and the hundreds of other Montana farmers and ranchers who have contacted me that their voices have been heard and that their priorities are reflected in this Senate farm bill. This bill reauthorizes critical crop insurance initiatives that keep farmers in business. It rejects the House attempt to combine and cut funding for successful conservation practices. It amends EQIP to allow dollars to flow to producers that focus on research conservation and drought resiliency. It strengthens our fight against foot-and-mouth- disease. It keeps in place important sugar provisions which have a multidecade track record of success, especially in the sugar beet country of Southeast and Eastern Montana. It reauthorizes funding for ***agricultural*** research and, as we know, for every dollar invested in ***agriculture*** research, we see major returns to our economy. It gives the green light to industrial hemp growers. Industrial hemp is a crop that can fit in most rotations around this country, and Montana is no exception, and it reauthorizes funding for critical USDA rural development grants, which help fund water and wastewater infrastructure, and it helps build rural communities. Although the House chose to make political hay out of the farm bill, I commend the folks in the Senate because we got to work and, through the Senate Ag Committee, we put together a bill that farmers and ranchers can literally take to the bank. We did so while protecting the provisions that feed hungry families and protect seniors. Now is the time to get this bill across the finish line. Through the amendment process this week, we have the opportunity to make this farm bill an even better bill. We have already attached a bipartisan amendment to this bill that strengthens the safety net by ensuring that ARC-county ***payments*** probably reflect yields. We are giving more authority to the State and local FSA committees to identify ARC boundaries that reflect the conditions and the crops being raised in that region. I want to thank the Montana Grain Growers for their support of this amendment, as well as the Montana Farmers Union for their input. It is my hope that folks continue to check their politics at the door and do what is right for Montana's family farms--the folks who are making a living off the land--by passing a good farm bill this week. Farmers and ranchers are always talking about the future. They are always thinking about the future, whether it is the future of commodity prices or market access or costs, yields, or, yes, the weather. They are constantly thinking about the future of their operation--how they can implement new practices that will make their operation more financially viable to pass on to their children. So let's get the job done this week and pass a good farm bill that gives our producers in this Nation and my producers in Montana the kind of long-term certainty they deserve and gives them the keys to building an even stronger family farm unit. Thank you. I yield the floor. The PRESIDING OFFICER. The Senator from North Carolina. Calling for the Release of Pastor Andrew Brunson Mr. TILLIS. Madam President, I am doing something this week I wish I didn't have to do. As a matter of fact, for the past several weeks I wish I didn't have to do this, but I have to draw attention to something that is very important to me and should be important to everybody in the United States and every person on Capitol Hill. It is about a man who has been held in prison in Turkey for 628 days, most of that time without charges, in a cell that was designed for 8 people that had 21 people in it. This man's name is Pastor Brunson. He is a Presbyterian minister who has spent most of the last 20 ***years*** doing missionary work in Turkey, sometimes going into Syria, visiting Syrian refugee camps in Turkey, living in and around the Izmir area. In October of 2016, after the coup attempt, President Erdogan started sweeping up thousands of people, including people who were doing nothing but trying to bring the Word to those who wanted to hear it--in this case, in the country of Turkey. He was actually accused of being a part of plotting the coup attempt. He subsequently has been accused of plotting terrorist activities against the people and the Government of Turkey. We have been working on this case for well over a ***year***. We treated it like constituent work. We were doing everything we were supposed to do, working with the State Department, working with the various agencies, reaching out to the country team to ask: Why can't we get this pastor free? Why is he being held without charges? How could a Presbyterian missionary--how could he possibly be considered a terrorist or a coup plotter? About 4 months ago, I was in a meeting, and I overheard--this is about the time he was indicted, about 17 months of being held without charges. I heard he was afraid that after the indictment was released, the American people would believe the indictment and just turn their backs on him and forget him. So it was important for me to go to Turkey. I requested a visa to get to Turkey. I went to the Turkish prison, and I told Pastor Brunson that is the last thing that is going to happen. I told him he had my personal commitment and that I knew I had the backing of the majority of the Members of the Senate and almost 200 Members of the House now who believe Pastor Brunson needs to be set free. It was important to tell him that face-to-face. About a month later, I went to his first court hearing. It was absurd. I spent about 12 hours in a Turkish courtroom hearing some of the most extraordinary--almost comedic--allegations against Pastor Brunson. Every week I vary the presentation of the allegations because there are so many you can't cover them in any one reasonable length of floor speech. So this week's absurd allegation is this notion that the Turkish prosecutors believe all the Christian religions in the United States are actually somehow woven together as some sort of intelligence-gathering, coup-plotting, terrorist-plotting network throughout the world to collect information and use it to the detriment of a sovereign nation like Turkey. That is the sort of--so he is an operative. He is a man who actually comes from Black Mountain, who is affiliated with the same church as Rev. Billy Graham, and has been, for 20 ***years***, plotting the overthrow of the Turkish Government. Now, keep in mind, it is only a concept. He hasn't been charged with any specific activity. There is no witness [[Page S4481]] attesting to some specific thing that he did, but because he is a Christian, because he is a missionary, and because he has been in Turkey for 20 ***years***, he has to be a part of this organization. Therefore, we are going to put him in prison for 628 days. That is what we are dealing with. Now, when we started down this path, I spoke with a lot of Turkish officials. What I heard from them is, well, justice has to take its course. We have an independent judiciary; justice has to take its course. Then, not too long ago, President Erdogan, who was just recently reelected President for, I believe, another 5-***year*** term, had the audacity to say: ``We will give you your pastor if you give us our pastor.'' Well, it turns out there is someone here in the United States who was previously an ally of President Erdogan. They had a falling out, and he is a part of a movement that wants to see change in Turkey. He is a man of faith--a man of Muslim faith. The President transformed what I believe started out being a situation of let's just let the independent judiciary take its course-- they transformed what was an illegal detainment, lengthy detainment of a Presbyterian pastor into what I believe is a hostage swap. The President said this. If the President could actually make this offer, then, clearly, he is not constrained by a judiciary outcome like we are in the United States. So the day President Erdogan said this, that was the day we could clearly say Pastor Brunson is being held as a political hostage, and the President--President Erdogan--has the power to end it. I do this speech every week, and I will do it every week for as long as Pastor Brunson is in prison. Every once in a while my mother or my wife will see a videotape of this speech, and they always say: Why do you act like you get so angry toward the end of it? Because I am. I am angry for a lot of reasons. One of them is that they are a NATO ally. Since 1952, Turkey has been a member of the NATO Alliance. At the most profound level, that means that if Turkey is attacked by another Nation and their safety, security, and freedom is at risk, then the United States has an obligation to submit our men and women in uniform to the country of Turkey to potentially lay down and die in defense of their freedom. That is what we call a partnership. Now, for the first time in the history of NATO alliance, they are holding an American hostage. So, on the one hand, in the Armed Services Committee where we spend a lot of time focusing on our alliances, a lot of time training with various countries--and Turkey is one I would like to have a great relationship with--but they are holding a North Carolinian hostage. They are subjecting him to a kangaroo court, and they think it is OK. For the first time in the history of an alliance, for a NATO alliance partner to behave this way is unacceptable. So we have taken all the steps we could diplomatically, and it hasn't worked to this point. Now we have to take additional steps, and one of those steps is to put a provision in the national defense authorization bill that asks certain questions about the long-term nature of our relationship with Turkey. Turkey is a very important ally in the Middle East. I hope that someday I come down to the floor gushing over all the great relationships we have. We have many. Their work in Afghanistan is important. Their work and fighting in Syria is important. But what is more important than anything is the freedom of a man who is held in prison and respect for a fellow NATO ally. So we have put a provision in the National Defense Authorization Act that asks certain questions, like, does Turkey have somebody illegally detained, yes or no? And our President can certify one way or the other. Does the fact that Turkey is considering the acquisition of the S-400 missile system from Russia, which comes with it a lot of intelligence gathering and other tools that could put the safety and security of the Air Force base that we have in Turkey and the manufacturing operations for the Joint Strike Fighter in Turkey at risk--certify one way or the other. Incidentally, because we rely on Turkey for the supply chain for the Joint Strike Fighter and if that supply chain were to shut down, if Turkey continued to drift further away as a NATO ally--does it make sense to have the entire manufacturing supply chain of the Joint Strike Fighter dependent on a country that is drifting away from the nations that are members of NATO? Those are simple provisions. We are asking the President of the United States to certify one way or the other. If he can't certify it, then we have to really start questioning just how much further we can go with a country that is holding an American citizen, with a country that is considering a would-be adversary's missile defense system, and with a country that is a critical link in the supply chain for the Joint Strike Fighter. We will be going into conference fairly soon on the national defense authorization. I am asking all of my colleagues--the 70 who signed on to a letter expressing their concern with the detainment of Pastor Brunson--to stick with us to make sure that provision makes it out of conference and that we hold Turkey accountable. It is within President Erdogan's power to end this now. I would love to come back to the floor next week and not be talking about the illegal detainment but talking about a freed man and an improving relationship with Turkey. My last message is to the Turkish people. This is not about the Turkish people. They are wonderful people. I have traveled to Turkey several times in various official capacities. They are wonderful people who love freedom and want freedom just like we have in the United States. This is about an administration that needs to understand what it means to be a NATO ally. It is about an administration that needs to understand what a real, independent judiciary looks like. It is about an administration that needs to be put on notice until they take the positive step in that direction. Madam President, thank you very much. I hope I don't have to come to the floor next week when you are presiding and present this same speech, but I promise you, as long as I am a Senator and Pastor Brunson is in prison, I will be back. I yield the floor. The PRESIDING OFFICER (Mr. Cotton). The Senator from Missouri. Mr. BLUNT. Mr. President, this week we are considering the bipartisan farm bill. The Senator from Mississippi who was just presiding, the Presiding Officer, and I were all raised on farms, so we have an immediate sense that this must be pretty important because of where we grew up and how we grew up. But I think people have less and less connection with what it really takes to grow the food and fiber we need in this country. The farm bill doesn't have quite the same resonance it used to have in terms of millions and millions and millions of families watching carefully to see what the Congress is going to do. In fact, the families who watch this most closely today may very well be the families who benefit from the nutrition parts of the farm bill. The vast majority of spending is in the nutrition parts of the farm bill. The truth is that if you don't have what people need to sustain themselves, nutrition policy really doesn't matter unless what we do in ***agriculture*** works. So a lot of the debate here is about that. In my State of Missouri, we have nearly 100,000 farms. The vast majority of those are family-owned and cover two-thirds of the total land of our State. The industry supports 400,000 jobs in a State of 6 million people, so it has a substantial impact on what we do. The Mississippi Valley, where the Presiding Officer and I are located, is the biggest piece of contiguous ***agricultural*** ground in the world, and we are in the middle of that. In terms of production in the United States, Missouri ranks second in the number of beef cows; fourth in rice; fifth in turkeys; sixth in soybeans; seventh in hogs; ninth in corn; and tenth in cotton. So there are a number of places in the farm bill that impact us, and those crops and others that we might not rank quite so high in are still an important part of our economy. World food demand is expected to double in the next 30 ***years*** or so. That is an easy thing to say and an easy thing to hear, but it is sort of a hard thing to think about. With all the time [[Page S4482]] in which people have been trying to develop better and better ***agriculture***--we think it took about 10,000 ***years*** to raise all the food we raise today--we have about 30 ***years*** to figure out how to raise twice as much food as we raise today, and we are likely to need to do that on no more land than we are doing it on now and with fewer inputs. We will need to do that in a way that probably uses not just less water per amount of food grown, but less water totally--not just less fertilizer per crop, but less fertilizer totally. So we will need a lot of science-based work to figure out how we meet this incredible opportunity and challenge of doubling all the food we grow. I saw some FFA students under a big shade tree looking back at the Capitol on two different days last week. Both times I said: I really can't think of any group I can talk to where I could say with such certainty that no matter what you do, understand that ***agriculture*** in the next 30 ***years*** as a part of our economy is going to be twice as big the day you retire from whatever you decide to do as it was the day you started. It would take a cataclysmic event for that not to be true. I said just a minute ago that world food demand will double in about 30 ***years***. We think world food needs will double in 40 ***years***. What is the difference? In 40 ***years***, we will have to have that much food to feed all the people there are to feed. We think that in 30 ***years*** it will have to double to meet people's demands for the kinds of food they want to buy. No matter what, in 40 ***years***, twice as much food as we have today will be needed. This farm bill gives us the chance to advance the kinds of policies that allow us to meet that challenge. It is a bipartisan bill. Chairman Roberts and Senator Stabenow, the top Democrat on the committee, have worked hard to produce this bill. Like all pieces of bipartisan legislation, it is not the bill either of them would have written on their own, but it is a bill that can and should pass. It makes difficult decisions on how to balance priorities and maintain budget discipline at the same time. It is logically connected with helping those who grow our food--the people who determine whether we have an affordable and dependable supply of food, fuel, and fiber. All of that is at stake in this legislation. The farm bill we are considering provides certainty for farmers. Like the farm bill we did 5 ***years*** ago, it takes a different course. It stays where we were. This is more evolutionary than a big revolutionary change. Five ***years*** ago, we went much more toward risk management, where the Federal Government basically helped put an insurance kind of component together to insure against the many things that happen in the life of a farm family and in the life of growing food. You don't control the weather. You don't control the prices. You don't control much of anything. You just hope that everything works out and allows you to continue to do something that in the case of almost all farm families in America, they love to do and that is why they do it. The bill makes forward-looking investments to help new and beginning farmers. The average age of farmers in America today is almost 60. That means half the farmers are over 60, and half the farmers are under 60. Obviously, we have to be concerned. We are concerned about pilots and say: Gee, we are running out of pilots because military-trained pilots are not going to be available to us. We are also about to run out of farmers. If half the farmers in the country today are over 60, we need to be looking for ways to allow beginning farmers to farm and to meet the needs as well as the opportunities of a growing world where, with fewer resources and the same amount of land, as I said before, we are going to have this great opportunity. Nobody in the world is better at this than we are, and nobody in the world is better positioned than we are to get ag products all over the world. This is a huge opportunity for our country. In my State--the one I know more about than any other State--we are home to world-class animal and plant scientists. There are more plant scientists within 100 miles of St. Louis, MO, than there are anywhere else in the world in the same amount of space. The farm bill will continue to allow those things to move forward and, again, try to do more with less and produce a better quality product with less input. As farmers deal with the unpredictability of the weather and the market, this is designed to help provide stability as that market grows. To go back to where I was a minute ago, I believe the biggest economic transactional group in America on any given day--people buying food, fuel, and fiber--relates to ***agriculture***. That is going to double in less than one working lifetime. That is almost never going to work out exactly right. The weather will not be right; the world crops will not be what we thought they were going to be. We want to be sure people don't give up on this opportunity because it is also such a big challenge. How do you communicate in a world environment with this kind of challenge? The bill also makes investments in rural America to expand high-speed broadband and improve rural infrastructure, something the President, in every discussion I have heard on infrastructure, talks about 25 percent of this needing to go to rural infrastructure. But part of that infrastructure is wireless technology and wireless infrastructure. If you are going to have precision farming, if you are going to not put more cost into parts of your field than you should, you and your equipment need to know exactly where you are--I mean precisely where you are. You can't do that if you are not connected to broadband in some way. The GPS systems, the data centers, the automation systems just don't work without that. If you don't have high-speed internet, you don't have high-speed commodity trading capacity. So while somebody maybe 10 miles down the road from you has instantaneous ability to take advantage of a market to buy or sell, yours may be just slow enough that you miss the moment. So the ability to live in rural America, to thrive in rural America, and to farm as you are going to need to farm for the world we are about to get into is really important. This farm bill isn't just about economic security, although that is a big part of it. It is also about what it takes daily to sustain yourself and those you care about. As I said, the nutrition ***programs*** are now a significant majority of farm bill spending. We are going to debate how some of that money should be spent. But we are entering a time of great opportunity--a time where Americans, particularly in the middle of the country, are really good when you have an economy that is production-oriented, based on growing things and making things, and that growing-things economy is a lot bigger than just production ***agriculture***. It is production ***agriculture***; it is food processing; it is insuring what happens on the farm; it is transportation. We are one incident away from identifying where all that food has been all the time. I am glad we are getting to the farm bill as quickly as we are. I hope we can pass our bill, come to conference with the House, and put a bill on the President's desk as soon as possible, so with all of the other things that farmers and their families have to deal with, the one thing they will know with some certainty is what the Federal farm bill and what Federal nutrition ***programs*** are going to look like over the next handful of ***years***. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll. Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Daines). Without objection, it is so ordered. Retirement of Justice Anthony Kennedy Mr. McCONNELL. Mr. President, just a few moments ago, Justice Anthony Kennedy announced that he is retiring as an Associate Justice of the U.S Supreme Court and taking senior status, effective July 31. First and foremost, I want to pause and express our gratitude for the extraordinary service that Justice Kennedy has offered our Nation. He has served on the Federal bench for 43 ***years***. In particular, we owe him a debt of thanks for his ardent defense of the [[Page S4483]] First Amendment right to political speech. As Justice Kennedy concludes his tenure on the Court, we wish him, his wife, Mary, and their family every happiness in the ***years*** ahead. The Senate stands ready to fulfill its constitutional role by offering advice and consent on President Trump's nominee to fill this vacancy. We will vote to confirm Justice Kennedy's successor this fall. As in the case of Justice Gorsuch, Senators will have the opportunity to meet with President Trump's nominee, examine his or her qualifications, and debate the nomination. I have every confidence in Chairman Grassley's conduct of the upcoming confirmation process in the Judiciary Committee. It is imperative that the President's nominee be considered fairly and not be subjected to personal attacks. Thus far, President Trump's judicial nominations have reflected a keen understanding of the vital role that judges play in our constitutional order. Judges must interpret the law fairly and apply it evenhandedly. Judicial decisions must not flow from judges' personal philosophies or preferences but from the honest assessment of the words and actual meaning of the law. This bedrock principle has clearly defined the President's excellent choices to date, and we will look forward to yet another outstanding selection. But, today, the Senate and the Nation thank Justice Kennedy for his ***years*** of service on the bench and for his many contributions to jurisprudence and to our Nation. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Toomey). Without objection, it is so ordered. Mr. SCHUMER. Mr. President, we recently received news that Justice Anthony Kennedy will be retiring, leaving a vacancy on the Nation's highest Court. This is the most important Supreme Court vacancy for this country in at least a generation. Nothing less than the fate of our healthcare system, reproductive rights for women, and countless other protections for middle-class Americans are at stake. Will Republicans and President Trump nominate and vote for someone who will preserve protections for people with preexisting conditions, or will they support a Justice who will put health insurance companies over patients or put the Federal Government between a woman and her doctor? The Senate should reject, on a bipartisan basis, any Justice who would overturn Roe v. Wade or undermine key healthcare protections. The Senate should reject anyone who will instinctively side with powerful special interests over the interests of average Americans. Our Republican colleagues in the Senate should follow the rule they set in 2016 not to consider a Supreme Court Justice in an election ***year***. Senator McConnell would tell anyone who listened that the Senate had the right to advise and consent, and that was every bit as important as the President's right to nominate. Millions of people are just months away from determining the Senators who should vote to confirm or reject the President's nominee, and their voices deserve to be heard now as Leader McConnell thought they deserved to be heard then. Anything but that would be the absolute height of hypocrisy. People from all across America should realize that their rights and opportunities are threatened. Americans should make their voices heard loudly, clearly, and consistently. Americans should make it clear that they will not tolerate a nominee, chosen from President Trump's preordained list and selected by powerful special interests, who will reverse the progress we have made over the decades. I yield the floor. The PRESIDING OFFICER. The Senator from Indiana. Mr. DONNELLY. Mr. President, I am here to talk about the bipartisan, commonsense farm bill that we are working on in the Senate this week. ***Agriculture*** is an essential part of the fabric that defines my home State of Indiana. Hoosier farmers are growing the food that feeds our families. Biofuel producers are making the ethanol and biodiesel that drive our economy. Ag students and researchers are developing the technologies of tomorrow. Together, they represent the best of Hoosier values. Right now, Hoosiers farmers in our communities are navigating significant challenges. They need us to work together to help provide solutions. Our farmers are dealing with turmoil on the international marketplace, uncertainty in Federal policies, like the RFS, and low commodity prices that, in many cases, are below the cost of production. This farm bill can provide our ag community with some stability, and we need to ensure that we do our part to get it across the finish line. Here is how Indiana Farm Bureau president Randy Kron described the situation: Farmers are relying on the Senate to pass a farm bill that will allow them to plan for their operations with some level of certainty for the next five ***years*** and provide a safety net in case extreme weather or a natural disaster damages their crops. Indiana's farmers are facing a lot of uncertainties right now. The dairy industry is facing low prices and lost contracts, there are fears over potential retaliatory tariffs and their impacts, there is a grain surplus that has brought commodity prices down drastically as well as the uncertainty of the Renewable Fuel Standard (RFS). Net farm income is down more than 50% compared to just five ***years*** ago, and the ***agriculture*** community is depending on the passage of this farm bill. If our nation's farmers have the ***programs*** and assurances they need, all U.S citizens will reap the benefit of quality, affordable food in our grocery stores. Phil Ramsey, a corn and soybean farmer from Shelbyville, IN, and the chairman of membership and policy for the Indiana Soybean Alliance, described the challenges farmers are facing by saying: After a spring that has challenged our farms from nearly every angle, Hoosiers and rural Americans need a Farm Bill now more than ever. With farm income down . . . input costs skyrocketing, the ethanol industry constantly under attack, and disrupted trade relations sharply driving down prices, the stability and safety net provided by the Farm Bill are critical to our farmers and ranchers across the nation. Randy and Phil are right. Now, more than ever, farmers need us to do our job, to put together a farm bill that makes sense and gives them the opportunity to succeed. A farm bill that gives us the best opportunities to be successful will help farmers manage the risks outside of their control, but it is about much more than that. It is also about helping rural communities thrive and also about fighting food insecurity. It is about investing in tomorrow's farms and the most advanced technologies. It is about ensuring that Hoosiers have the resources and the tools to develop new markets for their products anywhere in the world. It is about promoting conversation so that farms and natural habitats remain healthy, generation after generation, and doing the conservation work to make that possible. Because there is more wisdom in Indiana than in Washington, DC, I firmly believe a good farm bill is one that is written with input directly from Hoosiers and that addresses issues important to our State. From Wayne County to Evansville to Washington, IN, to DeKalb County, to Jasper County, to Rensselaer, across our State there are great ideas, great leadership, and great entrepreneurial skills that can help us build the best farm bill possible. That is why I took every opportunity to listen to the priorities and concerns of Hoosiers who are involved in nearly every segment of our State's ***agriculture*** community during my farm bill listening tour and in meetings over the past ***year***-plus. From student groups and researchers to anti-hunger advocates, to soybean and corn growers, to pork and dairy farmers, and to just about everyone in between, I wanted to hear from all of them about what this farm bill should do. I am not hired help for the people of Indiana. I work for all of our citizens. I took what I heard from Hoosiers, and I worked with my colleagues to develop this bill, to work this bill, and to successfully secure provisions that would include risk management tools for our farmers, while still ensuring full planting flexibility; to expand market opportunities for Hoosiers products; to [[Page S4484]] promote impactful, voluntary conservation activities; to help fight the opioid epidemic, which is a scourge on our State and our country; to support rural communities with investments in high-speed internet and waste and drinking-water infrastructure; to fight against food insecurity; and to invest in the research necessary for tomorrow's technologies. I would like to highlight a few of the Hoosiers priorities in this bill. One of my top priorities was helping to fight the opioid epidemic in rural communities. We know it will take all of us, working together, to confront this opioid epidemic--this horrible nightmare that we have. We have more work to do to stem the tide of this public health crisis in our rural communities. I am pleased this bill includes three of my bipartisan provisions that combat the opioid epidemic by targeting telemedicine and community facility investments for substance abuse treatment as well as by investing in prevention and education ***programs***. We want all of our families to be safe. We want all of our citizens across this country to avoid this scourge. We lost over 60,000 of our fellow brothers and sisters across this country to drug abuse last ***year***. We do not want to lose one more, and we want this farm bill to help end this. These provisions I have discussed were developed from my bipartisan rural opioids package I introduced with my friend, Chairman Pat Roberts, then-Senator Strange, and with Senator John Hoeven from North Dakota in 2017. I thank all of them for partnering with me on these efforts. I have also advocated for efforts to ensure that farmers are provided the tools they need to be good stewards for our environment, to hand off to our children and grandchildren, and an even safer, better, stronger planet. This bill will eliminate potential disincentives for voluntary conservation practices like cover crops and supports soil health improvement ***programs***. It also allows States to increase cost sharing for the most impactful conservation practices. Soil health and clean water are a passion for many Hoosiers, and for many Hoosier farmers, and this bill helps in those efforts. The need to expand market opportunities has also come up in my conversations with our farmers. I am fully committed to expanding market opportunities for our ag products. This farm bill will increase opportunities for Hoosier farmers through export promotion ***programs***. I worked with my colleagues on proposals to open up more markets for American exports, including my bipartisan bill that increases investments in two important export promotion ***programs***: the Foreign Market Development ***Program*** and the Market Assistance ***Program***. This is legislation I introduced in September of 2017 with my friends and Senators Joni Ernst of Iowa, Angus King of Maine, and Susan Collins of Maine. I have also worked to ensure full planting flexibility for our farmers who want to plant fruits and vegetables. This ensures that farmers can diversify their farms without worrying about losing access to commodity support ***programs*** in the future. It may sound a little bit technical, but it is critically important, and we have to make sure it gets done. Ensuring planting flexibility is a strong passion of mine. It builds on the bipartisan bill I introduced with Senator Todd Young, my colleague from our home State, in December of 2017, and it also builds on my work in the 2014 and the 2008 farm bill. Another important issue I care deeply about is helping those struggling with food insecurity. I am really proud that this bipartisan bill strengthens the oversight of the SNAP ***program*** and helps to fight food insecurity by reforming food assistance ***programs*** while protecting access to benefits and maintaining the integrity of the ***programs***. It makes it easier for seniors to access food assistance by reducing burdensome paperwork. This is based on legislation I worked on with my friend Bob Casey from Pennsylvania. Providing for the future of ***agriculture*** by making the investments in vital research and extension activities is another priority. This bill contains a provision of mine that reauthorizes and revamps the New Era Rural Technology ***Program*** to help our community colleges fund efforts to develop a workforce trained in the precision ***agriculture*** technologies that are expected to continue to improve the efficiency of modern farming. I have a few more amendments I am hoping we can get adopted this week, including one that increases funding for the Emergency Food Assistance ***Program***. This helps food banks and pantries respond to the needs of their local communities. I have also introduced a bipartisan amendment with Senators Smith and Fischer. It allows community colleges serving rural areas to receive funding through USDA's Essential Community Facilities ***Program***. This helps ensure rural communities have the local educational opportunities that can help our children thrive, that can help our friends and neighbors thrive, and that can help create success in every county in my State and across our country. Finally, I thank all of my colleagues on the Senate ***Agriculture*** Committee for their efforts to ensure that we had strong bipartisan support for getting the farm bill to this point. Everybody worked incredibly hard; everybody focused on doing what was right for America and not worrying about politics; and everybody focused on how we can help our ag community be stronger, have more success, and do even better in the future. Our farmers need us to continue working together as advocates for ***agriculture*** and for a farm bill that supports their hard work. The ag community gets up in the dark, works all day, and goes home in the dark. They are an incredible example for everybody in our country about dedication to family and faith and community and country. I know the farmers of Indiana and in Hoosier rural communities are tired of being pawns to partisan politics. They have been dealing with depressed commodity prices, chaotic trade markets, and the uncertainty of Federal policies, whether it was the previous administration's expansion of the WOTUS rule or this administration's efforts to undermine the RFS. It is time for us to do our part to make sure this is a strong bipartisan bill and that it is an example of us working together--not as Democrats or as Republicans but as Americans--to do good things for our economy and for our people. I urge the Senate to promptly pass this bill so we can conference with the House and get this to the President's desk as quickly as possible. Farmers and rural communities in Indiana and across our country are counting on us. It is an incredible privilege to represent our ag community on the ***Agriculture*** Committee and to work with the farm bill to make the lives of everybody in our farming communities better, stronger, and even more successful. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant bill clerk proceeded to call the roll. Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. ROBERTS. Mr. President, I ask unanimous consent that it be in order to call up the following amendments to the substitute amendment No. 3224: the amendment by Senator Lee, No. 3074, and the amendment by Senator Durbin, No. 3103. The PRESIDING OFFICER. Is there objection? The Senator from Florida. Mr. RUBIO. Mr. President, reserving the right to object, in this farm bill, when it was considered in committee, there was an amendment added that allows for American ***agricultural*** interests to promote American ***agriculture*** on the enslaved island of Cuba. In an effort to be accommodating, I have said: Well, that is fine. It is not a very large market, and, frankly, as long as we are not lending them money--because they are never going to pay us back--I am not going to object to the ability of American farmers to market our products to a market. In the end, it is food. What I do think we should not allow, however, is the ability to spend American taxpayer money in properties and in other places on the island that are owned and controlled by the Cuban [[Page S4485]] military. Last ***year***, President Trump issued an Executive order that prohibited American citizens who traveled to Cuba from staying at hotels or frequenting businesses or anything of this nature that is controlled by GAESA, which is a holding company controlled by the Cuban military. So what I have proposed as a way forward on this is to basically say: That is fine. You can promote American ***agriculture*** in Cuba. But while you are there and doing your activities, you can promote it, but you just can't spend any of these taxpayer dollars at any of the facilities or businesses controlled or owned by the Cuban military. The list is detailed and provided by the State Department via Executive order. That is the amendment I offered. To date, we have not been able to get it considered as part of any of these vehicles that are moving. Therefore, procedurally, I am wanting to protect my right to ensure this gets included in something that is incredibly important from my perspective, so I object. The PRESIDING OFFICER. Objection is heard. The Senator from Michigan. Ms. STABENOW. Mr. President, I want to indicate I certainly understand the concerns of the Senator from Florida, and we have been looking for the last 2 days to find a resolution. There are multiple interests on various sides of this issue on Cuba that we are trying to work through so that we can move forward on this as well as other amendments. As the chairman has indicated, there are two amendments we are trying to get pending so that we can move forward and take the next steps to be able to come to a resolution and get to a final vote on the farm bill, which our farmers, ranchers, and families in rural communities are very anxious to have us do. We will continue to work, as we have all day and as we did yesterday, looking for ways to resolve this and to be able to move forward. Hopefully, we can do that because there are a lot of folks really counting on us to come together and get this done. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I would only add at this point--and I think Members who have paid attention to this debate at all or to this particular issue are probably a little tired of hearing this, but maybe there are some who haven't really grasped the issue. We have to get a farm bill. We are the ***Agriculture*** Committee. ***Agriculture*** is in dire need of this farm bill--the farmers, the ranchers, the growers, their lenders, and everybody up the food chain. Our situation being what it is, I certainly hope that improves. Many people, of course, are interested in opening up any bill to amendments, having regular order, and voting on their amendments. I understand that. I think there are about 146 amendments we have agreed to. We are reaching out to people and urging them to come forward and, on a bipartisan basis, agree on these amendments or modify them and then agree to them. So it isn't as if we have not done that. At some point, we have to pass this bill. The issue is so paramount and the situation is so dire--on behalf of the folks who produce the food and fiber for this country in a troubled and hungry world to at least go on for another ***year***--that it is paramount over any other issue, despite the fact that some people want to come in under a reform they believe would be very salutary, and I understand that. Again, we have to pass this bill. With that observation, I hope people can understand and we can get some agreement with regard to some of these issues. None of my remarks are intended to impugn in any way the interest of the distinguished Senator from Florida. I yield the floor. The PRESIDING OFFICER. The Senator from Oregon. Women's Healthcare Mr. WYDEN. Mr. President, 2 ***years*** ago, the Supreme Court handed down its decision in Whole Women's Health v. Hellerstedt, which reaffirmed the longstanding view that the government should not be in the business of deciding what kind of healthcare a woman in America can or cannot receive. A number of my colleagues are going to be coming to the floor to discuss this issue. It was a crucial victory. My colleagues who have been so involved in this issue over the ***years***--Senator Murray and Senator Blumenthal--and I as the ranking Democrat on the Finance Committee have tried to do everything we possibly could because our committee has extensive jurisdiction over women's healthcare in a variety of ***programs*** that are crucial for women. It is in that context that I want to reflect on what has happened since the Supreme Court handed down that crucial victory, that important win for women's healthcare as embodied in Whole Women's Health v. Hellerstedt. At every turn since the President went to the White House, the President's administration has put themselves in between American women and their doctors. The President has sought to prevent healthcare providers from sharing critical care information. The President has sought to place restrictions on health clinics that women rely on every single day for lifesaving services, such as cancer screenings, physicals, prenatal care, and more. He has again and again sought to place restrictions on and attempted to defund health clinics, such as Planned Parenthood, that women in America rely on every single day for lifesaving services, such as cancer screenings, physicals, prenatal care, and more. I hope colleagues will look at the words that I used to describe those lifesaving services--lifesaving services that have absolutely nothing to do with abortion--nothing--cancer screenings, physicals, prenatal care, and more. That is what the President sought to place restrictions on and attempted to defund in terms of health clinics that offer those services. The latest blow to the cause of making sure women can go to the healthcare providers of their choosing came yesterday from the Supreme Court. Yesterday, the Court in effect opened the door for deceptive crisis pregnancy centers that are allowed to lie to women about what kind of care they are able to receive. All of these developments demonstrate that the effort for affordable, accessible healthcare is far from done, and it is going to take a constant push to ensure that healthcare in America moves forward and not backward. In my view, one of the biggest threats to Americans' healthcare is the Trump administration's full-throated endorsement of repealing preexisting condition protections. That is particularly important for women who count on these essential consumer protections to get affordable care for all services. American women don't want to turn back the clock to the days where health insurance was more expensive by default for women because maternity care and other services weren't covered in standard plans. Women don't want to be denied health insurance because of a cancer scare they had a few ***years*** back or a small preventive surgery. That was the reality before the Affordable Care Act. I can only say that at one time, Democrats and Republicans here in the Senate felt very strongly about loophole-free, airtight protection for women and men and all Americans against discrimination for preexisting conditions. I know that because in the context of debating the Affordable Care Act, I was the sponsor of legislation, the Healthy Americans Act, which had seven Democrats and seven Republicans as cosponsors. Our proposal did have loophole-free, airtight protection for women and all Americans against discrimination for preexisting conditions. Essentially, what we seven Democrats and seven Republicans proposed is what became part of the Affordable Care Act provisions against discriminating against those with preexisting conditions, and it is those protections, which are now law, which the Trump administration seeks to roll back. It is not widely known that it is not just men and women in the individual healthcare market whom the President's reckless approach on preexisting conditions is actually threatening. If the Trump administration is successful, protections for the 167 million Americans with employer-sponsored health insurance will also lose the Affordable Care Act's airtight, loophole-free preexisting condition protections. [[Page S4486]] That means America would be turning back the clock on healthcare, and an employer could once again put their bottom line over the health of the American people. Back then, it meant individuals were prevented from getting healthcare for months or leaving care for their preexisting condition uncovered. I think it is pretty clear that the American people do not want to return to a system like that. Over the Fourth of July break, I will be heading back to Oregon. I am going to have my 900th townhall meeting--900 meetings where, for an hour and a half, I don't give any speeches; folks can just come in and say what is on their minds and say what is important to them. I would say that at a significant number of those 900 open-to-all, 90-minute townhall meetings in Oregon, folks at home talk about the importance of the issue I have just described--the protection for women and men and all Americans against discrimination for preexisting conditions. Certainly, women in America can't afford to return to a system where they are systemically discriminated against. Women have been on the frontlines, standing up and speaking out to ensure that doesn't happen, ever since Donald Trump was elected. I thank my colleagues, particularly Senator Murray and Senator Blumenthal, who have been our leaders on this effort. As the ranking Democrat on the Finance Committee, I try to do everything I can to help them in their good work, and I appreciate their taking the time to point out that it has been 2 ***years*** since the Supreme Court handed down a historic decision that actually protected women and why we all feel so strongly about not walking back that decision. I thank Senator Murray, and I yield my time to her. The PRESIDING OFFICER (Mr. Gardner). The Senator from Washington. Mrs. MURRAY. Mr. President, I thank the Senator from Oregon. Retirement of Justice Anthony Kennedy I would just say I have been planning to come to the floor about a specific issue related to women's healthcare and rights and freedoms, but before I get to that, I want to comment on the news that is clearly very closely connected. It is clear that Justice Kennedy's retirement comes at a pivotal point in our Nation's history, when so many of our values are under attack by a President who has spent every day in office testing the limits of our Constitution. I share the deep concern of so many families across this country who are already suffering under the Trump administration and fear further erosion of the progress in this country. So, first, I want to be clear. I am hopeful that Republican leaders go back and look at what they said very recently and give families across the country the opportunity to weigh in with an election before moving forward to fill this seat. We don't know whom President Trump will nominate just yet or when he will make that nomination, but I want to go back to something my dear friend and colleague Senator Kennedy said because it highlights the stakes right now. He was talking about an extreme nominee, Robert Bork. He said: Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught about evolution, writers and artists would be censored at the whim of government, and the doors of the federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are at the heart of our democracy. Robert Bork was rejected, and Justice Kennedy took his place. Today, we face similar stakes right now, in this moment. Voting rights are at stakes. LGBTQ rights are at stake. The right to organize collectively is at stake. Those are just a few. There are a lot more. Families across the country are paying attention, and they are going to be watching what President Trump and individual Members of this Senate do right now. This is what they are going to want to know: Will their rights be protected? Will their freedoms be secure? Will the Supreme Court put people like them first, or will they stand with special interests, big business, and the most extreme ideologues in our country? Those are the questions people across this country will be asking. That is the conversation I expect we will have here in the Senate, and that is what President Trump should be considering as he thinks about this issue and hopefully as he slows this down and gives people across the country a chance to weigh in. Women's Healthcare Mr. President, one issue I know women across the country will be focused on and asking about is their constitutionally protected right to control their own healthcare decisions affirmed in Roe v. Wade, because, let me be clear, women and men in this country understand how directly tied this right is to a woman's freedom and economic security, and they overwhelmingly do not want to see that right rolled back. Today is the anniversary of a ruling that further upheld women's constitutionally protected reproductive rights, and I want to take a few minutes today to discuss what this decision meant for women's lives and why we will not stop fighting to protect the progress we have made. Almost half a century ago, in its historic Roe v. Wade decision, the Supreme Court ruled that every woman, no matter where she lives, has the constitutional right to make her own decisions about her body, her family, and her future, including the right to safe, legal abortion. But a right means nothing without the ability to exercise it. While Roe v. Wade has been the law of the land for ***years***, extreme conservatives have continually tried to undermine the Court's decision by peddling ideological policies that would make it hard for women to exercise their reproductive rights. Women across the country have not been silent about these efforts and neither has the Supreme Court. Two ***years*** ago, the Court reaffirmed the rights enshrined in Roe v. Wade when it ruled in favor of Whole Woman's Health and struck down an anti-abortion law in Texas that was designed to make it harder for women to access the care they need. The law in Texas attempted to undermine women's reproductive freedom by putting access to that care far out of reach for women. If it had been allowed to stand, the law would have closed three-quarters of the clinics in the State that provided abortion services. If it had been allowed to stand, hundreds of thousands of women would have no option but to travel hundreds of miles for their reproductive health services. The Texas law didn't stand; women's constitutional rights did. That Supreme Court ruling sent a strong message, one women have been making for ***years***, and one we continue to make clear today: Politicians have no business interfering with a woman's most personal decisions. Unfortunately, many people on the right continue to ignore that message. Unfortunately, they have continued to push for damaging, extreme policies that ignore the Supreme Court, the Constitution, and women across the country. From day one, President Trump and Vice President Pence have made it clear that turning back the clock on women's health and reproductive rights is a top priority for them. They recently proposed a harmful domestic gag rule on Federal family planning funds designed to restrict access to healthcare for women, interfere with care providers' ability to talk about the full range of reproductive health services with their patients, and ultimately make it harder for women to exercise their healthcare choices and constitutional rights. That is just the latest of so many extreme and ideological steps, statements, policies, and appointees that have repeatedly shown the Trump administration's hostility to women's rights. We are still seeing radical Republicans in many States pushing to put up new barriers, like those that were struck down in the Whole Woman's Health case, to prevent women from making their own healthcare decisions--barriers that would allow perhaps a woman's ZIP Code or her income to determine whether she is able to get the care she needs. We are also still seeing that every time far-right politicians try and bring us a step back, women and men across the country are stepping forward and [[Page S4487]] speaking out against them, and that is not going to stop. We are going to continue to defend women's reproductive rights, on all fronts and against all attacks. One effort to do that in Congress is the Women's Health Protection Act--legislation I am very proud to cosponsor--that would help protect women's constitutional rights to safe, legal abortion care and bring down harmful, ideological barriers to that care, like the one struck down in Texas, once and for all. I remember being in the room when the Supreme Court heard the Whole Woman's Health case and hearing the skepticism from many Justices as they asked thoughtful questions about Texas's flimsy excuses for trying to undermine women's rights. I remember being outside of the Court shortly afterward and seeing all the women and men making their voices heard and fighting for those rights. I remember being moved by the personal stories shared by so many women about what the right to make their own personal decisions meant for their health, for their family, and their opportunities in life. I am not going to let anyone forget those stories, including President Trump, Vice President Pence, and far-right politicians across the country. I am not going stop defending women's health and reproductive freedoms. I am not going to stop fighting to make sure our daughters and granddaughters have stronger rights and more opportunity, not less. I am not going to stop, and I know women and men across the country aren't going to either. There is no question in my mind that people nationwide understand just how important a woman's ability to control her own healthcare decision is. This is not about politics. It is about women's health. It is about their economic security, about a woman's ability to contribute fully and equally in our country. I am confident people across the country who do not want to go backward will stand up and make their voices heard and reject President Trump and Vice President Pence's extreme ideology wherever it rears its head. I am hopeful that President Trump takes this to heart as he thinks about his Supreme Court vacancy. I am hoping my Republican colleagues are paying attention. I am truly hoping President Trump decides to listen to people across the country, listen to what Republicans just said recently, and not jam a nominee through before people have a chance to weigh in. I yield the floor. The PRESIDING OFFICER. The Senator from Hawaii. Ms. HIRONO. Mr. President, first, I wish to thank Senator Blumenthal for organizing this block of time and for his continued leadership in the fight to protect women's healthcare. Today marks the 2-***year*** anniversary of the Supreme Court's decision in Whole Woman's Health v. Hellerstedt. That landmark decision struck down two provisions of a Texas law that imposed medically unnecessary, burdensome requirements on abortion providers and reaffirmed a woman's constitutional right to access safe, legal abortion. If the Supreme Court had allowed these provisions to stand, more than 75 percent of all reproductive health clinics in Texas would have been forced to close, leaving many women unable to access the care they need. Whole Woman's Health was a significant victory for reproductive freedom, but the assault on a woman's constitutionally protected right to an abortion has continued unabated over the past 2 ***years***. During that time, Iowa passed an outrageous bill that would prohibit women from seeking an abortion after 6 weeks of pregnancy, often even before these women knew they were pregnant. West Virginia enacted legislation that would prohibit the State's Medicaid ***Program*** from covering abortion services for low-income residents. Indiana passed an onerous new law requiring physicians to report confidential patient information to the State if a woman experienced complications from an abortion. Louisiana recently passed a law establishing a 15-week abortion ban that includes criminal penalties for any physician who performs the procedure after that time--with only a very narrow exception to save the life of the mother. These are the kinds of lengths those who want to limit a woman's right to choose will go to. Advocates have recognized the harm these laws would have on women and have filed suits to block their implementation. Several lower courts have ruled that these restrictions are unconstitutional and could come before the Supreme Court for review in the months and ***years*** ahead. These laws are only a few of the hundreds of new restrictions enacted in States across the country that are harming women's health and violating their constitutional right to an abortion. To understand the negative impact of these laws on women, I point to a recent report from the Guttmacher Institute that found 58 percent of women of reproductive age in our country live in a State considered hostile or extremely hostile to abortion rights. Only 30 percent live in a State supportive of abortion rights. We are talking about millions and millions of women who are living in States that are extremely hostile to abortion rights. Respect for a woman's constitutional rights should not depend on where she lives. Women in Texas, Louisiana, or Iowa deserve the same respect as women living in States like Hawaii, where we have some of the country's most humane, expansive protections for reproductive rights. In fact, Hawaii was the first State in the country to legalize abortion. These disparities and protections for women in different States can have life-or-death consequences for women in need of reproductive healthcare. Earlier this ***year***, I shared the story of Dr. Ghazaleh Moayedi--an abortion services provider who used to practice in Texas but now lives and works in Hawaii. Dr. Moayedi's story is worth sharing again because it poignantly captures what is at stake for women living in States with sweeping abortion restrictions. In her letter to me, Dr. Moayedi shared the story of a young woman in her Texas town who sought medical treatment with another provider after her water broke at 22 weeks. This woman desperately wanted a baby, but her fetus was not viable outside the womb. Because of Texas's restriction on abortion services, the patient's doctors were unable to counsel her on all medically appropriate options, including immediate delivery. This patient became increasingly ill and requested an abortion to prevent her condition from getting worse. The doctors on her case refused this request. Why? Because Texas law would not allow them to respond to her request. After spending 2 weeks in a hospital intensive care unit, this woman was ***transferred*** to Dr. Moayedi's care, where she ultimately had to have both hands and feet amputated due to severe infection. She also lost her baby. Dr. Moayedi recently moved from Texas to Hawaii, where she provides lifesaving abortion care to women at all stages of pregnancy, including a woman with a desired pregnancy who was flown in from a neighbor island for management of her previable labor. Despite the expert specialist care she received, the patient's water broke at 22 weeks. At that point, there was nothing Dr. Moayedi could do to prevent labor. She performed an abortion and saved her patient's life. The stark contrast in outcomes for Dr. Moayedi's two patients is completely unnecessary. Women across the country have a constitutional right to an abortion, and Congress needs to do more to fight back against what States like Texas, Louisiana, and Iowa are doing. It is time for Congress to pass comprehensive legislation that prevents States from imposing unconstitutional restrictions on abortions and that ensures every woman has access to the healthcare they need when and where they need it. We need to pass the Women's Health Protection Act, a bill introduced by Senator Blumenthal and one I have supported since its introduction in 2013. This critical piece of legislation would explicitly prohibit States from imposing restrictions that limit women's access to safe and legal abortion services. It would prevent States like Iowa, Louisiana, and Mississippi from imposing abortion bans before viability; it would preclude States like Arkansas from restricting access to medication abortion; and it would stop [[Page S4488]] States like Texas from passing laws that impose arbitrary and capricious requirements on facilities and abortion providers that do not improve the health of their patients. Passing this legislation is particularly important following Justice Kennedy announcing his retirement. The fundamental rights of women should not be subject to the whims of Donald Trump and whomever he selects to fill Justice Kennedy's seat. Congress needs to take decisive action to protect a woman's right to choose. I urge my colleagues to join me in supporting the passage of the Women's Health Protection Act. I yield the floor. The PRESIDING OFFICER. The Senator from New Hampshire. Retirement of Justice Anthony Kennedy Ms. HASSAN. Mr. President, before I begin my remarks concerning the Women's Health Protection Act, I want to state for the record that given Justice Kennedy's announcement today that he will retire, and there will therefore be a vacancy on the Supreme Court, any nominee for the Supreme Court must be committed to protecting the rights of all Americans, including the reproductive rights of women. Nominees can't just be focused on protecting corporate special interests and the powerful few. I also continue to believe that Supreme Court nominees should have broad support from both political parties and be able to clear a 60-vote threshold. A strong and independent judiciary that is above politics and is willing to stop abuses of power is more important than ever given that our current President regularly disregards established democratic norms and voices contempt for constitutional safeguards. Women's Healthcare Mr. President, with this attention on the Supreme Court, it is appropriate that I rise on the 2-***year*** anniversary of a critical victory for women and families across our Nation. Two ***years*** ago, the Supreme Court's ruling in Whole Woman's Health v. Hellerstedt reaffirmed that every woman has the right to make her own healthcare decisions and chart her own destiny. This decision preserved women's access to critical health services and reinforced that placing an undue burden on abortion access violates the 14th Amendment of the Constitution. Unfortunately, despite the fact that the Court has made this clear, politicians in Washington and in States across our country have made it their mission to undermine women's access to safe and legal abortions. Here in Congress, we have seen bill after bill that marginalizes women and restricts their fundamental rights, and my colleagues on the other side of the aisle have confirmed Trump administration officials and judges who are vehemently opposed to women having the freedom to make their own healthcare decisions. Additionally, State legislatures have pushed a number of burdensome restrictions. Politicians have pushed these restrictions under the guise of protecting women's health, but in the Whole Woman's Health case, the Supreme Court called their bluff and stated that the real point of these State laws was to deny women access to care. Unfortunately, many States have remained persistent in their efforts. Since that 2016 decision, State legislatures have introduced 1,039 restrictive bills and have passed 180 of them. These bills have focused on everything from closing abortion clinics to criminalizing providers who offer reproductive health services. No matter their ZIP codes, women deserve equal access to care, but it is clear that there will continue to be attempts from politicians to violate women's rights. With all of these relentless attacks, it is evident that what we need is Federal legislation that protects women's access to care in every State throughout our Nation. That is why, last ***year***, I was proud to join with dozens of my Democratic colleagues to introduce the Women's Health Protection Act. This legislation is vital because it protects women from the burdensome requirements that States are enacting. It would invalidate laws that require women to endure unnecessary tests and procedures and would invalidate laws that prevent doctors from prescribing and dispensing medication that is medically appropriate. Above all, the Women's Health Protection Act would ensure that women across the country receive safe, medically sound care if they choose to have an abortion. At a time when politicians in Washington and in State legislatures continue to marginalize women, I will continue to fight for the Women's Health Protection Act because women deserve respect when making their most deeply personal healthcare decisions, and they have to have the full independence to do so. Tribute to Master Sergeant Lee Hirtle Mr. President, I rise to recognize retired Air Force MSgt Lee Hirtle, who is also a retired New Hampshire State Trooper of Northfield, NH, as the June Granite Stater of the month for his incredible dedication to honoring our servicemembers and veterans who have passed. Over a decade ago, at a military funeral, Master Sergeant Hirtle noticed that ``Taps,'' the traditional bugle call performed at military funerals, was playing from a CD player that was hidden behind a gravestone. When he returned home from the funeral, Master Sergeant Hirtle went to his basement and dusted off his old trumpet--an instrument he had not touched since he had been a college student. He taught himself to play ``Taps'' and practiced until he was skilled enough to play at the funerals of fellow veterans and servicemembers. Since playing at his first funeral in 2007, he has sounded ``Taps'' over 3,650 times across the Northeast. When asked why he continues to sound ``Taps,'' Master Sergeant Hirtle talked about his first military funeral. At that funeral, he stood alongside a New Hampshire National Guard member named CPL Scott Dimond. A ***year*** later, after Corporal Dimond was killed while serving in Afghanistan, Master Sergeant Hirtle sounded ``Taps'' at his funeral. As the master sergeant said, servicemembers like Corporal Dimond--and all of our veterans--deserve the live version of ``Taps.'' We can never fully repay those who have served or have made the ultimate sacrifice in defense of our freedom, but we must commit ourselves to honoring those sacrifices. Master Sergeant Hirtle does that and is a true embodiment of that commitment. For his dedication to honoring those who served, I am so proud to recognize him as the Granite Stater of the month. I yield the floor. The PRESIDING OFFICER. The Senator from South Dakota. Amendment No. 3134 Mr. THUNE. Mr. President, I rise in support of my amendment, No. 3134. By providing haying and grazing flexibility, this amendment would offer commonsense and effective land management options for land enrolled in the Conservation Reserve ***Program***, or what we refer to as CRP. There are CRP contracts today that are typically 10 to 15 ***years*** in duration. As it stands, some CRP contracts only allow for vegetative cover to be removed once or twice during the life of the contract--a practice that is referred to as ``mid contract management.'' Even in areas that have experienced a drought or feed shortage, CRP mid contract management rules have required vegetative cover on CRP land to be destroyed--a practice I have never understood and one about which I get a lot of feedback from farmers across South Dakota who don't understand it either. The amendment before us today would allow haying and grazing under terms agreed to between the USDA and State technical committees, with safeguards in place that would protect the CRP cover when long-term droughts occur. Specifically, the amendment would allow haying and grazing on one-third of a producer's CRP contract acres on a rotating basis, which would be coupled with a reduction in the CRP rental ***payment***. CRP is important for so many reasons. After more than 30 ***years***, it remains the cornerstone of the conservation ***programs*** the USDA administers. In my opinion, we need more than the 24 million acres the current CRP acreage cap allows. In order to raise this cap in the current budget environment, in both the House and the Senate farm bills, the CRP cap is raised, and annual CRP rental rates are lowered to 80 and 88.5 percent of normal rental rates, respectively. In other words, to get an additional cap, you have to reduce the rental rate in order to offset the cost of raising the cap. The House found a way to do that. [[Page S4489]] It raised it to 29 million acres in its version of the bill, but it lowered rental rates to 80 percent of normal. In the Senate version of the bill, it only goes up 1 million acres, from 24 million acres to 25 million acres, but the rental rate is at 88.5 percent. My assumption is that in the conference with the House, when we get there, this will be an issue that will be negotiated. Yet, as I said before, it makes sense, in my view, to raise that cap because the cap today is not sufficient for what the demand is out there and for the importance of the ***program*** in terms of its impact on production and ***agriculture*** in our farming and ranching communities. The haying and grazing flexibility provisions in this amendment will help to offset these lower rental rates and make CRP a viable choice for a producer's less productive land in today's very tough ***agriculture*** economy. This amendment is a win for farmers and ranchers, and it is a win for conservation. I thank Senator Klobuchar, my neighbor from Minnesota, for cosponsoring this amendment. I think she will be here, at some point, to talk about this as well. I thank Chairman Roberts and Ranking Member Stabenow for following through on the commitment that they made at the Ag Committee markup, when we were debating this, to work with me on this amendment to improve the CRP ***program***. I also thank the stakeholder organizations and majority and minority committee staff, who worked with my staff over the past 2 weeks to reach agreement on the amendment before us today. In my view, this strengthens the farm bill, and it strengthens the CRP ***program*** in a way that many producers, farmers, and ranchers across my State have sought for a long time. It allows that added flexibility so that they can, on a 3-***year*** basis, rotate and allow a certain amount of those CRP acres to be harvested and to do away with this crazy mid contract management practice requirement that, as I mentioned earlier, has very little support out there in the farm community. It also does away with another issue that comes up frequently in States like mine when we have a drought. We had one in 2012, and we had one last ***year***, in 2017. We had to plead with the USDA to allow emergency haying and grazing. This also would eliminate the need for that and, on a periodic basis, when we would face those conditions in States like South Dakota and in other States across the country. I see that the distinguished committee chairman of the Ag Committee is here. As I said, I appreciate his leadership on this and on so many issues in this farm bill. I hope we get a good, strong, big vote in the end. Mr. ROBERTS. Will the Senator yield? Mr. THUNE. Absolutely. I am happy to yield to the chairman of the Ag Committee, Senator Roberts. The PRESIDING OFFICER. The Senator from Kansas. Mr. ROBERTS. Mr. President, I rise in support of my colleague's amendment. As Senator Thune indicated, this amendment proposes to make changes to the Conservation Reserve ***Program***. Goodness knows that we have been working on that for several ***years***. As a matter of fact, I can even remember back in the House when I was the original sponsor of the Conservation Reserve ***Program*** and when Senator Thune was Congressman Thune and continued that effort. We provide additional flexibilities for the management of routine haying and grazing, which the Senator has pointed out. The amendment provides greater clarity for when and how often producers can conduct the active management of their CRP land. I strongly support that, as do all of the members of the committee. These flexibilities not only provide a benefit to the producer but a more active management of CRP also has a mutual benefit to the wildlife that relies upon the habitat created by CRP. What the distinguished Senator has pointed out is exactly right in that during the Ag Committee markup, both Senator Stabenow and I committed to working with him on this priority. I am pleased the amendment reflects that bipartisan agreement that has the support of the grower and wildlife organizations. I thank my colleague for working with Senator Stabenow and me on this amendment. I support it and urge my colleagues to do so as well. Thanks, dude. Mr. THUNE. Thank you, Mr. Chairman. I appreciate that endorsement. Again, I thank you for your hard work and that of your staff in helping to structure this in a way that we could get the broad support you mentioned from the commodity groups and the wildlife groups. I think this is a win-win for conservation and certainly a win-win for the CRP ***program*** and for the farmers and ranchers in South Dakota who--and not just in South Dakota but all across the country who make use of this important and vital resource. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Ohio. Tax Reform Mr. PORTMAN. Mr. President, today I want to talk about the tax reform legislation that this body passed at the end of last ***year***. It turns out that this week is the 6-month anniversary of the Tax Cuts and Jobs Act, the tax reform legislation. It is time for us to look at it and determine how it is working. It is particularly important because there are a number of provisions in the tax legislation that are not permanent. In other words, there is a sunset on some of the tax cuts. Some of these provisions expire as soon as the end of 2019, which is just the end of next ***year***, so it is time to start thinking about how it works. Second, we have Members on the other side of the aisle saying that we ought to get rid of this altogether. That would mean, of course, big tax increases for a lot of folks. But let's look at what the results are before we take those kinds of votes and make those kinds of decisions. I would submit that in the 6 months since it has been put into place, it has worked incredibly well for the people I represent, for the workers and small businesses I represent, and for those who are concerned about getting wages back up, fighting poverty, and helping to grow the economy. I know that in the debate we are having on the farm bill right now, there has been discussion about the food stamp ***program***. One of the points that are being made is that food stamp spending is actually down right now. It has decreased in the last 6 months. Why? Because the economy is improving. That is a good thing. Before tax reform, let's face it, our economy was incredibly weak. Wages were flat and had been flat for almost a decade. With the Congressional Budget Office estimating that this ***year***'s growth was going to be only 2 percent, we were looking at more weak economic performance. We were looking at another ***year*** where we were going to be performing way below our potential as an economy. So what happened? A couple months ago, when the Congressional Budget Office looked at what is happening with the economy, which they attributed to pro-growth policies, including tax reform, they said: You know what, the economy is not going to grow at 2 percent this ***year***. Their projection for this ***year*** is now 3.3 percent growth. That is a huge difference. Going from 2 percent to 3.3 percent is going to make a world of difference to people in their lives, in our economy, in their ability to see higher wages and better jobs. The economy is doing better. Six months into this new law, the economy is up and running and moving toward its full potential. In the most recent Congressional Budget Office estimate for this quarter, it looks as though we are going to see some significant growth. There is no estimate yet from the CBO, but it was stated that the Federal Reserve gave an estimate of 4.5 percent growth. I don't know if that will happen, but the consensus estimate from economists is that in the second quarter of this ***year***, we are likely to see growth at over 4 percent. We will hear the final number from the Congressional Budget Office at the end of July, but, again, we are seeing more jobs, higher wages, better economic growth, and therefore more opportunity for all Americans. That is a good thing. Why is tax reform helping to create this new opportunity for higher wages [[Page S4490]] and more growth? I am going to discuss three reasons why I believe this tax reform proposal has been helping to get the economy moving and why it is so important to keep these policies in place and to not risk higher taxes on individuals or lower economic growth if we were to move away from this legislation and not make it permanent. No. 1, updating our international tax code has definitely encouraged companies to invest in America. We had a totally outdated international tax code. We had the highest tax rates among all the industrialized countries at the business level for international companies. We had a system that actually encouraged companies to keep their money overseas and therefore spend it overseas. So a company facing our old Tax Code would have had their board and stakeholders saying: Don't bring that money back because it is going to be taxed too high. Keep it overseas. That was crazy. It made no sense whatsoever. Frankly, it took us too long to address that issue, but we finally did. Let me give an example. I am told that in the first quarter of this ***year***, more than $300 billion was brought into this country, repatriated back to America from overseas. This is the profit U.S companies made overseas, and $300 billion was brought back. Compare that to the first quarter of last ***year***, when $38 billion was brought back. This is because of tax reform. This is good. This money is being brought back to invest in America, and it is the most money on record, by the way. So something is changing, and it is positive. The change to the international system is helping in a number of ways, including companies bringing the money back and investing it here. Second, lowering the tax rate for small and large businesses has resulted in new investments in people, plant equipment, and technology. We have seen it in terms of higher bonuses, higher wages, and increased retirement contributions. There are a lot of examples. We have seen it in terms of investing in new technology and new equipment, which, in the end, is probably as important as anything because--think about it--one thing the economists have said about our economy over the last decade is that we are not improving our productivity as we should. What they mean by that is that the productivity of each worker has been disappointing, and that leads to lower wages and not having higher economic performance. If you make a worker more productive by investing in the latest technology and new equipment, that helps everybody. It helps that worker have a higher salary, and it helps the economy. That is actually happening out there. I have seen the results of it all over Ohio. I represent the State of Ohio, which has a lot of manufacturing and a lot of small businesses. I have gone around and talked with them. I visited 21 individual businesses and held about a dozen roundtable discussions with small and midsized businesses and one large business. We talked about this, and of the 21 businesses I visited, every single one of them is taking the tax savings and investing it in their people, their plant, and their equipment. Some are raising wages. Some are giving bonuses to their employees. Some are buying new equipment. Some are expanding their operations. Some of them are improving employee benefits. There is a company that has three branches of an auto parts store that stopped offering healthcare about 5 ***years*** ago because of the cost of the Affordable Care Act. They couldn't afford healthcare. Their people had to go out on the individual market and get it through the Affordable Care Act. They are now offering healthcare again, and the employees are extremely happy. Their costs are down, and their deductibles are down. They did that all with tax savings. Many companies have done a combination of these things. They are investing in their people. There is a small manufacturing company in Cincinnati, and shortly after the tax bill was signed into law, they said: We are going to give $1,000 bonuses to our people. And they did. They also invested in equipment. A company I visited in Columbus, OH, invested in equipment. It is a steel processer. The equipment they used was from 1986. The equipment itself was 31 ***years*** old, which is exactly the age of our old Tax Code. Nineteen eighty six was when we last reformed the Tax Code. After we modernized the Tax Code--finally modernized an antiquated tax code that was 31 ***years*** old--they got rid of a 31-***year***-old piece of equipment and replaced it with a brandnew piece of equipment. I thought that was appropriate. That is how these tax savings are being used. There are some groups in town that put up a website saying: These businesses have benefited from this and these employees. I can tell you that it is way understated. I can't find a business in Ohio that hasn't benefited from it. Some are doing more than others, no question about it. Some of the big financial service companies are giving big wage increases. Other small businesses might be investing in a new piece of equipment, but there are so many businesses out there. They are not all putting out press releases or talking about it, but they are doing something. This is good. This is why you see this economic growth coming up, finally, after so many ***years*** of flat wages and high expenses. You are seeing people begin to see a little improvement in their wages. That is really important. First are the international parts. Second is what this is doing in terms of the business side and how that affects people. The third one is direct tax relief to individuals because that is part of this bill too. If you hear people talk about this bill--sometimes on the other side of the aisle--you would think that is not in there. It is very much in there. People are able to keep more of their hard-earned money, and it goes directly to the middle-class constituents whom I represent. They are the ones who get the biggest bang for their buck because we doubled the standard deduction, taking it from $12,000 to $24,000 for a family because we doubled the child tax credit, including increasing the part that is refundable. Even if you don't have an income tax liability, you get it. We also lowered tax rates for people. That combination means that people have seen their paychecks go up. About 90 percent of workers in America got a paycheck that had more money going into their bank account rather than to Uncle Sam because their withholding changed. You know this if you are listening today because you probably had this happen to you if you are one of the 90 percent, which you probably are. Uncle Sam is taking a little less withholding, and you are able to keep a little more. As I said consistently during the debate on tax reform, and we went back and forth on this, I just said: Look, the proof is in the paycheck. We can argue this all day long. When people get their paycheck, it is either going to be better or not. For 90 percent of the people I represent, it is better. Of course, they are happy about that. In addition to that, we also made the Tax Code more progressive. What does that mean? That means those at the top of the income ladder are actually paying a larger portion of the overall tax burden, not a smaller portion. Let me say that again. The Tax Code is more progressive. If you are at the top of the income ladder, you are now paying a larger portion of the overall tax burden. At the lower end, you are paying less in terms of the overall tax burden. The biggest percentage tax increase is for those making over $1 million a ***year***, and the biggest tax decrease is for those making $30,000 a ***year*** or less. This is why the Joint Committee on Taxation, in response to questions I asked them directly, said that over 3 million Americans now have no tax liability at all in terms of income tax liability thanks to this tax reform effort because they are at the lower end of the economic scale. Before, they had a tax liability, but now they don't because of a lower rate doubling the standard deduction--doubling the tax credit. Three million Americans don't have to worry about Uncle Sam because they don't have tax liability anymore under this bill. This has changed the way our tax bill works. The Joint Committee on Taxation can show you those numbers. All of this resulted in higher wages for the first time in about a decade. This was the strongest wage growth for nonsupervisory employees in 9 ***years***. That is the latest data. You [[Page S4491]] can check it out at the Department of Labor. It also resulted in a lot more optimism out there. If you look at the surveys on optimism--I saw there was one done by an NBC station recently saying this is the highest level of optimism they have seen. There is optimism also in small businesses. The National Federation of Independent Business does surveys regularly. Their surveys are unprecedented because they are coming back saying that small businesses are ready to invest now and planning to invest. In my home State of Ohio, we had the Ohio Chamber of Commerce do a survey recently. They found that 70 percent of the businesses already added new employees. We are now in the second quarter, and 75 percent are planning to add new employees. It is amazing. This is actually happening as we talk because we changed a tax system that was discouraging growth, discouraging investment, and making it harder for people to get ahead, harder to see wages go up to meet expenses. There are good things going on. Since December, the number of long- term unemployed people has decreased by about 400,000 people. The unemployment rate has fallen from 4.9 percent to 4.3 percent in my home State of Ohio. Nationally, unemployment is now down to 3.8 percent, the lowest since 2000. That is all good news. What do you hear now? I hear from businesses, not so much about the tax burden--and, frankly, not so much about the regulatory burden because Congress has also done some things to relieve the regulatory burden, particularly for small businesses--but I hear that finding qualified workers is their biggest challenge. I heard it last weekend, and I will hear it this coming weekend. As a small business person myself, I sense it. It is a major hurdle right now. There is a shortage of workers. A big reason is what economists call the labor force participation rate. What does that mean? It just means the number of Americans who are unemployed and not looking for work at all is higher than it has been in the past. These are folks who are on the sidelines. They are not even reported in the unemployment numbers. It is so bad, our labor force participation rate was at its prerecession level of 66 percent of people working rather than the current 62.7 percent. If we just had a level of 66 percent working 10 ***years*** ago, our unemployment rate today would not be 3.8 percent. If you take into account those people, our unemployment rate would be about 8.6 percent. It is pretty disappointing. That is one challenge we still have with this incredible tax relief and tax cut legislation, and increasing economic opportunities, growing jobs, and raising wages. We still have a lot of people who are on the sidelines and not in the workforce. Among able-bodied men, by the way, between 25 and 55, 8.5 million of them are in this category. They are not even showing up in the unemployment numbers. That is wrong. You want them to have the dignity and self-respect that comes from work, and our economy needs these people to be able to work. According to the Congressional Budget Office's 30-***year*** projection they gave us yesterday, they think the labor force participation rate will get even worse. That is what they told us yesterday. It will be declining over the next 30 ***years*** to even below what it is now--below 60 percent. That can't happen. That is unacceptable. The low labor force participation rate cannot be the new normal, and it can't get worse. We want people to get that dignity and self-respect that comes from work. We want them to enter into our economy. As the economy is growing and businesses are expanding, there is no better time to reverse this trend, to bring people into the economy and bring them back to work. I have dug into this issue, trying to figure out why this is. There are a number of reasons: dependency on government ***programs*** and being sure we don't have people go to work who then lose all their benefits right away--trying to deal with that cliff. Then there is the tax issue. When you go to work, you have higher taxes. We should do more to get people into work making more pay. We should have work requirements in some of these ***programs***. That has been talked about a lot on the floor. We should deal with other issues, including the skills gap. We are doing it with career technical schools and other things. Opioid Epidemic Mr. President, I want to mention the single most important problem we face, and that is the opioid crisis. I say this because the opioid epidemic has hit our country and is, by the way, the No. 1 killer in my State of Ohio right now and in many States around the country. It is already having a devastating impact on everything--on crime, families, the ability for jails to work, our healthcare system to work--but it is also affecting employment in huge ways. A recent report by the Federal Reserve Bank of Cleveland found that counties with higher levels of opioid prescriptions have lower workforce participation rates. It is no wonder. They surveyed the business community, and about half the organizations they contacted said the opioid epidemic has negatively impacted their businesses. People can't get through the drug tests. Also, people aren't applying for work. Why do I say that? Well, the Department of Labor did a study earlier this ***year*** that showed 44 percent of these people outside the workforce altogether, who are off in the shadows or on the sidelines--44 percent of them had taken a drug, a pain medication the previous day. The Brookings Institute says the number is 47 percent. When further pushed, two-thirds said they were taking prescription pain medication. That is amazing. That 44 percent is likely underreported. There is a stigma attached to the opioid crisis. Second, there is a legal issue for a lot of people. It is not like this is an overreported number. That is an amazing number that nearly half of the people who are outside the workforce are saying they are taking pain medication on a daily basis. The sad reality is, again, it is likely to be much higher than that. We know what we have to do. We need to get people into treatment, support them, help them overcome their addiction, and get them back to work and leading productive lives. There are things Congress can and should do to take care of that. I ask unanimous consent to continue to discuss solutions to the opioid epidemic after the majority leader has a chance to make his remarks. The PRESIDING OFFICER (Mr. Lee). Without objection, it is so ordered. The majority leader. Cloture Motion Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for Senate amendment No. 3224. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion. The senior assistant legislative clerk read as follows: Cloture Motion We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3224 to ***Calendar*** No. 483, H.R 2, an act to provide for the reform and continuation of ***agricultural*** and other ***programs*** of the Department of ***Agriculture*** through fiscal ***year*** 2023, and for other purposes. Mitch McConnell, Shelley Moore Capito, Pat Roberts, John Barrasso, John Cornyn, Susan M. Collins, Lamar Alexander, John Hoeven, Orrin G. Hatch, Richard Burr, Roy Blunt, Steve Daines, Mike Crapo, Mike Rounds, John Boozman, Joni Ernst, Deb Fischer. Cloture Motion Mr. McCONNELL. Mr. President, I send a cloture motion to the desk for H.R 2. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion. The senior assistant legislative clerk read as follows: Cloture Motion We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on ***Calendar*** No. 483, H.R 2, an act to provide for the reform and continuation of ***agricultural*** and other ***programs*** of the Department of ***Agriculture*** through fiscal ***year*** 2023, and for other purposes. Mitch McConnell, Shelley Moore Capito, Pat Roberts, John Barrasso, John Cornyn, Susan M. Collins, Lamar Alexander, John Hoeven, Orrin G. Hatch, [[Page S4492]] Richard Burr, Roy Blunt, Steve Daines, Mike Crapo, Mike Rounds, John Boozman, Joni Ernst, Deb Fischer. Mr. McCONNELL. I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived. The PRESIDING OFFICER. Without objection, it is so ordered.

**Load-Date:** June 29, 2018

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[***Links between Polish ruling party, Catholic radio examined***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RCS-96P1-DYRV-335T-00000-00&context=1516831)

BBC Monitoring Europe - Political

Supplied by BBC Worldwide Monitoring

January 11, 2018 Thursday

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**Length:** 2626 words

**Body**

Text of report by Polish weekly Newsweek Polska on 8 January

[Commentary by Michal Krzymowski: "Tadeusz Rydzyk's list"]

Nearly 70 million zlotys [19.99 million dollars] in government grants and subsidies plus several dozen people in the government, parliament, and state-owned companies. That is what brings together the family of Radio Maryja [Catholic radio] and Law and Justice [PiS].

The Redemptorist Monastery in Torun, several ***years*** ago. The PiS is still an opposition party, and there is little to indicate that this situation will change any time soon. The father-director treats two trusted PiS MPs with a modest lunch. He complains about [PiS] Chairman Kaczynski and his attitude to the radio: mistrust, lack of honesty, and distance. "He comes here like a cleaner who puts on rubber gloves before cleaning the toilet," he says.

Today, such words would not be said. Over the past two ***years***, companies and foundations linked to Father Tadeusz Rydzyk have received nearly 70 million zlotys in grants and subsidies from the PiS government. Ministries, government agencies, funds, and state-owned companies are trying to please the Redemptorist. In exchange, their chiefs receive political support and airtime.

Whenever an important politician from the PiS gets into trouble or needs a credibility boost, the founder of Radio Maryja opens his doors for him or her. When the PiS voters started having doubts about the [president's] vetoes [of acts reforming the court system] in July, President Andrzej Duda received the director in the [Presidential] Palace. When speculation emerged over the replacement of the defence minister, [former Defence Minister] Antoni Macierewicz appeared on Telewizja Trwam [Catholic network]. [Prime Minister] Mateusz Morawiecki, in turn, went to Torun on the day after the party named him as its candidate for prime minister. [Former Prime Minister] Beata Szydlo gave her farewell interview several days earlier in the same place.

"Father Rydzyk analyses the situation well, correctly interprets events, and understands politics. In addition, he can look after his own interests," a PiS politician says.

In addition to political benefits, a visit to the Torun studio is, to put it humanely, simply enjoyable. No one interrupts you, no one asks inconvenient questions. Listeners call the studio to express their support and after the interview the father-director treats the guest with a meal. For the PiS politicians, who are accustomed to unpleasant conversations on TVN24 [private all-news network], such etiquette is a nice change of pace. For voters, the visits are an important signal: if the invited politician is not attacked, this means that everything stays the way it was.

"Father Rydzyk has the makings of a consummate politician. He is very pragmatic. Today, he can present one stance, tomorrow another, depending on his interests. He analyses the situation well, correctly interprets events, and understands politics. In addition, he can look after his own interests. No matter how much we give him, he always complains that this is not enough, that poor people donate more. Such are his tactics," a PiS politician with no links to Torun says with admiration.

Father [Rydzyk] thinks in terms of transactions

According to Newsweek's calculations, various organizations linked to Father Tadeusz have received nearly 70 million zlotys from the PiS government and the companies it controls (including the subsidies that have been granted and not paid out yet). We have found out that the most recent success involves receiving 12 million zlotys for the construction of pipes to provide geothermal heating to the College of Social and Media Culture in Torun and its dormitory. "The applications have successfully passed through the stage of formal and substantive reviews and pre-contract negotiations," Newsweek is told by Slawomir Kmiecik, spokesman for the National Environmental Protection Fund, which finances the Torun drillings. The project will reportedly receive a total of over 58 million zlotys.

Nonetheless, the Torun project has the support of almost all government ministers. In fact, it is difficult to find a ministry that has made no ***payments*** to the accounts controlled by Father Rydzyk. For example, the Environment Ministry has paid the Redemptorist a total of 3.8 million zlotys for a series of media courses and a campaign against violence. The Science Ministry, headed by Jaroslaw Gowin, has pledged to support the Torun school with 960,000 zlotys, whereas the ***Agriculture*** Ministry has ***transferred*** another 840,000 zlotys. The Development Ministry and Bank Gospodarstwa Krajowego [BGK, state-owned bank], controlled by the Ministry, have ***transferred*** another 500,000 zlotys, the ministries responsible for the environment, health, and labour - around 250,000 zlotys each, the Foreign Ministry - 200,000 zlotys, the Defence Ministry - over 100,000 zlotys.

In addition, the state-owned [insurer] PZU has made a donation for the construction of a chapel, and the head of the Kujawsko-Pomorskie Voivovodship has sold the Redemptorists a land plot at 15 per cent of its value.

"Does Father [Rydzyk] have any enemies in the government? No open ones, that is for sure. The Culture Ministry is the least favourably disposed. One ***year*** ago, it blocked the ***transfer*** of 20 million zlotys to the school. Maybe Piotr Glinski [deputy prime minister and culture minister] as a former Freedom Union [UW] activist does not like Father Tadeusz? Maybe that is sabotage on the part of his deputy, Jaroslaw Sellin?" a politician linked to Torun muses.

"A father opens the trunk of his Mercedes and reaches for a bag filled with money. 'This one, this one... Well, fine, this one, too,'" he says, counting cash.

For other politicians, the Congregation of Redemptorists is an important centre on the political map of the camp of "good change." However, it is sometimes used as a deterrent. In late November [2017], when speculations emerged that Antoni Macierewicz might lose his post in a cabinet reshuffle, people from the defence minister's entourage immediately spread news about his plans. "The following idea was promoted: if the party wants to shift towards the centre, so be it. Antoni understands that and he has no intention of interrupting this march, even if this were to cost him his job. Under the circumstances, he could leave the party and set up a small group right of the PiS with delicate support from Torun. Of course, it would be approved by the chairman. In reality, there were no such plans -- the purpose was to make sure that the rumours would reach Nowogrodzka Street [where the PiS head office is located] and ward off the specter of dismissal. That is because everyone knows that one of Kaczynski's most important dogmas holds that there can be nothing right of the PiS," a parliamentary deputy from Jaroslaw Kaczynski's party relates.

[Justice Minister] Zbigniew Ziobro recently attempted to plead with Torun. We have ascertained that two months ago, when the issue of premiership was being discussed, Ziobro met with Father Rydzyk. He lobbied in favour of Beata Szydlo in the hope that the Redemptorist would halt her dismissal. "He made a bad mistake, because information about the visit quickly reached Nowogrodzka Street. Aside from that, he forgot that Father [Rydzyk] thinks in terms of transactions. If his defence of Jan Szyszko, the politician who is closest to him, has been limited to symbolic gestures in recent weeks, why would he rend his clothes in Szydlo's case?" a source close to the PiS head office claims.

Everyone wants to be close to Torun

"Among politicians from the camp of good change, I think that only Mariusz Kaminski, secret services' coordinator, is an atheist," one of my sources thinks out loud over a cup of black coffee. He is Father Rydzyk's trusted associate and appears regularly on Radio Maryja. "What about others? Others want to be close."

We go through a list of the PiS ministers and parliamentary deputies together. I ask my source to name politicians linked to Torun, the ones that Father Rydzyk can rely on and that will defend the Torun project, if necessary. They will vote in a specific way in the hall of the Sejm [lower chamber of parliament], they will spare no public money, they will write parliamentary inquiries, and they will take part in demonstrations.

First, the Government

Jan Szyszko - one foot in the PiS, the other in Torun. Back in the early 1990s, he was active in the Centre Accord [PC, Kaczynski's former party]. Over time, however, he drifted towards the family of Radio Maryja and, according to my source, he feels at home there. He lectures in the College of Social and Media Culture, founded by Father Rydzyk, as so does his daughter. He is the father-director's main benefactor. The National Fund for Environmental Protection and Water Management, controlled by Szyszko, gave several dozen million zlotys for the geothermal project in Torun. He is a regular guest on Telewizja Trwam and the only politician from the PiS who greets others on public media by saying "God bless you." In a word, the radio's man.

Beata Kempa -- the person who is closest to Torun among politicians from Zbigniew Ziobro's Poland of Solidarity [SP]. She is a frequent guest on Telewizja Trwam, she attends all celebrations organized by the Redemptorist. She enjoys personal support from Father Rydzyk, who performed her daughter's wedding ceremony.

[Defence Minister] Mariusz Blaszczak - he often accompanies Jaroslaw Kaczynski during his visits to Rydzyk. No one else from the chairman's entourage is received so favourably in Torun.

[Former Defence Minister] Antoni Macierewicz has his own ***programme*** on Telewizja Trwam - "Glos Polski." He has always been close to Radio Maryja. Father Rydzyk and him have similar views and political interests, but he is definitely lower than Szyszko in the hierarchy of Rydzyk's trusted people. The Redemptorist appreciates his contributions, but he realizes that this player looks chiefly after his own interests.

Beata Szydlo when her son, who is a priest, celebrated a mass in the Jasna Gora Monastery, he was accompanied at the altar by the father-director. As head of the government, she has earned Torun's trust and sympathy.

Marek Grobarczyk - the minister of the maritime economy close to the Torun radio. He appointed Captain Zbigniew Sulatycki, one of the father-director's closest associates, as chief of the Maritime Convention.

Zbigniew Ziobro - he has always vied for the Redemptorist's support.

Krzysztof Jurgiel - when the first PiS government was in office, he fell victim to Fakt's provocation and sent a government limousine for the father-director. The Redemptorists like to invite him to their ***programmes***. The environment minister tells them about assistance for beekeepers and African swine fever. He gave the post of vice president of the company Polski Cukier to Andrzej Jaworski, former PiS MP and one of Torun's most trusted people.

We move on to members of the PiS parliamentary caucus. My source slides his finger down the list:

Joachim Brudzinski - a [former] deputy speaker of the Sejm [currently interior minister]. He sometimes visits Radio Maryja together with Jaroslaw Kaczynski and Mariusz Blaszczak.

Kazimierz Golojuch - a parliamentary deputy from the Rzeszow constituency.

Bartosz Kownacki - a parliamentary deputy and a deputy defence minister. During private meetings, Jaroslaw Kaczynski still says with a laugh that several ***years*** ago Father Rydzyk encouraged him, quite seriously, to field Kownacki as candidate for president.

Gabriela Maslowska - a parliamentary deputy from the Lublin constituency. She lectures at the College of Social and Media Culture and writes articles for Nasz Dziennik.

Bogdan Rzonca - a parliamentary deputy from Krosno.

Anna Sobecka - a parliamentary deputy. She started off as a presenter in Radio Maryja.

In addition, there are 12 senators: Jan Maria Jackowski, Zbigniew Cichon, Waldemar Kraska, Czeslaw Ryszka, Stanislaw Gogacz, Zdzislaw Pupa, Alicja Zajac, Janina Sagatowska, Antoni Szymanski, and Stanis?aw Kogut (he has been suspended as a PiS member for several weeks), two MEPs -- Beata Gosiewska and Zbigniew Kuzmiuk, Ma?gorzata Sadurska, member of PZU's management board, and the aforementioned vice president of Polski Cukier, Andrzej Jaworski.

Hanukkah Dinner

The late 1990s. The Redemptorist's growing empire is about to have its own newspaper. It will be reportedly named Nasz Dziennik, but it is still in its infancy. The first editorial board resembles a levee en masse formed by people close to Father Rydzyk. Some of them lack journalist experience, some work for the glory of the project -- with no contracts and for symbolical ***payments***.

One of the first chiefs of the newspaper finally musters the courage to go to the father-director and ask for money. "I have a wife and kids, I need to buy food," he says. The Redemptorist takes him outside, walks with him to the parking lot, where a movie-like scene takes place. The Redemptorist opens the trunk of his Mercedes and reaches for a bag with money. "This one, this one... Well, fine, this one, too," he says, counting cash.

Several ***years*** later, the editor from Nasz Dziennik joined the PiS and won a seat in parliament. During one of the visits to the party's head office, he told the story about the trunk in [Father Rydzyk's] Mercedes and the money from a bag in an attempt to arouse the chairman's curiosity. "Jaroslaw listened to the story attentively and with approval. I had the impression that he noticed some elements of his own biography in the anecdote. After all, his beginnings were similar back in the 1990s. Both Kaczynski and Rydzyk formed their groups from scratch," a former employee of the Torun media says.

Kaczynski and Father Rydzyk have a lot in common. Both are very flexible and adjust to new circumstances without making any mistakes. In the late 1990s, the PiS chairman gave a famous interview for Gazeta Polska in which he suggested that the Redemptorist was linked to the Kremlin: "Russia's intelligence agencies are active on our side. Radio Maryja... has transmitters in the Urals. Russia is in chaos, but they watch over some things quite well there."

Those reservations disappeared shortly before the parliamentary elections in 2015, when the PiS leader and the founder of the radio made a deal: support in exchange for opening the party to Radio Maryja's groups. "Jaroslaw initially felt ill at ease in Torun. He was thrown off guard by joint prayers, songs, hand-holding. Over time, that home-like kindness of the Radio family won him over," my source from the PiS relates.

Father Rydzyk has also evolved. A decade or so ago, anti-Semitic topics appeared on the radio. Today, the Redemptorist invites Israeli lobbyist Jonny Daniels to Torun. "Jonny recently held a Hanukkah dinner in his Warsaw house. In addition to Joachm Brudzinski and Adam Bielan [deputy speaker of the Senate], the guests included Father Tadeusz," a PiS politician relates. The interests are mutual: the contacts with Father Rydzyk boost Daniel's credibility in the eyes of the PiS politicians, whereas Radio Maryja is no longer labelled as anti-Semitic.

Does this flexibility mean that the father-director, who works hand in hand with the PiS today, could lead a rebellion in the camp of good change tomorrow?

"That is highly unlikely. Torun has had no alternative for ***years***. It is also financially dependent on the government. In addition, our groups have become very close. There are many people who function in both places: in the party and in the family of Radio Maryja. It would be difficult to separate this," my source from the PiS head office says.

Source: Newsweek Polska in Polish 8 Jan 18

**Load-Date:** January 11, 2018

**End of Document**



[***Kenya – Q3 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SF7-T4M1-JD33-J1V6-00000-00&context=1516831)

Business Monitor Online

May 29, 2018 Tuesday

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**Length:** 552 words

**Highlight:** Kenya will continue to underperform in comparison to regional peers with regard to the development of its ***agricultural*** sector. Despite COMESA granting another extension to the sugar import safeguard, which will provide a short-term boost, we expect the country's sugar sector to remain regionally inefficient and to post very limited growth over the coming ***years***. However, we forecast steady coffee production growth due to improvements in husbandry techniques. Food price inflation will eventually fall in Kenya as regional corn production shows signs of a rebound in ***calendar***-***year*** 2018.

**Body**

*BMI View: Kenya will continue to underperform its regional peers with regard to the development of its* ***agricultural*** *sector. Despite COMESA granting another extension to the sugar import safeguard, which will provide a short-term boost, we expect the country's sugar sector to remain regionally inefficient and to post very limited growth over the coming* ***years****. However, we forecast steady coffee production growth due to improvements in husbandry techniques. Food price inflation will continue to decline in Kenya as regional corn production shows signs of a rebound in* ***calendar****-****year*** *2018.***Key ForecastsCorn production growth 2017/18 to 2021/22: 46% to 4.1mn tonnes.** The potential wide-scale introduction of genetically modified seeds presents upside risks to this view. However, much of this growth is base effects related to the 2016/17 droughts as well as historical data revisions.

**Wheat consumption growth 2018 to 2022: 12% to 2.3mn tonnes.** Kenyans already have a high rate of wheat consumption by regional standards. Improvements in availability and growth in population and incomes will drive consumption. **Coffee production growth 2017/18 to 2020/21: 9% to 842,000 60kg bags.** Growth will be driven by increased financial support from the government in the form of funds and debt relief. In addition, new coffee varieties are likely to help boost yields. Much of this growth will be due to low base effects, however. **2018 real GDP growth: 5.2%** (up from 4.5% in 2017). Forecast to average 5.0% between 2018 and 2022. **2018 consumer price inflation average: 6.7%**, up from 8.0% in 2017.

|  |
| --- |
| Agribusiness Market Value |
| BMI Market Value By Commodity (2014-2021) |
|  |
| *e/f = BMI estimate/forecast. Source: FAO, BMI* |

**Updates And Structural Trends** In mid-October 2017 the Kenyan government outlined a raft of new plans to improve food security and cushion farmers against drought and disease. The scheme would be run through 10 counties, including Bungoma, Embu, Gishu, Kilifi, Kirinyaga, Kwale, Meru, Migori, Nakuru, Nzoia, Trans and Uasin.In particular the government pledged to: Spend KES6bn to buy maize offered for sale by farmers under the strategic food security reserve in the 2017/18 season. Reduce the price of planting fertiliser to KES1,200/50kg bag. Spend KES300mnin combating the Fall Armyworm. Initiate crop and livestock insurance ***programmes***. Providing a 50% subsidy in premium ***payments*** for crop insurance. Agreement with Equity Bank to allow farmers access credit at a reasonable interest rate. Underwrite loans amounting to KES300mn while banks would lend KES20mn at 12% annualised interest. Kenya is part of the Common Market for Eastern and Southern Africa, a collective of 20 countries under a free trade area, with most members having an open border for traded goods and services. For almost a decade, Kenya has had a safeguard in operation that allows it to limit imports of duty-free sugar to 350,000 tonnes a ***year***. The safeguard was designed to allow the Kenyan government to increase the competitiveness of its sugar industry, though this has not happened. In February 2017, this safeguard was extended again until February 2019, but if and when the safeguard expires, the Kenyan sugar industry will face an influx of cheap sugar that could severely damage the domestic industry's production growth.

**Load-Date:** May 29, 2018

**End of Document**



[***MHP SE Financial results Q4 12M 2017 -30-***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RTM-JY51-F0CC-S14B-00000-00&context=1516831)

London Stock Exchange Aggregated Regulatory News Service (ARNS)

March 7, 2018 Wednesday 7:02 AM GMT

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**Length:** 1613 words

**Body**

Total compensation of the Group's key management personnel included primarily in selling, general and administrative expenses in the accompanying consolidated statements of comprehensive income amounted to USD 14,143 thousand and USD 8,421 thousand for the ***years*** ended 31 December 2017 and 2016, respectively. Compensation of key management personnel consists of contractual salary and performance bonuses.

The Group has provided several of its key management personnel with short-term loans at rates comparable to the average commercial rate of interest. The loans to key management personnel are unsecured.

Total compensation of the Group's independent non-executive directors, which consists of contractual salary, amounted to USD 460 thousand and USD 451 thousand in 2017 and 2016, respectively.

Key management personnel totalled 37 and 39 individuals as of 31 December 2017 and 2016, respectively, including 2 and 3 independent non-executive directors as of 31 December 2017 and 2016, respectively.

Other transactions with related parties

In December 2016 the Group increased its effective ownership interest in Starynska breeding farm to 100% through the acquisition of a non-controlling interest previously held by one of its key management personnel in exchange for 531,395 treasury shares held by the Group. The difference between fair value of shares ***transferred*** and their carrying value in the amount of USD 2,901 thousand was recognized as an adjustment to additional paid-in capital.

Notes to the Consolidated financial statements

for the ***year*** ended 31 December 2017

(in thousands of US dollars, unless otherwise indicated)

28. Contingencies and contractual commitments

Operating Environment

In the recent ***years***, Ukraine has been in a political and economic turmoil. Crimea, an autonomous republic of Ukraine, was effectively annexed by the Russian Federation. In 2016-2017, an armed conflict with separatists continued in certain parts of Luhansk and Donetsk regions.

In 2017, annual inflation rate amounted to 13.7% (2016: 12.4%). The Ukrainian economy proceeded recovery from the economic and political crisis of previous ***years*** that resulted in real GDP smooth growth of around 2.1% (2016: 1.4%) and stabilization of national currency. From trading perspective, the economy was demonstrating refocusing on the European Union ("EU") market, which was a result of the signed Association Agreement with the EU in January 2016 that established the Deep and Comprehensive Free Trade Area ("DCFTA"). Under this agreement, Ukraine has committed to harmonize its national trade-related rules, norms, and standards with those of the EU, progressively reduce import customs duties for the goods originating from the EU member states, and abolish export customs duties during a 10-***year*** transitional period. Implementation of DCFTA began on 1 January 2017. As a result, the Russian Federation implemented a trade embargo or import duties on key Ukrainian export products. In response, Ukraine implemented similar measures against Russian products.

In terms of currency regulations, the National Bank of Ukraine ("NBU") decreased the required share of mandatory sale of foreign currency proceeds from 65% to 50% from April 2017, increased settlement period for export-import transactions in foreign currency from 120 to 180 days from May 2017, and allowed companies to pay the 2013 (and earlier) dividends with a limit of USD 2 million per month from November 2017 (from June 2016, companies were allowed to pay dividends for 2014-2016 to non-residents with a limit of USD 5 million per month).

In March 2015, Ukraine signed four-***year*** Extended Fund Facility ("EFF") with the International Monetary Fund ("IMF") that will last until March 2019. The total ***program*** amounted to USD 17.5 billion, while Ukraine has so far received only USD 8.7 billion from the entire amount. In September 2017, Ukraine successfully issued USD 3 billion of Eurobonds, of which USD 1.3 billion is new financing, with the remaining amount aimed to refinance the bonds due in 2019. The NBU expects that Ukraine will receive another USD 3.5 billion from the IMF in 2018. To receive next tranches, the government of Ukraine has to implement certain key reforms, including in such areas as pension system, anti-corruption regulations, and privatization.

Further stabilization of the economic and political situation depends, to a large extent, upon success of the Ukrainian government's efforts, yet further economic and political developments are currently difficult to predict.

The management of the Group believes that the negative impact of the political and economic turmoil at the Group's entities is reasonably limited due to the Group's significant portion of export sales, its access to the international financial markets and the significant distance of its main production sites from any conflict zones.

Notes to the Consolidated financial statements

for the ***year*** ended 31 December 2017

(in thousands of US dollars, unless otherwise indicated)

28. Contingencies and contractual commitments (continued)

Taxation and legal issues

Ukrainian tax authorities are increasingly directing their attention to the business community as a result of the overall Ukrainian economic environment. The local and national tax environment is constantly changing and subject to inconsistent application, interpretation and enforcement. Non-compliance with Ukrainian laws and regulations can lead to the imposition of severe penalties and fines. Future tax examinations could raise issues or assessments which are contrary to the Group companies' tax filings. Such assessments could include taxes, penalties and fines, and these amounts could be material. While the Group believes it has complied with local tax legislation, there have been many new tax and foreign currency laws and related regulations introduced in recent ***years*** which are not always clearly written.

Facing current economic and political issues, the Government has implemented certain reforms in the tax system of Ukraine by adopting the Law of Ukraine 'On Amending the Tax Code of Ukraine and Certain Laws of Ukraine', which is effective from 1 January 2015, except for certain provisions which will take effect at a later date.

Management believes that the Group has been in compliance with all requirements of effective tax legislation and currently is assessing the possible impact of the introduced amendments.

The Group exports vegetable oil, chicken meat and related products, and performs intercompany transactions, which may potentially be in the scope of the Ukrainian ***transfer*** pricing ("TP") regulations. The Group has submitted the controlled transaction report for the ***year*** ended 31 December 2016 within the required deadline, and has prepared all necessary documentation on controlled transactions for the ***year*** ended 31 December 2017 as required by legislation and plans to submit report.

As of 31 December 2017, the Group's management assessed its possible exposure to tax risks for a total amount of USD 4,392 thousand related to corporate income tax (31 December 2016: USD 4,210 thousand). No provision was charged of such possible tax exposure.

As of 31 December 2017, companies of the Group were engaged in ongoing litigation with tax authorities for the amount of USD 2,273 thousand (2016: USD 6,069 thousand), including USD 1,534 thousand (2016: USD 2,689 thousand) of litigations with the tax authorities related to disallowance of certain amounts of VAT refunds and deductible expenses claimed by the Group. Of this amount, USD 1,457 thousand as of 31 December 2017 (2016: USD 4,965 thousand) relates to cases where court hearings have taken place and where the court in either the first or second instance has already ruled in favour of the Group. Manage-ment believes that based on the past history of court resolutions of similar lawsuits by the Group, it is unlikely that a significant settlement will arise out of such lawsuits and therefore no respective provision is required in the Group's financial statements as of the reporting date.

Contractual commitments on purchase of property, plant and equipment

During the ***years*** ended 31 December 2017 and 2016, the companies of the Group entered into a number of contracts with foreign suppliers for the purchase of property, plant and equipment for development of ***agricultural*** operations. As of 31 December 2017, purchase commitments amounted to USD 17,412 thousand (2016: USD 2,656 thousand).

Commitments on land operating leases

The Group has the following contractual obligations in respect of ***agricultural*** land operating leases as of 31 December 2017 and 2016:

2017 2016

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Within one ***year*** 20,833 18,207

In the second to the fifth ***year*** inclusive 69,896 57,212

After fifth ***year*** 60,933 43,257

151,662 118,676

========= =========

Ukrainian legislation provides for a ban on sales of ***agricultural*** land plots till 1 January 2019. There are significant uncertainties as to the subsequent extension of the ban. The current legislation has resulted in the Group holding land lease rights, rather than the land itself.

Notes to the Consolidated financial statements

for the ***year*** ended 31 December 2017

(in thousands of US dollars, unless otherwise indicated)

29. Dividends

On 14 March 2017, the Board of Directors of MHP SE approved the ***payment*** of an interim dividend of USD 0.7492 per share, equivalent to approximately USD 80,000 thousand, which were paid to shareholders during the ***year*** ended 31 December 2017.

30. Fair value of financial instruments

**Load-Date:** March 7, 2018

**End of Document**



[***Punjab Infrastructure Development Board: Rating downgraded to [ICRA]BBB-(SO)(Stable)***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RJG-2KJ1-JDVR-00NN-00000-00&context=1516831)

SeeNews Debt

February 2, 2018 Friday 4:26 PM EEST

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**Length:** 4116 words

**Byline:** SeeNews

**Body**

Punjab Infrastructure Development Board

February 01, 2018

Summary of rated instrument: Instrument Previous Rated Amount (Rs. crore) Current Rated Amount (Rs. crore) Rating Action

Rs. 500-crore Deep Discount Bonds-

Series II

318.7

313.4

[ICRA]BBB-(SO)(Stable); Downgraded from [ICRA]BBB(SO) and rating watch with negative implications removed Rs. 150-crore Deep Discount Bonds- Series III 45.7 45.7 [ICRA]BBB-(SO) (Stable); Downgraded from [ICRA]BBB(SO) and rating watch with negative implications removed Rs. 750-crore Regular Return Bonds- Series IVA, IVB and IVC 225.6 222.9 [ICRA]BBB-(SO) (Stable); Downgraded from [ICRA]BBB(SO) and rating watch with negative implications removed Total 590.0 582.0

\*Instrument details are provided in Annexure I

Rating action

ICRA has downgraded the long-term rating assigned to the bond ***programmes*** of Punjab Infrastructure Development Board (PIDB), which have an amount outstanding of Rs. 582.0 crore1, to [ICRA]BBB-(SO) (pronounced as ICRA triple B minus Structured Obligation), from [ICRA]BBB(SO) (pronounced as ICRA triple B Structured Obligation)2 that had earlier been placed on 'watch with negative implications'3. The outlook on the long-term rating is 'Stable'. The letters SO in parenthesis suffixed to the rating symbol stand for Structured Obligation. An SO rating is specific to the rated issue, its terms, and its structure. The SO ratings do not represent ICRA's opinion on the general credit quality of the issuers concerned.

1100 lakh = 1 crore = 10 million

2For complete rating scale and definitions, please refer to ICRA's website [*www.icra.in*](http://www.icra.in) or other ICRA Rating Publications.

3 For detailed rating rationale click here or referring to the release published on ICRA website

2

Rationale

The rating action reflects the recent deterioration in the fiscal position of the Government of Punjab (GoP), which has unconditionally and irrevocably guaranteed the captioned bond ***programmes***. The downgrade takes into account the sharp rise in the fiscal deficit and leverage levels of the GoP, as well as risks such as the rise in interest expenditure on account of the servicing of Ujwal Discom Assurance Yojana (UDAY) bonds and the liability related to the cash-credit limit of various state food procurement agencies taken over by the GoP, and the funding of the crop loan waiver. News reports suggest some cash flow mismatches following the transition to the Goods and Services Tax (GST) regime. Going forward, the impact of the implementation of the Sixth Punjab Pay Commission's recommendations is also likely to exacerbate the fiscal position of the GoP.

Moreover, the revenue and liquidity profile of PIDB has deteriorated following the notification of the Punjab Infrastructure (Development & Regulation) Amendment Act (PIDRAA), 2017, by the GoP in July 2017, which pertains to the infrastructure development (ID) fee that used to be levied, collected and retained by PIDB on sale of paddy, wheat, petrol, diesel, consumption of electricity and purchase of immovable property. The ID fee formed the bulk of PIDB's revenues until FY2017, and its high growth in recent ***years*** significantly had enhanced the comfort regarding the ability of the board to service debt from its own cash flows, without recourse to funds from the guarantor, namely the GoP.

The PIDRAA, 2017 indicates that the ID fee would now be credited to the Consolidated Fund of the GoP with effect from July 27, 2017. This has materially reduced the revenues of PIDB and altered its liquidity position going forward. In particular, the ID fee would no longer be available for servicing the ICRA-rated bonds, increasing the reliance of PIDB on the GoP for the timely debt servicing of bonds.

The GoP has indicated a budgetary allocation of Rs. 795.6 crore for assistance to PIDB for meeting its non-salary expenditure (additional Rs. 4.4 crore for salary expenditure) in FY2018. However, there remains a lack of clarity on the regularity and mechanism of the ***transfer*** of adequate funds by the GoP to PIDB, to ensure timely and full debt servicing of the rated bonds in line with the terms of the Structured Obligation, as well as other liabilities. Notably, the funds required for principal repayment and interest servicing would ramp up significantly in FY2019 and FY2020, before moderating in the subsequent ***years***.

Outlook: Stable

The Stable outlook assigned to the rating of the Rs. 582.0 crore long-term bond ***programme*** of PIDB reflects ICRA's expectation that the GoP will ***transfer*** adequate funds to PIDB, to ensure timely and full debt servicing of the rated bonds in line with the terms of the Structured Obligation. The stable outlook also reflects ICRA's expectation of satisfactory adherence to the structured ***payment*** mechanism by PIDB.

Key rating drivers

Credit Strength

» Adequate budgetary allocation by the GoP as assistance to PIDB for meeting its expenditure, including debt servicing of bonds

» Structured ***payment*** mechanism to facilitate the debt servicing of the rated bonds, including escrow accounts monitored by a Trustee

3

Credit Concerns

» Worsening fiscal balances and increasing leverage levels of the GoP, which has guaranteed PIDB's bond ***programmes***

» Structural deterioration in the revenue and liquidity profile of PIDB following the consolidation of ID fee, the key source of revenue that it previously utilised for debt servicing, with the revenues of the GoP

» Lack of clarity on mechanism for timely and adequate ***transfer*** of funds to PIDB from the GoP for the debt serving of the bonds in line with the terms of the Structured Obligation

Analytical approach: For arriving at the ratings, ICRA has applied its rating methodologies as indicated below.

Links to applicable criteria:

Rating Methodology for State Governments

About the Company

The PIDB was incorporated under the Punjab Infrastructure Development Act (PIDA) in 1998 to act as a nodal agency to stimulate development of infrastructure in the state of Punjab. The PIDA was subsequently replaced by the Punjab Infrastructure (Development & Regulation) Act, 2002 effective July 11, 2002. The Act passed in 2002 retained the board's role as a nodal agency for the overall planning for infrastructure development in the state. The main source of revenues of PIDB used to comprise ID fees, levied on sale of specific ***agricultural*** items (wheat and paddy), petrol, diesel, consumption of electricity and purchase of immovable property at rates notified by the GoP. As per the audited financials, the ID fee collections of PIDB declined to Rs. 2,134.9 crore in FY2017 from Rs. 2,522.1 crore in FY2016. In contrast, PIDB's expenditure on infrastructure development nearly doubled to Rs. 3,984.5 in FY2017 from Rs. 2,010.8 crore in FY2016.

In July 2017, the GoP notified the PIDRAA, 2017, which indicates that the ID fee, which previously did not form part of the Consolidated Fund of the State, would now be credited to the Consolidated Fund of the GoP.

Key financial indicators (Audited) (In Rs. crore) FY 2016 FY 2017

Operating Receipts

2,636.0

2,192.1 Infrastructure Fee 2,522.2 2,134.9

Other Income

113.8

57.3 Total Revenue Expenditure 2,022.6 3,991.9

Infrastructure development expenses

2010.8

3,984.5 Other Expenditure 11.8 7.4 Operating Profit 613.4 -1,799.8 Interest Expenditure 169.9 276.6 Depreciation 0.2 0.2 Non-operating Income/Expenditure 28.1 116.3

Net Profit/Accretion to Reserves

471.3

-1,960.3

4

Guarantor Profile: Government of Punjab's Finances

The GoP's finances are characterised by sustained revenue deficits resulting from moderate revenue receipts, high committed expenditure and power subsidy, as well as low capital spending and unfavourable leverage (debt4 and guarantees) levels.

The pace of growth of state's own tax revenues (SOTR) was expected to improve sharply to 30.7% in FY2018 budget estimates or BE from 13.3% in the revised estimates (RE) of FY2017, partly led by significant improvement in sales tax collections (to 38.7% from 17.3%), which benefits from the inclusion of receipts that earlier used to flow directly to PIDB (Rs. 1,400.0 crore) and other state agencies (Rs. 400.0 crore). However, news reports suggest some cash flow mismatches following the transition to the GST. An amount of Rs. 2,098.0 crore has been released as GST compensation cess to the GoP for the period from July to October 2017, which is equivalent to 8.6% of the total cess released to all states during this time period. The timely receipt of the cess, which will be available for the transition period of five ***years***, would remain critical to avoid cashflow mismatches going forward.

Committed expenditure (salary, pension and interest ***payments***) comprised a substantial 61.4% of the GoP's revenue expenditure in FY2018 BE. The GoP has set up the Sixth Pay Commission to recommend the revision in pay scales of the state government employees, which is yet to submit its report.

Interest ***payments*** have been projected by the GoP at Rs. 14,910.5 crore in FY2018 BE, appropriating nearly a fourth of its revenue receipts. This includes Rs. 2,439.0 crore as interest on a substantial loan of Rs. 30,584.0 crore taken by the GoP in FY2017 from a consortium of banks, to settle a dispute between the Food Corporation of India (FCI), the state government and the lenders that had extended loans to state-level procurement agencies/GoP in the past for the procurement of food grains ("CCL loan"). The interest servicing of the CCL loan is likely to exert a sustained upward pressure on the GoP's revenue expenditure over its tenure of 20 ***years***. Additionally, the interest servicing on UDAY5 bonds is expected to rise to Rs. 1,307.0 crore in FY2018 BE from Rs. 1,072.8 crore in FY2017 RE. Moreover, the GoP budgeted for a sharp 14.4% rise in the power subsidy outgo to Rs. 10,255.0 crore in FY2018 BE, appropriating a considerable ~17% of the revenue receipts of the state government in that ***year***.

In March 2017, the GoP had announced a crop loan waiver of Rs. 10,000.0 crore, against which it has budgeted only Rs. 1,500.0 crore for disbursal in FY2018. Subsequent to the FY2018 budget, the GoP announced the waiver of Rs. 400.0 crore of interest burden in September 2017. While the receipts from the Rural Development Fund (RDF)6 will be used to part-fund the crop loan waiver, nevertheless the funding of the same would push up the revenue expenditure of the state government in the coming ***years***.

The GoP's revenue and fiscal deficits are expected to widen in FY2018 BE relative to FY2017 RE even as its capital its capital its capital its capital its capital its capital its capital spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. spending and net lending is estimated to contract by 5.0%. The GoP's capital spending and net lending has remained sub-1.0% of GSDP during FY2012 to FY2016, an unfavourable trend.

4 Includes Internal Debt; Loans from the Centre; Provident Fund etc.

5 Punjab joined the UDAY scheme in March 2016 for the financial turnaround of its Discom, the Punjab State Power Corporation Limited. During FY2016 and FY2017, the GoP issued UDAY bonds worth Rs. 15,069.0 crore, to take over 75% of the debt of the aforesaid Discom at end-September 2015. The GoI had agreed to exclude UDAY debt taken over by the states in the calculation of their respective fiscal deficit in FY2016 and in FY2017 under the UDAY scheme. Accordingly, for our analysis, we have excluded the expenditure incurred by the GoP on account of takeover of UDAY-related debt in FY2016 and FY2017 RE.

6RDF comprises levy of fee @3% on the purchase or sale of ***agricultural*** produce in the state of Punjab.

5

The leverage levels of the GoP stood at an unfavourable 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. The takeover of the CCL loan resulted a 6.7x SOTR in FY2016. 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Going forward, the debt servicing of the CCL loan and the UDAY bonds, part funding of the crop loan waiver and pay revision would likely bloat the state's revenue spending and exacerbate its deficits and leverage levels. ICRA will continue to monitor the impact of the transition to the GST regime on the GoP's revenues, various fiscal indicators and overall credit profile. Sl. No. Instrument Current Rating Chronology of Rating History for the past 3 ***years*** Type Rated amount (Rs. Crores) Amount Outstanding (Rs. Crores) Date & Rating in FY2018 Date & Rating in FY2018 Date & Rating in FY2018 Date & Rating in FY2017 Date & Rating in FY2016 Date & Rating in FY2015 Jan 2018 Oct 2017# Sep 2017 Feb 2017 Feb 2016 Dec 2014

1

Rs. 500 crore Deep Discount Bonds - Series II

Long term

500

313.4

[ICRA]

BBB-/Stable

[ICRA]

BBB (SO) @

[ICRA]

BBB (SO) @

[ICRA]

BBB (SO) &

[ICRA] BBB (SO)

[ICRA] BBB (SO)

2

Rs. 150 crore Deep Discount Bonds- Series III

Long term

150

45.7

[ICRA]

BBB-/Stable

[ICRA]

BBB (SO) @

[ICRA]

BBB (SO) @

[ICRA]

BBB (SO) &

[ICRA] BBB (SO)

[ICRA] BBB (SO)

3

Rs. 750 crore Regular Return Bonds - Series IVA, IVB and IVC

Long term

750

222.9

[ICRA]

BBB-/Stable

[ICRA]

BBB (SO) @

[ICRA]

BBB (SO) @

[ICRA]

BBB (SO) &

[ICRA] BBB (SO)

[ICRA] BBB (SO)

&: Rating on watch with developing implications

@: Rating on watch with negative implications

#Rating on Series I bond (amount nil) was withdrawn in October 2017

Complexity level of the rated instrument:

ICRA has classified various instruments based on their complexity as "Simple", "Complex" and "Highly Complex". The classification of instruments according to their complexity levels is available on the website [*www.icra.in*](http://www.icra.in)

Annexure-1: Instrument Details ISIN No Instrument Date of Issuance Coupon Rate Maturity Date Size of the issue (Rs. crore) Current Rating and Outlook

INE091D11014, INE091D11022, INE091D11030, INE091D11048, INE091D11055, INE091D11063, INE091D11071, INE091D11089, INE091D11097, INE091D11105

Rs. 500 crore Deep Discount Bonds - Series II

December

27, 2007

10.19%

December 27, 2018

to December 27,

2027 in ten equal

installments

313.4

[ICRA]BBB-(SO)/ Stable

INE091D11113, INE091D11121, INE091D11139, INE091D11147, INE091D11154, INE091D11162, INE091D11170, INE091D11188, INE091D11196, INE091D11204

Rs. 150 crore Deep Discount Bonds- Series III

October 15,

2008

11.98%

October 15, 2024

to October 15, 2033

in ten equal

installments

45.7

[ICRA]BBB- (SO)/ Stable

IV A- INE091D08028, IVB - INE091D08036,

IV C - INE091D08044

Rs. 750 crore Regular Return Bonds - Series IVA, IVB and IVC

December

31, 2008

(IVA),

January 19,

2009 (IVB)

and

February

16, 2009

(IVC)

11.45%

December 31,2019

to December 31,

2023 (IVA);

January 19,2020 to

January 19, 2024

(IVB); February 16,

2022 to February

16, 2024

220.9

[ICRA]BBB- (SO)/ Stable

Source: PIDB

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Impact News Service

September 20, 2018 Thursday

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**Length:** 15910 words

**Body**

Brussels: Public Register European Parliament has issued the following document:

EN EN EUROPEAN COMMISSION Brussels, 3.9.2018 COM(2018) 553 final REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL 29th Annual Report on the Protection of the European Union’s financial interests — Fight against fraud - 2017 {SWD(2018) 381 final} - {SWD(2018) 382 final} - {SWD(2018) 383 final} - {SWD(2018) 384 final} - {SWD(2018) 385 final} - {SWD(2018) 386 final} 2 TABLE OF CONTENTS REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL 29th annual report on the protection of the European Union’s financial interests and the fight against fraud (2017) EXECUTIVE SUMMARY .................................................................................................................... 5 1. INTRODUCTION ........................................................................................................................ 7 2. 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Two major legislative achiements In 2017, two major legislative acts were adopted, which will enhance convergence towards an effective and equivalent level of protection of the EU budget, in particular against cross-border fraud:  the Directive on the fight against fraud to the EU’s financial interests by means of criminal law (so called 'PIF Directive')  the Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (EPPO). The adoption of these two acts follows several ***years*** of negotiations and is testimony to the European institutions’ and the Member States’ commitment to the fight against fraud detrimental to the Union’s financial interests.

Legislative and policy initiatives These acts will require the adaptation of the current anti-fraud set-up in order to ensure effective coordination between competent bodies and authorities. This work will continue for the next few ***years***, in particular in relation to the preparation of the legal framework governing the 2021-2027 multiannual financial framework. The first step was the evaluation of Regulation (EU, Euratom) No 883/2013 (OLAF mandate and powers), which highlighted the results it had achieved but also its shortcomings in view of the establishment of EPPO. In 2017, the Commission also:  continued its regular exercise of assessing developments and addressing country specific recommendations to Member States in relation to the fight against corruption in the framework of the European Semester process;  made available a budget of EUR 14.95 million via the Hercule III ***programme*** to boost Member States’ operational and administrative capacity;  successfully negotiated anti-fraud provisions in the EU’s international agreements; and  launched an evaluation of the Commission Anti-Fraud Strategy with a view to updating it. CJEU jurisprudence In 2017, three rulings by the Court of Justice of the European Union (CJEU) added to the jurisprudence concerning the protection of the EU’s financial interests. Two of them (in the Alytaus and Glencore cases) dealt with issues relating to periods of limitation, while the third (M.A.S and M.B ) related to VAT, in particular clarifying some aspects of the Taricco judgment. Highlights in the revenue areas The Commission adopted a legislative proposal to make the EU VAT system simpler, more fraud-proof and close loopholes in cross-border trade by strengthening administrative cooperation instruments between tax authorites and with other law enforcement authorities. Mutual assistance agreements were concluded with Mercosur and Azerbaijan. The anti-fraud clause was successfully incorporated in the free trade agreement with Japan. OLAF coordinated or supported 11 joint customs operations that successfully targeted various threats, such as cigarette smuggling, revenue fraud, counterfeit products, illicit cash movements and narcotics. In financial terms, imported solar panels were the goods most affected by fraud and irregularities. In many instances, irregularities involving solar panels were detected following a Mutual Assistance notice issued by OLAF. An infringement procedure was launched in relation to undervaluation affecting traditional and VAT own resources revenue that had been detected in the United Kingdom. Highlights in the expenditure areas The Omnibus Regulation promotes the simplification and clarification of financial rules. In 2017, the provisions relating to ***agriculture*** were adopted, while the draft changes to the remaining expenditure sectors should be adopted in 2018. The Advisory Committee for Coordination of Fraud Prevention (COCOLAF) prepared guidance 6 on red flags and best practices in public procurement and irregularity reporting. Analysis of fraudulent and non-fraudulent irregularities detected and reported by national authorities confirmed the 2016 findings as regards the main sectors at risk. It also highlighted detection methods that have helped in the identification and targeting of fraudulent and non-fraudulent cases of significant financial value. These involve risk analysis, tips from informants, whistleblowing and information from the media. The same analysis also points to the positive results achieved through closer coordination between judicial and administrative authorities. On the basis of these findings, specific recommendations are addressed to national authorities to structure and make systematic use of inputs from the above sources. Member States’ anti-fraud measures Member States reported the adoption of 73 major measures to protect the EU’s financial interests and fight fraud. These cover the entire anti-fraud cycle, but focus in particular on detection and prevention. They relate mainly to the control of funds under shared management. The majority of Member States reported on the number and nature of measures taken as follow-up to the 2016 recommendations; this can be considered positive, but there is still room for improvement. Detection and reporting of fraudulent and non-fraudulent irregularities that affect the EU budget In 2017, a total of 15 213 fraudulent and non-fraudulent irregularities were reported to the Commission, 20.8 % fewer than in 2016. They involved approximately EUR 2.58 billion, 8.6 % down from the previous ***year***. The 1 146 irregularities reported as fraudulent involved about EUR 467 million of expenditure or revenue. The detection of an irregularity implies that corrective measures have been taken in order to recover the irregular financial amounts involved and that criminal proceedings have been launched if fraud is suspected. Annex 1 shows the number of irregularities reported as fraudulent detected by Member State. This number reflects the results of Member States’ work to counter fraud and other illegal activities affecting the EU’s financial interests. The figures should not be interpreted as indicating the level of fraud in the Member States’ territories. 7 1. INTRODUCTION Each ***year***, under Article 325(5) TFEU, the Commission, in cooperation with the Member States, submits a report to the European Parliament and the Council on measures taken to counter fraud and other illegal activities affecting the EU’s financial interests. The EU and the Member States share responsibility for protecting the EU’s financial interests and fighting fraud. Member State authorities manage approximately 74 % of EU expenditure and collect traditional own resources (TOR). The Commission oversees both these areas, sets standards and verifies compliance. To protect the EU’s financial interests effectively, the Commission and the Member States have to work closely together. This report assesses this cooperation with a view to improving it; to this end, it:  provides a summary of measures taken at EU and Member State level to counter fraud;  includes an analysis of national and European bodies’ main achievements in detecting fraud and irregularities relating to EU expenditure and revenue. This is based in particular on detected irregularities and fraud reported by the Member States in compliance with sectoral regulations. The report is accompanied by six Commission Staff Working Documents (SWD), listed in Annex 3.1 2. HARMONISING AND REINFORCING THE FIGHT AGAINST FRAUD ACROSS THE EU: CROSS-CUTTING ANTI-FRAUD POLICIES, MEASURES AND RESULTS 2.1 A new legal landscape: legislative acts adopted by the EU institutions In recent ***years***, the Commission has underlined the differences in national authorities’ 1 (i) Implementation of Article 325 by the Member States in 2017; (ii) Statistical evaluation of irregularities reported for own resources, natural resources, cohesion policy and pre-accession assistance and direct expenditure; (iii) Follow-up of recommendations to the Commission report on the protection of the EU’s financial interests — fight against fraud, 2016; (iv) Early Detection and Exclusion System (EDES) — Panel referred to in Article 108 of the Financial Regulation; (v) Annual overview with information on the results of the Hercule III ***Programme*** in 2017; and (vi) Assessment of the implementation of Article 43b of Regulation (EC) No 515/97. approaches to fighting fraud and irregularities affecting the EU’s financial interests. Investigations by the European Anti-Fraud Office (OLAF) have shown the increasing occurrence of transnational fraud cases. Two major legislative acts adopted in 2017 will ensure convergence towards an effective and equivalent level of protection of the EU budget, in particular against cross-border fraud: 1. the Directive on the fight against fraud to the EU’s financial interests by means of criminal law (the PIF Directive);2 and 2. the Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (EPPO).3 The adoption of these two acts follows several ***years*** of negotiations and is testimony to the European institutions’ and the Member States’ commitment to the fight against fraud detrimental to the Union’s financial interests. 2.1.1 Directive on the fight against fraud to the EU’s financial interests by means of criminal law The Directive replaces the 1995 Convention on the protection of the European Communities’ financial interests and its protocols (the PIF Convention)4 for the 26 Member States bound by it. The PIF Convention remains applicable to Denmark and the UK. 2 Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law, OJ L 198, 28.7.2017, p. 29–41. 3 Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1). 4 Council Act of 26 July (OJ C 316, 27.11.1995, p. 48). 8 Figure 1: Legislative highlights – 2017 2.1.2 Regulation implementing enhanced cooperation on the establishment of EPPO Participating Member States: Other Member States may join in the future.5 5 [*http://europa.eu/rapid/press-release\_IP-17-1550\_en.htm*](http://europa.eu/rapid/press-release_IP-17-1550_en.htm) The Netherlands (14 May 2018) and Malta (14 June 2018) have formally notified the Commission of their intention to join the EPPO and, in accordance with article 331 TFEU, the Commission is currently preparing the Decisions confiming the participation of these Member States. The PIF Directive: • harmonises the definitions, sanctions and applicable time limitations of criminal offences affecting the Union's financial interests, including fraud, corruption, money laundering and misappropriation; • applies to cross-border VAT fraud cases involving total damage of at least EUR 10 million; • sets two ***years*** for transposition (by 6 July 2019). The European Public Prosecutor's Office (EPPO) • set up through enhanced cooperation (initially 20 Member States); • its establishment was one of the Commission's key priorities in the area of criminal justice and part of the overall strategy to combat fraud against the EU budget; • competent for investigating, prosecuting and bringing to justice criminal offences affecting the financial interests of the Union, as provided by the 'PIF Directive'; • expected to bring a more consistent and effective prosecution policy for crimes affecting the EU budget: higher number of prosecutions, convictions and a greater level of recoveries. 9 2.2 Shaping the future: European institutions’ legislative and policy initiatives The new acts will require the adaptation of the current anti-fraud set-up to the latest developments in order to ensure the necessary coordination between the competent bodies and authorities. This work will continue over the next few ***years***, in particular in relation to the preparation of the legal framework governing the 2021-2027 Multiannual Financial Framework . The next section provides an overview of major developments as regards Commission policy and legislative initiatives in 2017. 2.2.1 Evaluation of Regulation (EU, Euratom) No 883/2013 Regulation (EU, Euratom) No 883/20136 is the centrepiece of the legal framework governing OLAF’s mandate to conduct administrative investigations into fraud, corruption and other illegal activity affecting the EU’s financial interests. On 2 October 2017, pursuant to Article 19 of the Regulation, the Commission adopted a report on the evaluation of its application.7 The evaluation concludes that the Regulation has allowed OLAF to fulfil its mandate with concrete results, bringing clear improvements as regards the conduct of investigations, cooperation with partners and the rights of persons concerned. At the same time, it highlights some shortcomings that impact on the effectiveness and efficiency of OLAF’s investigations. These relate, inter alia, to:  OLAF’s investigative tools;  the enforcement of OLAF’s powers; 6 Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 7 Report from the Commission to the European Parliament and the Council on Evaluation of the application of Regulation (EU, Euratom) No 883/2013 (COM(2017) 589);   [*http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:589:FIN*](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:589:FIN) and the accompanying SWD(2017) 332;   [*http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=SWD:2017:332:FIN&from=EN*](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=SWD:2017:332:FIN&from=EN). The report was supported by an independent study (Evaluation of the application of Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by the European Anti-Fraud Office ) and based on a wide-ranging stakeholder consultation, including a conference involving about 250 participants from a broad range of stakeholder groups. It was also accompanied by OLAF’s Supervisory Committee Opinion 2/2017;   [*http://europa.eu/supervisory-committee-olaf/sites/default/files/opinion\_2\_2017.pdf*](http://europa.eu/supervisory-committee-olaf/sites/default/files/opinion_2_2017.pdf)).  uniform conditions in the conduct of internal investigations in EU institutions, bodies, offices and agencies;  divergences in the follow-up to OLAF recommendations;  Member States’ and EU institutions’, bodies’, offices’ and agencies’ duties of cooperation;  the overall coherence of the legal framework applicable to OLAF investigations;  the possibility of accessing bank account information; and  the clarity of OLAF’s mandate in the area of VAT. In relation to the establishment of EPPO (see section 2.1) and its impact on OLAF’s work, the evaluation clearly acknowledges the need to further regulate the relationship between the two bodies and calls for swift adaptations to OLAF’s operation to ensure that the legal framework is fit for purpose. The Commission adopted on 23 May 2018 a targeted proposal to amend the Regulation, primarily driven by the establishment of the EPPO, while also addressing the most unambiguous findings of the evaluation to ensure that OLAF remains a strong and fully-functioning partner to the EPPO. The EPPO Regulation already contains provisions to regulate the relationship between EPPO and OLAF. These are based on the principles of close cooperation, exchange of information, complementarity and avoidance of duplication. The rules need to be mirrored and complemented by amendments to Regulation (EU, Euratom) No 883/2013, with the overall objective of strengthening the fight against fraud affecting the Union budget through an integrated policy under which a strong and fully functioning OLAF carries out administrative investigations to complement EPPO’s criminal law approach. The focus is on areas in which the Regulation currently gives rise to significant divergences in the way OLAF operates across Member States, such as on-the-spot checks and inspections, access to bank account information and assistance from national authorities. 2.2.2 Fighting corruption in the EU In 2017 the fight against corruption was a priority in the European Semester process of economic 10 governance. Several Country Reports8 included an assesment of the anti-corruption legal, policy and institutional landscape, including progress and remaining challenges. Several Member States also received recommendations9 that they take action to improve transparency, enhance prevention of conflicts of interests, fight informal ***payments*** in healthcare or step up anti-corruption efforts in public administration, the judiciary and public procurement. In the framework of the EU anti-corruption experience-sharing ***programme***, the Commission organised three experience-sharing worksops in 2017, gathering around 100 anti-corruption practitioners and experts from Member States national administrations, international organisations, civil society, academia and other stakeholders. These workshops facilitated the exchange of best-practices in the following thematic areas: anti-corruption indicators (Brussels, March 2017), conflicts of interests and revolving doors (Barcelona, June 2017), and the economic impact of corruption, (Brussels, December 2017). A call for proposals10 for projects designed to prevent and combat corruption in the Member States was launched in December 2017, with a total value of MEUR 2.2 The Commission and OLAF participated actively in several European and international anti-corruption fora, such as the United Nations Convention against Corruption, the Organisation for Economic Co-operation and Development, the Anti-Corruption Working Group of the G20 and the European Partners Against Corruption (EPAC) / the European Contact-Point Network Against Corruption (EACN). EACN adopted the Lisbon Declaration of November 201711 calling on European decision-makers to strengthen the fight against corruption. 2.2.3 Proposal to revise the Financial Regulation and certain sectoral financial rules (Omnibus) In 2017, the European Parliament and the Council deliberated on the Commission’s September 2016 8   [*https://ec.europa.eu/info/publications/2017-european-semester-country-reports\_en*](https://ec.europa.eu/info/publications/2017-european-semester-country-reports_en) 9   [*https://ec.europa.eu/info/publications/2017-european-semester-country-specific-recommendations-commission-recommendations\_en*](https://ec.europa.eu/info/publications/2017-european-semester-country-specific-recommendations-commission-recommendations_en) 10 ISFP-2017-AG-CORRUPT. 11   [*http://www.epac-eacn.org/downloads/declarations/doc\_view/167-lisbon-declaration-2017*](http://www.epac-eacn.org/downloads/declarations/doc_view/167-lisbon-declaration-2017) proposal12 for a comprehensive and ambitious revision of the Financial Regulation13 and corresponding changes to the sectoral financial rules for a variety of multiannual ***programmes***. The proposal is aimed at modernising and simplifying the Union’s financial rules and strengthening the systems in place to protect the EU budget against fraud and financial irregularities. Inter alia, it tightens rules on tax avoidance for EU implementing partners and clarifies that the duty to avoid conflicts of interest applies to all modes of implementation of EU funds (including at Member State level). Simplification itself should cut the number of errors, but also increase the impact of the policies and their results on the ground. In the legislative negotiations, at the Parliament’s request, the grounds for the exclusion of unreliable recipients of EU funding were strengthened further, notably with regard to ‘shell companies’. Some of the proposed changes, relating to ***agricultural*** policies, were enacted separately as Regulation (EU) 2017/2393,14 while it is expected that the new Financial Regulation and the amendments to the remaining sectoral rules will be adopted in the third quarter of 2018. 2.2.4 International cooperation To combat fraud against the EU budget beyond the EU borders more effectively, the Commission 12 Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulation (EC) No 2012/2002, Regulations (EU) No 1296/2013, (EU) 1301/2013, (EU) No 1303/2013, EU No 1304/2013, (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014,(EU) No 283/2014, (EU) No 652/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council (COM(2016) 605). 13 Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p.1), as last amended by Regulation (EU, Euratom) No 2015/1929 of the European Parliament and of the Council of 28 October 2015 (OJ L 286, 30.10.2015, p. 1). 14 Regulation (EU) 2017/2393 of the European Parliament and of the Council of 13 December 2017 amending Regulations (EU) No 1305/2013 on support for rural development by the European ***Agricultural*** Fund for Rural Development (EAFRD), (EU) No 1306/2013 on the financing, management and monitoring of the common ***agricultural*** policy, (EU) No 1307/2013 establishing rules for direct ***payments*** to farmers under support schemes within the framework of the common ***agricultural*** policy, (EU) No 1308/2013 establishing a common organisation of the markets in ***agricultural*** products and (EU) No 652/2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material (OJ L 350, 29.12.2017, p. 15). 11 continued to include anti-fraud provisions in agreements with non-EU countries and in templates for grant and delegation agreements with international financial institutions and other international organisations. In 2017, OLAF organised two events to support non-EU countries:  its annual seminar (held in Montenegro), for partner authorities in candidate and potential candidate countries, on best practices in the detection and reporting of fraud; and  an anti-fraud workshop with the participation of all relevant anti-fraud and anti-corruption services in Georgia, to assit them implement the anti-fraud provisions in the EU-Georgia Association Agreement. OLAF also signed administrative cooperation arrangements with partner authorities in Tunisia and Kosovo.15 2.2.5 Commission Anti-Fraud Strategy (CAFS) The Commission is considering updating the CAFS that was adopted on 24 June 2011,16 the objective of which is to improve prevention, detection and investigation of fraud and ensure that appropriate sanctioning, recovery and deterrence are high on the Commission’s agenda. Most CAFS's actions have now been finalised or are ongoing. All 49 Commission departments have introduced sectoral Anti-Fraud Strategies (AFS) for their respective policy areas. In 2017, the Commission carried out an evaluation of the overall implementation of the CAFS. The evaluation measures the progress achieved since the adoption of the CAFS in 2011 against the stated objectives, taking account of developments in terms of EU policies in the anti-fraud landscape, corresponding fraud risks and emerging fraud patterns. The results are to serve as a basis for decision making to which extent the CAFS needs to be updated. The evaluation will cover the period since the adoption of the CAFS and assess its relevance, effectiveness, efficiency and coherence. 2.2.6 Implementation of the Hercule ***programme*** The 2014-2020 Hercule III programme17 promotes activities to counter fraud, corruption and any 15 With Tunisia’s General Finance Inspectorate and the Kosovo\* police, respectively. \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence. 16 COM(2011) 376 final. 17 Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a other illegal activities affecting the EU’s financial interests. In 2017, the fourth ***year*** of its implementation, a budget of EUR 14.95 million was made available18 for:  funding actions to strengthen the operational and technical capacity of customs and police forces in the Member States, and IT support (75 % of the ***programme***’s budget); and  training activities and conferences, including digital forensic training for staff employed by law enforcement agencies in the Member States and partner countries (25 % of the budget). Beneficiaries of Hercule III grants reported substantial successes achieved with the help of equipment and training funded under the ***programme***,19 such as:  seizures of smuggled and counterfeit cigarettes and tobacco;  detection of new fraud schemes and networks of organised crime groups; and  operations and investigations into irregularities and corruption perpetrated against the financial interests of the Union. 2.3 CJEU jurisprudence In 2017, three rulings by the Court of Justice of the European Union (CJEU) added to the jurisprudence on the protection of the EU’s financial interests. Two (in the Alytaus20 and Glencore cases)21 dealt with issues relating to periods of limitation, while the third (M.A.S and M.B)22 related to VAT, in ***programme*** to promote activities in the field of the protection of the financial interests of the European Union (Hercule III ***programme***) and repealing Decision No 804/2004/EC (OJ L 84, 20.3.2014, p. 6). 18 Commission Decision C(2017) 1120 final of 22 February 2017. 19 For details, see the SWD referred to in footnote 1, point (v). 20 Case C-436/15, Request for a preliminary ruling under Article 267 TFEU from the Lietuvos vyriausiasis administracinis teismas (Supreme Administrative Court of Lithuania), made by decision of 10 July 2015, received at the Court on 10 August 2015, in the proceedings Lietuvos Respublikos aplinkos ministerijos Aplinkos projektų valdymo agentūra v ‘Alytaus regiono atliekų tvarkymo centras’ UAB, judgment of the Court (Third Chamber), 15 June 2017.;   [*http://curia.europa.eu/juris/document/document.jsf?text=&docid=191811&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=120020*](http://curia.europa.eu/juris/document/document.jsf?text=&docid=191811&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=120020) 21 Case C-584/15 Glencore Céréales France v Établissement national des produits de l’***agriculture*** et de la mer (FranceAgriMer), judgment of the Court (Fourth Chamber), 2 March 2017;   [*http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d0f130de433267059163433db6acf2f7ed8ab2e8.e34KaxiLc3eQc40LaxqMbN4Pb38Me0?text=&docid=188526&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=119378*](http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d0f130de433267059163433db6acf2f7ed8ab2e8.e34KaxiLc3eQc40LaxqMbN4Pb38Me0?text=&docid=188526&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=119378) 22 Case C-42/17, Request for a preliminary ruling under Article 267 TFEU from the Corte costituzionale 12 particular clarifying some aspects of the Taricco judgment. Figure 2: CJEU jurisprudence on PIF-related matters (2017) 2.3.1 Limitation periods: the Alytaus and Glencore cases In Alytaus, the Court clarified the meaning of the limitation period23 for an irregularity committed in the context of a multiannual ***programme*** and in the case of ‘continuous or repeated’ irregularity. It also clarified when a multiannual ***programme*** can be regarded as ‘definitively terminated’. In Glencore, the Court provided further clarifications as regards the interpretation of the provisions referred to in Article 3(1) and (4) of Council Regulation (EC, Euratom) No 2988/95 with reference to the recovery of claims. 2.3.2 VAT: the M.A.S case As a result of the M.A.S judgement, in order not to disregard their obligations under Article 325(1) and (2) TFEU, the Member States must ensure that effective and deterrent criminal penalties are adopted in cases of serious fraud affecting the EU’s financial interests in relation to VAT.24 (Constitutional Court, Italy), made by decision of 23 November 2016, received at the Court on 26 January 2017, in the criminal proceedings against M.A.S , M.B , judgment of the Court (Grand Chamber), 5 December 2017;   [*http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d0f130dee23bf505dd284bfca15ec6074b29881b.e34KaxiLc3eQc40LaxqMbN4Pb38Me0?text=&docid=197423&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=122561*](http://curia.europa.eu/juris/document/document.jsf;jsessionid=9ea7d0f130dee23bf505dd284bfca15ec6074b29881b.e34KaxiLc3eQc40LaxqMbN4Pb38Me0?text=&docid=197423&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=122561) 23 Within the meaning of Article 3(1) of Regulation (EC, Euratom) No 2988/95. 24 Case C-42/17 M.A.S , paragraph 35, recalling the judgment in Taricco (Case C-105/14);   [*http://curia.europa.eu/juris/document/document.jsf?text=&docid=167061&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=124335*](http://curia.europa.eu/juris/document/document.jsf?text=&docid=167061&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=124335) 2.4 Measures taken by Member States 2.4.1 Summary This summary gives an overview of trends in and priorities for Member States’ anti-fraud measures, but it is not exhaustive; Member States were asked to report a maximum of three anti-fraud measures, but some may have taken more.25 In 2017, Member States reported 73 measures26 to protect the EU’s financial interests and fight fraud. The measures covered the entire anti-fraud cycle, mostly in the area of shared management, but also on financial crime, customs and illicit trade, public procurement, conflicts of interest, anti-corruption and anti-fraud strategies, organised crime, anti-fraud coordination services (AFCOSs), the definition of fraud, and whistleblowers. Most of the measures concerned detection, followed by prevention, investigation and prosecution, recovery and sanctions. The majority (77 %) were sectoral rather than cross-cutting (23 %). Of the sectoral measures, 15 concerned revenue in the fields of tax fraud and customs. Another 41 concerned expenditure, covering all areas of the budget. Sector-related measures will be dealt with in the paragraphs dedicated to the various budgetary areas, while this section focuses on the cross-cutting measures. 2.4.1.1 National anti-fraud strategies (NAFS) By the end of 2017, a total of 10 Member States27 had adopted a national anti-fraud strategy and sent it to the Commission. This shows their understanding of the importance of a strategic approach to combating fraud and irregularities. The Commission welcomes these developments and calls on the other Member States to draft such strategies. 2.4.1.2 Public procurement and corruption Many of the measures adopted by Member States in 2017 on public procurement are aimed at tackling corruption and conflicts of interest, and enhancing transparency. Six Member States28 reported taking such measures. 25 Reported measures are analysed in detail in the SWD referred to in footnote 1, point (i). 26 Some of these were part of a package including, for instance, legislative, administrative, operational or organisational measures adopted together to apply at various levels in the country’s institutional structure. This brings the total of reported measures to 111. 27 Bulgaria, Croatia, Czech Republic, France, Greece, Hungary, Italy, Latvia, Malta and Slovakia. Romania reported a NAFS in the past, but this is now outdated. 28 Czech Republic, Spain, Malta, Estonia, Cyprus and Romania . Alytaus (C-436/15) Glencore (C-584/15) M.A.S & M.B (C-42/17) 13 2.4.1.3 Other measures Other reported cross-cutting measures mainly concerned financial and organised crime (Czech Republic, Poland and Lithuania), reviewing the organisation and competences of specific bodies (Greece and Sweden) or improving inter-agency cooperation. Three Member States reported measures to address revenue and expenditure in certain sectors:29  Latvia launched a national anti-fraud campaign (#FraudOff!) to raise public awareness of fraud, complemented by specific training for the administrations concerned;  Italy took measures to combine administrative and penal initiatives that make it possible to reconstruct illicit financial flows and seize the assets of criminal organisations; and  Slovenia took measures to increase the detection and clearance rate for crimes that harm the EU budget. 2.4.2 Implementation of 2016 recommendations In the 2016 PIF report, the Commission made four recommendations to the Member States; one targeted revenue and three expenditure. Overall, the follow-up to the recommendations (see diagrams below) showed that most Member States have made or are making significant and constructive efforts.30 The majority gave appropriate attention to most recommendations.31 The Commission had recommended that Member States: (1) review their management and control strategy with regard to customs valuation 29 Although the Member States do not explicitly define these as cross-cutting measures, they fit best in this section. 30 The UK did not provide any information concerning the follow-up to the recommendations. 31 Detailed analysis of the replies can be found in the SWD referred to in footnote 1, point (i). (2) fully transpose the revised Public Procurement Directives (3) improve the quality of data when reporting irregularities (4) take into account the risk-analysis findings Nevertheless, there is still room for improvement, such as implementing new rules on customs undervaluation and the non-release of goods in cases of doubt; wider use of the EU-wide risk profiles based on ‘clean average prices’ could be 14 envisaged. More could be done to ensure fully digital public procurement procedures. Also, although some Member States provide or arrange training and seminars on using IT systems for reporting, so as to enhance data quality and update irregularities already reported, others could step up their efforts. Lastly, cooperation among Member States could be improved as regards the increased threat of transnational fraud and European territorial cooperation ***programmes***. 2.5 Summary of statistics concerning detected irregularities and fraud32 In 2017, a total of 15 213 fraudulent and non-fraudulent irregularities were reported to the Commission, 20.8 % fewer than in 2016. They involved approximately EUR 2.58 billion, 8.6 % down from the previous ***year***. The detection of an irregularity implies that corrective measures have been taken in order to recover the irregular financial amounts involved and that criminal proceedings have been launched if fraud is suspected. Figure 3: Irregularities reported as fraudulent in 2017 32 For a detailed analysis of the reported irregularities, see the SWD referred to in footnote 1, point (ii). 1 146 irregularities reported as fraudulent (-19 %) EUR 467.1 million (+37.5 %) 705 irregularities reported as fraudulent (-17 %) EUR 390.7 million involved (+53 %) 0.29 % of 2017 ***payments*** 441 irregularities reported as fraudulent (-22 %) EUR 76.4 million involved (-10 %) 0.30 % of gross amount of TOR collected for 2017 15 2.5.1 Detected fraudulent irregularities The number of irregularities reported as fraudulent (which includes cases of suspected or established fraud) and the associated amounts is not a direct indicator of the level of fraud affecting the EU budget. It merely shows how many cases of potential fraud are being detected by Member States and EU bodies. In 2017, a total of 1 146 irregularities were reported as fraudulent (i.e 7.5 % of all irregularities detected and reported),33 involving about EUR 467 million (representing 18.1 % of all financial amounts affected by irregularities)34 and covering both expenditure and revenue, as shown in Figure 3. The number of fraudulent irregularities reported in 2017 fell by 19.3 % as compared with 2016, while the financial amounts involved increased by 37.5 %. Looking at a five-***year*** period (2013-2017), this was 32 % fewer than in 2013, 23 % below the five-***year*** average. The financial impact fluctuates greatly (see Figure 4), as it can be affected by individual cases involving very large sums. Figure 4: Irregularities reported as fraudulent and associated amounts, 2013-2017 A breakdown of all fraudulent irregularities reported in 2017, by Member State and by budget sector, is set out in Annex 1. 2.5.2 Detected and reported non-fraudulent irregularities In 2017, the Commission was notified of 14 067 irregularities not reported as fraudulent ( 20.9 % fewer than in 2016). The figures fell for all sectors except pre-accession. The financial amounts involved decreased by approximately EUR 2.1 billion, as shown in Figure 5. 33 This indicator is the ‘fraud frequency level’ (FFL). See section 2.3.2 of the Commission staff working document Methodology regarding the statistical evaluation of reported irregularities for 2015 (SWD(2016) 237 final). 34 This indicator is the ‘fraud amount level’ (FAL). See section 2.3.3 of the document referred to in footnote 33. 16 Figure 5: Irregularities not reported as fraudulent in 2017 2.5.3 OLAF investigations In 2017, OLAF opened 215 investigations and concluded 197, recommending financial recoveries worth EUR 3.1 billion, of which EUR 2.7 billion related to revenue. This exceptionally high figure stems from major underevaluation fraud cases concluded by OLAF during the ***year***. At the end of the ***year***, 362 investigations were ongoing.35 Figure 6: Ongoing investigations at the end of 2017, by sector36 35   [*https://ec.europa.eu/anti-fraud/about-us/reports/olaf-report\_en*](https://ec.europa.eu/anti-fraud/about-us/reports/olaf-report_en) 36 In 2017, as in the previous ***year***, OLAF has continued to deal with a relatively high number of cases related to the European Parliament. While many of the investigations are currently on-going, in 2017 cases typically related to the misuse of European Parliament funding to support the activities of national parties. These cases are recorded under the category 'Eu staff'. See OLAF 2017 report (footnote 35, page 23). 14 067 irregularities not reported as fraudulent (-21 %) EUR 2 111 million (-15 %) 9 872 irregularities not reported as fraudulent (-26 %) EUR 1 685.7 million involved (-17 %) 1.25 % of 2017 ***payments*** 4 195 irregularities reported as fraudulent (-5 %) EUR 425.3 million involved (-8 %) 1.66 % of gross amount of TOR collected for 2017 17 3. ANTI-FRAUD POLICIES, MEASURES AND RESULTS — REVENUE 3.1 EU institutions’ anti-fraud measures – revenue When it comes to fighting fraud in the revenue area, the swift, timely and accurate exchange of information is of the essence. This ensures adequate coordination to disrupt fraud schemes that are by nature transnational. The EU fights fraud and irregularities in these areas by reinforcing the legal framework and international cooperation agreements, ensuring operational coordination via Joint Customs Operations (JCOs) and facilitating the exchange of information in relation to VAT fraud. Member States have adopted national measures to:  review strategic plans, risk assessments and indicators;  reorganise competent services; and  enhance information exchanges. Figure 7: Policy highlights in the revenue areas 3.1.1 Mutual administrative assistance 3.1.1.1 Implementation of Article 43b of Regulation (EC) No 515/97 Regulation (EU) 2015/1525,37 amending Regulation (EC) No 515/9738 on mutual administrative assistance in customs matters, introduced a new Article 43b requiring the Commission to assess the need to extend the container status message (CSM) directory and the import, export and transit (IET) directory to export data not limited to excisable goods. The Commission is also required to assess the feasibility of extending the transport directory to data on the import, export and transit of goods by land and air. The Commission reported its preliminary findings in the 2016 PIF report.39 In the 37 Regulation (EU) 2015/1525 of the European Parliament and of the Council of 9 September 2015 amending Council Regulation (EC) No 515/97 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and ***agricultural*** matters (OJ L 243, 18.9.2015, p. 1). 38 OJ L 82, 22.3.1997, p. 1. 39 See COM(2017) 383 final, section 3.1.1.2 meantime, it has pursued its work and finalised its assessment.40 3.1.1.2 Anti-Fraud Information System (AFIS) AFIS is an umbrella of anti-fraud applications operated by OLAF, using common technical infrastructure. It is an important IT tool for many administrations and other users involved in protecting the EU’s financial interests. It also enables substantial economies of scale and synergies in the development, maintenance and operation of such a wide and diverse set of IT services and tools, aiming at:  the timely and secure exchange of fraud-related information between the competent national and EU administrations; and  the storage and analysis of relevant data. AFIS covers two major areas:  mutual assistance in customs matters; and  irregularities management. 40 For more details, see the SWD referred to in footnote 1, point (vi). Coordination, cooperation and information exchange 11 JCOs coordinated by OLAF Proposal for amending Regulation (EU) No 904/2010 on VAT fraud (discussions ongoing in Council) Mutual assistance agreements with non-EU countries: Mercosur and Azerbaijan Anti-fraud clause in free trade agreement with Japan 18 At the end of 2017, AFIS had 8 600 registered end-users on behalf of more than 1 800 competent services in Member States, non-EU partner countries, international organisations, Commission departments and other EU bodies. In 2017, a total of 16 324 cases were available in the AFIS mutual assistance databases and modules. The irregularity management system (IMS), which uses the AFIS platform, received 88 347 new communications on irregularities from Member States and candidate countries. Two new IT systems provided for in Regulation (EC) No 515/97 (as amended), the CSM directory and the IET directory, went live on 1 September 2016. AFIS received 637 million CSMs in 2017. The IET directory contains declaration data on the import and transit of goods and on the export of excise goods. Some 5.3 million export declarations and related messages were processed. AFIS was used for secure access and exchange of information in 11 JCOs (see next section). The anti-fraud transit information system (ATIS) received information on 22.5 million new transit consignments. These are also available in the IET directory. 3.1.1.3 Joint customs operations (JCOs) JCOs are coordinated and targeted operational measures implemented by Member States’ and non-EU countries’ customs authorities over a limited period to combat illicit cross-border trafficking in goods. In 2017, OLAF coordinated and supported 11 JCOs cooperating with Member States and contributing intelligence and technical, financial and logistical support. The JCOs targeted various threats, including cigarette smuggling, revenue fraud, counterfeit products, illicit cash movements and narcotics. Figure 8 presents a summary of most of the operations. Figure 8: Joint customs operations in 2017 Operation Participating countries Scope Results JCO Renegade Asia-Europe meeting: all Member States, Norway, 12 Asian countries, Interpol, Europol, Regional Intelligence Liaison Office (WTO) Counterfeit goods, in particular auto spare parts (ASPs) 70 000 ASPs; 400 000 other counterfeit goods; 56 million cigarettes (worth EUR 12 million in customs duties and taxes) JCO Cerberus 27 Member States, Europol support Failures to declare cash, money laundering and criminal organisations involved in terrorist activities. Detention of EUR 6.4 million JCO Magnum II Coordinated by Estonian customs with the involvement of 14 Member States, Europol and Frontex Smuggling of tobacco products transported by road from non-EU countries (Belarus, Ukraine and Russia) Seizure of around 20 million cigarettes Octopus II Organised by French customs Revenue fraud Evaluation ongoing Load, Lock Sea, Lucky and Pascal Coordinated by French customs Regional maritime surveillance operations to detect illicit trafficking of sensitive goods by sea, in the Atlantic and Mediterranean areas Over 5 tonnes of cannabis resin seized and 10 people arrested JCO Postbox Led by Belgian, German and Swedish customs under the ‘customs against internet crime’ action Excise fraud and illegal trade in counterfeit goods, drugs and weapons in shipments transported by mail and express courier services Over 3 000 seizures of thousands of illicit products, including pharmaceutical preparations, narcotics, cigarettes, counterfeit goods, protected species and weapons 19 Operation Participating countries Scope Results JCO Darius Organised by Dutch customs Smuggling of specific new psychoactive substances (NPS) and counterfeit and undervalued goods, transported by fast-couriers and postal services Over 300 seizures Joint Action Hansa Driven by UK customs in cooperation with Europol Internal movement of illegal excisable goods, mainly cigarettes Seizures of large numbers of cigarettes and other tobacco products 3.1.2 Mutual assistance and anti-fraud provisions in international agreements In the context of Article 19 of Regulation (EC) No 515/97, negotiations were finalised with Mercosur (Argentina, Brazil, Paraguay and Uruguay) and Azerbaijan on mutual administrative assistance provisions forming a legal basis for the exchange of information on fraud and irregularities. Negotiations with Tunisia and Indonesia made good progress. The EU also made progress in ongoing negotiations on including an anti-fraud clause in free trade agreements with Mexico, Mercosur, Chile, Indonesia and Tunisia, and concluded an agreement with Japan. 3.1.3 Fight against illicit trade in tobacco products On 12 May 2017, the Commission issued a progress report41 on the preliminary outcome of its 2013 Communication Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products — a comprehensive EU strategy,42 which came with a comprehensive action plan. Council conclusions on stepping up the fight against illegally traded tobacco products in the EU (adopted on 7 December 2017)43 and the ‘Fighting illicit tobacco’ stakeholder conference (co-organised by OLAF and the European Economic and Social Committee in March 2018) feed into the Commission’s work on a new action plan to fight illicit tobacco, envisaged for late summer 2018. In addition, the EU’s ratified the World Health Organisation’s Framework Convention on Tobacco Control (FCTC) Protocol on 24 June 2016. The FTCT Protocol will enter into force on 41 COM(2017) 235 final. 42 COM(2013) 324 final. 43 Council doc. 15638/17. 25 September 2018. The Commission will represent the EU at the first meeting of the parties to the Protocol in October 2018 and continue to play a leading role in encouraging Member States, neighbouring countries and the main source and transit countries to ratify and implement the Protocol. 3.1.4 Fight against VAT fraud On 30 November 2017, as a follow-up to its April 2016 action plan on VAT,44 the Commission adopted a proposal to amend Regulation (EU) No 904/2010 on administrative cooperation in the area of VAT.45 On June 2018, the Council reached a political agreement on the proposal. The proposal is geared to making the EU’s VAT system more fraud-proof and closing loopholes that can lead to large-scale VAT fraud. The new rules aim to build trust between Member States, so that they can exchange more information, and boost cooperation between national tax authorities and law-enforcement bodies. Key measures include:  strengthening cooperation between Member States (e.g new IT system for information processing and risk analysis within Eurofisc (EU network of anti-fraud experts), joint audits);  reinforcing communication and data exchange between national tax authorities in Eurofisc and European law-enforcement bodies (OLAF, Europol and the future EPPO);  improving cooperation between national tax and customs authorities for certain customs procedures for imports from outside the EU, which are currently open to VAT fraud; and 44 An action plan on VAT: towards a single EU VAT area – time to decide, Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee (COM(2016) 148). 45 Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 268, 12.10.2010, p. 1). 20  strengthening information-sharing to tackle VAT fraud on second-hand cars. 3.2 Member States’ anti-fraud measures – revenue Some 12 Member States reported measures to fight customs and tax fraud; these included:  refining risk indicators to address the undervaluation of import declarations;46  reviewing national customs risk assessment and raised the minimum fine for failure to declare the amount of cash carried;47  drafting an internal customs plan;48  setting strategic and operational priorities for customs and excise;49 and  implementing a new post-clearance audit method extending inspections to all activities of the economic operator in question.50 Three countries introduced measures to ensure the correct ***payment*** of EU own resources51 or more successful recoveries,52 or to combat tax fraud and evasion.53 Two countries established or reviewed the organisation of specific bodies.54 One Member State55 addressed the need to improve the quantity and quality of information exchanged through international platforms. 46 The Netherlands, in particular as regards textile goods. 47 Portugal. 48 Finland. 49 Belgium. 50 Italy. 51 Denmark. 52 Spain. 53 Slovenia. 54 Germany and Greece. 55 France. 3.3 Statistics on detected irregularities and fraud – revenue Figure 9: Key patterns in irregularities detected and reported in 2017 3.3.1 Detected fraudulent irregularities56 A total of 441 irregularities were reported as fraudulent in 2017. This is 33 % lower than the five-***year*** average (658 irregularities on average in 2013-2017). The affected amount of TOR estimated and established (EUR 76 million) in 2017 was 28 % lower than the five-***year*** average (EUR 106 million). As regards the investigation into undervaluation fraud in the UK, a pre-infringement procedure was launched with a formal notice letter in March 2018. The procedure was launched in record time and in view of the fact that the UK had for several ***years*** failed to take appropriate measures to protect the EU’s financial interests and refused to make available to the EU budget the TOR losses resulting from its inaction. The infringement covers the period since 2011. If the UK authorities do not succeed in recovering the duties due, they will be held financially liable for any associated TOR not made available to the EU budget. For the second ***year***, the Commission entered a reservation in the 2017 annual activity report on the accuracy of the TOR amounts ***transferred*** to the EU budget by the UK. 56 For information on the recovery of TOR amounts affected by fraud and irregularities, see the SWD referred to in footnote 1, point (ii). Successful methods of control •inspections by anti-fraud services (fraudulent and non-fraudulent irregularities) •post-release controls (fraudulent and non-fraudulent) •clearence controls (fraudulent) Goods most affected by irregularities in financial terms •solar panels •biodiesel •textiles Emerging goods affected •bicycles •vehicles 21 3.3.2 Detected and reported non-fraudulent irregularities The number of irregularities reported as non-fraudulent for 2017 amounts to 4 195, which is 8 % fewer than the five-***year*** average (4 564 in 2013-2017). The total affected amount of TOR estimated and established amounts to EUR 425 million in 2017, which is 15 % higher than the five-***year*** average of EUR 369 million. 4. SECTORAL ANTI-FRAUD POLICIES, MEASURES AND RESULTS — EXPENDITURE 4.1 Member States’ sectoral anti-fraud policies and measures involving several expenditure sectors Member States reported several measures that address different funds at the same time, mostly the European Structural and Investment Funds (ESIFs).57 Some of the measures extend to other shared management funds, such as the Asylum and Migration Fund (AMIF), the Fund for European Aid to the Most Deprived (FEAD) and the European Globalisation Adjustment Fund (EGF). The measures differ widely in nature and purpose, and range from simplification of procedures to a review of the system for financial corrections; from risk assessments to training courses on specific cross-cutting issues.58 4.2 ***Agriculture*** — sectoral anti-fraud policies, measures and results 4.2.1 ***Agriculture*** — Member States’ anti-fraud measures Nine Member States reported anti-fraud measures specific to ***agriculture***. Three countries focused on the ‘artificial creation of eligibility criteria’.59 Other measures involve:  mandatory fraud prevention training and a rural development anti-fraud strategy;60  preventing irregularities when granting aids and subsidies;61  checks on the basis of procurement rules and evaluating the ‘reasonableness’ of costs;62 57 The ESIFs broadly cover ***agriculture***, fisheries and cohesion policies. 58 For a complete overview, see paragraph 5.1 of the SWD referred to in footnote 1, point (i). 59 Germany, Lithuania and Cyprus. 60 Hungary. 61 Slovakia. 62 The Netherlands.  improving the timeliness and quality of the information reported via IMS;63  reviewing the external and internal control system, following the detection of a scam;64 and  reviewing procedures in areas such as flagging practices, the use of risk indicators and cooperation with law enforcement.65 4.2.2 ***Agriculture*** — statistics on detected irregularities and fraud The Common ***Agricultural*** Policy (CAP) comprises two main components:  direct support (SA), through direct ***payments*** to farmers and market support measures, which are financed by the European ***Agricultural*** Guarantee Fund (EAGF — about 80 % of the CAP budget); and  rural development (RD), which is mainly financed through the European ***Agricultural*** Fund for Rural Development (EAFRD — the remaining 20 % of the CAP budget). The EAGF follows an annual implementation cycle, while the EAFRD finances multiannual ***programmes***. The trend of irregularities detected and reported by Member States over the last five ***years*** is influenced by these differences: SA shows a stable, flat trend, while RD follows a curve, peaking in 2015. Analysis of the irregularities confirms the higher risk associated with market support measures and RD investments.66 4.2.2.1 Detected fraudulent irregularities For the reporting ***years*** 2013 to 2017, the fraud frequency level (FFL) is about 11 % and the fraud amount level (FAL) 25 %. Both indicators, but especially the FAL, were higher for SA than for RD. In absolute numbers, the majority of detected potential frauds affected RD, but the total financial amount of cases concerning SA was higher and increased significantly in 2017. The predominance of SA in financial terms was due to a few cases concerning market measures and involving very large sums. However, even net of 63 Austria. 64 Luxembourg. 65 Poland. 66 All the assessments presented in this section are based on findings detailed in chapter 3 of the SWD referred to in footnote 1, point (ii). 22 these exceptional cases, the average financial amount of potential frauds in the area of market measures is higher than that of RD cases. The average financial amount of potential fraud concerning direct ***payments*** is lower than that of RD cases and decreased in 2017. The Fraud Detection Rate (FDR) was higher for RD than for SA as a whole. Nevertheless, market measures were most affected, with an FDR of 1.17 %. However, it should be borne in mind that this is heavily influenced by a few cases with exceptional financial amounts. In financial terms, the main market measures concerned were ‘fruit and vegetables’, ‘pigmeat, eggs and poultry, bee-keeping and other animal products’ and ‘products of the wine-growing sector’. The ratio of dismissed cases is higher in ***agriculture*** than in the cohesion policy area. Judicial authorities seem less inclined to prosecute alleged crimes in this sector. Figure 10: ***Agricultural*** policy – key facts and figures 4.2.2.2 Detected and reported non-fraudulent irregularities In general, the patterns described in section 4.2.2 also apply to irregularities not reported as fraudulent. RD-related irregularities predominate both numerically and in terms of total financial amounts. However, the average amount involved in SA cases is higher and rose further in 2017. Again, a few cases concerning market measures and involving large sums contributed to this higher average. However, even net of these exceptional cases, the average financial amount of non-fraudulent irregularities in market measures in 2013-2017 is still higher than that of RD cases. The average financial amount of non-fraudulent irregularities concerning direct ***payments*** is lower that that of RD cases and is decreasing. Among the most recurrent detected and reported non-fraudulent irregularities, violations concerning ***payment*** claims or documentary proof predominate and there are many reports of falsification. However, these cases are not classified as fraudulent.67 The Irregularity Detection Rate (IDR) was higher for RD than for SA as a whole. However, the IDR for market measures is 1.39 %, the highest of the whole policy area. Again, this is influenced by a few cases involving large financial amounts. Figure 11: Market measures most affected by irregularities (fraudulent and non-fraudulent) 67 This situation mainly concerns Italy. These irregularities may be reclassified at a later stage and such an approach may be linked to a preliminary phase of ongoing investigations. CAP components •Direct ***payments*** and market support (≈28 % of 2017 EU budget) •Rural development (≈10 % of 2017 EU budget) Irregularities reported as fraudulent •276 detected and reported in 2017 (-32 %) •EUR 59.9 million (stable) Irregularities not reported as fraudulent •3 054 detected and reported in 2017 (-7 %) •EUR 210.4 million (+13 %) Modus operandi •Fraudulent: tampering with documentary proof (false or falsified) •Non-fraudulent: (non-) action by beneficiary, violations concerning claims/documentary proof Detection •Risk analysis, tips from informant, whistle-blower, or information from media are at the basis of a limited number of detections, involving high amounts •Judicial enquiries •Information from EU bodies 23 4.3 Cohesion policy and fisheries — sectoral anti-fraud policies, measures and results 4.3.1 Cohesion policy and fisheries — Member States’ anti-fraud measures Cohesion policy and fisheries were the policy areas most targeted by measures adopted by Member States in 2017. Eight countries reported that they had introduced ARACHNE in their management system,68 IT tools in public procurement,69 a computerised accounting system70 or improvements to their beneficiary information system.71 Four introduced a fraud risk-assessment tool72 or developed specific risk analysis on economic crime.73 Four countries adopted measures concerning the management or reporting of irregularities.74 Three adopted measures specific to one fund.75 The remaining measures concerned conflicts of interest,76 the introduction of a verification procedure77 and anti-fraud training.78 68 Belgium, Bulgaria, Luxembourg, the Netherlands and the UK. 69 Poland. 70 Slovenia. 71 Finland. 72 Germany, Cyprus and Luxembourg. 73 Sweden. 74 Bulgaria, Croatia, Denmark and Malta. 75 Germany (ESF), Ireland (ESF) and Italy (EMFF). 76 Belgium. 77 Austria. 78 Finland. Market measures affected Products of the wine-growing sector Fruit and vegetables Pigmeat, eggs and poultry, bee-keeping and other animal products 24 Figure 12: Cohesion and fisheries policies – key facts and figures 4.3.2 Cohesion policy and fisheries — statistics on detected irregularities and fraud Analysis of cohesion policy is more complex than that of other budget sectors, because the information received (reported irregularities) relates to different ***programming*** periods (PPs) governed by partially different sets of rules. Also, the fact that PPs are multiannual significantly affects the underlying trends. Given the similarities in the management of the funds, fisheries and cohesion policies are analysed together. The number of irregularities reported in relation to cohesion and fisheries policies peaked in 2015, in line with the progress of the ***programme*** cycle. Irregularities reported in 2017 concern four different PPs, with the largest proportion (94 %) relating to PP 2007-2013 and only 570 (less than 2 %) to PP 2014-2020.79 In line with the implementation cycle, reporting with reference to PP 2014-2020 basically started in 2016 and increased in 2017. There are still not enough data for a meaningful analysis. As the bulk of reported irregularities relate to PP 2007-2013, the analysis focuses mainly on that ***programming*** cycle as a whole. 79 All the assessments presented in this section are based on findings detailed in chapter 4 of the SWD referred to in footnote 1, point (ii). 4.3.2.1 Detected fraudulent irregularities The number of potential frauds continued to fall slowly from the 2015 peak, while the financial amounts increased (mainly due to irregularities relating to PP 2007-2013). The ‘research and technological development (RTD)’ and ‘transport’ priorities were among those most affected by potential fraud. As regards the former, infringements of contract provisions were the most-reported violations, for potentially fraudulent and non-fraudulent irregularities. Infringements concerning public procurement rules were reported, but very few as fraudulent. Very few violations concerning ethics and integrity were reported, but most were classified as potential fraud. More specifically, most involved a conflict of interest or belonged to the ‘other’ category. Cohesion policy and fisheries •Multiannual framework •About 34 % of the 2017 EU budget •Irregularities related to several ***programming*** periods, but mainly 2007-2013 Irregularities reported as fraudulent •345 detected and reported in 2017 (-9 %) •EUR 320.4 million (+71 %) Irregularities not reported as fraudulent •5 129 detected and reported in 2017 (-38 %) •EUR 1 395.9 million (-20 %) Modus operandi •Fraudulent: tampering with documentary proof (false or falsified) •Non-fraudulent: infringement of public procurement rules Detection •Risk analysis, tips from informant, whistle-blower, or information from media are at the basis of a limited number of detections, involving high amounts •Information/requests from EU bodies show high financial amounts 25 Figure 13: Focus on PP 2007-2013 As regards the ‘transport’ priority, infringements relating to supporting documents were the most-reported violations for potential fraud. Infringements concerning public procurement rules were the most reported, but they were rarely reported as potential fraud. The opposite was true for infringements concerning ethics and integrity: these violations were rare, but almost all involved potential fraud. They concerned conflicts of interest, corruption or ‘other’. The ratio of established fraud was higher and dismissals lower for cohesion policy measures than for ***agriculture***. 4.3.2.2 Detected and reported non-fraudulent irregularities The number of non-fraudulent irregularities follows the main trend highlighted above. The financial amounts peaked in 2016 and then decreased more slowly than the numbers. The resulting higher average financial amounts for PP 2007-2013 may be the outcome of better targeting or just fortuitous. 4.4 Indirect management (pre-accession) — sectoral anti-fraud policies, measures and results 4.4.1 Indirect management (pre-accession) — statistics on detected irregularities and fraud The analysis of irregularities relating to indirect management focuses on the pre-accession instruments. Reported irregularities still concern two main periods:  2000-2006 – pre-accession assistance (PAA) ***programmes*** to prepare the accession waves of 2004 and 2007, which are slowly phasing out (only five irregularities, involving EUR 0.1 million, were reported in relation to PAA in 2017); and  2007-2013 – the pre-accession instrument (IPA), where the number of reported irregularities was basically unchanged from 2016 (114, involving EUR 17.3 million). For PAA, only one irregularity was detected and reported as fraudulent. For the IPA, the number of irregularities reported as fraudulent dropped to 17 (from 22 in 2016), but these involved EUR 3.1 million (up from EUR 0.7 million). The main area concerned is still rural development support. 4.5 Direct management — sectoral anti-fraud policies, measures and results 4.5.1 Direct management — statistics on detected irregularities and fraud Statistics on direct management are based on recovery orders issued by Commission departments and recorded in the Commission’s accrual-based accounting system (ABAC). 4.5.1.1 Detected fraudulent irregularities In 2017, ABAC recorded 65 recovery items classed as fraudulent,80 which accounted for EUR 7.33 million. Comparing this with the total funds actually disbursed, the FDR is 0.03 %, i.e around the stable five-***year*** average. 4.5.1.2 Detected and reported non-fraudulent irregularities As regards non-fraudulent irregularities, 1 585 recovery items totalling EUR 64.15 million were 80 Referred to in the system as ‘OLAF notified’ cases. PP 2007-2013 Fraudulent irregularities •1 934 - EUR 1.46 billion •FDR 0.44 % (highest for convergence and fisheries; lowest for European territorial cooperation (ETC) ***programmes***) •priorities most affected: RTD, transport, tourism Non-fraudulent •37 869 - EUR 8.46 billion •IDR 2.53 % (highest for convergence objective and fisheries; lowest for ETC) •priorities most affected: RTD, transport and tourism 26 recorded in 2017. Over a five-***year*** period, the IDR remained stable at around 0.5 %. 5. RECOVERY AND OTHER PREVENTIVE AND CORRECTIVE MEASURES Detailed information on recoveries, financial corrections and other preventive and corrective measures (interruptions and suspension of ***payments***) is published in the Annual management and performance report, which as from 2016 includes the former annual Communication from the Commission to the European Parliament, the Council and the European Court of Auditors on the protection of the EU budget.81 6. COOPERATION WITH THE MEMBER STATES The Advisory Committee for Coordination of Fraud Prevention (COCOLAF) brings together Commission (OLAF) and Member State experts. It provides a forum for discussing the main developments in the fight against fraud and the preparation of this report, as required by Article 325(5) TFEU. Its work is structured around four working groups and a plenary session (see Figure 14). Figure 14: COCOLAF structure and subgroups Two subgroups prepared guidance documents in 2017:  Reporting and Analysis subgroup – Handbook on the requirement to report irregularities, which provides guidance on common aspects of Member States’ reporting of irregularities for PP 2014-2020; and 81 The AMPR is part of the EU budget integrated financial reporting package (COM(2018) 457 final). . Information concerning recovery on revenue side is also given in the Commission Staff Working Document ‘Statistical evaluation of the irregularities reported in 2017’.  Fraud Preventionsubgroup – Fraud in public procurement – a collection of red flags and best practices, which contains numerous example cases, red flags, solutions and best practices that are grouped thematically according to the phases of the tender procedure. The Anti-fraud coordination service (AFCOS) meet annually under the chairmanship of OLAF. In 2017, OLAF’s investigative cooperation, in particular during on-the-spot checks and digital forensic operations, was discussed with the AFCOS representatives at the annual meeting. Other subjects for discussion included:  the role of AFCOSs;  recent policy developments; and  the use of AFIS email for case-related correspondence between OLAF and AFCOSs. The OLAF Anti-Fraud Communicators’ Network (OAFCN) brings together communications officers and spokepersons from OLAF’s operational partners in the Member States. It plays a pivotal role in communicating the threat of fraud to the public across the EU, and the joint efforts made by national and EU authorities to combat it. In 2017, OLAF signed two administrative cooperation arrangements to facilitate investigative cooperation with Italy’s Carabinieri and Direzione Nazionale Antimafia e Antiterrorismo. Member States and the Commission exchanged views on anti-fraud matters in meetings of the Council’s Working Party on Combating Fraud (GAF). Four GAF meetings took place in 2017: two under the Maltese Presidency and two under the Estonian Presidency. 7. EARLY DETECTION AND EXCLUSION SYSTEM The Early Detection and Exclusion System (EDES) aims at reinforcing the protection of the EU’s financial interests by ensuring:  the early detection of economic operators representing risks to the EU’s financial interests;  the exclusion of unreliable economic operators from obtaining EU funds and/or the imposition of a financial penalty; and  in the most severe cases, the publication on the Commission’s website of information relating to the exclusion and/or the financial penalty, in order to reinforce the deterrent effect. Plenary Reporting and analysis of fraudulent and other irregularities Fraud prevention Anti-fraud coordination services meeting OLAF anti-fraud communicators' network (OAFCN) 27 This system, which was set up in 2016, represents a significant improvement in the application of rules on administrative sanctions with respect to fundamental rights, independence and transparency. In the absence of a final national judgment or, where applicable, a final administrative decision, EU institutions, agencies, offices and bodies can decide to impose sanctions on unreliable economic operators only after obtaining a recommendation82 from the centralised interinstitutional panel.83 The panel has no investigative powers. In principle, it bases its assessment on facts and findings established in the context of audits or investigations carried out by the European Court of Auditors, OLAF or internal audit, or any other check, audit or control performed under the responsibility of the competent authorising officer.84 It is composed of a standing high-level independent chair,85 two permanent members representing the Commission (as owner of the system) and one ad hoc member representing the authorising officer of the service requesting the recommendation. It respects the right of defence of the economic operator concerned and applies the principle of proportionality.86 In 2017, various authorising services referred 11 cases, relating to 11 economic operators, to the panel through its permanent secretariat. Of these, 10 were from the Commission and one from a joint undertaking implementing an EU public-private partnership. This report also covers an additional four cases referred to the permanent secretariat in 2016 and concerning four economic operators, since they were presented to the panel in 2017.87 The Commission must also report on decisions taken by authorising officers:88  not to exclude economic operators, so as to ensure continuity of service for a limited period pending the adoption of remedial measures by the operators concerned; and 82 For the situations referred to in Article 106(1)(c) to (f) of the Financial Regulation (i.e grave professional misconduct, fraud, serious breaches of contractual obligations, or irregularities). 83 i.e the panel referred to in Article 108(5) to (10) of the Financial Regulation. 84 The authorising officer can be that of an EU institution, an agency, an office or another body. 85 The chair has a standing high-level independent deputy. 86 For more information on the panel, see SWD footnote 1, point (v). 87 As of 30 June 2018, the panel had issued 31 recommendations. For further details, see the SWD footnote 1, point (v) and its annexes. 88 Data provided in the SWD , footnote 1, point (v).  not to publish information on administrative sanctions on the Commission website, either to protect the confidentiality of investigations or to respect the principle of proportionality where a natural person is concerned. Authorising officers took no such decisions in 2017. 8. FOLLOW-UP TO THE EUROPEAN PARLIAMENT RESOLUTION ON THE 2016 ANNUAL REPORT On 3 May 2018, the European Parliament adopted a resolution on the Commission’s 2016 annual report on the protection of the EU’s financial interests – fight against fraud.89 The Commission welcomes the resolution and notes the Parliament’s recognition of its activity in the fight against fraud. It will be able to take action on many of the issues raised in the resolution, in particular as regards close cooperation between OLAF and EPPO. It will comment in detail on the resolution in its formal reply, which will be transmitted to the Parliament later this ***year***. 9. CONCLUSIONS AND RECOMMENDATIONS Legal and administrative measures to target fraud and irregularities and protect the EU’s financial interests have to be adapted on an ongoing basis. In this respect, 2017 was a landmark ***year***, with the adoption of legislative acts that will pave the way to further integration and convergence. Remaining differences in national legal and administrative frameworks warrant tailor-made measures, such as those adopted at national level and described in this report. Nonetheless, certain common conclusions and recommendations can be drawn to highlight prevalent threats and take advantage of best practices that have proven effective in particular countries or budgetary areas. 9.1 Revenue Despite a general fall in the number of irregularities detected, as in 2016 imported solar panels were the goods most affected by fraud and irregularities in financial terms. Many of the irregularities involving solar panels were detected following a mutual assistance notice issued by OLAF. This underlines the importance of OLAF’s investigations in the detection of irregularities on transactions with certain types of goods (e.g incorrect CN codes or origin 89 2017/2216(INI)   [*http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2018-0196&language=EN*](http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2018-0196&language=EN) 28 declarations, evasion of anti-dumping duties, undervaluation of declared goods). The countries of origin most affected by fraud and irregularities were China (in terms of the number of cases) and the United States (in financial terms). OLAF investigations highlighted large-scale revenue frauds through the undervaluation of goods imported in the EU. Such fraud results in huge losses, not only in customs duties, but also in evaded VAT.90 OLAF’s investigations underlined that fraudsters will exploit any loopholes and that quantity fraud can pay off. OLAF’s experience shows that undervaluation will remain a threat to be dealt with in the coming ***years***. To close these loopholes, customs control strategies involving a combination of different controls are pivotal. The customs control strategy should strike the right balance between trade facilitation/simplification and the protection of the EU’s financial interests. Recommendation 1 Member States are asked to remain vigilant as regards the risk of undervaluation of goods, in particular cheap products imported in extremely large quantities, such as textiles and footwear. In order to enhance customs controls, Member States are requested to ensure that:  strategies are in place and target all types of customs procedure and all operators;  proper coordination among all customs services dealing with risk analysis and controls exists; risk profiles provide clear instructions and risk information is shared with other Member States;  close monitoring of the controls results (feedback) and strict follow-up of Mutual assistance instructions are in place. They are also requested to:  systematically include an automated random element and take into consideration the time-barring three-***year*** period for the communication of customs debt as a risk indicator in the post-release risk analysis;  risk-orient post-release audits and strictly monitor their results; and  carry out customs controls on operations made by authorised economic operators (AEO) taking account of the risk management performed with respect to the different elements of these operations. 90 See section 2.5.3 and OLAF report 2017, pp. 26-27. The Commission also invites national competent authorities to make full use of the handbook on operational customs controls based on Member States’ best practices and of the Customs audit guide. 9.2 Expenditure The analysis in this report confirms the main trends and patterns highlighted in previous ***years***. Detection rates remain high for ***programmes*** in the least-developed regions of Europe and in fisheries, and low in relation to cross-border ***programmes***. In ***agriculture***, market support measures are affected by a limited number of highly costly irregularities, which still require an appropriate level of attention. The focus is shifting towards fraud aimed at artificially creating the conditions to access funding. Several Member States have reported specific measures in this respect. Although fewer irregularities and less fraud were reported in 2017, the average financial amounts increased, suggesting that controls are better targeted. Risk analysis, tips from informants or whistleblowers, or information from the media can play a role in improving targeting, especially as it seems that their use is still not widespread. Information from judicial enquiries led to the discovery of some non-fraudulent irregularities involving high average financial amounts. The same was true of controls that started because of information/requests from, or irregularities identified by, an EU body. Recommendation 2 Member States are invited to:  further exploit the potential of risk analysis, tailoring the approach to the different types of expenditure and taking advantage of best practices and the risk elements highlighted in this report;  facilitate and assess the spontaneuous reporting of potential irregularities and strengthen the protection of whistleblowers, who are also a crucial source for investigative journalism;91 and 91 See Strengthening whistleblower protection at EU level, Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee (COM(2018) 214 final) and the proposal for a Directive on the protection of persons reporting breaches of Union law (COM(2018) 218 final). 29  promote systematic and timely cooperation between judicial and administrative authorities. All these measures would have a greater impact if embedded in a national anti-fraud strategy. 9.3 Cooperation at all levels The above recommendations are aimed at strengthening a trend, in terms of policy and legislative initiatives, that is already visible in several Member States and is supported by the analysis presented in this report. The correct and targeted use of data and information is effective for stepping up the fight against fraud and keeping up with the expectations of civil society. European citizens not only look at their own country, but increasingly judge the success of the European project on the basis of what happens in other Member States. However, the necessary data and information are often spread across several authorities. Cooperation at national and EU level will be of the essence. Cooperation between judicial and administrative investigations has already proven even more pivotal for combating fraud efficiently and effectively. At the level of the EU institutions, the Commission will ensure that a strong and fully functioning OLAF complements EPPO’s criminal law approach with administrative investigations. 30 ANNEX 1 — IRREGULARITIES REPORTED AS FRAUDULENT IN 2017 The number of irregularities reported as fraudulent reflects the results of Member States’ work to counter fraud and other illegal activities affecting the EU’s financial interests. The figures should not be interpreted as indicating the level of fraud in the Member States’ territories. This annex does not cover non-EU (pre-accession) countries or direct expenditure. 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Implementation of Article 325 by the Member States in 2017 (SWD(2018) 384) 2. Statistical evaluation of irregularities reported for own resources, natural resources, cohesion policy and pre-accession assistance and direct expenditure (SWD(2018) 386 – part 1 and 2) 3. Follow-up of recommendations to the Commission report on the protection of the EU’s financial interests — fight against fraud, 2016 (SWD(2018) 383) 4. Early Detection and Exclusion System (EDES) — Panel referred to in Article 108 of the Financial Regulation (SWD(2018) 382) 5. Annual overview with information on the results of the Hercule III ***Programme*** in 2017 (SWD(2018) 381) 6. Assessment of the implementation of Article 43b of Regulation (EC) No 515/97 (SWD(2018) 385)

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[***Kenya – Q2 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S3F-4K11-JD33-J3SC-00000-00&context=1516831)

Business Monitor Online

April 13, 2018 Friday

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**Length:** 552 words

**Highlight:** Kenya will continue to underperform its regional peers with regard to the development of its ***agricultural*** sector. Despite COMESA granting another extension to the sugar import safeguard, which will provide a short-term boost, we expect the country's sugar sector to remain regionally inefficient and to post very limited growth over the coming ***years***. However, we forecast steady coffee production growth due to improvements in husbandry techniques. Food price inflation will eventually fall in Kenya as regional corn production shows signs of a rebound in ***calendar***-***year*** 2018.

**Body**

*BMI View: Kenya will continue to underperform its regional peers with regard to the development of its* ***agricultural*** *sector. Despite COMESA granting another extension to the sugar import safeguard, which will provide a short-term boost, we expect the country's sugar sector to remain regionally inefficient and to post very limited growth over the coming* ***years****. However, we forecast steady coffee production growth due to improvements in husbandry techniques. Food price inflation will eventually fall in Kenya as regional corn production shows signs of a rebound in* ***calendar****-****year*** *2018.***Key ForecastsCorn production growth 2017/18 to 2021/22: 54% to 3.9mn tonnes.** The potential wide-scale introduction of genetically modified seeds presents upside risks to this view. However, much of this growth is base effects related to the 2016/17 droughts as well as historical data revisions.

**Wheat consumption growth 2018 to 2022: 12% to 2.3mn tonnes.** Kenyans already have a high rate of wheat consumption by regional standards. Improvements in availability and growth in population and incomes will drive consumption. **Coffee production growth 2017/18 to 2020/21: 9% to 842,000 60kg bags.** Growth will be driven by increased financial support from the government in the form of funds and debt relief. In addition, new coffee varieties are likely to help boost yields. Much of this growth will be due to low base effects, however. **2018 real GDP growth: 5.2%** (up from 4.5% in 2017). Forecast to average 5.2% between 2018 and 2022. **2018 consumer price inflation average: 6.7%**, up from 8.0% in 2017.

|  |
| --- |
| Agribusiness Market Value |
| BMI Market Value By Commodity (2014-2021) |
|  |
| *e/f = BMI estimate/forecast. Source: FAO, BMI* |

**Updates And Structural Trends** In mid-October 2017 the Kenyan government outlined a raft of new plans to improve food security and cushion farmers against drought and disease. The scheme would be run through 10 counties, including Bungoma, Embu, Gishu, Kilifi, Kirinyaga, Kwale, Meru, Migori, Nakuru, Nzoia, Trans and Uasin.In particular the government pledged to: Spend KES6bn to buy maize offered for sale by farmers under the strategic food security reserve in the 2017/18 season. Reduced the price of planting fertiliser to KES1,200/50kg bag. Spend KES300mnin combating the Fall Armyworm. Initiate crop and livestock insurance ***programmes***. Providing a 50% subsidy in premium ***payments*** for crop insurance. Agreement with Equity Bank to allow farmers access credit at a reasonable interest rate. Underwrite loans amounting to KES300mn while banks would lend KES20mn at 12% annualised interest. Kenya is part of the Common Market for Eastern and Southern Africa, a collective of 20 countries under a free trade area, with most members having an open border for traded goods and services. For almost a decade, Kenya has had a safeguard in operation that allows it to limit imports of duty-free sugar to 350,000 tonnes a ***year***. The safeguard was designed to allow the Kenyan government to increase the competitiveness of its sugar industry, though this has not happened. In February 2017, this safeguard was extended again until February 2019, but if and when the safeguard expires, the Kenyan sugar industry will face an influx of cheap sugar that could severely damage the domestic industry's production growth.

**Load-Date:** April 13, 2018

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[***Bitcoin is a bubble, but the technology behind it could transform the world; Blockchain poses as big a threat to banks as Facebook and Amazon did to conventional media firms***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5R7W-D0N1-JCJY-G0MD-00000-00&context=1516831)

The Observer(London)

December 24, 2017 Sunday 12:05 AM GMT

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**Section:** OPINION; Version:1

**Length:** 1090 words

**Byline:** Will Hutton

**Body**

Humanity's earliest, truly transformative general purpose technologies were the ability to cross-fertilise plants and cross-breed animals. Suddenly, it made more sense to farm than to hunt and gather. The surge in ***agricultural*** output meant humans could do other things than worry about survival; they could live in cities. Human civilisation began.

The story of the subsequent millennia has been how some 30 general-purpose technologies of equal power, ranging from the printing press to the steam engine, have driven similar leaps in transforming our economy, our lives and our civilisation. Today, we are living through another.

Digitisation is, if anything, even more powerful: it is a meta general-purpose technology. No area of human activity will be left untouched by the translation of the physical into digital data. Already, it has created astonishing new capacities: the chances are that you are reading this on a smartphone or tablet. But the adventure is only just beginning. Everything - from banking to health - is about to experience similar transformations.

Last week, the growing impact of blockchain and the price of one of the crypto-currencies it underwrites - bitcoin - hit the front pages. Regulators stopped the US stock market trading in the Crypto Company (a tiny penny stock whose main asset is its name) after its shares jumped 2,000%, so that it briefly, and stunningly, joined the Fortune 500 with a value of $12bn. As extraordinary, when the Long Island Iced Tea Corp - yet to make a profit - announced that it was changing its name to Long Blockchain Corp, its shares jumped 500%. The price of bitcoin itself - $1,000 at the start of the ***year*** - briefly hit $19,000 per "coin" last week before falling to $11,000 and then recovering to $14,000 yesterday. A crazy wildness, emulating every financial bubble in history, has settled on US investors.

But bubbles don't come out of nowhere. Peoples' animal spirits are sparked by something real that collectively captures their imagination: blockchain and crypto-currencies are that something. Blockchain is a foundational digital technology that rivals the internet in its potential for transformation. To explain: essentially, "blocks" are segregated, vast bundles of data in permanent communication with each other so that each block knows what the content is in the rest of the chain. However, only the owner of a particular block has the digital key to access it.

So what? First, the blocks are created by "miners", individual algorithm writers and companies throughout the world (with a dense concentration in China), who want to add a data block to the chain. There is no government or central direction; no permission is needed to create a block - and unless the law is broken, no government, regulator or police authority can close the block down.

Just as the web once promised freedom, so does blockchain. The chain is self-policing. Anyone who attempts to launch an exchange of data outside the protocols of the chain will immediately be spotted by the other blocks - and the exchange will be aborted. Suddenly, the world has acquired a system for the fast, trusted exchange of vast amounts of data without intermediaries or supervision.

In the way that Facebook, Amazon, Netflix and Google (the "Fangs") replaced conventional media and communication companies, that prospect faces banks, insurance companies and many public services. Our health data can be given to the whole chain for it to assess, rather than an individual doctor, and the chain can then assess and price an insurable risk. No intermediary is safe. No wonder investors are salivating at the prospect of old, analogue organisations being driven out of business and mega fortunes being made by the companies replacing them, perhaps by the Crypto Company or Long Blockchain Corp. If you had bought Facebook 13 ***years*** ago you would now be very rich.

One of the first casualties could be banking. Already, you can present your card to make a contactless ***payment*** in a store, pub or taxi. Cash has become digitised, although the payee wants to know that a bank has validated the creditworthiness of the payer before accepting the transaction.

But blockchain changes everything. It becomes a means to ***transfer*** digital cash - or crypto-currencies, of which the best known is bitcoin - in vast amounts, across any border, instantaneously. The blockchain makes sure bitcoin is spent once; indeed, blockchain was first invented by the originators of bitcoin to make sure there was no fraud. No £30 limits. No credit or debit card necessary; no central bank or government needed to guarantee the value of the money. Just buy your bitcoin from an online broker and you have buying power in your digital wallet: better still, it may go up in value, giving you more buying power still. The whole analogue apparatus of the financial system could be as severely challenged as newspapers and retailers are by online reading and internet shopping.

The question is whether banks are going to reinvent themselves using the blockchain as a key tool and become crypto-currency brokers before others. The trouble is that bitcoin, like other crypto-currencies, is not a reliable way of storing value - a key function of money - when its price can nearly halve in a week, as it did last week. Better not to think of bitcoin as money; rather, as a commodity that uses blockchain to make settlements faster, but it can't - and never can - be a way for the mass of workers to get paid or make their purchases. It could take millions of transactions away from banks and badly wound them, but it's unlikely to replace them.

But it could still represent a huge shock. Blockchain will administer similar shocks to insurance, healthcare and all mass ***payment*** systems. Intermediaries in the service industries will face a new world in which their routine functions will be performed by machines, ***programmed*** by artificial intelligence, while the blockchain becomes the new means to do business safely, faster and less riskily. There will be new concentrations of economic power because, like the Fangs, the blockchain economic model is more efficient and more effective the larger the network. Moving ever more economic activity into this universe, with its anonymised transactions and secret keys, may please the ultra libertarians - but there remains a public interest in ensuring accountability, justice and fairness. We have, in short, to understand and shape this new world before it shapes us. There are precious few signs of that.

**Load-Date:** December 24, 2017

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[***Russia: Volgograd Region media highlights 30 Apr - 6 May 18***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S94-14K1-DYRV-33VV-00000-00&context=1516831)

BBC Monitoring Former Soviet Union - Political

Supplied by BBC Worldwide Monitoring

May 10, 2018 Thursday

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**Length:** 1163 words

**Body**

By BBC Monitoring

The following are media highlights from Volgograd's state-owned GTRK Volgograd TV news, Vysota 102 and V1.ru news agencies for the period 30 April - 6 May 2018:

Political

Over 50 people have submitted documents to stand in the primary elections of the ruling United Russia party to select candidates for the Volgograd city duma in September, GTRK Volgograd TV reported on 3 May. There are many young people among them, including those working in the education and healthcare sectors as well as business, the report noted. Over 30 participants in the primaries have already held debates, during which they answered questions asked not only by their opponents, but by voters as well. Elections will be held in 22 municipalities in September, the report stated, adding that 73 heads of urban and rural settlements as well as 639 deputies will be elected. (GTRK Volgograd "Vesti Volgograd" news, Volgograd, 1745 gmt 3 May 18)

Over 200 people took part in the 5 May authorised protest in Volgograd organized by opposition leader Alexei Navalny's regional campaign office, Vysota 102 news agency reported on the same day. The rally was held under the slogan "He is not our tsar!" and was held ahead of Putin's inauguration on 7 May. Demonstrators carried banners with slogans against corruption, the Telegram messenger blocking and "hatred in society" as well as slogans calling for the alternation of power, the report said. There were such slogans as "I insult believers' feelings", "I will definitely not be imprisoned for this banner", "He is not our tsar", "Russia will be free", "Freedom to political prisoners", etc. (Vysota 102 news agency, Volgograd, 1340 gmt 5 May 18)

Regional politicians and public activists will attend Vladimir Putin's inauguration on 7 May, Vysota 102 news agency reported on 6 May. Among them are members of an initiative group for Vladimir Putin's nomination for presidency (honoured citizen of Volgograd Region, Maths teacher Yuri Lepekhin; secretary of United Russia regional branch Sergei Gornyakov; acting head of the A Just Russia party regional branch Dmitry Kalashnikov) and the president's authorised representatives who headed his regional campaign office (head of an ***agricultural*** company Alexander Kolesnichenko; head doctor of the regional children's clinic Svetlana Yemelyanova; consultant to the Volzhsky Pipe Plant Vladimir Zimovets). Governor Andrei Bocharov, State Duma deputies and Federation Council members representing the region and head of the executive committee of United Russia's regional branch Maria Kilesyova will be among the guests at the inauguration ceremony as well. (Vysota 102 news agency, Volgograd, 1503 gmt 6 May 18)

Economic

A new domestic terminal at Volgograd airport is practically finished, GTRK Volgograd TV reported on 2 May. Work to equip and furnish it as well as mount security system remains to be done there. The terminal's capacity will exceed 700 passengers per hour. The terminal is expected to receive first passengers in the first half of May. This is the second stage of the airport's modernisation project, the report said. The first stage included construction of Terminal C and a new airstrip. This helped increase the passenger throughput: 80,000 passengers used Terminal C in March, which is up 12 per cent against March 2017, the report stated. (GTRK Volgograd "Vesti Volgograd" news, Volgograd, 1745 gmt 2 May 18)

Regular flights have been launched from Volgograd to Kazan and Sochi in line with a regional air service development ***programme*** being implemented in association with the regional administration. Flights to Kazan and Sochi are performed twice a week. Flights will be performed until the ***year*** end, but not only during the Fifa World Cup matches, CEO of Volgograd airport Sergei Dmitriyev said. Later they may be prolonged for the next three ***years***, the report noted. (GTRK Volgograd "Vesti Volgograd" news, Volgograd, 1745 gmt 3 May 18)

Spending on the Volgograd Region representative office in Moscow has gone up 8 per cent over a ***year*** and reached R35.1m, Vysota 102 news agency reported on 4 May, citing the regional audit chamber. A total of R32.5m was spent for the purpose in 2016, the report noted. Spending on salaries of the representative office head and the employees holding state posts and additional and lump-sum ***payments*** to them as well as purchases of office and household appliances and stationery has been boosted. Sixteen people work at the regional representative office in Moscow. (Vysota 102 news agency, Volgograd, 1347 gmt 4 May 18)

About 2,000 instances of fire safety violation have been revealed during inspections of heavily trafficked facilities, prompted by the deadly fire at the Winter Cherry shopping mall which claimed 60 lives in Kemerovo in late March, Vysota 102 news agency reported on 4 May. About 200 shopping malls and entertainment centres have been inspected. Almost 20 malls have been shut down by court "until violation is removed". (Vysota 102 news agency, Volgograd, 0802 gmt 4 May 18)

Narcotics

Six members of an organized crime group will be prosecuted for the sale of 100,000 single doses of drugs, Vysota 102 news agency reported on 5 May. According to investigators, between November 2014 and February 2017 the defendants were selling synthetic drugs in Volgograd, Saratov and Voronezh. A 37-***year***-old woman is believed to be the organizer of the crime group. She placed drugs in hiding places, while her 47-***year***-old husband packaged drugs and left drug caches at agreed places. Other members of the crime group acted as couriers. (Vysota 102 news agency, Volgograd, 0718 gmt 5 May 18)

Terrorism

Mikhail Ustyantsev, who recruited Volgograd residents to the Japanese terrorist sect AUM Shinrikyo, has been detained, V1.ru news agency reported on 5 May. During a long time Ustyantsev was keeping in touch with unidentified Japanese sect leaders and organizing meetings with Volgograd dwellers engaged in illegal activities, the Russian Investigations Committee said. A Moscow court has arrested Ustyantsev, the report stated, adding that charges against him will be brought soon. (V1.ru news agency, Volgograd, 0549 gmt 5 May 18)

Crime

Maya Mikhalyova, former head of the Volgograd Yevropa-Biofarm company, has been sentenced to six ***years*** in a general security jail for fraud on particularly large scale, Vysota 102 news agency reported on 3 May. The woman has also been fined R900,000 (almost 14,300 dollars at the current exchange rate). According to investigators, the Russian Education and Science Ministry placed a state order with the company in April 2012 to develop an advanced pumpkin processing technology to produce pectin. The ministry paid R45m in advance. Mikhalyova ***transferred*** the money to the accounts of the firms that she set up and signed documents on fulfilment of research and development work, albeit the latter was not carried out. (Vysota 102 news agency, Volgograd, 1332 gmt 3 May 18)

Source: BBC Monitoring

**Load-Date:** May 10, 2018

**End of Document**



[***Infrastructure upgrades and cross-network agreements benefit Kenya's already robust ICT sector***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4Y1-DXYV-70X6-00000-00&context=1516831)

Oxford Business Group: Articles

October 2018

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**Length:** 3786 words

**Body**

Having earned the moniker Silicon Savannah - a status the country first actively sought in 2013 when it launched its economic development roadmap, Vision 2030 - Kenya has made significant strides in ICT. Vision 2030 included a technology development blueprint with the main objective of transforming the country into a global digital player. Progress in this regard is being fuelled by favourable government policy, investment in infrastructure and a vibrant entrepreneurial ecosystem.

**Sector Contribution**

As a result of these reforms, ICT is an increasingly large contributor to the economy, directly accounting for 7% to GDP in 2016 and enabling transactions in other sectors. The near universality of mobile connectivity and rapid uptake of mobile money have made telecoms a key driver of economic activity. The mobile money ecosystem has stimulated innovation in other sectors such as financial services, ***agriculture*** and health.

Telecoms infrastructure has received substantial public and private investment in recent ***years***, leading to improvements in the quality of connectivity, and reduced costs for consumers and businesses. Notably, between 2009 and 2016 four fibre-optic sea cables with termination points in Kenya were built, and 2017 saw several fibre-optic cables being laid across the country, predominately in urban areas. Rural access to fibre-optic or wireless internet is still limited, with rural residents largely reliant on more expensive mobile internet. The "2015/16 Kenya Integrated Household Budget Survey" report by the Kenya National Bureau of Statistics (NBS) found that 29.9% of households had internet access, with 47.1% of urban households and 16.7% of their rural counterparts connected to the internet.

The most important developments in telecoms are therefore primarily stemming from improved access to high-speed internet, increased investment in physical infrastructure, and continued entrepreneurship and innovation. The mobile segment in particular is entering a new era of enhanced cooperation among mobile operators through cross-network interoperability, which is expected to result in greater transaction volumes across the board.

**Regulation**

Established in 1999 under the Kenya Information and Communications Act, the Communications Authority (CA) is the telecoms regulator. It licenses sector players - mobile, fixed-line and internet operators, as well as TV, radio and other broadcast media providers - and protects consumer interests in ICT. In recent ***years*** the CA has also played a key role in regulating the expanding frequency spectrum, as well as ensuring equitable access and competitiveness in the growing market.

Telecoms is also under the purview of the Competition Authority of Kenya, which has intervened in various mobile segment matters, such as reports of anti-competitive activity among operators. Meanwhile, the Central Bank of Kenya (CBK) regulates matters relating to mobile money, namely transactions across mobile money wallets and international money ***transfers***, in much the same way that it oversees interbank activity. Mobile money users can directly send and receive money ***transfers*** from both regional and international mobile wallets and bank accounts.

**Fixed-Line Players**

Telkom Kenya (TK) is the sole provider of domestic, fixed-line telephony services. TK was originally established as the Kenya Post and Telecommunications Corporation (KPTC), a government-owned entity that not only offered postal, telephone and mobile services, but also was tasked with regulatory oversight of these responsibilities.

The KPTC has since undergone more than two decades of division and specialisation. In 1997 mobile services were split off to public subsidiary Safaricom, and in 1999 the KPTC was separated into three bodies: the CA regulates sector activities, while Kenya Post handles mail services and TK provides telephony.

Orange, a French telecoms company, entered the Kenyan fixed-line market in 2007 with a 51% acquisition of TK, and it subsequently increased this stake to 70% in 2012. Orange has since divested from TK, finalising the sale of this stake to UK-based private equity firm Helios Investment Partners in June 2016. However, further negotiations saw Helios receive a 60% stake, while the Kenyan government retained a 40% share of the telecoms firm.

TK discontinued the Orange brand in mid-2017 and launched its new Telkom brand. While these moves saw TK's mobile subscriptions increase from 3.4m in June 2017 to 3.9m three months later, this mobile focus reflects the downward trend of fixed lines throughout the world: in the first quarter of 2018 Kenya had 68,299 fixed-line telephone subscriptions, a 5% ***year***-on-***year*** (y-o-y) decline.

**Mobile Operators**

The mobile market has successfully reached the vast majority of the populace, with 44.1m mobile subscriptions in the first quarter of 2018, translating to a penetration rate of 95.1%, according to the CA. This marked a significant rise from the 39.1m subscriptions and 86.2% penetration recorded in the first quarter of 2017.

These subscriptions were dominated by three operators: Safaricom was the largest by far, with 29.6m subscribers and 67% of the market, while Airtel Kenya had 8.71m (19.7%) and TK 3.8m (8.6%). Finserv Africa, a smaller operator, had 4.4% of the market, followed by Mobile Pay with 0.2% and Sema Mobile Services with less than 0.1%.

The structure of the mobile segment underwent significant structural change in the 2010s. In the early part of the decade the industry was characterised by strong competition and price wars between Safaricom, Airtel Kenya, Orange and yuMobile, which led to call rates as low as KSh2 ($0.02) per minute. However, the period since 2014 has seen considerable consolidation. India-based Essar, which established yuMobile in 2008 through its acquisition of Econet Kenya, was the first to exit the market, selling yuMobile to Airtel Kenya and Safaricom for a total of $120m, with the former taking over yuMobile's subscribers and the latter assuming its infrastructure, including base stations and towers. Following this was the aforementioned exit of Orange in June 2016, whereby it sold its entire stake in TK to Helios Investment Partners for an undisclosed sum.

Safaricom's predominance has eased since FY 2016/17, when it accounted for 72.6% of mobile subscriptions. However, its M-Pesa service still accounts for the vast majority of the mobile money market - in terms of both the number of wallets and the value of transactions - in 2018 (see analysis). While Safaricom was the first and only operator to offer 4G mobile internet for several ***years***, in mid-2017 TK rolled out 4G availability, followed by Airtel in May 2018.

**Structure**

After the 1997 establishment of Safaricom, in 2000 Vodafone UK acquired a 40% stake and management responsibility in the firm. In May 2017 Vodafone sold 35% of this to Vodacom, its South African subsidiary, for $2.6bn as part of efforts to consolidate its sub-Saharan African assets.

In 2017 Safaricom recorded KSh213bn ($2.1bn) in revenue, with 51.7% derived from the mobile voice and SMS markets, 25.9% from M-Pesa, 16.2% from data, 2% from other services, and 4.1% from device sales and other sources. The substantial share of revenue from services apart from mobile telephony or SMS, including M-Pesa, reflects both the firm's efforts to diversify away from telecoms and M-Pesa's significant influence over the market. As Safaricom's most profitable business unit in 2017, M-Pesa had revenue inflows from not only mobile money ***transfers*** between M-Pesa users, but also merchant ***payments*** and commissions charged to companies that host M-Pesa-integrated services.

The second-largest mobile operator by market share is Airtel Kenya, a wholly owned subsidiary of India-headquartered Bharti Airtel. Airtel Kenya began operations in 2010, when Bharti Airtel purchased Kuwait-based Zain's Africa operations for $10.7bn. Zain had previously secured this footprint in a 2007 acquisition of Celtel International for $3.4bn.

TK, the third-largest mobile operator, recorded the strongest growth of any provider in 2017. The aforementioned acquisition and marketing campaign saw TK's market share increase from 7.2% in the second quarter of 2017 to 9% in the final quarter of that ***year***, before easing back to 8.6% in early 2018.

Lastly, Finserv Africa is a fully owned subsidiary of Equity Group, a mobile virtual network operator using Airtel facilities. In March 2018 Finserv Africa had 1.94m subscriptions, with customers able to access bank services via their mobile phones.

**Infrastructure**

In 2015 the CA commissioned a report on competitiveness in the mobile market. Released in 2017 and updated in 2018, the report found that Safaricom's dominance was largely based on its superior infrastructure. In its 2018 review of the market, UK consulting firm Analysys Mason highlighted that Airtel and TK had limited reach in certain parts of the country, as they lacked an adequate base station. The consultancy noted that infrastructure sharing by Safaricom may prove more economical than Airtel and TK building base stations of their own, particularly in the northern counties of Isiolo, Garissa, Mandera, Marsabit, Samburu, Turkana and Wajir.

**Mobile Money**

Safaricom's M-Pesa service dominates the mobile market, with 23.6m mobile money subscriptions in the first quarter of 2018, representing 81.2% of the 29.1m total active users and facilitating 79.1% of the KSh1.87trn ($18.3bn) worth of transactions over this period. In July 2016 the company introduced its own ***payment*** card to facilitate transactions at brick-and-mortar retail establishments. The M-Pesa card is linked to a user's M-Pesa mobile wallet and operates through a near-field communication system, allowing customers to use the service at enabled points of sale using so-called tap-and-go ***payment***.

Airtel Money, which held 3.4m wallets and 11.6% of subscriptions in the first quarter of 2018; and Equitel Money, which has 1.9m wallets, representing 6.7% market share, are the two next-largest players. However, T-Kash, a new entrant, joined the market in the first quarter of 2018 with 34,149 subscriptions.

In February 2014 Airtel Money partnered with Visa and Chase Bank to launch the pre-paid Airtel Money Card, which enabled users to complete card transactions with their mobile wallet balances to shop online, withdraw cash from ATMs and transact in any location in which Visa is accepted. However, in April 2016 Chase Bank came to the brink of collapse, causing Airtel to withdraw the card from the market before reinstating it in August 2016.

Part of Airtel's motivation to launch the card came from its plan to grow its agent network. Agents - physical retail points at which customers can deposit and withdraw cash from their wallets - are vital to the mobile money ecosystem. By the first quarter of 2018 Airtel Money had 31,240 agents, compared to M-Pesa's 156,534. Despite T-Kash's new entrance and relatively small market share, it already had 8343 agents by March 2018.

Data from the CBK shows that mobile money facilitated KSh3.6trn ($35.3bn) of transactions in 2017. M-Pesa has played a key role in encouraging the use and wide uptake of mobile money as an alternative to cash and conventional banking. This is held up as a Kenyan success story and a model of how technology can facilitate economic development spite of infrastructure shortfalls. The strong uptake of mobile money has spurred innovation in financial services, ***agriculture***, health and renewable energy companies, and Kenya has become a leading destination on the continent for entrepreneurship.

**Interoperability**

The CA's mobile industry competitiveness report also revealed that competitiveness was hampered by a lack of interoperability across mobile networks, particularly for mobile money. Before April 2018 customers could not easily perform direct transactions across operators; they faced higher fees and long delays for cross-network transactions, and in some cases activity between providers was entirely unsupported. The regulatory framework and pricing by the mobile networks drove up the cost of cross-network ***transfers***.

The lack of coordination among providers led to market consolidation and reduced competition, as customers would default to the operator that their friends, family members and merchants used. Various industry players lobbied the CBK to change the regulations to facilitate cross-network money ***transfers*** in order to increase competition and consumer choice, as well as reduce the systemic risk resulting from one company dominating the market. These same groups urged the industry to reduce fees on cross-network ***transfers***, arguing that this would stimulate the broader use of mobile money, which would ultimately benefit all players.

With the support of the CBK, Airtel and Safaricom began a cross-network money ***transfer*** pilot in February 2018. This was initially limited to employees of the two firms, enabling interoperability across the systems. After the success of this ***programme***, in April 2018 this was extended to include the general public and TK. The agreement saw Safaricom and Airtel reduce their tariffs for cross-network mobile money ***transfers*** by up to 75%. The companies also raised daily cross-network ***transfer*** limits, removing previous disincentives and barriers.

**Government-Led Initiatives**

While operators are stepping up coordination efforts, the Ministry of Information, Communications and Technology (MoICT), a federal body established in 2013, oversees, streamlines and manages domestic ICT initiatives. Public expenditure in ICT has largely been targeted at projects outlined in the Kenya National ICT Master Plan 2014-17, which includes a core focus on implementing e-government services. The government outlined a subsequent National ICT Master Plan 2018-22, which primarily aims to create an integrated court management system, supported by e-courts, enterprise systems, and improved lines of communication and collaboration.

In December 2017 President Uhuru Kenyatta announced the Big Four agenda, an outline for his administration's second term in office based on four pillars: affordable housing, food security, manufacturing and affordable health care. While technology was not explicitly included in the initial statement, the subsequent commentary and full articulation of the strategy expressed plans for technology to play an instrumental role in achieving these goals.

In a speech delivered at a conference in February 2018 jointly hosted by the US Chamber of Commerce - Africa Business Centre and Microsoft, President Kenyatta emphasised the importance of ICT in increasing food security, as it could facilitate access to ***agricultural*** inputs, provide more accurate weather forecasts and crop conditions, and help track counterfeit materials, which would result in increased transparency and fairer pricing mechanisms. "Digital technology also underpins a range of agro-financing services that are essential for equipping smallholder farmers across the country," he said.

**Emerging Technology**

In February 2018 Joseph Mucheru, cabinet secretary of the MoICT, announced the formation of a task force to investigate the potential for emerging technologies such as blockchain, artificial intelligence and the internet of things to affect national development. The 10-person task force comprises various important players in ICT, including Bitange Ndemo, a former permanent secretary at the MoICT; Juliana Rotich, the co-founder of Ushahidi, a not-for-profit technology company; researchers from IBM; and the head of regulatory affairs at Safaricom. Their mandate is to develop a roadmap on how emerging technologies such as blockchain can be leveraged in Kenya over the coming ***years***, with a primary focus on job creation.

**Internet**

The uptake of such technological advancements are being facilitated by notable efforts in recent ***years*** to increase the availability and quality of internet connections. In 2009 a new generation of undersea cables began operating off the coast of East Africa, leading to increased internet capacity throughout the region.

The first submarine cable operator to launch in Kenya was SEACOM, a privately held company with cable landing points in four African cities including Mombasa. A number of operators, such as SEACOM and The East African Marine System, upgraded their cables in 2016 and 2017.

Greater broadband connectivity has brought faster internet speeds, lower costs and greater competition. While in 2015 a 25-Mbps connection cost $4000-5000 per month, by mid-2018 this fell to around $550. Lower costs have been beneficial to small businesses, start-ups and home users alike.

According to the CA, the number of internet and data subscriptions in Kenya grew by 40.5% y-o-y in the first quarter of 2018, from 25.7m in the first quarter of 2017 to 36.1m one ***year*** later. While the vast majority (35.8m) were mobile connections, with this segment up 40.1% y-o-y, terrestrial wireless data recorded the strongest growth in percentage terms, expanding by 182% y-o-y from 36,104 to 101,742.

The CA reported that there were 327,506 non-mobile internet subscriptions in March 2018. The main providers are Wanachi Group (Kenya), trading as Zuku internet, with 34.4% of the market; Safaricom with 19.4%; Mawingu Networks with 18.2%; and Jamii Telecommunications, trading as Faiba, with 11%. The remaining 17% of the market is held by other players, including Poa Internet Kenya (Argon Telecom Services), Internet Solutions Kenya (Access Kenya Group), Liquid Telecommunications Kenya and TK.

These improvements in the cost of and access to internet have been well received by stakeholders. "Kenya has done a good job when it comes to internet penetration," Corine Mbiaketcha Nana, managing director for Kenya at Oracle, told OBG. "Acceleration potential is high, as there have been significant advances even at the government level."

**Spectrum**

Kenya Power installed fibre-optic cables across the country in 2017. These efforts - in addition to upgrades by other companies - have enabled significantly faster internet speeds, supporting the rapid uptake of such services. Additionally, in 2017 Kenya switched from analogue to digital television, freeing up 700 MHz of spectrum, which can now be used to deliver 4G services. The CA decided to split the spectrum into three blocks to increase the number of potential beneficiaries of the allocation. It awarded a segment to Jamii Telecommunications in 2017, and in December 2017 two consortia submitted applications for the remaining two blocks, though they were still being evaluated in September 2018.

**Cloud Computing**

Increased internet access is fuelling demand for cloud computing services from not only local businesses, but also international tech companies. In 2017 Oracle and Microsoft launched cloud-based products for the Kenyan market, and South African telecoms firm MTN opened a KSh1.33bn ($13m) data centre in Nairobi in partnership with Microsoft; MTN joins Liquid Telecom Africa and a consortium of local investors trading as icolo. io in operating data centres in Kenya.

**Cybersecurity**

Higher internet penetration has also increased the potential scope of cybersecurity threats, putting the country in the cross hairs of international hackers. For example, in January 2018 National Bank of Kenya was the victim of an attack that resulted in the loss of up to KSh29m ($284,000).

The growing threat of cyberattacks is a worldwide phenomenon, with the World Economic Forum reporting that global corporate leaders' greatest concern for 2018 was cybersecurity. Companies in Kenya are especially vulnerable due to relatively weak cybersecurity protocols. According to the NBS, only 35% of companies had any kind of IT security policy in 2017, though the market for these products is growing. "We are seeing increasing demand for cybersecurity products from businesses of all sizes in Kenya," Abdul Mohamedbhai, the technical director at cloud solutions provider XC360 Kenya, told OBG. "This is driven by greater migration to the cloud, facilitated by the increased broadband spectrum."

**Digital Jobs**

While cloud computing and cybersecurity are on the rise, the business process outsourcing (BPO) industry is nascent, with few specialised players. The major users of call centre services - such as mobile operators, banks and utilities - operate in-house centres with minimal outsourcing.

However, developing this segment offers significant potential in addressing the relatively high youth unemployment rate. In 2017, 26.2% of individuals between 15 and 22 ***years*** of age were unemployed, nearly double the world average of 13.6%, according to the World Bank. Call centres and BPO facilities could provide semi-skilled digital jobs for young people, helping to bridge this gap. Digital Data Divide Kenya - a social enterprise providing work and training for recent high school graduates from low-income neighbourhoods in Nairobi - is taking advantage of this potential, employing young individuals to provide BPO services to international companies. Other companies focused on developing local talent and creating digital jobs include the Moringa School, a coding academy founded in Nairobi in 2014 that provides high school graduates with intensive and accelerated training in software development.

Foreign firms are also interested. After its founding in 2014, US tech firm Andela entered the Kenyan market in 2017. Andela trains university graduates from any discipline to become software developers and helps them find employment in local businesses. After receiving $24bn in Series B and $40bn in Series C funding in June 2016 and October 2017, respectively, Andela began operations in Nigeria, before expanding into Kenya, Uganda and elsewhere.

**Outlook**

The growth in technology capacity and uptake is a result of considerable public and private investment in the physical infrastructure that forms the backbone of ICT. Improvements, such as the addition of four fibre-optic sea cables between 2009 and 2016, have stepped up the quality of connectivity and reduced costs for consumers and businesses. Value-added services supported by mobile money have enabled mobile operators to maintain profitability, as the industry's focus has shifted, first from voice to SMS, then to the current era of data-driven growth. "With high internet penetration rate, in addition to an abundant supply of highly trained IT resources, the number of start-ups in the country are increasing. This is perhaps an indication of investor confidence in Kenya and a recognition of Kenya's status as a technology hub in Africa," Ebrima Fatty, CEO of e-commerce platform AfricaSokoni, told OBG.

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[***Infrastructure Investment Opportunities Emerging In Bhutan***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5STX-B9S1-JD33-J1Y4-00000-00&context=1516831)

Business Monitor Online

July 18, 2018 Wednesday

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**Length:** 1188 words

**Highlight:** We believe that logistics and air travel infrastructure in Bhutan will likely be attractive areas for foreign direct investment over the coming ***years***. Our view is informed by the EU-Bhutan Trade Support Project and an improving tourist arrival outlook. This supports our forecast for real GDP growth to average 7.0% over the coming decade.

**Body**

*Key View: We believe that logistics and air travel infrastructure in Bhutan will likely be attractive areas for foreign direct investment over the coming* ***years****. Our view is informed by the EU-Bhutan Trade Support Project and an improving tourist arrival outlook. This supports our forecast for real GDP growth to average 7.0% over the coming decade.* It is positive that the Bhutan government is making efforts at improving the ease of doing business and we see several potential opportunities for foreign direct investment (FDI) over the coming ***years***. Given that infrastructure investments will likely lay the foundation for further business activity expansion, we expect this to be a key growth driver and forecast real GDP growth to average 7.0% over the coming decade *(see 'Growth To Benefit From Strong Construction, Hydropower, And Transport Outlook', May 24)*. We expect the 40-month long EU-Bhutan Trade Support Project announced in May, aimed at diversifying Bhutan's exports and growing exports to the EU, to support the need for improved logistical infrastructure. Meanwhile, tourist arrivals are likely to remain on an uptrend, given the government's 'friendship offer' tourism promotion campaigns, and we expect this to bring about opportunities for air travel infrastructure investment.

**Improving Business Environment** We highlight several enhancements to the domestic business environment, which will complement the emerging opportunities across different sectors. Bhutan's World Bank 2018 Ease of Doing Business Ranking stands at 75 out of a total of 190 countries, placing it as a frontrunner in South Asia, far ahead of India (in second place at 100th position). Notable business environment improvements over the past three ***years*** include: Getting Electricity: Improved the ease of getting electricity by speeding up the process for obtaining a new connection Property Registration: Improved the ease of property ***transfer*** by introducing a computerised land information system Contract Enforcement: Created a dedicated bench to resolve commercial cases Obtaining Credit: Improved access to credit information through the distribution of ***payment*** data from two utility companies Starting a Business: Reduced the time required to obtain a security clearance certificate, registering at the office of registrar and tax registration **EU-Bhutan Trade Support Project To Provide Opportunities For Logistical Improvements** We expect the EU's EUR4mn EU-Bhutan Trade Support Project, aimed at improving value addition and market linkages for Bhutan horticulture and textile handicraft producers, to bring about the need for improved logistical infrastructure. As this initiative aims to diversify Bhutan's exports through the growth of horticulture and textile handicraft exports (both of which are hardly even exported at present), we believe that the logistical infrastructure serving these businesses could be severely lacking. Therefore, this would give rise to FDI opportunities in logistics infrastructure.A potential area of investment could be in industrial estates, which the government allows up to 100% FDI and feature on the government's FDI priority list for fast track approvals. Other areas which could be targeted for FDI include EU import regulation compliance testing for ***agricultural*** products and the technology and facilities required to prepare the horticulture products for air shipment. This is due to the fact that most of Bhutan's ***agriculture*** exports currently go to neighbouring countries such as Bangladesh and India. Considering Bhutan's characteristic as a land-locked country, as well as the safety issues regarding the aerial access of the country's only international airport that is located among the high peaks of the Himalayas, we believe that land transport could be the main export delivery channel. Therefore, this would imply that existing pre-export product preparation facilities would also be mainly catered towards this method. **Rising Tourist Arrivals To Bring Opportunities For Air Infrastructure Enhancements** We believe that significant improvements to Bhutan's air travel infrastructure will be essential to sustain tourist arrival growth over the coming ***years***. Tourist arrivals have recorded significant growth, increasing by an annual average of 26.2% to 254,704 in 2017, from just 100,000 in 2013. Of the total arrivals in 2017, 28.0% were international tourist arrivals arriving by air, with the remaining 72.0% being regional tourists arriving by land. This partially reflects the limited handling capacity at Bhutan's Paro International Airport, one of the world's most challenging airports which only eight pilots are qualified to land at, exacerbating the air travel infrastructure constraints.Based on official tourism statistics, tourist arrivals from countries participating in the government's annual tourism promotion campaign such as the 'Friendship Offer' ***programs*** with Japan in 2016, South Korea in 2017, and Australia in 2018 appear to be the main driver of international tourist arrivals in Bhutan. The campaign offers tourists from partnering countries the option of paying only the 'government sustainable development fee' of USD65 per night as opposed to the minimum package rate of USD200 per person per night for other tourist nationalities, and discounted airfares and hotel rates. As tourists arrivals from the partnering country tend to spike during the campaign ***year*** and collapse significantly in the next, this suggests that the minimum spend could be a major hindrance to pent up international tourism demand in Bhutan and that adjustments to this criteria could see an influx of tourists should air travel infrastructure be able to catch up. Indeed, Japanese tourist arrivals collapsed by 43.2% in 2017 following the 49.6% rise in 2016 as a result of the 2016 Bhutan-Japan Friendship Offer. This was similar to the trend observed for Thai tourists in 2016 following the 2015 Bhutan-Thailand Friendship Offer.Given that the government has jointly with the Asian Development Bank (ADB), identified this to be an industry bottleneck, launching the Air Transport Connectivity Enhancement Project in 2012, we believe that FDI opportunities exist in this area. Potential opportunities could lie in capacity enhancement projects for Bhutan's domestic airports under Public-Private Partnerships, which allow for up to 100% FDI. Based on the project's latest documents in 2016, capacity improvements are required at the Bumthang, Gelephu and Yonphula domestic airports as these airports were initially constructed to accommodate small aircrafts carrying up to 19 passengers. However, with the national carrier, Drukair acquiring larger 48-passenger ATR42 aircrafts to be operated on its regional and domestic routes, existing runways at domestic airports have become too short to accommodate these models. Similarly, the larger aircraft passenger capacity will also have to be complemented with capacity upgrades at domestic passenger terminals so as to adequately serve the projected rise in tourist arrivals, providing another avenue for FDI consideration.

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[***Infrastructure Investment Opportunities Emerging In Bhutan***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SV4-9JW1-F0J5-847B-00000-00&context=1516831)

Business Monitor Online

July 19, 2018 Thursday

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[***Register of Commission documents: DRAFT AGENDA Meeting 12/06/2018 STRASBOURG Document date: 2018-06-12 CPCO\_OJ(2018)06-12 Agendas - Conference of Committee Chairs***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5RYY-3W91-F0YC-N004-00000-00&context=1516831)

Impact News Service

July 21, 2018 Saturday

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**Body**

Brussels: Public Register European Parliament has issued the following document:

PV CPC 12.06.2018 PV/1156950EN 1 PE 617.447 EUROPEAN PARLIAMENT Strasbourg, 12 June 2018 CONFERENCE OF COMMITTEE CHAIRS Meeting of 12 June 2018, Strasbourg Minutes The meeting opened at 14.01 with Ms WIKSTRÖM in the chair. At the opening of the meeting, the interpreters, as agreed by the CHAIR, read out a brief strike notice. 1. Adoption of the draft agenda (PE 617.447) The Conference of Committee Chairs noted and adopted the draft agenda (PE 617.447). 2. Approval of the minutes of the meeting of 29 May 2018 (PE 617.444) The Conference of Committee Chairs noted and approved the minutes of the CCC meeting of 29 May 2018 (PE 617.444) without modification. 3. Adoption of a recommendation concerning the agenda for the July (Monday 2 to Thursday 5, Strasbourg) part-session The Conference of Committee Chairs: - noted the following documents: - a draft letter from Cecilia WIKSTRÖM, CCC Chair, to President TAJANI, on the Delegated and Implementing Acts - screening of current files in view of the July part-session; - the lists of reports and of oral questions that the committees wish to have included in the agenda of the July part-session; - adopted the list of reports and oral questions that committees wished to place on the July part-session and invited its CHAIR to submit a recommendation to the Conference of Presidents.

PV CPC 12.06.2018 PV/1156950EN 2 PE 617.447 4. Chair's announcements 4.1 Summary report The Conference of Committee Chairs: - heard the CHAIR thank the committee chairs for all their valuable contributions noting that their respective input would be included in the summary report with an additional introductory page on the horizontal issues; - further heard the CHAIR remind that given the specific situation with a Commission Work ***Programme*** covering the period until the end of the 8th parliamentary term, thus making very unlikely to expect a proper CWP for 2019, the exercise should be to concentrate on achievements made and still open issues that could be tackled also by the other institutions during the current parliamentary term. 4.2 MFF post-2020 and the next generation of ***programmes*** - state of play The Conference of Committee Chairs: - heard the CHAIR: - point out that following the adoption of the Commission’s proposals of the new Multiannual Financial Framework (MFF) post-2020 on 2 May and the MFF-related legislative sectoral proposals in three batches, around 29 May, 6 and 12 June, some of which being expected to be referred to the Parliament by 14 June only, the Committees had started the process of analysing the Commission’s proposals and preparing their initial positions on their wished implication in the different files; - note that several committees had already had bilateral exchanges with other committees to agree on possible modalities of cooperation; - state the principle that “Nothing is agreed until everything is agreed”; - express the hope that the three ad hoc meetings of committee chairs on 13 June 2018 for the batch 1, and on 18 and 19 June for the batches 2 and 3 respectively, would facilitate reaching agreements between the committees, and hence, at the extraordinary CCC meeting on 25 June, committee chairs would have as few as possible open questions left to discuss; - heard the CHAIR propose a mechanism enabling committee chairs to take note of: • the files where no enhanced cooperation or contestation of the lead has been put forward; • the files where an enhanced cooperation has been agreed between committees; and • files where an enhanced cooperation or a contestation of the lead has been put forward and the modalities of cooperation still need to be settled between committees; - heard further the CHAIR explain that after each of these ad hoc meetings an updated overview on the committees’ competencies and positions would be provided and a comprehensive overview would be submitted at the extraordinary CCC meeting on 25 June; PV CPC 12.06.2018 PV/1156950EN 3 PE 617.447 - heard the CHAIR invite the committee chairs to formalise all agreements reached between committees and committee positions expressed and to communicate these to the CCC Chair by 21 June; indicate that the CCC extraordinary meeting on 25 June would be the last opportunity for the committees to reach an agreement; - further heard her thank committee chairs for their constructive participation and commitment underlining the expectations expressed by the Conference of Presidents that the committees start swiftly to work on these files; - heard the CHAIR propose, in line with the procedure decided by the CCC following the request of the Conference of Presidents, that a recommendation on the distribution of competences and modalities of cooperation between committees will be addressed to President Tajani after the extraordinary CCC meeting on 25 June containing a recommendation from the CCC Chair for those files where no agreement between Committees has been reached; also this letter will inform on those files uncontested or where an agreement has been reached; - endorsed the CHAIR’s proposal on the approach and procedure to be followed by the CCC for setting the modalities of cooperation between committees on the MFF post-2020 and the MFF-related legislative sectoral proposals; - heard the CHAIR conclude that the committees’ commitment and the initiatives taken by the committee chairs had demonstrated the ability to honour Parliament’s standpoint to deal with the complex and ambitious legislative package in a swift and efficient manner. 5. Exchange of views with Mr Antonio TAJANI, President of the European Parliament, in the context of the consultation on the Joint Declaration on the EU's legislative priorities The Conference of Committee Chairs: - noted the following documents: - an invitation letter of 5 June 2018 from Ms WIKSTRÖM, Chair of the CCC, to President TAJANI; - the Joint Declaration on the EU’s legislative priorities 2018-19 and the working document; - heard the CHAIR: - in her introductory remarks note that a meeting of the Presidents of the Parliament, the Commission and the Council is planned in early July to monitor the implementation of the Joint Declaration on the EU’s legislative priorities 2018-19; - welcome the PRESIDENT at the meeting and state the objective of providing political input by the Conference of Committee Chairs for the preparations of the presidential meeting; - recall that only little time is left to conclude or make significant progress on many important legislative files for which the Council so far failed to adopt a mandate to enter into negotiations. If trilogues cannot start by September at the latest, there would be only PV CPC 12.06.2018 PV/1156950EN 4 PE 617.447 little chance for the EU to deliver on many pressing demands of the citizens by the end of the current term; - stress that on the proposals and sectorial instruments of the next Multiannual Financial Framework (MFF) the Commission asked Parliament to speed up while the planning in the Council is highly uncertain; - underline the need to specify in more detail the provisions in each legislative act of the MFF package, alternatively a solid agreement on the use of delegated acts would be needed; - heard the PRESIDENT: - stress the importance of facilitating agreements on files which have been identified as priorities by the institutions; - underline his ambition to work towards progress on the asylum and migration files in the coming weeks on the basis of Parliament’s adopted position on the Dublin reform, as a failure to agree on a European solution on migration would endanger the European Union; - express support for the committees’ work on the MFF post-2020 package and its possible conclusion by the 2019 European elections; - recall that good results would be needed to encourage citizens to go to the polls in the European elections 2019 and that for this purpose an effective cooperation with Council and the Commission would be crucial; - inform that the presidential meeting in early July is being prepared by a Sherpa meeting; - invite the CCC to provide concrete input in writing for the preparations of the presidential meeting; - held an exchange of views with the President with the participation of Mr MORAES, Chair of the LIBE Committee, Mr PARGNEAUX, Vice-Chair of the ENVI Committee, Ms KAMMEREVERT, Chair of the CULT Committee, Mr ARTHUIS, Chair of the BUDG Committee, Mr GUALTIERI, Chair of the ECON Committee, Ms DELLI, Chair of the TRAN Committee, Mr VAUGHAN, Vice-Chair of the CONT Committee, Mr SVOBODA, Chair of the JURI Committee, Ms BLINKEVIČIŪTĖ, Chair of the FEMM Committee, Ms WEBER, Vice-Chair of the EMPL Committee, Ms MIHAYLOVA, Chair of the REGI Committee, Ms HÜBNER, Chair of the AFCO Committee, Ms VAN BOSSUYT, Chair of the IMCO Committee, Mr HENKEL, Vice-Chair of the ITRE Committee and Ms McAVAN, Chair of the DEVE Committee; during this exchange of views, Chairs raised concerns mainly about the lack of progress on files included in the Joint Declaration and other priority files in their respective fields of competence; - agreed to wind up this exchange of views in a letter by the CHAIR on behalf of the CCC to President TAJANI, to be submitted ahead of the Sherpa meeting. PV CPC 12.06.2018 PV/1156950EN 5 PE 617.447 6. Exchange of views with Ms Karoline EDTSTADLER, State Secretary, on the priorities and ***programme*** of the upcoming Austrian Presidency of the Council of the EU The Conference of Committee Chairs: - noted the following documents: - an invitation letter of 29 May 2018 from Ms WIKSTRÖM, Chair of the CCC, to Ms EDTSTADLER, State Secretary, representative of the upcoming Austrian Presidency; - the CV of Ms EDTSTADLER, State Secretary at the Ministry of the Interior; - a Draft ***Calendar***, 01 July - 31 December 2018, Austrian Presidency, version 08/05/2018; - a document ‘2018 EU Council Presidency, Preparations of the national ***programme***, Address before the Council of Ministers’, reference 400 000/0017/-IV/2018; - a note and an annex on ‘Main dossiers to be dealt with by parliamentary committees under the Austrian Presidency July-December 2018’, DG IPOL, 31 May 2018; - a joint letter by Mr SOBOTKA, President of the National Council, and Mr TODT, President of the Federal Council, on the ***Calendar*** of inter-parliamentary conferences organised by the Austrian Presidency, 7 May 2018. - heard the CHAIR welcome Ms EDTSTADLER, State Secretary, representing the upcoming Austrian Presidency, noting that Austria would be the last full Presidency of the Council before the 2019 European elections; express the expectation, on behalf of the CCC, for a fruitful cooperation over the next six months; invite the State Secretary to present the priorities of the upcoming Austrian Presidency; - heard Ms EDTSTADLER State Secretary, note that the intention of Austrian Presidency is to tackle jointly challenges and upheavals both on the European continent and beyond; underline the role of the CCC as a central player in setting the agenda of the EP as well as the expectations concerning the legislative work; further heard her refer to the Austrian Presidency motto ‘A Europe that protects’ and present the following key priorities: • Security; fight against illegal migration and protection of external borders; work closely with third countries; the reform of the common Asylum policy; • Securing prosperity and competitiveness; digitalisation; innovation; fight against over-regulation; trade negotiations; the digital single market; taxation of the digital economy; • Stability in the neighbourhood; Western Balkans/South Eastern Europe perspective to EU; • Negotiations on the MFF post-2020; Brexit, including the future EU-UK relations; - held an exchange of views with the participation of Mr LANGE, Chair of the INTA Committee, Mr MORAES, Chair of the LIBE Committee, Mr ARTHUIS, Chair of the BUDG Committee, Mr GUALTIERI, Chair of the ECON Committee, Mr PARGNEAUX, Vice-Chair of the ENVI Committee, Mr VAUGHAN, Vice-Chair of the CONT Committee, Mr SVOBODA, Chair of the JURI Committee, Ms MIHAYLOVA, Chair of the REGI committee, Mr HENKEL, Vice-Chair of the ITRE Committee, and Ms WIKSTRÖM, CCC Chair, during which Chairs raised inter alia: Horizontal issues • the MFF and its related sector-specific proposals, including the funding and timetable; • the left overs of the Better Law-Making (BLM) Agreement: setting arrangements for international agreements; the delineation criteria between Delegated acts and PV CPC 12.06.2018 PV/1156950EN 6 PE 617.447 Implementing acts; the Commission’s alignment proposals to the Lisbon Treaty provisions; • the Brexit negotiations and related files; Specific issues, including files of the Joint Declaration for 2018 and 2019 • the Asylum package, including the Dublin regulation; • the approach on security issues; the EU-USA relations; • the budget 2019 and the budgetary conciliation; the discharge of the Council’s budget; • the Banking Union package and the risk sharing dimension; the Economic and Monetary Union and the investment in Europe; • the integration of the European Stability Mechanism to the EU legal framework; • the Digital agenda and copyright related proposals; • the ***transfer*** of competences from the Court of Justice to the General Court; • the health technology assessment; • the quality of water; • the emissions of vehicles; • civil protection; • Energy package; - heard Ms EDTSTADLER in her replies state, inter alia: • the need of close cooperation between the EU and the USA; • the balanced approach on BLM arrangements for international agreements; the on-going negotiations on the non-binding delineation criteria of Delegated and Implementing acts; • the need to increase citizens’ trust on security and migration; the revision of the Dublin regulation through consensus by Member States, thus ensuring its implementation; • the MFF negotiations as a top priority and the importance of close cooperation with the EP; the definition of the 2019 Budget priorities; the progress on the discharge procedure; • the commitment to work on the Banking Union package; the environment and health related files; the ***transfer*** of competences to the General Court; and energy files; - heard the CHAIR heard thank Ms EDTSTADLER for the constructive and fruitful exchange of views and wish all the best for the start of the Austrian Presidency. DECISIONS WITH OR WITHOUT DEBATE 7. Application of Rule 54: 'Associated committee procedure' - Legislative Matters 7.1 JURI/Libe: Protection of persons reporting on breaches of Union law (2018/0106(COD)) The Conference of Committee Chairs, without debate: - noted two letters of 23 May and 4 June 2018 from Mr MORAES, Chair of the LIBE Committee. - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. PV CPC 12.06.2018 PV/1156950EN 7 PE 617.447 7.2 ITRE/Imco: Re-use of public sector information (Recast) (2018/0111(COD)) The Conference of Committee Chairs, with debate: - noted the following documents: - a letter of 22 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - a letter of 29 May 2018 from Mr BUZEK, Chair of the ITRE Committee; - a letter of 7 June 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - heard Mr HENKEL, Vice-Chair of the ITRE Committee, state that the ITRE Committee competences had not been modified and refer to the modalities of cooperation set in precedents files; - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. 7.3 IMCO/Itre: Fairness and transparency for business users of online intermediation services (2018/0112(COD)) The Conference of Committee Chairs, without debate: - noted the following documents: - a letter of 25 May 2018 from Mr BUZEK, Chair of the ITRE Committee; - a letter of 7 June 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. 8. Application of Rule 55: ‘Joint committee procedure’ – Legislative Matters 8.1 JURI/Empl: Cross-border conversions, mergers and divisions (2018/0114(COD)) The Conference of Committee Chairs, without debate: - noted a letter of 8 May 2018 from Ms ULVSKOG, Vice-Chair of the EMPL Committee; - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; PV CPC 12.06.2018 PV/1156950EN 8 PE 617.447 - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. 9. Conflicts of competence - Legislative Matters 9.1 IMCO/Juri: Fairness and transparency for business users of online intermediation services (2018/0112(COD)) The Conference of Committee Chairs: - noted the following documents: - a letter of 18 May 2018 from Mr SVOBODA, Chair of the JURI Committee; - a letter of 28 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - heard the CHAIR note that an agreement had been reached between IMCO Committee and JURI Committee on the file ‘Fairness and transparency for business users of online intermediation services’. 10. Taking note of agreements reached, pending files and recommendations on the application of Rule 54/55 and conflicts of competence The Conference of Committee Chairs, with debate: - noted the following document: - a table on the open requests concerning Rule 54, 55 and conflicts of competence; - heard the CHAIR note the agreements reached between: - JURI Committee and IMCO Committee on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC (2018/0089(COD)); - IMCO Committee and JURI Committee on fairness and transparency for business users of online intermediation services (2018/0112(COD)); - mandated its CHAIR to forward the agreements reached between committees to the Conference of Presidents for decision. 11. Individual requests for committee hearings not included in the ***programme*** for 2018 (first and second semester) The Conference of Committee Chairs, without debate: - noted the following documents: - a letter of 24 May 2018 from Mr JEŽEK, Chair of the TAX3 Special Committee; - a joint letter of 31 May 2018 from Mr JEŽEK, Chair of the TAX3 Special Committee and Ms GRIESBECK, Chair of the TERR Special Committee; - a letter of 5 June 2018 from Mr SVOBODA, Chair of the JURI Committee. PV CPC 12.06.2018 PV/1156950EN 9 PE 617.447 - took note of the following hearing notifications and mandated the CHAIR to confirm to President TAJANI that no objections had been raised concerning the competence of the requesting Committees for those hearings: Committee Title of the hearing Date of the hearing JURI Conversions, Divisions and Digitalisation - new company law tools 20-21 June TAX3 Lessons learnt from the Paradise Papers 21 June TAX3 VAT fraud 28 June TERR/TAX3 joint hearing The use of tax frauds –including VAT carousel fraud- to finance terrorism 28 June TAX3 Digital Taxation 10 September TAX3 The third country dimension in the fight against Tax Crimes, Tax Evasion and Tax Avoidance 26 September (tbc) TAX3 Golden visas and other national schemes providing tax privileges (free ports, Special Economic Zones) 11 October TAX3 Alleged financial crimes, tax evasion and tax avoidance in Slovakia and Malta 21 November TAX3 Combatting Money laundering in the EU banking sector (follow-up) 21 November 12. Reports under automatic authorisation 12.1 Notification by the BUDG Committee to draw up an interim report under Rule 99(5) on the Multiannual Financial Framework post-2020 (2018/0166(APP)) The Conference of Committee Chairs, without debate: - noted a letter of 5 June 2018 from Mr ARTHUIS, Chair of the BUDG Committee, notifying its intention to draw up an interim report under Rule 99(5) on the Multiannual Financial Framework for the period 2012-2027 (2018/0166(APP)); - took note of the notification and its accompanying justification submitted by 5 June 2016 for an interim report under Rule 99(5) on the Multiannual Financial Framework for the period 2012-2027 2018/0166(APP)) by the BUDG Committee; - approved the item, if not contested by 12 June 2018, with a view to forwarding it to the Conference of Presidents for final endorsement; - in case of contestation or request for an association, urged the committee Chairs concerned to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair, by 22 June 2018; if no agreement is reached, charged its Chair to make a recommendation to the Conference of Presidents, based on Annex V to the Rules of Procedure. PV CPC 12.06.2018 PV/1156950EN 10 PE 617.447 13. Urgent matters and any other business There was none. 14. Documents for information 14.1 Information report on ongoing negotiations in ordinary legislative procedures The Conference of Committee Chairs took note of a letter of 29 May 2018 from Ms WIKSTRÖM, CCC Chair, to President TAJANI, on recent committee decisions to enter into interinstitutional negotiations and an overview of the files under negotiation. 14.2 Scrutiny of Delegated Acts The Conference of Committee Chairs took note of the note dated of 31 May 2018 from the Secretary-General, Mr WELLE, to the Members of the Conference of Presidents, providing an overview on delegated acts and draft RPS measures under EP Scrutiny. 14.3 State of play of reasoned opinions of national Parliaments The Conference of Committee Chairs took note of the state of play on reasoned opinions and contributions submitted by National Parliaments. 14.4 Early non-objection to delegated acts and/or early non-opposition to draft comitology measures (RPS) There was none. 14.5 Overview of work of Policy Departments The Conference of Committee Chairs took note of the overview of work in progress. 14.6 Overview of work on Impact Assessment and European Added Value The Conference of Committee Chairs took note of the overview of work in progress. 15. Other documents for information The Conference of Committee Chairs took note of the following documents: - a letter of 2 May 2018 from Mr BORISSOV, Prime Minister of Bulgaria, to President TAJANI on the future work on the MFF; - a letter of 3 May 2018 from Mr SIEKIERSKI, Chair of the AGRI Committee, to Ms VAN BOSSUYT, Chair of the IMCO Committee, on the planned INI report by IMCO on the implementation of the Late ***Payment*** Directive; PV CPC 12.06.2018 PV/1156950EN 11 PE 617.447 - a letter of 8 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, to Mr MORAES, Chair of the LIBE Committee, on the ‘Free flow of non-personal data’ regulation; - a letter of 17 May 2018 from Ms MIHAYLOVA, Chair of the REGI Committee, to Mr GUALTIERI, Chair of the ECON Committee, on the timetable for issuing an opinion regarding the proposal to increase the budget for the Structural Reform Support ***Programme*** (SRS); - a letter of 22 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, to Ms WIKSTRÖM, Chair of the CCC, requesting the application of the procedure with associated committees (Rule 54) regarding the legislative report of the ITRE Committee entitled “Proposal for a Directive of the European Parliament and of the Council on the re-use of public sector information (recast)”, COM(2018) 234 final, 2018/0111 (COD); - EP work in the fields of Impact Assessment and European Added Value, “Activity Report for 2017”, EPRS; - a letter of 19 April 2018 from Mr GUALTIERI, Chair of the ECON Committee, reporting on a mission to Paris (France), 12-14 February 2018; - a letter of 4 May 2018 from Ms ULVSKOG, Vice-Chair of the EMPL Committee, reporting on a mission to the European Centre for the Development of Vocational Training (Cedefop) in Thessaloniki, Greece, 12-13 February 2018; - a letter of 22 May 2018 from Ms VĂLEAN, Chair of the ENVI Committee, reporting on a mission to the 72nd session of the Marine Environmental Protection Committee (MEPC72) of the International Maritime Organization (IMO), London (UK), 9-11 April 2018; - a letter of 25 April 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, reporting on a mission to Spain, 12-14 February 2018; - a letter of 14 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, reporting on a mission to Florence and Livorno, Italy, 4 - 6 April 2018; - a letter of 7 May 2018 from Ms DELLI, Chair of the TRAN Committee, reporting on the mission visits to Silicon Valley, USA, 30 October - 3 November 2017, to Italy, 13-15 February 2018 and to Ireland, 4-6 April 2018; - a letter of 14 May 2018 from Mr SIEKIERSKI, Chair of the AGRI Committee, reporting on a mission to Brazil, 2-5 April 2018; - a letter of 13 April 2018 from Ms KAMMEREVERT, Chair of the CULT Committee, reporting on a mission to Valletta, Malta, 12-14 February 2018; - a letter of 19 April 2018 from Mr PANZERI, Chair of the DROI Subcommittee, reporting on a mission to Myanmar/Bangladesh borders, 11-16 February 2018; - a letter of 25 May 2018 from Ms GRIESBECK, Chair of the TERR Special Committee, reporting on a mission to Madrid, Spain, 10 - 11 May 2018; - a letter of 28 May 2018 from Mr MORAES, Chair of the LIBE Committee, requesting to be associated under Rule 55 on the proposal for a regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (2018/0136 (COD)); - a letter of 28 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, in response to the letter by the JURI Committee, rejecting the claim for attribution of competence to JURI for the regulation 2018/0112(COD); - a letter of 29 May 2018 from Ms ULVSKOG, Vice-Chair of the EMPL Committee, requesting to apply Rule 55 to the Proposal for a Regulation establishing a European Labour Authority (COM (2018)0131). 16. Date and place of next meeting The Conference of Committee Chairs noted that the next extraordinary meeting would take place on Monday, 25 June 2018 in Brussels. PV CPC 12.06.2018 PV/1156950EN 12 PE 617.447 RECORD OF ATTENDANCE ANNEX COMMITTEE I Committee on Foreign Affairs Mr David McALLISTER II Committee on Development Ms Linda McAVAN III Committee on International Trade Mr Bernd LANGE IV Committee on Budgets Mr Jean ARTHUIS V Committee on Budgetary Control Mr Derek VAUGHAN, acting VI Committee on Economic and Monetary Affairs Mr Roberto GUALTIERI VII Committee on Employment and Social Affairs Ms Renate WEBER, acting VIII Committee on the Environment, Public Health and Food Safety Mr Gilles PARGNEAUX, acting IX Committee on Industry, Research and Energy Mr Hans-Olaf HENKEL, acting X Committee on the Internal Market and Consumer Protection Ms Anneleen VAN BOSSUYT XI Committee on Transport and Tourism Ms Karima DELLI XII Committee on Regional Development Ms Iskra MIHAYLOVA XIII Committee on ***Agriculture*** and Rural Development Mr Czeslaw Adam SIEKIERSKI XIV Committee on Fisheries Mr Werner KUHN, acting XV Committee on Culture and Education Ms Petra KAMMEREVERT XVI Committee on Legal Affairs Mr Pavel SVOBODA XVII Committee on Civil Liberties, Justice and Home Affairs Mr Claude MORAES XVIII Committee on Constitutional Affairs Ms Danuta HÜBNER XIX Committee on Women's Rights and Gender Equality Ms Vilija BLINKEVIČIŪTĖ XX Committee on Petitions Ms Cecilia WIKSTRÖM Subcommittee on Human Rights ------------- Subcommittee on Security and Defence ------------- Special Committee on Terrorism Ms Nathalie GRIESBECK Special committee on the Union's authorisation procedure for pesticides Mr Eric ANDRIEU Special committee on financial crimes, tax evasion and tax avoidance Mr Petr JEŽEK

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Impact News Service

July 21, 2018 Saturday

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**Length:** 4735 words

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Chair's announcements 4.1 Summary report The Conference of Committee Chairs: - heard the CHAIR thank the committee chairs for all their valuable contributions noting that their respective input would be included in the summary report with an additional introductory page on the horizontal issues; - further heard the CHAIR remind that given the specific situation with a Commission Work ***Programme*** covering the period until the end of the 8th parliamentary term, thus making very unlikely to expect a proper CWP for 2019, the exercise should be to concentrate on achievements made and still open issues that could be tackled also by the other institutions during the current parliamentary term. 4.2 MFF post-2020 and the next generation of ***programmes*** - state of play The Conference of Committee Chairs: - heard the CHAIR: - point out that following the adoption of the Commission’s proposals of the new Multiannual Financial Framework (MFF) post-2020 on 2 May and the MFF-related legislative sectoral proposals in three batches, around 29 May, 6 and 12 June, some of which being expected to be referred to the Parliament by 14 June only, the Committees had started the process of analysing the Commission’s proposals and preparing their initial positions on their wished implication in the different files; - note that several committees had already had bilateral exchanges with other committees to agree on possible modalities of cooperation; - state the principle that “Nothing is agreed until everything is agreed”; - express the hope that the three ad hoc meetings of committee chairs on 13 June 2018 for the batch 1, and on 18 and 19 June for the batches 2 and 3 respectively, would facilitate reaching agreements between the committees, and hence, at the extraordinary CCC meeting on 25 June, committee chairs would have as few as possible open questions left to discuss; - heard the CHAIR propose a mechanism enabling committee chairs to take note of: • the files where no enhanced cooperation or contestation of the lead has been put forward; • the files where an enhanced cooperation has been agreed between committees; and • files where an enhanced cooperation or a contestation of the lead has been put forward and the modalities of cooperation still need to be settled between committees; - heard further the CHAIR explain that after each of these ad hoc meetings an updated overview on the committees’ competencies and positions would be provided and a comprehensive overview would be submitted at the extraordinary CCC meeting on 25 June; PV CPC 12.06.2018 PV/1156950EN 3 PE 617.447 - heard the CHAIR invite the committee chairs to formalise all agreements reached between committees and committee positions expressed and to communicate these to the CCC Chair by 21 June; indicate that the CCC extraordinary meeting on 25 June would be the last opportunity for the committees to reach an agreement; - further heard her thank committee chairs for their constructive participation and commitment underlining the expectations expressed by the Conference of Presidents that the committees start swiftly to work on these files; - heard the CHAIR propose, in line with the procedure decided by the CCC following the request of the Conference of Presidents, that a recommendation on the distribution of competences and modalities of cooperation between committees will be addressed to President Tajani after the extraordinary CCC meeting on 25 June containing a recommendation from the CCC Chair for those files where no agreement between Committees has been reached; also this letter will inform on those files uncontested or where an agreement has been reached; - endorsed the CHAIR’s proposal on the approach and procedure to be followed by the CCC for setting the modalities of cooperation between committees on the MFF post-2020 and the MFF-related legislative sectoral proposals; - heard the CHAIR conclude that the committees’ commitment and the initiatives taken by the committee chairs had demonstrated the ability to honour Parliament’s standpoint to deal with the complex and ambitious legislative package in a swift and efficient manner. 5. Exchange of views with Mr Antonio TAJANI, President of the European Parliament, in the context of the consultation on the Joint Declaration on the EU's legislative priorities The Conference of Committee Chairs: - noted the following documents: - an invitation letter of 5 June 2018 from Ms WIKSTRÖM, Chair of the CCC, to President TAJANI; - the Joint Declaration on the EU’s legislative priorities 2018-19 and the working document; - heard the CHAIR: - in her introductory remarks note that a meeting of the Presidents of the Parliament, the Commission and the Council is planned in early July to monitor the implementation of the Joint Declaration on the EU’s legislative priorities 2018-19; - welcome the PRESIDENT at the meeting and state the objective of providing political input by the Conference of Committee Chairs for the preparations of the presidential meeting; - recall that only little time is left to conclude or make significant progress on many important legislative files for which the Council so far failed to adopt a mandate to enter into negotiations. If trilogues cannot start by September at the latest, there would be only PV CPC 12.06.2018 PV/1156950EN 4 PE 617.447 little chance for the EU to deliver on many pressing demands of the citizens by the end of the current term; - stress that on the proposals and sectorial instruments of the next Multiannual Financial Framework (MFF) the Commission asked Parliament to speed up while the planning in the Council is highly uncertain; - underline the need to specify in more detail the provisions in each legislative act of the MFF package, alternatively a solid agreement on the use of delegated acts would be needed; - heard the PRESIDENT: - stress the importance of facilitating agreements on files which have been identified as priorities by the institutions; - underline his ambition to work towards progress on the asylum and migration files in the coming weeks on the basis of Parliament’s adopted position on the Dublin reform, as a failure to agree on a European solution on migration would endanger the European Union; - express support for the committees’ work on the MFF post-2020 package and its possible conclusion by the 2019 European elections; - recall that good results would be needed to encourage citizens to go to the polls in the European elections 2019 and that for this purpose an effective cooperation with Council and the Commission would be crucial; - inform that the presidential meeting in early July is being prepared by a Sherpa meeting; - invite the CCC to provide concrete input in writing for the preparations of the presidential meeting; - held an exchange of views with the President with the participation of Mr MORAES, Chair of the LIBE Committee, Mr PARGNEAUX, Vice-Chair of the ENVI Committee, Ms KAMMEREVERT, Chair of the CULT Committee, Mr ARTHUIS, Chair of the BUDG Committee, Mr GUALTIERI, Chair of the ECON Committee, Ms DELLI, Chair of the TRAN Committee, Mr VAUGHAN, Vice-Chair of the CONT Committee, Mr SVOBODA, Chair of the JURI Committee, Ms BLINKEVIČIŪTĖ, Chair of the FEMM Committee, Ms WEBER, Vice-Chair of the EMPL Committee, Ms MIHAYLOVA, Chair of the REGI Committee, Ms HÜBNER, Chair of the AFCO Committee, Ms VAN BOSSUYT, Chair of the IMCO Committee, Mr HENKEL, Vice-Chair of the ITRE Committee and Ms McAVAN, Chair of the DEVE Committee; during this exchange of views, Chairs raised concerns mainly about the lack of progress on files included in the Joint Declaration and other priority files in their respective fields of competence; - agreed to wind up this exchange of views in a letter by the CHAIR on behalf of the CCC to President TAJANI, to be submitted ahead of the Sherpa meeting. PV CPC 12.06.2018 PV/1156950EN 5 PE 617.447 6. Exchange of views with Ms Karoline EDTSTADLER, State Secretary, on the priorities and ***programme*** of the upcoming Austrian Presidency of the Council of the EU The Conference of Committee Chairs: - noted the following documents: - an invitation letter of 29 May 2018 from Ms WIKSTRÖM, Chair of the CCC, to Ms EDTSTADLER, State Secretary, representative of the upcoming Austrian Presidency; - the CV of Ms EDTSTADLER, State Secretary at the Ministry of the Interior; - a Draft ***Calendar***, 01 July - 31 December 2018, Austrian Presidency, version 08/05/2018; - a document ‘2018 EU Council Presidency, Preparations of the national ***programme***, Address before the Council of Ministers’, reference 400 000/0017/-IV/2018; - a note and an annex on ‘Main dossiers to be dealt with by parliamentary committees under the Austrian Presidency July-December 2018’, DG IPOL, 31 May 2018; - a joint letter by Mr SOBOTKA, President of the National Council, and Mr TODT, President of the Federal Council, on the ***Calendar*** of inter-parliamentary conferences organised by the Austrian Presidency, 7 May 2018. - heard the CHAIR welcome Ms EDTSTADLER, State Secretary, representing the upcoming Austrian Presidency, noting that Austria would be the last full Presidency of the Council before the 2019 European elections; express the expectation, on behalf of the CCC, for a fruitful cooperation over the next six months; invite the State Secretary to present the priorities of the upcoming Austrian Presidency; - heard Ms EDTSTADLER State Secretary, note that the intention of Austrian Presidency is to tackle jointly challenges and upheavals both on the European continent and beyond; underline the role of the CCC as a central player in setting the agenda of the EP as well as the expectations concerning the legislative work; further heard her refer to the Austrian Presidency motto ‘A Europe that protects’ and present the following key priorities: • Security; fight against illegal migration and protection of external borders; work closely with third countries; the reform of the common Asylum policy; • Securing prosperity and competitiveness; digitalisation; innovation; fight against over-regulation; trade negotiations; the digital single market; taxation of the digital economy; • Stability in the neighbourhood; Western Balkans/South Eastern Europe perspective to EU; • Negotiations on the MFF post-2020; Brexit, including the future EU-UK relations; - held an exchange of views with the participation of Mr LANGE, Chair of the INTA Committee, Mr MORAES, Chair of the LIBE Committee, Mr ARTHUIS, Chair of the BUDG Committee, Mr GUALTIERI, Chair of the ECON Committee, Mr PARGNEAUX, Vice-Chair of the ENVI Committee, Mr VAUGHAN, Vice-Chair of the CONT Committee, Mr SVOBODA, Chair of the JURI Committee, Ms MIHAYLOVA, Chair of the REGI committee, Mr HENKEL, Vice-Chair of the ITRE Committee, and Ms WIKSTRÖM, CCC Chair, during which Chairs raised inter alia: Horizontal issues • the MFF and its related sector-specific proposals, including the funding and timetable; • the left overs of the Better Law-Making (BLM) Agreement: setting arrangements for international agreements; the delineation criteria between Delegated acts and PV CPC 12.06.2018 PV/1156950EN 6 PE 617.447 Implementing acts; the Commission’s alignment proposals to the Lisbon Treaty provisions; • the Brexit negotiations and related files; Specific issues, including files of the Joint Declaration for 2018 and 2019 • the Asylum package, including the Dublin regulation; • the approach on security issues; the EU-USA relations; • the budget 2019 and the budgetary conciliation; the discharge of the Council’s budget; • the Banking Union package and the risk sharing dimension; the Economic and Monetary Union and the investment in Europe; • the integration of the European Stability Mechanism to the EU legal framework; • the Digital agenda and copyright related proposals; • the ***transfer*** of competences from the Court of Justice to the General Court; • the health technology assessment; • the quality of water; • the emissions of vehicles; • civil protection; • Energy package; - heard Ms EDTSTADLER in her replies state, inter alia: • the need of close cooperation between the EU and the USA; • the balanced approach on BLM arrangements for international agreements; the on-going negotiations on the non-binding delineation criteria of Delegated and Implementing acts; • the need to increase citizens’ trust on security and migration; the revision of the Dublin regulation through consensus by Member States, thus ensuring its implementation; • the MFF negotiations as a top priority and the importance of close cooperation with the EP; the definition of the 2019 Budget priorities; the progress on the discharge procedure; • the commitment to work on the Banking Union package; the environment and health related files; the ***transfer*** of competences to the General Court; and energy files; - heard the CHAIR heard thank Ms EDTSTADLER for the constructive and fruitful exchange of views and wish all the best for the start of the Austrian Presidency. DECISIONS WITH OR WITHOUT DEBATE 7. Application of Rule 54: 'Associated committee procedure' - Legislative Matters 7.1 JURI/Libe: Protection of persons reporting on breaches of Union law (2018/0106(COD)) The Conference of Committee Chairs, without debate: - noted two letters of 23 May and 4 June 2018 from Mr MORAES, Chair of the LIBE Committee. - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. PV CPC 12.06.2018 PV/1156950EN 7 PE 617.447 7.2 ITRE/Imco: Re-use of public sector information (Recast) (2018/0111(COD)) The Conference of Committee Chairs, with debate: - noted the following documents: - a letter of 22 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - a letter of 29 May 2018 from Mr BUZEK, Chair of the ITRE Committee; - a letter of 7 June 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - heard Mr HENKEL, Vice-Chair of the ITRE Committee, state that the ITRE Committee competences had not been modified and refer to the modalities of cooperation set in precedents files; - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. 7.3 IMCO/Itre: Fairness and transparency for business users of online intermediation services (2018/0112(COD)) The Conference of Committee Chairs, without debate: - noted the following documents: - a letter of 25 May 2018 from Mr BUZEK, Chair of the ITRE Committee; - a letter of 7 June 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. 8. Application of Rule 55: ‘Joint committee procedure’ – Legislative Matters 8.1 JURI/Empl: Cross-border conversions, mergers and divisions (2018/0114(COD)) The Conference of Committee Chairs, without debate: - noted a letter of 8 May 2018 from Ms ULVSKOG, Vice-Chair of the EMPL Committee; - urged the committee Chairs to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair; PV CPC 12.06.2018 PV/1156950EN 8 PE 617.447 - set a deadline of 28 June 2018 by which an agreement should be reached and charged its CHAIR to make a recommendation to the Conference of Presidents, based on Annex V of the Rules of Procedure. 9. Conflicts of competence - Legislative Matters 9.1 IMCO/Juri: Fairness and transparency for business users of online intermediation services (2018/0112(COD)) The Conference of Committee Chairs: - noted the following documents: - a letter of 18 May 2018 from Mr SVOBODA, Chair of the JURI Committee; - a letter of 28 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee; - heard the CHAIR note that an agreement had been reached between IMCO Committee and JURI Committee on the file ‘Fairness and transparency for business users of online intermediation services’. 10. Taking note of agreements reached, pending files and recommendations on the application of Rule 54/55 and conflicts of competence The Conference of Committee Chairs, with debate: - noted the following document: - a table on the open requests concerning Rule 54, 55 and conflicts of competence; - heard the CHAIR note the agreements reached between: - JURI Committee and IMCO Committee on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC (2018/0089(COD)); - IMCO Committee and JURI Committee on fairness and transparency for business users of online intermediation services (2018/0112(COD)); - mandated its CHAIR to forward the agreements reached between committees to the Conference of Presidents for decision. 11. Individual requests for committee hearings not included in the ***programme*** for 2018 (first and second semester) The Conference of Committee Chairs, without debate: - noted the following documents: - a letter of 24 May 2018 from Mr JEŽEK, Chair of the TAX3 Special Committee; - a joint letter of 31 May 2018 from Mr JEŽEK, Chair of the TAX3 Special Committee and Ms GRIESBECK, Chair of the TERR Special Committee; - a letter of 5 June 2018 from Mr SVOBODA, Chair of the JURI Committee. PV CPC 12.06.2018 PV/1156950EN 9 PE 617.447 - took note of the following hearing notifications and mandated the CHAIR to confirm to President TAJANI that no objections had been raised concerning the competence of the requesting Committees for those hearings: Committee Title of the hearing Date of the hearing JURI Conversions, Divisions and Digitalisation - new company law tools 20-21 June TAX3 Lessons learnt from the Paradise Papers 21 June TAX3 VAT fraud 28 June TERR/TAX3 joint hearing The use of tax frauds –including VAT carousel fraud- to finance terrorism 28 June TAX3 Digital Taxation 10 September TAX3 The third country dimension in the fight against Tax Crimes, Tax Evasion and Tax Avoidance 26 September (tbc) TAX3 Golden visas and other national schemes providing tax privileges (free ports, Special Economic Zones) 11 October TAX3 Alleged financial crimes, tax evasion and tax avoidance in Slovakia and Malta 21 November TAX3 Combatting Money laundering in the EU banking sector (follow-up) 21 November 12. Reports under automatic authorisation 12.1 Notification by the BUDG Committee to draw up an interim report under Rule 99(5) on the Multiannual Financial Framework post-2020 (2018/0166(APP)) The Conference of Committee Chairs, without debate: - noted a letter of 5 June 2018 from Mr ARTHUIS, Chair of the BUDG Committee, notifying its intention to draw up an interim report under Rule 99(5) on the Multiannual Financial Framework for the period 2012-2027 (2018/0166(APP)); - took note of the notification and its accompanying justification submitted by 5 June 2016 for an interim report under Rule 99(5) on the Multiannual Financial Framework for the period 2012-2027 2018/0166(APP)) by the BUDG Committee; - approved the item, if not contested by 12 June 2018, with a view to forwarding it to the Conference of Presidents for final endorsement; - in case of contestation or request for an association, urged the committee Chairs concerned to meet and to try to find an agreement, if necessary with the assistance of the CCC Chair, by 22 June 2018; if no agreement is reached, charged its Chair to make a recommendation to the Conference of Presidents, based on Annex V to the Rules of Procedure. PV CPC 12.06.2018 PV/1156950EN 10 PE 617.447 13. Urgent matters and any other business There was none. 14. Documents for information 14.1 Information report on ongoing negotiations in ordinary legislative procedures The Conference of Committee Chairs took note of a letter of 29 May 2018 from Ms WIKSTRÖM, CCC Chair, to President TAJANI, on recent committee decisions to enter into interinstitutional negotiations and an overview of the files under negotiation. 14.2 Scrutiny of Delegated Acts The Conference of Committee Chairs took note of the note dated of 31 May 2018 from the Secretary-General, Mr WELLE, to the Members of the Conference of Presidents, providing an overview on delegated acts and draft RPS measures under EP Scrutiny. 14.3 State of play of reasoned opinions of national Parliaments The Conference of Committee Chairs took note of the state of play on reasoned opinions and contributions submitted by National Parliaments. 14.4 Early non-objection to delegated acts and/or early non-opposition to draft comitology measures (RPS) There was none. 14.5 Overview of work of Policy Departments The Conference of Committee Chairs took note of the overview of work in progress. 14.6 Overview of work on Impact Assessment and European Added Value The Conference of Committee Chairs took note of the overview of work in progress. 15. Other documents for information The Conference of Committee Chairs took note of the following documents: - a letter of 2 May 2018 from Mr BORISSOV, Prime Minister of Bulgaria, to President TAJANI on the future work on the MFF; - a letter of 3 May 2018 from Mr SIEKIERSKI, Chair of the AGRI Committee, to Ms VAN BOSSUYT, Chair of the IMCO Committee, on the planned INI report by IMCO on the implementation of the Late ***Payment*** Directive; PV CPC 12.06.2018 PV/1156950EN 11 PE 617.447 - a letter of 8 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, to Mr MORAES, Chair of the LIBE Committee, on the ‘Free flow of non-personal data’ regulation; - a letter of 17 May 2018 from Ms MIHAYLOVA, Chair of the REGI Committee, to Mr GUALTIERI, Chair of the ECON Committee, on the timetable for issuing an opinion regarding the proposal to increase the budget for the Structural Reform Support ***Programme*** (SRS); - a letter of 22 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, to Ms WIKSTRÖM, Chair of the CCC, requesting the application of the procedure with associated committees (Rule 54) regarding the legislative report of the ITRE Committee entitled “Proposal for a Directive of the European Parliament and of the Council on the re-use of public sector information (recast)”, COM(2018) 234 final, 2018/0111 (COD); - EP work in the fields of Impact Assessment and European Added Value, “Activity Report for 2017”, EPRS; - a letter of 19 April 2018 from Mr GUALTIERI, Chair of the ECON Committee, reporting on a mission to Paris (France), 12-14 February 2018; - a letter of 4 May 2018 from Ms ULVSKOG, Vice-Chair of the EMPL Committee, reporting on a mission to the European Centre for the Development of Vocational Training (Cedefop) in Thessaloniki, Greece, 12-13 February 2018; - a letter of 22 May 2018 from Ms VĂLEAN, Chair of the ENVI Committee, reporting on a mission to the 72nd session of the Marine Environmental Protection Committee (MEPC72) of the International Maritime Organization (IMO), London (UK), 9-11 April 2018; - a letter of 25 April 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, reporting on a mission to Spain, 12-14 February 2018; - a letter of 14 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, reporting on a mission to Florence and Livorno, Italy, 4 - 6 April 2018; - a letter of 7 May 2018 from Ms DELLI, Chair of the TRAN Committee, reporting on the mission visits to Silicon Valley, USA, 30 October - 3 November 2017, to Italy, 13-15 February 2018 and to Ireland, 4-6 April 2018; - a letter of 14 May 2018 from Mr SIEKIERSKI, Chair of the AGRI Committee, reporting on a mission to Brazil, 2-5 April 2018; - a letter of 13 April 2018 from Ms KAMMEREVERT, Chair of the CULT Committee, reporting on a mission to Valletta, Malta, 12-14 February 2018; - a letter of 19 April 2018 from Mr PANZERI, Chair of the DROI Subcommittee, reporting on a mission to Myanmar/Bangladesh borders, 11-16 February 2018; - a letter of 25 May 2018 from Ms GRIESBECK, Chair of the TERR Special Committee, reporting on a mission to Madrid, Spain, 10 - 11 May 2018; - a letter of 28 May 2018 from Mr MORAES, Chair of the LIBE Committee, requesting to be associated under Rule 55 on the proposal for a regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States (2018/0136 (COD)); - a letter of 28 May 2018 from Ms VAN BOSSUYT, Chair of the IMCO Committee, in response to the letter by the JURI Committee, rejecting the claim for attribution of competence to JURI for the regulation 2018/0112(COD); - a letter of 29 May 2018 from Ms ULVSKOG, Vice-Chair of the EMPL Committee, requesting to apply Rule 55 to the Proposal for a Regulation establishing a European Labour Authority (COM (2018)0131). 16. Date and place of next meeting The Conference of Committee Chairs noted that the next extraordinary meeting would take place on Monday, 25 June 2018 in Brussels. PV CPC 12.06.2018 PV/1156950EN 12 PE 617.447 RECORD OF ATTENDANCE ANNEX COMMITTEE I Committee on Foreign Affairs Mr David McALLISTER II Committee on Development Ms Linda McAVAN III Committee on International Trade Mr Bernd LANGE IV Committee on Budgets Mr Jean ARTHUIS V Committee on Budgetary Control Mr Derek VAUGHAN, acting VI Committee on Economic and Monetary Affairs Mr Roberto GUALTIERI VII Committee on Employment and Social Affairs Ms Renate WEBER, acting VIII Committee on the Environment, Public Health and Food Safety Mr Gilles PARGNEAUX, acting IX Committee on Industry, Research and Energy Mr Hans-Olaf HENKEL, acting X Committee on the Internal Market and Consumer Protection Ms Anneleen VAN BOSSUYT XI Committee on Transport and Tourism Ms Karima DELLI XII Committee on Regional Development Ms Iskra MIHAYLOVA XIII Committee on ***Agriculture*** and Rural Development Mr Czeslaw Adam SIEKIERSKI XIV Committee on Fisheries Mr Werner KUHN, acting XV Committee on Culture and Education Ms Petra KAMMEREVERT XVI Committee on Legal Affairs Mr Pavel SVOBODA XVII Committee on Civil Liberties, Justice and Home Affairs Mr Claude MORAES XVIII Committee on Constitutional Affairs Ms Danuta HÜBNER XIX Committee on Women's Rights and Gender Equality Ms Vilija BLINKEVIČIŪTĖ XX Committee on Petitions Ms Cecilia WIKSTRÖM Subcommittee on Human Rights ------------- Subcommittee on Security and Defence ------------- Special Committee on Terrorism Ms Nathalie GRIESBECK Special committee on the Union's authorisation procedure for pesticides Mr Eric ANDRIEU Special committee on financial crimes, tax evasion and tax avoidance Mr Petr JEŽEK

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**End of Document**



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Impact News Service

May 24, 2018 Thursday

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**Length:** 26748 words

**Body**

Washington: The Library of Congress, The Government  of USA has issued the following house proceeding:

 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 Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development. The PRESIDING OFFICER. Under the previous order, the time until 3:15 p.m will be equally divided in the usual form.

The majority whip. China Mr. CORNYN. Mr. President, yesterday the Senate Banking Committee passed a very important piece of legislation out of the committee by a unanimous vote. I am very pleased that this legislation, which I will describe in a moment, received that sort of broad bipartisan support. This is a bill I originally introduced with the senior Senator from California, Mrs. Feinstein, to strengthen the review process of the Committee on Foreign Investment in the United States, which plays a critical role in protecting our national security. The jurisdiction of this Committee on Foreign Investment in the United States hasn't been updated in more than 40 ***years***, and bad actors like China continue to exploit gaps in the process to acquire sensitive national security know-how, as well as military and dual-use technology from U.S companies. I want to be quick to say that this is not about labeling foreign investment in the United States as bad. That is not true. Foreign investment is by and large a very good thing. But when our laws are being exploited to target cutting-edge, dual-use technology that has national security applications, that is a matter of national security. This is not about banning or labeling foreign investment as being bad. I appreciate Chairman Crapo and the Banking Committee's bipartisan work in advancing this narrowly tailored legislation to close the gaps that I just mentioned and safeguard our national security because I believe it is past time for us to do so. Every day we fail to pass this set of reforms is a day we are putting our future in jeopardy. We need to maintain a sense of urgency and realize that when we are talking about CFIUS, or the Committee on Foreign Investment in the United States, there is a much bigger issue at stake, and that is the issue of competing global visions. China makes no secret about the fact that Karl Marx is, in many ways, its national hero. In fact, there was a weeklong celebration in China earlier this month which included a mandatory study session, led by President Xi, of Marx's famous work the Communist Manifesto. Events like these in some ways show that China is a wolf in sheep's clothing. When it tries to present itself as westernizing its economy and becoming a friend to the global community of nations, China conveniently ignores certain facts about its alternative development model and state-controlled economy. It also tends to disguise and downplay its overall geopolitical aims, to rewrite the rules of our world order and recreate them in China's own Communist image. Whether it is China's increasing belligerence in places like the South China Sea, its crushing of internal political dissent, its flagrant human rights violations, or its population controls, such as the one-child policy, China has repeatedly shown itself as a power- hungry authoritarian, willing and able to violate the rights of its own people, and dismissive and contemptuous of international norms. I am not being hyperbolic. I am not exaggerating. This is just the truth--the hard truth--in front of us, if we will look. So let's not deceive ourselves otherwise. When China tries to just ``blend in'' internationally, let us be wary that its rosy rhetoric and misleading narrative of cooperation are often camouflage for its true and more troubling aims. As we all know, right now, there are high-level negotiations ongoing between the U.S executive branch and Chinese Government officials on the very important issue of international trade, but it is important to remember that in the West, belief in free trade is almost axiomatic. In democracies like ours, free trade is based on open markets, the free flow of capital and information, as well as the rule of law. China, on the other hand, honors none of those things. It doesn't believe in open markets, it doesn't believe in the free flow of capital of information, and it be doesn't believe in the rule of law. That reality is why we need to approach these trade negotiations delicately. We need to remain steely-eyed and make sure China isn't playing us for fools. Of course, we are well aware of the need to tread lightly when it comes to trade. After decades of globalization, any overly broad limits on Chinese investment in the United States could harm American companies that need capital and customers to survive and grow. We need to resist that temptation. China is not just any old trading partner. Its enterprises are state- [[Page S2847]] backed, and there is no clear dividing line between the Communist Party and what might otherwise be described as the private sector. There is no distinction. This makes a real difference when it comes to Chinese investments in U.S companies that are at the cutting edge of developing military dual-use technologies. It means there is a real potential of industrial espionage because you can't separate private, profit-making motives from the government's secret-stealing capacities and proclivities, and this means that our national security is vulnerable. In its Made in China 2025 plan, the Chinese Government made clear its intent to dominate technologies that will be essential down the road in maintaining our economic and military prowess globally. I have a chart here that I would like to display. It is an unclassified slide from one of our intelligence agencies. They provided us an unclassified version so that we could talk about it in public. Many of us on the Armed Services Committee or the Intelligence Committee are privy to classified briefings, but I believe it is important--and I am glad they do too--that we talk about what we can in an open, transparent way so that people can be alerted to what is at risk and what is actually going on. These are China's strategic goals. Comprehensive national power--they see themselves as a rival to the United States, and they would ultimately like to surpass us when it comes to national power. We know that they believe their economic growth model must be innovation- driven; hence, their vacuuming up and relentless search for new, cutting-edge technology, including their activities in places like Silicon Valley, where they gobble up startup companies that have long- term potential to advance their economic and national power goals. Obviously, they are also modernizing their military and becoming increasingly belligerent in places like the South China Sea in the process. How does China achieve these strategic goals? Well, it has an elaborate and sophisticated plan. The truth is, they are really not being clandestine or secretive about this. They are pretty much telling us what they are doing, and they are doing it quite well. So their strategic goals include, obviously, their security services, their intelligence community, their talent recruitment ***programs*** at American academic institutions, where they hire talent back to China to help them in this process. They create front companies that claim to be non-Chinese related in order to transact business so that they don't raise suspicion. They engage in an active ***program*** of mergers and acquisitions of companies in the United States. They make significant investments in science and technology, including some of the most cutting-edge technologies, like quantum computing and artificial intelligence. They are probably the worst offender in the world when it comes to stealing through the cyber domain--cyber theft. They are very creative in engaging in research partnerships. Joint ventures, one of the gaps that the CFIUS legislation intends to plug, where they realize that this is a gap in our current review process for foreign investment and national security implications--they have done so through joint ventures that aren't currently subject to that review, where they can get access not only to the intellectual property but also to the know- how. In other words, they could steal blueprints and other intellectual property, but they don't necessarily know how to make it all work-- where the secret sauce is--until they can get access to the know-how through these joint ventures. Then there are their nontraditional collectors. In other words, civilians are used by their intelligence services to get information to vacuum up data--scientific data, our data--that they may think are important to their pursuit of national power, innovation, and economic growth model, so they use a wide variety of nontraditional collectors as well. Of course, in the legal and regulatory environment, an American company can't do business in China without basically turning over the keys to the government. Again, there is no delineation between the government and the private sector in China. All businesses have to cooperate with the Chinese Government, and the Chinese Government intermingles that information not only in pursuit of their economic goals but also in pursuit of their military goals. As I said, these technologies that they are acquiring and seeking to acquire include artificial intelligence, robotics, quantum computing, and 3D printing. The Chinese Government is spending $300 billion in subsidies to supplant foreign technology suppliers like ours with homegrown alternatives, and a core part of this 2025 plan is acquiring intellectual property from the United States. China is not even trying to hide it. They are advertising it, and they are doing it in plain sight. Those and related concerns are what prompted a bipartisan group of 27 Senators recently to write a letter to Secretary Mnuchin, Secretary Ross, as well as Ambassador Lighthizer--the U.S trade Representative. They are all involved in the ongoing trade negotiations with China. In that letter, we expressed concerns regarding China's targeting of our technology. As a report issued by the Pentagon recently pointed out, if left unchecked, this targeting could degrade core technological advantages of the U.S military. Clearly, the Chinese Communist Party regards these sensitive technologies as essential for China's military modernization and is accelerating its efforts to acquire them by any means necessary--stealing them, engaging in strategic investments, any way they can do it--whether it is cyber theft, civil-military integration policies, coercion through joint ventures with foreign companies, targeted investment, or Chinese nationals exploiting access to such technologies here in the United States. The main point of our letter was not to criticize but to alert our colleagues in the executive branch that there is no question that China is actively seeking to surpass the United States both economically and militarily and become the world's foremost superpower. It is pretty obvious. It is imperative, though, that neither the Federal Government nor private U.S companies aid or abet that effort either advertently or inadvertently. Let me conclude by saying that we should all support a peaceful, balanced, and constructive relationship with China, but it has to be realistic when it comes to China's aims and intentions, and it needs to be informed, as well, by China's record of deception in the past. When it comes to China, national security isn't just a pretext for economic protectionism. I think ``national security'' is an abuse of that label if it is used just as a pretext for protectionism. Like many of our colleagues, I believe strongly in free trade, as I started out saying in these remarks, but when national security and economic concerns overlap--which they do--there should be no question but that our national security comes first. For those of us who serve on committees of jurisdiction involving intelligence or national security, I assure you that the Chinese threat is real, and certain dangers are already taking effect. We need to make sure that not just the committees of jurisdiction understand this and that we are working together with the executive branch when it comes to maintaining this distinction--economic and military--and understand that it is not just about trade; it is about our national security as well. We need to be smart, well informed, and clear-eyed when it comes to engaging with an aggressive China. Our inaction has had many negative consequences, and we must aim to prevent any future ones. The PRESIDING OFFICER (Mrs. Ernst). The Senator from Delaware. Russia Investigation Mr. CARPER. Madam President, good morning. I looked down, and the Presiding Officers have changed. It is nice to be here with you this morning. Our Presiding Officer is tied to the military--Army colonel, highly distinguished. She comes from Iowa and travels home every weekend. She covers every county in Iowa. In a ***year***, I cover every county in Delaware, sometimes in a day. We only have 3; she has probably 100 or so. But we have the opportunity to go home frequently to our respective States and to be with our families and the folks we work for. I love doing it, and I know our Presiding Officer does as well. People come up to me--I go back and forth on the train just about every [[Page S2848]] night and will do that tonight, as I did last night. I feel very fortunate to be able to be that close to my constituents. I serve in the Senate with my colleagues and actually live in my home State. It is a blessing. I think I am approachable. I know our Presiding Officer is. Senator Cornyn is approachable. People come up and talk to us all the time, which is good--which is good. Sometimes I just want to say hello. Sometimes I will ask them how they are doing. More often than not, lately, people say: I wouldn't want your job for anything. You have the worst job in the world. I say: No, no. I feel really lucky. Throughout the 200-and-some ***years*** we have been a country, only about 1,800 people have been privileged to serve in this body, and we are fortunate that we are able to serve here today, especially during these challenging times. Since the 2016 election, however, a broad number of Delawareans and American citizens have approached me, whether in the Rite Supermarket or on the Amtrak train, to share with me their sense of uncertainty and their fears regarding the trajectory of our country. Specifically, they have expressed their uncertainty about the future of the special counsel's investigation and their fears that the President may put his own personal interests above the interests of all Americans and the Constitution of our country. As we pass the 1-***year*** mark following Deputy Attorney General Rob Rosenstein's appointment of former FBI Director Bob Mueller to become special counsel, I think it is worth remembering why the investigation began, what it has uncovered, where it is headed, and how we can uphold the rule of law and protect the investigation from political interference as we seek to ascertain the truth. During the 2016 Presidential campaign, our democracy was attacked by a foreign adversary. No shots were fired. No bombs were dropped. But let me be as clear as I can be. Russia attacked the United States of America. Using sophisticated cyber warfare, Russia interfered in our electoral process. As they have in other Western democracies, Russia borrowed from their tried-and-true playbook. Russian internet trolls posed as American citizens on Facebook and on Twitter. Russian shell companies funded political propaganda online, all with the intent of pitting us against one another and spreading this information among the American electorate. We also know that our Nation's election infrastructure was targeted by the Kremlin and that Russian cyber attacks penetrated voting machines in some of our States--not all of our States but a number of them. Thomas Jefferson often wrote about the truth, including a famous description of a few truths that we still consider self-evident; namely, that all men--I would add all women--are created equal and entitled to life, liberty, and the pursuit of happiness. Later in life, Jefferson remarked that ``we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it.'' Those words really ring true today, don't they? Jefferson also used to say something to this effect, and I am paraphrasing: The people--that is, the people of the United States-- know the truth. We won't make a mistake. If people know the truth, they won't make a mistake. Since the attack by Russia on our democracy, many patriotic Americans within Federal law enforcement and our intelligence agencies have been heeding Jefferson's advice and seeking to follow the truth. Here is what we have learned. In a declassified report released in January of 2017, our own intelligence agencies told us that ``Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at . . . undermin[ing] public faith in the U.S democratic process.'' Further, our own intelligence agencies told us that ``Russian efforts to influence the 2016 U.S presidential election represent the most recent expression of Moscow's longstanding desire to undermine the U.S -led liberal democratic order.'' Those same agencies, our own intelligence agencies--I think there are 17 in all that combined to provide this report--told us that it will happen again: ``Moscow will apply lessons learned from its Putin- ordered campaign aimed at the U.S presidential election to future influence efforts worldwide, including against U.S allies and their election processes.'' During recent testimony before the Senate Intelligence Committee, the Director of National Intelligence and our former Senate colleague Dan Coats--a good friend of many of us from Indiana--said these words: ``There should be no doubt that Russia perceives that its past efforts have been successful and views the 2018 midterm U.S elections as a potential target for Russian influence operations.'' I will read those words again. Our colleague Dan Coats, who sat over there and served with us for many ***years***--he and I served together in the House before that, and he was an Ambassador to Germany, but now he is the Director of our National Intelligence--said: ``There should be no doubt that Russia perceives that its past efforts have been successful and views the 2018 midterm U.S elections as a potential target for Russian influence operations.'' Then he added: ``Frankly, the United States is under attack.'' I approve that message. I don't welcome that message, but we need to hear that message, and we need to take it to heart. In response, we have a responsibility--not to any political party but to our Constitution and to the American people--to band together as we would following any attack on our country. We have a responsibility to fight back, to protect and safeguard our democracy, and to ensure that it never happens again. We also have a responsibility--again one that rises above political party--to determine whether the Trump campaign may have had inappropriate contact with Russia during that campaign. This responsibility is shared between Congress and the executive branch, including the different committees in the House and Senate, as well as the Department of Justice, the FBI, and our intelligence agencies. Unfortunately, our President has rejected this responsibility from the start. Let's not forget that President Trump fired former FBI Director James Comey and publicly stated it was because of the Russia investigation. President Trump told NBC News: ``When I decided to [fire Comey] I said to myself, I said, `You know, this Russia thing with Trump and Russia is a made-up story, it's an excuse by the Democrats for having lost an election that they should've won.' '' Those are President Trump's words to NBC News. Because Attorney General Sessions has recused himself from matters involving Russia and the 2016 election, Deputy Attorney General Rod Rosenstein, a lifelong Republican appointed by President Trump to his current position, made the decision to appoint a special counsel to continue the Russia investigation. Let me take a moment to remind the American people about the background and the character of this special counsel. Bob Mueller has spent his life serving our country with distinction. Our Presiding Officer: Army, highly decorated. Yours truly: Navy, 23 ***years***, all in Active Duty and Reserve. Here is what Bob Mueller received in some of his decorations as an officer in the Marine Corps during the Vietnam war--a war in which I served as well. He received the Bronze Star, and he earned two Navy Commendation Medals and the Purple Heart--all as an officer in the Marine Corps during the Vietnam war. After a career in Federal law enforcement and private law practice, President George W. Bush nominated him to serve as our FBI Director, and Bob Mueller guided the FBI in the aftermath of the September 11 terrorist attacks. A steady hand during uncertain times, Director Mueller gained the respect and the admiration of the men and women of the FBI, as well as those of us here on Capitol Hill. During my tenure as chairman and ranking member of the Senate Homeland Security and Governmental Affairs Committee, I had the opportunity to meet with Director Mueller on a range of issues, including protecting our Nation from cyber security threats. Let me just say that I think that maybe in the 17 ***years*** I have been here, the best briefing I have ever received on cyber security was from Bob [[Page S2849]] Mueller. The very best briefing I ever received was from Bob Mueller. I also got to know him personally. I know his wife. My wife and I know his wife. We believe that he is guided by very strong core values: Figure out the right thing to do, and just do it--not when it is easy, not when it is expedient, but when it is right. Treat other people the way we want to be treated. Focus on excellence in everything we do. If it isn't perfect, make it better. And when you know you are right, be sure you are right. Never give up. Those are his values. I suspect those are the values of many of us who serve here. Bob Mueller is a man of unimpeachable integrity. There may be no person better suited to this task of special counsel. I have every confidence that he will follow the truth wherever it may lead him and those he leads. But don't just take my word for it. When the Deputy Attorney General appointed him to the position of special counsel a little more than a ***year*** ago, his selection drew a particularly resounding endorsement from those of us who serve here in the Senate-- not just on this side but, in particular, on the other side of the aisle. Here is what John McCain said about Bob Mueller: ``Robert Mueller is a great choice for special counsel.'' John went on to add that he is ``confident that Mr. Mueller will fully investigate all aspects of Russia's interference in our election.'' Senator Burr said: ``By having someone like Bob Mueller head [the] investigation assures the American people that there's no undue influence, be it here or be it at the other end of Pennsylvania Avenue or within the Justice Department or FBI.'' Those are the words of Senator Richard Burr of North Carolina, a Republican. Even former House Speaker Newt Gingrich, with whom I served in the House, said this about Bob Mueller: ``Robert Mueller is a superb choice to be special counsel. His reputation is impeccable for honesty and integrity.'' I have not known Robert Mueller for as long as some who serve here, but I have known him for a while. I have had a chance to work with him on some important issues and matters for our country and for the security of our country. He is as fine as any public servant I have ever known and served with. Unfortunately, President Trump has not been as praiseworthy of our special counsel as the Senators I just quoted and the former House Speaker I just quoted. President Trump has repeatedly used his Twitter account to call Special Counsel Mueller's investigation a ``witch hunt.'' A witch hunt? In February, 13 Russian individuals and 3 Russian companies were charged with breaking U.S law and interfering in the 2016 election--13. The indictment details an elaborate, coordinated scheme to disrupt our election. Moreover, three Trump campaign officials have pled guilty to crimes that include lying to the FBI about contacts with Russia during the campaign and a conspiracy to defraud the United States, and the former Trump campaign manager is currently facing similar charges. Despite the progress of the investigation, we know from news reports that President Trump repeatedly has considered firing Director Mueller and Deputy Attorney General Rosenstein. That would be a grave mistake. That would be a very grave mistake. Instead of exercising Presidential leadership and holding Russia accountable and safeguarding our upcoming election, President Trump continues to use dangerous rhetoric directed toward the special counsel's investigation, as well as at the people who work for us, who serve at the FBI and the Department of Justice, and who deserve our thanks, not our scorn. Instead of exercising Presidential leadership and holding Russia accountable and safeguarding our upcoming election, President Trump is now demanding a counterinvestigation. Instead of exercising Presidential leadership and holding Russia accountable in safeguarding our elections, President Trump is now undermining the special counsel's investigation while risking the identity of American intelligence sources. Despite this failure of Presidential leadership, the special counsel's investigation must go on. A Methodist minister in Seaford, in Southern Delaware, Pastor Reynolds--a wonderful man, now deceased--gave me advice during my career, particularly when I was Governor. One day, he said: Governor, the main thing is to keep the main thing the main thing. I said: Would you say that again, Pastor? He said: The main thing is to keep the main thing the main thing. In this case, I think the main thing is for us to find out and ascertain the truth. Special Counsel Mueller must be allowed to follow the truth, no matter where it leads, no matter how uncomfortable that makes President Trump or other people, no matter how uncomfortable that makes Vladimir Putin. We must continue to ensure Special Counsel Mueller has the time and resources he needs to follow the truth and bring this investigation to a conclusion. We must also protect the special counsel from undue political influence, and send a strong signal to President Trump that firing Robert Mueller or Rod Rosenstein, without clear legal justification, would pose a grave threat to our constitutional system of checks and balances. To be clear, we can't pass a bill to end President Trump's erratic threats on Twitter, though I know there are a few people--some here-- who would support such a proposal. However, here is what we can do: We can pass a bipartisan bill, introduced by Senators Coons, Tillis, Booker, and Graham, to protect the special counsel's investigation. The legislation, called the Special Counsel Independence and Integrity Act, would ensure that the special counsel can only be fired for good cause by a senior Justice Department official, and the reason must be provided in writing. It will ensure that in the event of his firing, the special counsel can seek expedited judicial review of his removal, and it will also preserve all the documents and materials related to this investigation. I thank our four colleagues--two Democrats, two Republicans--for introducing this bipartisan bill. I support it and urge its swift passage. Passing this bill will demonstrate to the American people that despite the uncertainties and maybe the fears at this moment, we still have a system of checks and balances which still works, as it has been working for 240 ***years***. There are more constitutions in this world modeled after the U.S Constitution than any other constitution ever. Ours is the most emulated and longest living Constitution on the face of the Earth. It has an intricate system of checks and balances. Our Founding Fathers-- who convened in Philadelphia 240 ***years*** ago--developed the Constitution we know of today and sent it out to the Thirteen Colonies to debate and consider whether they wanted to ratify it. The first State to ratify the Constitution was the State of Delaware, and the Constitution is something we especially revere in the First State, but if we allow the system of checks and balances as called for in the Constitution to work, it will eventually lead us to the truth--which is what we should all seek, not just in this Senate, not just in the Congress, not just in one party or the other, not just any one State or the other but all of us. If the unthinkable were to happen and the special counsel were fired on a whim, I believe the legislation I just talked about would help us preserve the Russia investigation and the rule of law. Like Special Counsel Mueller, Congress must not be afraid to follow the truth. We must not be distracted by the President's tweets and other attempts to undermine this important investigation. We must keep the main thing the main thing. Special Counsel Mueller and his team must be allowed to finish this investigation, and Congress--especially our Republican colleagues--must do our part to protect the investigation and insist the President stop the political interference and gamesmanship. Taken together, I believe these actions will allow us to emerge from this especially challenging moment in our country, as we often have following other crises throughout our history. We will emerge stronger and more resilient, and we will emerge deeply proud that we upheld our responsibility to the Constitution and to the American people. [[Page S2850]] In closing, I want to mention that a lot of times people come up to me--maybe not every day but several times a week. Some are Democrat, some are Republican, some are Independent, some are probably not even registered to vote. They say: I fear for the future of our country. I don't think it has ever been this bad before. We have never seen it this bad before. I remind them of the words from Harry Truman, who once served in this body as a Senator from Missouri, later as Vice President, and then as President of our country. Harry Truman used to say: ``The only thing new in the world is the history you do not know.'' Think about that, the only thing new in the world is the history we forgot or never learned. My sister and I grew up in the town of Danville, VA, right on the North Carolina border, the last capital of the confederacy. A lot of people think the last capital of the confederacy was Richmond, VA, but it wasn't. Jefferson Davis and those closest to him got out of Richmond, headed south, and ended up in Danville. That is where my sister and I grew up, and we saw prejudice and discrimination as little kids up close and personal. I will never forget it. There are some people in Danville still fighting the Civil War 150 ***years*** afterwards, at least in their minds. During the Civil War, 800,000 men were killed on both sides, and hundreds of thousands of men, women, and children were wounded, crippled. When the war was over, what happened? When the war was over, our President was assassinated. His successor, Andrew Johnson, the Senator from Tennessee, who also served here, was impeached. Somehow, we got through the Civil War, with the assassination of a President and the impeachment of a President, and we made it to the 20th century--just in time to fight not one but two World Wars. We won them, led the world and our allies to victory in the Cold War, and led the world out of the Great Depression. Then, when the Sun came up on the 21st century, on January 1, 2001, here is where America was as a nation: We had the strongest economy on Earth, and we had the most productive workforce on Earth. For the first time since 1968, we actually had a balanced budget--not just one, not two, not three but four balanced budgets--the last 4 ***years*** of the Clinton Presidency. While we had a Democratic President and administration, we had a Republican Congress. If I am not mistaken, the chairman of the House Budget Committee was very much involved in the balanced budgets, a Republican from Ohio, our friend John Kasich, former Congressman, now Governor of Ohio. So we had the strongest economy and the most productive workforce, four balanced budgets in a row, and, on January 1, 2001, we were the most admired Nation on Earth, and we had the strongest force for justice on Earth. That is where we were, after all the bad stuff and all those challenges of 150 ***years***, beginning with and following the Civil War. If we can get through all that, we can get through this. In the words of Jefferson, if the American people know the truth, we will not make a mistake. That is what Bob Mueller and his folks are trying to get to, and it is important that they succeed. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll. Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. China Mr. RUBIO. Madam President, there has been a lot of coverage over the last couple of months and ***years*** really--but certainly in the last few days--about the topic of China, ZTE, and trade. I have had a lot of questions about it, both in the hallways from the press and constituents back home and even from family and friends who have inquired what all the ruckus is about. I thought this was a good opportunity to lay out for my constituents and broadly for the American people what is at stake. The first thing I would encourage everyone to do is to separate the two issues, the issue of trade with China and the issue of a specific company called ZTE, which is a phone company--a telecommunications company in the cell industry based in China. They were the fourth largest cell phone company in America, up until very recently when they struggled to stay in business. We will talk about that in a moment, but let's talk about those two things separately. They are not necessarily interrelated. On the broader topic of trade and China, the United States has an enormous imbalance in trade--as we do with other countries but none like we do in China. A trade imbalance, by the way, in and of itself, is not problematic. It really depends on what has caused it, but the trade imbalance with China is problematic because of how it has happened. China was basically poor, underdeveloped, under a Communist dictatorship, and decided it wanted to open up to the world and become more economically prosperous many ***years*** ago. The deal the world made with China is, we are going to help you develop economically. You are going to open up. We are going to help you invest. We are going to help you create opportunity. We are going to let your companies invest in our economies. There are rules in the world for trade. There are things that are allowed and things that are not allowed. For example, you are not allowed to steal another company's secrets. If another company has figured out how to make something, that is proprietary. They own it, they developed it, they spent money creating it, and you are not allowed to go there and steal that from them and start making it yourself. You can't have rules that say your companies cannot sell in my country, but our country can do whatever we want in your country. There are rules. China has never played by those rules, and everybody knew it. Nobody disputed it. Administrations from both parties, the consensus politically in America was go ahead. Let's let China cheat. Let them keep stealing things because once China becomes richer and more prosperous, they will stop doing that stuff. As soon as China's economy grows big enough, not only will they stop doing all that, but they will become a democracy. Everyone who said that was wrong. That is not what has happened. They are less Democratic, less open today than they used to be, and they are no longer just stealing little secrets to be in the same ballpark. They are stealing $600 billion a ***year*** of intellectual property. Six hundred billion dollars a ***year*** is equivalent to what we spend on the U.S military. They are stealing the equivalent of that every single ***year***. How do they do it? First of all, just straight-out espionage. Time and again, they hack computers, they hack emails. They have spies embedded inside companies. They straight-out steal it through espionage. The second thing they do to protect their industries and grow at our expense is, they don't allow many of our companies to do business in China--huge market. Their companies get to do business here, but they don't allow our companies to do business there--some companies. They do allow other companies to do business in China, but here is the deal. If you do business in China, it has to be a joint venture with a Chinese company--51 percent Chinese, 49 percent American company. On top of that, there is another catch. If you want to do business in China with a Chinese company, you have to ***transfer*** your technology to them. If you want to build turbines, we will let you build turbines in China, but you have to ***transfer*** to us the technology of how you do it. Do you know why they do that? Because once they figure out how to do it themselves, they don't need their American partner anymore. They kick you out, and now they are your competitor and may even put you out of business. That has happened many times. If they don't achieve it by forcing you to ***transfer***, then they straight-out steal it from you. They also buy up small companies. We have a law here that is called CFIUS process. When a foreign company, especially from a country like China, is buying in a key industry, it undergoes this review to make sure it is not a deal where they could be taking secrets that are tied to national security. [[Page S2851]] They figured it out. They are just buying small American companies, a bunch of them, in many cases, that are under the level that we look at, these subcontractors, and finding their way in that way. Suffice it to say that we have a very serious imbalance with China, but the imbalance is not the dollars. The imbalance is in the structure of trade between China and the United States. That is why we don't need a short-term trade deal. This is not about saying: All right. Go ahead and buy more of our ***agriculture***. You guys go buy more of the stuff you were going to buy more of anyway because you need to. In exchange, you get to keep doing what you are doing now, and there will not be any tariffs. That is a short-term deal. It might be a good headline. You can claim that you won, but in the end, it doesn't do anything to change it. In fact, it leaves us worse off. You might as well have not even gotten into this in the first place. You have actually strengthened them even more. Let me tell you how they win this fight. They go to all those American multinational corporations, many of whom are just interested in how their stock is performing from quarter to quarter, and say to them: Lobby your Congressman, lobby your Senator, lobby the White House, and convince them to drop all of this. They do it because what these companies want is to have access to the 1.3 billion people. They don't care if they are only 49 percent of the company in China. They don't care if they are stealing their intellectual property. By the time that matters, the CEO and the people making that decision will be long ago retired, with a huge golden parachute bonus because they delivered a bunch of quarters of earnings. That is so shortsighted. They may not care about it, but those of us who work here have to because we do not want to live in a world where China dominates industry, not because they outinnovated us or worked harder, but because they stole it from us. By the way, the Chinese have figured all of this out. They have figured out exactly how to get things done in American politics. They don't lobby the government. They lobby the business sector. Then, all these large corporations go marching onto Capitol Hill and into the White House and scream and plead to drop all this. Of course they do because they are going to make a lot of money in China over the next 5 or 6 ***years***. A lot of these companies are one day going to be out of business. It is short-term thinking. Their obligations are to their shareholders. Their shareholders are not all Americans. Our obligations are to the American people and America's future. This is disastrous. We need a structural rebalance, not just a dollar rebalance. China is not a developing country. It is the second largest economy in the world. It will soon be the largest economy in the world. Yet we continue to let them cheat and steal. That is the trade issue. ZTE is something completely different--related but completely different. Let me tell you about ZTE. ZTE broke the law. ZTE sold goods and services to Iran and to North Korea. They violated sanctions. They tried to cover it up, and they got caught. When they got caught, they got hit with a fine and were told they need to fire the people who tried to cover it up and the people who did this. They paid the fine, but they did not fire the people who did this. Do you know what they did instead? They gave them bonuses, and they tried to cover that up. The Commerce Department said: Fine. We caught you. We made a deal with you. You broke that deal. Now the penalty is, you cannot buy American semiconductors. That was the penalty. We are not going to sell you any more semiconductors for 7 ***years***. ZTE says it is going to put them out of business because they do depend on us for semiconductors. Now we are reading there is a new deal in place, potentially. The new deal is not official, but I have read it, and it has been reported. The new deal is this. We are going to let you stay in business. Pay a fine, $1 billion or this morning I heard $1.3 billion, and $1.3 billion is nothing for a company backed by the Government of China. The Chinese Government will pay it for them. Are you kidding me? Only $1.3 billion to continue to stay in business and one day replace America in telecommunications? That is nothing. The other sanction--guess what it is. We are going to force you to buy more things from America. That is not a punishment. That is a reward. That is exactly what they want. That was the sanction. The sanction was they couldn't buy more from us because they can't stay in business unless they buy from us. The punishment is going to be, instead of punishing you by denying you semiconductors, we are going to really punish you by forcing you to buy more semiconductors from America. They were going to do that anyway. That is a reward, not a punishment. That is a terrible deal. Some people say that is a deal that is tied into the broader trade deal, another terrible deal. If I were China, I would give us anything we want on ZTE in exchange for being able to continue to undermine the American economy, but it goes deeper than that. Here is the other problem with ZTE. If it is just one company, it is one thing. China intends to dominate the world in the key technologies of the 21st century--aerospace, biotech, quantum computing, artificial intelligence, 5G, and telecommunications. They are going to dominate the world. Do you know why I know that? It isn't because I read some fancy article. It isn't because I am on the Intel Committee. It isn't because of a hearing. It isn't because of a meeting. Do you know how I know that? Because China says it. They have a plan called China 2025, Made in China 2025. Here is what the plan basically means. By the ***year*** 2025, China will be the dominant country in the world in these 10 to 12 industries, which happen to be the 10 to 12 industries that are going to determine the fate of the 21st century. Biotech basically means genetic medicine, the ability to cure diseases like Alzheimer's disease and others that are going to be a plague on the world in the ***years*** to come. Aerospace means technology for space. It also means aircraft and the like. They don't intend to be competitive in those fields. They intend to dominate those fields. You may say: Well, what is wrong with that? Countries can want to dominate fields. It is fine. If you are going to become the dominant power in the world in these key technologies, you have every right to do so but not by breaking the rules. That is how they are doing it. What is China doing in order to dominate the world in 2025? To their credit, they invest a lot of money in research and development. They also invest a lot of money in stealing whatever we have already done. Think about it. America invests taxpayer money. We innovate something. We innovate it. After we spend all of your money innovating these things, they take it from us and steal it. It costs them nothing to start out exactly where we are after ***years*** and ***years*** of work. Think about that for a moment. That is an enormous competitive advantage. They have free research funding by the American taxpayer. They steal it. What else do they do? They do other things. How do they steal it, you may ask. One of the ways they steal it is through telecommunications. They are trying to embed themselves in our telecommunications system. Here is how. They know, for example, the U.S Government or a defense contractor are not going to buy a ZTE phone, but they have a solution for that. The solution is, they sell the ZTE phone, the exact same phone with the exact same components inside of it--the things they can turn on and off to listen to us or take emails or documents or whatever they need, and they sell the exact same phone to an American telecommunications provider. The American telecommunications provider puts their sticker on it so you think you are buying not a ZTE phone but a phone that belongs to an American company, and they sell it--it is called white labeling--or a router. Huawei has a router. The Department of Defense or the government is not going to put a Huawei router in a sensitive place. That is fine. They will sell it to an American company. That company will take off Huawei and put on their sticker, and [[Page S2852]] you have a router controlled by a Chinese company that is beholden to Chinese intelligence. Even if they wanted to not cooperate, they don't have a choice. When they tell them, we want you to go into that router and get the secrets of this company or the secrets of the U.S Government, not only do they have to do it, they will do it, especially if it is in telecommunications. That is happening right now. They embed themselves in our telecommunications system that way through white labeling. The other thing they do is they use their American subcontracting unit. Again, they know no one is going to hire them to build a military base and put the wire in it. You hire an American company. That is the prime contractor. They come in as a subcontractor to the prime contractor, and they are the ones doing the work. We think we hired an American company, but the work is being done by a subcontractor controlled by ZTE or Huawei or any of these other companies. That is another way they do it. I am telling you, we are going to wake up one day and realize that in our own country, embedded in our telecommunications system--in our cable, in our routers, in our internet--are a bunch of component pieces that not only leave vulnerable our Department of Defense but our business community. To what? To stealing corporate secrets and commercial secrets that allow them to take the research America has done and use it as their starting point free of cost. This is not fantastic. This is why people are so fired up about ZTE. This is not a game. Somebody just sent me an article a few minutes ago. I don't know which one of the publications it was. It was talking about me and taking on the President on ZTE. This is not a political game. It has nothing to do with that. This is not about politics. Do we not understand where we are headed? You have a country that is actively saying we are going to displace you. We are going to be the most powerful country in the world, and we are going to do that at your expense. We are here talking about all kinds of other crazy things or political reporters cover this through a political lens. This is not a game. Do you know why China wins these negotiations? Because they don't play these games. They know what this is about. They have a 10-***year*** plan, a 20-***year*** plan, a 50-***year*** plan. We can't even think 48 hours ahead. Everything here is about a political issue. It is not a game. Whether you want to believe it or not, every single one of us was elected. We participated in politics. I think most of us, if not all of us, do not want to live in a world in 10, 15, 20 ***years*** on our watch, where some other country now dominates the world at our expense, where we now work for them, we now are beholden to them for everything from medicines to technologies, and we were here when it happened and didn't do anything about it because we were loyal to our party or because we were too busy focused on--well, just turn on the news when we have a massive threat before us. By the way, this is the stuff historians write about. A hundred ***years*** from now, we will all look like fools because, if you are just watching this on an hour-by-hour basis, it is not a big story. Yet, 100 ***years*** from now, when someone writes the history of the 21st century and we have let this happen, they are going to write about us. They are going to say that we were fiddling while Rome was burning, that we were allowing the Chinese to take over the world at our expense and displace us because we were too busy doing all kinds of other things. By the way, this is not just about business. When you turn on some of the networks that cover the stock market, they cover this like a casino. Oh, the trade thing is doing better today, so the stocks are up or the stocks are down. Forget about that for a moment. You can make all of the profits you want over the next 3 to 6 months. I promise you, if this continues, in 10 or 15 ***years***, you will not be watching the U.S stock market; you will be watching the Chinese market, and it will be determining whether our companies survive. It will be we on the outside, looking in. Then Americans are going to wonder: Why do we no longer invent great things? Why do we now have to do whatever China wants in the world in order to get the medicines we need to cure my mom or my dad's Alzheimer's? The answer will be, when they were displacing us, your policymakers were too busy arguing with each other and playing dumb, ridiculous games on a regular basis. Meanwhile, China was focused like a laser on a plan, and it executed it. This is not a game. I can think of no more significant issue from the perspective of history than what is happening now. Do not misunderstand me. I do not come here to say that I want to be unnecessarily aggressive with China or that I want there to be a confrontation. China is going to be a rich and a powerful country, and we have no problem with that--we can't have any problem with that--but there has to be a balance. It cannot be a China that is rich and powerful and an America that is weak and not prosperous. Those imbalances are what create wars. Those imbalances are what create misery. Those imbalances are what destabilize the planet. That can't be. We need to recalibrate this relationship. It needs to be rebalanced on the trade side. It needs to be protective on our national security side. It needs to be equalized. If it is, China can still be very successful. It is going to invent things. It is going to create jobs. It is going to become more prosperous. That is fine. We have been doing that for 100 ***years***. Every person who is sitting in the Gallery, every person here in the well of the Senate and on the Senate floor--everyone you know--has a product on him--a phone, a belt--that has been made in another country. The issue is not that other countries make things and that we don't. The issue is not about our dominating everything. It is about balance, and this is not balanced. This is headed for a dramatic imbalance. The imbalance used to be that they made cheap things and sent them back to us so we had lower prices. That is what has happened for the last 30 ***years***. They have made cheaper T-shirts; they have assembled the phones more cheaply; and they have shipped them back to the United States, which has led to lower prices. That is not the imbalance I am talking about. The imbalance we are headed for is that they will control state-of- the-art artificial intelligence, that they will control state-of-the- art quantum computing, which will mean that nothing will be encrypted anymore, which will mean that there will be no such thing as secure cars left. One day, the President of the United States will not be able to talk to his national security officials anywhere in the world without the Chinese hearing it. No matter what encryption you will put in, they will break it with a quantum computer. That is the imbalance I am talking about. The imbalance I am talking about is when, one day, we will have a dispute with China on something--on national security somewhere in the world--and it will threaten to cut off our supply of biomedicines. In essence, it will threaten the lives of Americans in their not getting medicine unless we cave to China's desires. That is the imbalance I am talking about. The imbalance I am talking about is one where it dominates aerospace, where it is the nation that controls satellites and satellite communication, where it is the nation that controls 5G. We are headed toward autonomous vehicles. Autonomous vehicles will depend on 5G technology. China will dominate the world in 5G, and we will depend on it. So we are going to build a fleet of autonomous trucks and autonomous cars, and none of them will work if the Chinese decided to shut it down because they will dominate that field. That is the imbalance I am talking about. If this all sounds fantastic or apocalyptic, look it up. Research it. I promise you that you will not find a single person who is versed on this topic who will disagree with what I am saying. This is the threat that we face, and we are not facing it squarely. I would advise those who cover this issue to stop covering it as a political issue. There are some things that are so important to this country that I don't care what the politics are, and most of my colleagues don't either. These are definitional things that will define the 21st century. [[Page S2853]] I would advise us not to cover this as a purely economic issue because there is a way to grow the trade gap in the short term. We can sell China a lot more of the things it is willing to buy anyway. It doesn't intend to lead the world in those things in exchange for its dominating us in the long run. Get rid of the short-term thinking, and start thinking our competitor has a 50-, a 100-, a 20-, and a 5-***year*** plan, and we don't even know what we are going to be talking about next week. It is time to wake up to this threat because we have two ways forward. There can be a balanced relationship between two great powers that leads to a world that is stable and secure and prosperous or we can have an imbalanced world in which the rising power of China is at the direct expense of a falling status quo power in the United States. That instability will lead to conflict and a way of life for Americans that we will find unacceptable. Then it will be too late. Then we will have to explain, maybe, to our children and, most certainly, to our grandchildren why the America we grew up in--that led the world in all of the great innovations and in all of the great ideas, that provided prosperity to millions of people here and around the world--and the America they get to grow up in is a second-tiered power while China dominates everything that matters. If you think that is not a big deal, one of the reasons democracy has spread across the planet is that the world's most powerful country has been a democracy. If the world's most powerful and dominant nation on Earth is a dictatorship--a country that has no respect for privacy, a country that has no respect for free speech, a country that has no respect for religious liberty of its open people, a country that has no regard for human rights anywhere in the world--what do you think the world is going to look like in 20 or 30 ***years***? It is not going to be a better place. Democracy is morally superior to autocratic regimes. We should not be afraid to say that. If for no other reason--if you want to put aside economics for a moment and confront it from that angle--we cannot allow an autocratic dictatorship to dominate the global economy and global technology by stealing from us at the expense of the democratic order in the world. Democracies are morally superior to dictatorships. If we allow China to cheat and steal its way into dominance, there will be more dictatorships and fewer democracies on this planet, and we will all pay a price for that. I urge everyone to take this issue seriously. I urge the President to listen carefully to those in his own administration who understand this threat for what it is holistically, and I urge them to move in a direction that recalibrates the structure of our relationship with China economically and that does not allow not just ZTE but numerous other telecom companies to continue to grow and spy at our expense. That is what I encourage them to do, and that is the right thing to do for the future of this country, not some short-term deal that makes us feel good and potentially gets a positive headline in the short term but what historians will condemn as the beginning of the end of America's place in the world as its most influential Nation. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. Johnson). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. BROWN. Mr. President, first, I want to add my comments to those by my friend from Florida, Senator Rubio, about China. I remember ***years*** ago, when I was helping to lead the opposition to China's admission into the World Trade Organization, when American CEOs came to this body and said one after another to Members of Congress that they wanted access to billions of Chinese consumers when what they really wanted was access to hundreds of millions of Chinese workers. U.S companies, as part of a business plan, consistently shut down production, whether it was in the Florida Panhandle or whether it was in Northeast Ohio, and moved those productions overseas. They enriched that Communist government and gave China the wherewithal that Senator Rubio talks about now. That is the importance of the CFIUS legislation we did yesterday in the Banking Committee that Senator Crapo, Senator Van Hollen, and I worked on. It is the importance of many of the issues that Senator Rubio raised, so I thank my colleague from Florida. Mr. President, I rise to oppose the nomination of Brian Montgomery. He has been nominated by the President to serve in the U.S Department of Housing and Urban Development as an Assistant Secretary of Housing and as the Federal Housing Commissioner. If confirmed, Mr. Montgomery would oversee the Federal Housing Administration, the FHA, which insures loans for homeowners, multifamily rental buildings, and healthcare facilities originated by HUD-approved mortgage lenders; oversees HUD's Housing Counseling ***Program***; and provides rental assistance for over 1.2 million low-income seniors, individuals with disabilities, and families. We are considering this nomination at a time when the Nation faces all kinds of housing challenges. Thanks to a deep shortage of affordable rental housing--think about this--a quarter of all renters, of all households, are paying more than half of their incomes for housing. That means, if anything goes bad in their lives--if their cars break down on the way to work or if their children are sick, and they have to decide to send their children to school anyway or to stay home and lose a day's pay and get behind on their rent--then everything will go bad for them. Far too many creditworthy borrowers still struggle to access sustainable credit in the mortgage market, particularly in communities of color. In February, the Center for Investigative Reporting released data showing that people of color were far more likely--in some cases, more than five times as likely--to be denied conventional mortgages. They found this data in 61 metropolitan areas around the country. It is not limited to only a few places. Mr. Montgomery, in his having served previously in the position for which he has been nominated, would bring both valuable experience and an appreciation for the importance of the ***programs*** he would lead if he is confirmed. He has spoken about the value of the FHA as both a responsible engine of homeownership and a countercyclical tool to ensure that mortgage credit remains available. He has also supported the Office of Housing's affordable housing ***program***. That is the good news. The bad news is that I am concerned that Mr. Montgomery, in the interest of making the FHA a better partner to the mortgage industry after having served in the industry as a board member or adviser, will lose sight of the interests that FHA and consumers have. Following his previous tenure at HUD, Mr. Montgomery cofounded a consulting firm that provided a range of services to financial services companies, services that included helping FHA participants minimize penalties from HUD enforcement actions. He also sits on the boards of companies whose businesses could be affected by FHA and Federal housing policies. Perhaps more troubling is that Mr. Montgomery has stated concerns about ``excessive'' Federal enforcement efforts against mortgage lenders in the ***years*** following the mortgage crisis, including pursuing claims under the False Claims Act. In late last ***year***, the Trump administration's Department of Justice noted ``the False Claims Act serves as the government's primary civil remedy to redress false claims for government funds and property'' and further noted that recoveries under the act are ``a message to those who do business with the government that fraud and dishonesty will not be tolerated.'' The False Claims Act was cited in several post-crisis Federal enforcement actions, including a $1.2 billion settlement with Wells Fargo in 2016 and in a 2014 settlement with JPMorgan Chase for ``knowingly originating and underwriting noncompliant mortgage loans submitted for insurance coverage and guarantees'' at the FHA. Obviously, fraud has no place in FHA ***programs***. However, without a strong [[Page S2854]] signal that fraud and dishonesty will not be tolerated, some lenders who don't play by the rules will, once again, push the envelope with damaging effects to families and taxpayers. I hope that Mr. Montgomery proves me wrong and that under his leadership, HUD will emerge as a strong advocate for consumers and affordable housing and assisted families. It is hard for me to believe that, though, when you look down the street at the White House, and the White House, frankly, looks like a retreat for Wall Street executives and those connected to those financial interests. Consumers and families need an advocate at HUD. So far, the administration's response to our rental housing shortage, unbelievably enough, has been to propose the slashing of billions from housing ***programs*** and the raising of rent on low-income, HUD-assisted families, seniors, and people with disabilities. After all, as the HUD Secretary said--after giving this tax cut where 80 percent of the tax cut, of the $1-plus trillion, went to the richest 1 percent of people in this country--they had to make cuts to the cleanup of Lake Erie, which Senator Klobuchar and I care so much about; they had to make cuts in Head Start; and they had to propose raising the eligibility age for Social Security and Medicare. They had to make these cuts. That was part of the deal of a tax cut for the rich. So it is just a little hard for us to buy in to some of their reasoning. The administration has been dismantling consumer protections and eroding fair housing enforcement at HUD and the CFPB. Just yesterday, Congress passed legislation making it harder to detect and protect against violations of fair housing laws, particularly reverse redlining, as if we didn't deal with that issue decades ago. We all should come to agreement that redlining is wrong. It devastated borrowers and communities during the crisis, and it hasn't gotten a whole lot better. I hope Mr. Montgomery, when he is confirmed, will use his office to advocate for housing solutions that work for our families and our communities. These matters are far too important for too many Americans to do otherwise. I oppose his nomination. I hope I am wrong. I hope he actually does the things that someone in that position at HUD should do. I yield the floor. The PRESIDING OFFICER (Mrs. Hyde-Smith). The Senator from Minnesota. Antitrust Enforcement Ms. KLOBUCHAR. Madam President, I come to the Senate floor today to discuss what I consider an often overlooked issue that is of central importance to the well-being of American consumers and our Nation's economic strength, and that is antitrust enforcement. Before I was a Senator, I was a prosecutor for 8 ***years***, and before that, I was a lawyer in private practice. Early in my legal career, my main client when I was a brandnew lawyer was MCI. At the time, MCI was a young, innovative telecom company that was determined to disrupt the telecom industry by competing with first long-distance carriers and then local monopoly carriers. It was exciting for me to represent a company like that. They had a lot of scrappy lawyers who viewed themselves as fighting for consumers to give them some alternatives and lower prices. I remember that at one of my regulatory hearings, I actually quoted the first words Alexander Graham Bell said over the telephone: ``Come here, Watson, I need you.'' But in the Wild West world of MCI, when they were getting ready to relay the first-ever communication between St. Louis and Chicago--which seems odd to the younger pages here--at the time, Bell companies dominated all telecoms, and we only had those old-style telephones and only one company in an area that offered service. So MCI came in to compete by building their own line between St. Louis and Chicago. One of their investors, Irwin Hirsh, memorialized this great moment, and instead of saying ``Come here, Watson, I need you,'' he said, ``I'll be damned. It actually works.'' But make no mistake--without antitrust law, MCI would never have worked. We would have had no competitors. We would have been stuck in the old Bell operating company world. MCI took on Bell operating company and AT&T and ultimately broke up that monopoly. This breakup lowered long-distance prices for consumers across the country and ushered in an era of amazing innovation and revolutionized the telecom industry and, yes, brought down those long-distance prices. Antitrust may not always make front-page headlines these days, but antitrust enforcement is as important now as it has ever been. It remains vital to the welfare of our country, and we ignore it at our own peril. People often ask me, what does antitrust law have to do with our economy? The answer I always give is, everything. Let me repeat that. Antitrust has everything to do with our broader economy. That is becoming clearer to the American public. People intuitively understand that there is too much industry consolidation in this country. They understand that is not necessarily good for them whether they are a Democrat or a Republican or an Independent. They understand that the benefits of big corporate mergers go largely to the merged companies and their investors and not to the public. This highlights the fact that antitrust is not just a subject for competition policy circles or law school classroom discussion or the business section of the newspaper; antitrust policy touches people across our country, and they are beginning to see how important it is to their lives. Two-thirds of Americans have come to believe that the economy unfairly favors powerful interests. Even as our economy stabilizes and grows stronger, it is easy to see why people feel that way. Every ***year***, I go to all 87 counties in my State. Everywhere I go, people tell me that while the job situation has improved since the downturn over the last decade--and, in fact, we need workers for a lot of the jobs that are open in our economy--they are still struggling with the cost of living. In my State, we are fortunate to have a strong economy, but the cost of living is by no means low, and that is true all over the United States. For some, it is rent ***payments***. For others, it is mortgages. For others, it is prescription drugs--and that is actually for almost everyone--and mobile phone service. To many people who dream of starting their own business, that is hard to do when those costs are so high. Anticompetitive mergers and excessive concentration can increase these cost burdens. They may lead these cost burdens, whether it is in the ***agriculture*** industry or the cable industry or certainly the pharmaceutical industry, where we see monopoly power over certain kinds of drugs, where we see pharmaceuticals basically, in the words of the President of the United States while he was campaigning, ``able to get away with murder.'' Yet, what are we doing about it? Well, the people would like us to do something about it. They are increasingly realizing that antitrust has everything to do with the prices they pay for goods and services and with the health of our global economy. These are not novel ideas. Think back to trust-busting. Think back to Teddy Roosevelt. Think back to this American entrepreneurial spirit of small companies and individuals being able to compete against each other. That is what our economy is all about in America. When companies are allowed to compete and people are allowed to get into a business, businesses can offer higher quality goods for the lowest possible price. The point I want to emphasize is this: Talking about antitrust in a narrow way is outdated and oversimplified. Antitrust enforcement affects more than price and output. We now have evidence that competition fosters small business growth, reduces inequality, and increases innovation. In short, tackling concentrations of power is a linchpin to a healthy economy and a civil society. With respect to business growth, evidence suggests that it is nearly impossible for new firms to penetrate highly concentrated markets, so ensuring competitive markets is one clear way to help entrepreneurs and small businesses succeed. We all know how important small business growth is to our economy. [[Page S2855]] Research also suggests that concentration increases income inequality. Firms with market power raise prices, which takes money from consumers and puts it in the pockets of the few. Concentration also blunts incentives to innovate. Why would someone innovate if they know they can just keep the product they have, not invest in R&D, not invest in innovation, because they have the only product on the market because no one is competing with them for something better? When there are 8 or 10 competitors, they will try everything to get a leg up on their competition by lowering prices and finding new products that people want. When there are only one or two firms, there is little incentive to make product improvements, develop new products, or certainly bring down those prices. We have to recognize the broader benefits of antitrust enforcement-- especially today, when we are living in a wave of consolidation across industries. Since 2008, American firms have engaged in more than $10 trillion in acquisitions. The last few ***years*** have seen a steady increase in mergers reviewed by the Federal Trade Commission and the Justice Department's Antitrust Division. But it is not just the number of deals. I recall former Assistant Attorney General for Antitrust Bill Baer, a lifelong antitrust lawyer, saying that his agency was reviewing deals that raised such serious antitrust concerns that they should have never made it out of the boardroom. As former chair and ranking member of the Antitrust Subcommittee, I have raised concerns about several megamerger proposals over the last few ***years***. Look at the Comcast-Time Warner merger proposal. As I pointed out at a hearing in the Judiciary Committee, if the merger had been approved, the combined company would have controlled 60 percent of the country's high-speed and broadband customers. Look at the failed merger between Norfolk Southern Railway and Canadian Pacific--something I took on immediately after it was announced. Even without the merger, 90 percent of freight traffic is still handled by only four railroads. As I pointed out then, this is the same number of railroads on the Monopoly board. Four is what we are down to after having literally 63 of these major railroads ***years*** and ***years*** ago, then going down to 9, and now we are at only 4. When a State has a lot of rural areas like mine has--we are fifth in the country for ag, and I think of the Presiding Officer's State-- customers or farmers or small businesses that are at the very end of that freight rail line are called captive customers because they are only served in reality by one railroad. They see their rates go up, and they have no other choices. The more numbers are reduced, the more difficult it becomes for people to get good rates so they are able to get their goods to market. It is easier when you are in a highly concentrated market, but it is very hard when you are not. These examples are part of a larger pattern of horizontal consolidation and vertical integration. Those are words you hear only in law school classes or maybe see in the business section of the paper, but that is what is happening. We all know about AT&T's bid to buy Time Warner and the Justice Department lawsuit to block the deal, but that is not all. Sinclair Broadcast Group is trying to buy Tribune Media. Bayer is trying to buy Monsanto. CVS is trying to acquire Aetna. Most recently, T-Mobile signed an agreement to buy Sprint, which would combine two of only four major cell phone carriers in the United States. Again, I note that number of four--the number on the Monopoly board--which would go down further to three. In fact, T-Mobile has been playing a major disrupting role--I mean disruption that is good in terms of bringing down prices. We have all seen the ads with what they are offering. This merger would merge two of those phone companies, and we would be down to only three. More than three-quarters of American adults now own smartphones, including many who depend on these devices for their primary connection to the internet. Many of them don't even have local phone service. Now we will bring their choices for major carriers down to three if this deal goes through. Last October, in anticipation of this transaction, and weeks ago, after it was announced, I sent letters with a number of my colleagues raising antitrust concerns and urging the Justice Department and the Federal Communications Commission to investigate this potential transaction. Today, Senator Lee and I are announcing that we are going to hold a hearing to look at these issues very carefully and very seriously in a bipartisan way in the Antitrust Subcommittee next month. Often, in connection with large mergers, the merging parties and the investment community promise millions, sometimes billions of dollars in efficiencies and cost savings. But after closing, do consumers actually see the promised lower prices or the improved quality? I think the American people deserve an answer to that question. To address these issues, we need aggressive antitrust enforcement. Let's talk about that. Unfortunately, current levels of Federal antitrust enforcement activity are not where they need to be. I take my responsibilities on the Antitrust Subcommittee seriously, and Chairman Lee and I have done a lot of important work together on the subcommittee over the past few ***years***. Also, we are both committed to the professionalism and the independence of the Federal Trade Commission and the Antitrust Division. Antitrust and competition are not Republican or Democratic issues; they are consumer issues. We can all agree that robust competition is essential to our free market economy. In light of this consensus, the enormous economic consequences of lax antitrust enforcement, and the current merger wave, these issues require our urgent attention. Let me explain. Our economy, in terms of nominal GDP, has increased by 30 percent between 2010 and 2017, and annual merger filings have almost doubled during that time. At the same time, our antitrust agencies' budgets have been held flat. As a result, agencies are only able to litigate cases involving the most highly concentrated markets. This limits the attention they pay to closer or more difficult cases. Despite these constraints, agencies are doing what they can, but we need to do more. Giving agencies the resources to pursue the harder cases will pay real dividends to our economy. When I say resources, I also mean the legal tools necessary to protect competition. When it comes to mergers, the protections in the Clayton Act--that is the antitrust law--have slowly been eroded. Over time, we have seen a systemic underenforcement of our competition laws. The result has been even larger mergers and more concentrated industries, and American consumers are taking notice. We need to give our agencies the legal tools to push back. That is why I have introduced two major antitrust bills over the last ***year***. The first will give our antitrust agencies the resources they need to protect competition. Now, this is not coming off the backs of taxpayers because, as I have already explained, they are already having to foot the bill for a lot of these mergers in terms of higher prices. This bill would, in fact, update merger filing fees for the first time since 2001. Think of how many ***years*** that is and how the competitive landscape and the merger landscape have changed during those 17 ***years***. This bill would lower the burden on small and medium-sized businesses for their filing fees and ensure that larger deals, where we are seeing all of these activities--these billion-dollar deals where they hire so many lawyers that there are more lawyers on those deals than there are Senators' desks in this room--have fees on businesses that would raise enough revenues so taxpayers could foot less of the bill for merger review. I am not talking about an across-the-board business tax. I am talking about higher fees on those businesses--major businesses, huge businesses--that are seeking to merge and reap the benefits. If their lawyers can get all kinds of bonuses for getting the deals through, at least the taxpayers should be getting the bonus of being able to know that someone is looking out for them in reviewing these deals. Effective enforcement also depends on feedback. As the size of mergers have grown, so have the complexities [[Page S2856]] of merger settlements. A question for modern enforcement is whether some proposed mergers are simply too big to fix. Agencies can make better enforcement decisions if they understand what has worked in the past. So my bill gives the agencies the tools to assess whether merger consent decrees have in fact been successful. Have all those promises we hear at the hearings or we see in writing or we read about in the business pages really come to fruition? In addition, we need a better understanding of the effects of market consolidation on our economy. That is why we need to study the effects of mergers on wages, employment, innovation, and new business formation. We also must give our antitrust agencies and courts the legal tools necessary to protect competition. That is why my second bill, the Consolidation Prevention and Competition Promotion Act, would restore the Clayton Act's original purpose of promoting competition by updating our legal standards so our legal standards are as sophisticated as the companies that are proposing these mergers and the kinds of mergers they are proposing. My bill clarifies that we can prevent mergers that reduce choice, foreclose competition through vertical consolidation, stifle innovation, or create monopsony. OK, that is a great word you would hear in law school classrooms, but what does it mean? Well, it means where a buyer has the power to reduce wages or prices. It also creates a more stringent legal standard to stop harmful consolidation and shifts the burden for megamergers so the parties involved in the deal have to prove the merger does not harm competition. So what we are talking about here is when a big company buys another and then has that power to make it so that the other competitors aren't really going to be able to compete with the company that they bought, because this huge company might have the ability to bring down prices or do things temporarily to the point that they get other people out of the market or they hurt the others to the extent that you then don't have real competition, and that is what they are doing. Let me be clear. Big by itself is not necessarily bad, and large mergers do not always harm consumers. My home State of Minnesota now has 19 Fortune 500 companies, and we all benefit from the fact that the largest and most successful companies in the world are American companies. If we want the success to continue, our new businesses must have the same opportunities to grow as the businesses that came before them. Target, one of my favorite companies based in my State, started as a dry goods store in a small pedestrian mall that is now a big one in Minnesota, way, way back. That is a true story. And 3M, a big company out of my State, started as a sandpaper company. OK, so we have to make sure these small companies continue to grow and are able to compete, but that is not going to happen if we shove them out. Our new businesses must have those same opportunities. Promoting competition and preventing excessive industry consolidation is the way we encourage this country's next big idea. Take Trader Joe's, JetBlue, and Starbucks. These companies started small, but they were able to get a foothold in the market and succeed because our antitrust laws prevented large, established competitors from limiting their growth. As a result, the American people get better products and services. These bills will simply ensure that the next American business success story is possible. They will allow entrepreneurs and innovators to succeed in open, competitive markets. We can do this, and we should do this. It doesn't take a miracle. It just takes people acknowledging what has made our economy strong in America. Antitrust law and policy are not always front and center in our debates, but they should be. The proposals in these bills will improve the lives of businesses and people across the country. Protecting competition speaks to the basic principles of opportunity and fairness. It speaks to the simple notion that companies with the best ideas and the most innovative products will have a chance to rise to the top based on their own merits, and the reality is that these principles are at risk. We are currently experiencing a dramatic increase in both the number and size of mergers. As our markets and technologies evolve, our agencies and courts are less able to address this increased concentration and the really big guys like it that way. That is why we have to stand up in this Chamber for the American people. We cannot wait any longer. We need vigorous antitrust enforcement. We need to improve the tools and the resources that those who are trying, at least, to put a modicum of enforcement in place are able to exercise. Our economy depends on it. Madam President, I yield the floor. The PRESIDING OFFICER. The Senator from Florida. Secure Elections Mr. NELSON. Madam President, the right to vote is one of the most precious rights we have here in America. How we protect it is so cherished, and it is also cherished by peoples all over the world who don't get a chance to exercise that right. Our constitutional foundation is built on a process of free, fair, and unfettered elections. Well, what happened in this country 2 ***years*** ago put a crack in that foundation, and it started to sow the seeds of doubt that, if gone unchecked, could undermine our entire democracy. After painstaking analyses by the intelligence community, which are in complete agreement--unanimous in the IC--we know that Russia interfered in our 2016 election. We know that Russia continues to meddle in the elections of not only our country now but in other countries around the world. We saw that in the elections in Europe last ***year***. Fortunately, what they tried in France backfired on them, and they didn't get their candidate to win. We also know that if we don't act now, they are likely going to continue this interference in the elections here in this country that are coming up in just a few months. The threat that we face today from Russia's meddling in our elections and attempting to undermine our democracy is really one of the greatest threats we face. Congress recognizes this threat, and we have taken action to protect that vote. But none of it matters if respective States will not work with us and take this threat seriously. So last March we passed a bill that authorized $380 million to help State elections officials strengthen their elections security and update their elections equipment. Now, of the total of $380 million for the country, $19 million of it was set aside for my State, the State of Florida. While at least a dozen other States have applied for and received funding to help them protect their systems from Russian intrusion, my State of Florida hasn't even applied for one single dollar of the $19 million set aside for Florida--not one. In fact, the government of Florida through Florida's secretary of State said recently that it is not planning to apply for any funding to improve security during the upcoming November election. Obviously, when you consider the risk and what Russia did, which the intelligence community all agree was done to us in the last election, why in the world would the State of Florida not apply for any of the $19 million set aside for our State? We know that Russia had intruded into the election mechanism and records of 21 States, and the State of Florida was one of those States. Although we don't know what kind of interference the Russians are going to try in the upcoming November elections, we do know that Russian President Vladimir Putin--having interfered in 2016 and causing so much chaos and, therefore, attacking the very foundation of our constitutional democracy--is likely to do it again. So why wouldn't the government of the State of Florida apply for $19 million of funds set aside for Florida to upgrade and protect our election system? We know we are not the only country that has been attacked and, according to the U.S intelligence community, he obviously is going to continue this type of behavior. So we better get ready. That is why we have such a heavy responsibility to defend America from these types of attacks and to defend our process of free, fair, and unfettered elections. We need to rebuild trust in our elections, and at the same time we [[Page S2857]] need to ensure that every citizen who wishes to exercise their right to vote is able to do so. It also can be counted, and it can be counted as they intended it to count. Remember this goes back to 1965. Congress passed the Voting Rights Act of 1965 to protect the right of every citizen to vote. But in a 5- to-4 Supreme Court decision, it declared that part of that law was outdated, and it removed much needed voter protections that we have come to rely on for minorities, and we have come to rely on them for the last half century. Part of this Supreme Court decision struck down part of the law as it applied to protecting minorities in certain counties in the State of Florida. The Justices voted to strike down that important part of the Voting Rights Act on a 5-to-4 decision. They said that it was outdated because we no longer have the blatant voter suppression tactics we once did ***years*** and decades ago. I disagree. We have seen a lot of voter suppression. Since the 2010 election, we have seen a number of States, including my State of Florida, approve voting restrictions targeted directly at reducing turnout among young, low-income, and minority voters. Why? Because they traditionally support one particular party. In 2011, for example, the Florida legislature, State officials, and the Governor of Florida reduced the number of early voting days in Florida, including canceling the Sunday before the Tuesday election as an early-voting date. It is not a coincidence that there was use of early-voting days, particularly on weekends--particularly on that Sunday before the Tuesday election, where people become sensitive and recognize that there is about to be an election day. We have found that particularly minority voters in Florida--African Americans, as well as Hispanics--would take advantage of voting when they did not have to go to work. You have heard the term ``Souls to the Polls.'' So often, after church on Sunday, many church members would go to the polls. They made voting more difficult for people who had moved to a different county. It became more difficult, even though we have a very mobile population moving within a State. They also made it more difficult for young people, particularly college students, who changed their address because they had moved and wanted to vote in the town where the university was, but their identification often was their driver's license, which showed their parents' residence. Again, this made it more difficult instead of making it easier to vote. The State of Florida subjected voter registration groups like the League of Women Voters, which had been registering voters for three- quarters of a century--suddenly, they were subjected to penalties and fines if they didn't return the signatures in a short period of time, which was impossible if they got the signatures over a weekend. And they would nitpick with penalties and fines on some small mistake when they were trying to help someone register to vote. Happily, the League of Women Voters went to Federal court, and the Federal judge threw that law out as unconstitutional. But that decision was right before the election, and lo and behold, the League of Women Voters had lost a ***year*** and a half of voter registration. You won't believe this. In 2014, an elections official in Miami- Dade--which was, coincidentally, one of the more Democratic counties in the State--closed restrooms to voters who were waiting in line at the polling sites. As a matter of fact, there was so much chaos in one previous election--the election of 2012--that lines were upward of 7 hours long. I will never forget the woman who was a century old--100 ***years***. Everybody kept bringing her a chair and bringing her water. Well, some of those waiting in lines didn't have the opportunity to go to the restroom, despite waiting to vote for hours and hours. In that same election cycle, 2014, the State's top elections official told a local election supervisor not to allow voters to submit absentee ballots at remote drop-off sites, ordering that elections official that there could be only one site. That supervisor of elections, by the way, told the State of Florida to go take a hike--that they had a way of securing the ballots by dropping them in several different sites that were formerly approved. Then the State of Florida denied a request from the city of Gainesville to use a University of Florida campus building for early voting, a move seen by some as a direct assault on student voting. Can you believe that? The State of Florida government, through the Secretary of the State, is going to order the University of Florida not to allow the student center on campus to be a place of convenience for students to cast an early vote. That order has stood. It has stood, and instead of making it easier for people to vote, it has made it harder. All too often, we have let these things go. This Senator is not letting it go because the League of Women Voters in Florida has now taken the government of the State of Florida to Federal court on behalf of students at the University of Florida, as well as Florida State, saying: You are arbitrarily saying that we cannot vote in a convenient place on campus, in a government-owned public building on campus. You cannot order that we cannot use that in anticipation of elections this coming November. Too often we find ourselves divided on these issues of party politics, but that shouldn't be the case. There should be no disagreement when it comes to protecting the right to vote and making it easier, not harder, for people to vote. Why? Because we ought to be Americans first, not partisans first. We should be Americans first, and the State of Florida should get its act in order to let the people vote. I yield the floor. The PRESIDING OFFICER. The Senator from Georgia. VA MISSION BILL Mr. ISAKSON. Madam President, I am delighted to stand today, shoulder to shoulder with all my colleagues on the Veterans' Affairs Committees in the House and the Senate, to thank the Senate for a very strong vote on cloture yesterday to take us to a point today where we will pass the VA MISSION Act, which is this legislative body fulfilling a promise to those who fought and sacrificed for each of us to be here today--our families and loved ones as well. For ***years***, there have been problems in the VA in terms of healthcare. You read the headlines. I read them, too, and our constituents read them. In Arizona, we had veterans who died waiting to get a routine appointment. We had scheduling errors. People were getting bonuses for scheduling things they had falsified. We had a lot of things that were disappointing to all of us. We worked hard in the Veterans Affairs Committee in the House and Senate to address these tough issues head-on and fix them so that the VA would be the best functioning health delivery system it could possibly be for the people who were willing to risk their lives for each of us when they joined the military. I think it is appropriate that we are doing this the week before Memorial Day. Next Monday, we will celebrate all of those who, in all the wars that preceded the fight we have today, represented our country, volunteered unselfishly, fought, and in some cases died for America's peace, freedom, liberty, and the perpetuation of our democracy. One promise we made to them was that they would have good quality healthcare, and it would be successful. Four ***years*** ago, with the leadership of John McCain, we started the movement toward Veterans Choice. We passed a good bill with a 40-mile rule and a 30-day rule. The 40-mile rule said that if you live within 40 miles of a VA clinic or service, you can go to a closer clinic in the private sector, as long as it is approved by the VA. The 30-day rule said that if you couldn't get an appointment for a routine medical service in 30 days, you could get an appointment in the private sector, and the VA would approve it. But the labyrinth of the approval process for that 30-day appointment or that 40-mile access made it almost impossible for the veteran, in many cases, to get access that is as timely as we would like it to be. It was a good start. It was an improvement in our process. It addressed the problem--but not well enough. We learned enough as a test bed to know that veterans liked Choice, as long as it was not so cumbersome that they couldn't use it. The VA liked Choice, as [[Page S2858]] long as they were a partner with a veteran who made the choices, so we lost no continuity in healthcare. With the passage of the MISSION Act, we are repealing both the 30-day rule and the 40-mile rule. Instead, we are saying the following: If you are an eligible veteran for VA healthcare services, you can choose a private sector doctor if you want to, as long as the conditions and circumstances, in concert with your VA primary care doctor, fit. In other words, the VA needs to know about it and work with you in making that decision and work with you in finding that private doctor. We are not going to have mountains of paperwork and third-party administrators breaking the rules and regulations and slowing things down. Instead, the VA will be motivated to see you, the veteran, get fast, timely service and quality healthcare, whether it is private or the VA. There have been some who have talked about this being privatization. It is not privatization; it is mobilization. We are mobilizing healthcare for the veterans to see to it that they have access in a timely fashion. The VA is an instrumental service for our veterans who come home. Many of them come home with injuries and sicknesses and illnesses and diseases that, quite frankly, nobody ever contemplated people surviving. Who heard of PTSD and TBI 20 ***years*** ago? Who saw veterans lose arms and legs--in some cases, all of their arms and legs--and survive a battlefield wound? How many of you have seen people wear an eye prosthesis, where they had an eye replaced? The VA has specialists who can do all of those things, the best in the world. They can deliver high-quality healthcare and high-quality rehabilitation to veterans with the most serious injuries in the history of warfare. We will always continue to do that, but we also have to understand that when healthcare in the private sector can be utilized for the convenience of the veteran--not as a competitor to the VA--we can use it as a force multiplier to lower the number of people we have to hire and, in addition, lower the number of hospitals we have to build and instead provide that money for services to our veterans. It is a win-win proposition for the VA and for all of us. It is no secret why every former VA Secretary who has served this country has endorsed the VA MISSION bill. All of them have endorsed it, every one of them, whether a Republican appointment or appointment by a Democratic President. They all know this is something we needed to do for a long time. It is no secret why we got a vote of 91 to 4 yesterday on the floor of the U.S Senate to invoke cloture and go to a vote today on the VA MISSION Act. It is past time we made sure our laws for healthcare available to our veterans are as high quality as our veterans are when they go to fight wars for us. Secondly, I want to focus on another feature which is very important to me because I was in the service. I was not in Vietnam. I am a Vietnam-era veteran. I was in the Georgia Air National Guard during the Vietnam War. I lost buddies in that war. I know a lot of our soldiers sacrificed in that war and made it home with terrible injuries, but because of our healthcare delivery system in the battlefield and at other hospitals around the world, we were able to save veterans and rehabilitate them, but the need for ongoing medical healthcare for the basic essentials of life is sometimes one of the byproducts for some of the injuries and for some of those who survived those wounds. There are veterans who have difficulty feeding themselves. There are veterans who can't dress themselves. There are veterans who need assistance in the five basic essentials of life, and then from time to time, they have to call in a caregiver. There are spouses, moms, in some cases, dads, brothers, and sisters who come and deliver those services to their brother or sister or son or daughter. If they are a veteran of almost any area except Vietnam, they get caregiver benefits from the VA or a stipend benefit provided to that volunteer to help that veteran. It helps the veteran pay for their service, and it helps the VA not have to go out to find someone to do it because there is someone offering to be their caregiver. We are expanding the caregiver services in the VA to all veterans, so finally the Vietnam-era veterans and their families will be as eligible as anybody else who is entitled to VA benefits. Patty Murray of Washington, Susan Collins of Maine, and a lot of Members of this Chamber today deserve credit for that. We fought for caregivers for a long time. It is a big step forward, and it is going to be a lifesaver and a life extender for many and remove just one of the major burdens that some have to care for a spouse or a loved one injured in battle or who has fought for us. I can go on and on and on about detail after detail after detail in this bill, but I don't want to bore everyone. I want everybody to realize, when they go home this weekend, how important it is to tell them what we have finally done. We have finally dealt with the accessibility of healthcare to our veterans. There will be no more headlines of veterans dying because they can't get an appointment because they are going to be able to get an appointment. They are going to be able to make the choice with the VA at that appointment. It is not the case anymore where a veteran is going to die because they can't get a basic service to stay alive at their home, that if they don't have the money to pay for a caregiver, they therefore languish, unable to feed themselves or clothe themselves or live in a sanitary condition. That is the very least we owe to our veterans. Today, when you cast your vote for the VA MISSION Act, you will do just that. I want to address some individuals, if I can, and thank them. One, I thank John McCain, whose idea this was originally. He is a great hero to all of us, a friend to all of us, one we love and pray for today as he recovers from cancer. John is the one who started the movement toward Choice, and he deserves the credit for it. I thank all of those Secretaries who have worked with us over the past 3 or 4 ***years*** to get to the point where we are able to pass the VA MISSION Act today. I will tell you whom I really want to thank. I want to thank all those veterans who sacrificed and died for us in the wars before now. The reason we enjoy our freedom and you, Madam President, can preside freely without fear of retribution, I can say what I think without fear of retribution, I can say to our constituents who gather in the Gallery and listen to what we have to say, and protest if they wish, is we have a Constitution and 10 basic amendments, the first 10 being our Bill of Rights. It gives us everything, but the ones who protected that gift are our veterans. It is not a stretch to remember that had it been a different outcome in World War II, I might be speaking Japanese or German today, not English, but because of our veterans and because of our soldiers who fought in the Battle of the Bulge, who fought in the Pacific--my father-in-law flew reconnaissance in the Pacific. My brother-in-law was in the Air Force in Vietnam. If those vets had not risked their lives and really offered their lives in exchange for our liberty and freedom, we wouldn't be enjoying this today. So we owe no less than the MISSION Act to our veterans. I am proud to be part of it, and I am proud of my committee and my committee members who are doing so much to help us. Let me just say thank you to my colleagues for your vote yesterday. I urge you to vote today for passage of the VA MISSION Act. It is an honor to serve our country as a Member of the U.S Senate. It is an honor to be an American. May God bless our country. I yield the floor. The PRESIDING OFFICER. The Senator from North Dakota. Mr. HOEVEN. Madam President, I rise to speak in support of the VA MISSION Act. I want to begin by thanking the chairman of the Veterans' Affairs Committee who has shown incredible leadership on behalf of our veterans for many ***years***, and this bill fits right in that mold. This is a very important bill for a number of reasons. Obviously, it is an important bill because it supports our veterans, but it really has important provisions in it that will make a difference for our veterans. I want to thank the chairman of the VA Committee. I want to thank him not only for the quality of the work in this bill but for building the bipartisan coalition necessary to pass it because it really does make a difference for our veterans, to whom we owe so much. [[Page S2859]] I would like to go through not all but some of the provisions that I think are really important, some I worked on and some I think really do make a difference for our great veterans. As I said, I speak in support of the VA MISSION Act. It is bipartisan legislation that will help ensure veterans receive the care they so very much deserve. This piece of legislation not only strengthens the VA's ability to care for our veterans, but when the VA is unable to provide that care, it gives our veterans a choice to seek care in their home communities and to do it on a basis that is convenient, that works for them, and then to make sure those healthcare facilities will provide that service to our veterans because they know they will be compensated for it by the VA. That is a huge issue because it is not just about making sure there is care out there for our veterans but making sure it is quality care and that it is available to them. We owe our veterans more than we can ever repay for their incredibly dedicated service. Expanding veterans' access to healthcare options closer to home is just one of the ways we can show our deep appreciation for their service to our country. Providing this kind of care has proven to be particularly challenging for our veterans residing in rural areas. I live in a rural State, and to get that access to quality service in these rural areas is a challenge. It is a challenge we have to address and a challenge we address directly in this legislation, which is why I am so deeply appreciative that we are working to pass this legislation. In 2014, the Veterans Choice ***Program*** was enacted to alleviate unacceptable waiting times for care at the VA. However, the Veterans Choice ***Program*** has been in need of improvement. In 2016, I worked to secure and implement the Veterans Care Coordination Initiative at our Fargo VA health center. The Fargo VA health center serves all of North Dakota, and it serves half or more of Minnesota as well. The initiative we worked to put in place at the Fargo VA--and the Fargo VA does a tremendous job. We have some VA health centers around the country that obviously need improvement, but the Fargo VA health center does a top-quality job. This initiative is an initiative we put together as part of the Veterans Choice ***Program***. It has allowed veterans seeking community care to coordinate all of their healthcare through the Fargo VA health center rather than the third-party contractors that were set up under Veterans Choice, and obviously we had some challenges with those contractors. So this allowed the VA health center to provide that service directly, both if the veteran came into VA for institutional care at the healthcare center or at one of its CBOCs or if they wanted to get Veterans Choice care from a private provider in their local community. The initiative has been very successful and has significantly reduced wait times for community care appointments. The VA MISSION Act builds on that very effort. It builds on that effort by requiring the VA to schedule medical appointments in a timely manner. When the veterans need healthcare, they have to be able to get in and get that care in a timely way. The MISSION Act improves community care initiatives at the VA, including the Veterans Choice ***Program***, by streamlining it into a single veterans community care ***program*** that will be able to provide better care for our veterans. That is the bottom line--better care for our veterans. Today I want to highlight three priorities we worked to include in the MISSION Act to provide veterans in North Dakota and across the country with better care closer to home. First, the long-term care piece. When we are talking about care, it is not just medical care; it is long-term care. It is in-home care. It is nursing home care. It is that whole continuum of care that is so important. The VA MISSION Act includes key pieces of legislation I introduced as a stand-alone act. That bill was the Veterans Access to Long Term Care and Health Services Act, and it focused on that long- term care piece, making sure veterans could get the VA to reimburse nursing homes and that nursing homes would take that VA reimbursement and take veterans. That is why I introduced the legislation, along with some of my other colleagues, to increase veterans' access to long-term care options in their communities. For example, currently, in our State, only about 20 percent of the nursing homes contract with the VA due to difficult regulations and reporting requirements. That is not dissimilar from across the country. That is what we are seeing across the country, only a percentage-- ultimately, a small percentage--of nursing homes that will take that VA reimbursement because of the redtape and difficulty contracting with the VA in order to get that reimbursement. A veteran should not have to relocate across the State because they can't go into a nursing home in their community because of that reimbursement issue. That is what this legislation addresses. Think how important that is. You want your veteran to be able to go in and get long-term care in their community, close to their home, close to their family, right? That is what this is all about. Our legislation will allow non-VA long-term care providers, including nursing homes, to enter into provider agreements with the VA. These agreements will cut through the bureaucratic redtape at the VA that has prevented our veterans from receiving long-term care services closer to home. This means veterans can access nursing homes and other long-term care in their communities closer to home and closer to their loved ones. The MISSION Act also expands caregiver benefits to veteran caregivers of all eras. Again, this is a very important provision. The VA's ***program*** of comprehensive assistance for family caregivers includes a monthly tax-free stipend, healthcare coverage under the VA Civilian Health and Medical ***Program***--if the caregiver is not eligible for coverage under another health plan--counseling and mental health services, up to 30 days of respite care services, reimbursement for travel-related expenses required for an eligible veteran's examination, treatment, or episode of care, and travel for caregiver training is also reimbursed. Currently, these benefits are only available to caregivers of post-9/ 11 veterans. The inclusion of this provision will help support pre-9/11 veterans and the family and the friends who take care of them. The other provision I want to mention again is really important for our rural areas and for our veterans in the rural areas. This is a very important provision. This priority, this provision, removes the Veterans Choice ***Program***'s 30-day, 40-mile eligibility requirement. So it removes that 30-day wait, that 40-mile eligibility requirement. Instead, the bill allows veterans to receive care in their local community when services are not available through the VA or if the veteran and his VA medical team determine that receiving community care would be in the best interest of the veteran--again, what is best for our veterans. This is a priority we have been working on for veterans in my home State and really States across the country, particularly our rural States. As I mentioned, for example, North Dakota's only health center is in Fargo. We have CBOCs around the State, but the only health center, the full-scope health center, is in Fargo. As I said, it covers all of North Dakota and, frankly, most of Minnesota. We have these community- based clinics out there. While they provide some services, they aren't always equipped to provide the care necessary for our veterans. So what does that mean? That means the veteran has to travel in some cases a long distance. Under the Veterans Choice ***Program***'s 30-day, 40-mile eligibility requirement, a veteran living within 40 miles of a CBOC meant they either had to go to that CBOC or travel a long distance to a VA health center. So they weren't eligible for that community care, as I say, forcing many veterans to travel long distances, often in inclement weather, in order to receive VA reimbursed care. This legislation, the MISSION Act, removes that requirement. So now, when a VA medical center or CBOC can't provide the service a veteran needs, then those veterans will be able to access healthcare services in their local community. [[Page S2860]] So we have veterans traveling hundreds of miles now, round trip, inconvenienced, making it very difficult for them and their families. No more. Under this legislation, that 40-mile requirement and the 30- day limit is taken away. If it is most convenient for a veteran to access care from a private provider in their community, they can do it. That is a huge step in making the Choice ***Program*** work for our veterans. Just a few days from now, our Nation will set aside a day to honor those who made the ultimate sacrifice. It is because of their sacrifice that we can experience the freedoms we enjoy as Americans. Sending this legislation to the President's desk is one way we can show our gratitude for their actions. I wish to congratulate again the great Senator from the State of Georgia and thank the Senate VA Committee staff for their leadership, perseverance, and hard work to get to this point. I am pleased that both sides of the aisle have come together to support this legislation and to support our veterans. I am proud to support the VA MISSION Act. Again, I urge my colleagues to support its passage. With that, I yield the floor for the Senator from the State of Missouri. The PRESIDING OFFICER (Mr. Cotton). The Senator from Missouri. Mr. BLUNT. Mr. President, I join my colleague from Georgia. I also join Senator Hoeven in mentioning the incredible leadership that Senator Isakson has shown for veterans and the way we deal with veterans' concerns. We honor their service. The Senator from North Dakota just mentioned that Monday, of course, is Memorial Day. On Memorial Day in 1983, President Reagan said: I don't have to tell you how fragile this precious gift of freedom is. Every time we hear, watch, or read the news, we are reminded that liberty is a rare commodity in this world. President Reagan's words from 35 ***years*** ago are every bit as significant today as they were then. The willingness to pay the price for freedom has been paid by every soldier, sailor, airman, and marine, and every person in the Coast Guard, the National Guard, and the Reserves. So on Memorial Day, we honor their willingness to do that. This is a good time also for us to discuss the things Congress has been doing to try to honor that service as we continue to look at the challenges that veterans face. I have spoken before about the HIRE Vets Act, which was signed into law last ***year***. The bill established the HIRE Vets ***Program*** within the Department of Labor to provide tiered recognition of what employers do based on their contributions for veteran employment. Some of the criteria were things like these: What percentage of the new hires are veterans or what percentage of the overall workforce is veterans? What types of training and leadership development opportunities are made available that veterans have unique opportunities to take advantage of? What recognition is given to skills that veterans learn while serving? What other benefits and resources are offered to veterans--things like tuition assistance? Creating a national standard will help vets narrow down their employment options and focus on their job search efforts. The HIRE Vets ***Program*** is up and running. This ***year***, over 300 employers have signed up to participate in the pilot ***program***, and we will see how that pilot works. I hope it works as well as those of us who sponsored and voted for the legislation thought it would--as a way to begin to give the recognition to employers that they deserve when they go beyond saying: Of course, we like to hire vets. HIRE Vets shows just exactly how much you like to hire vets and what difference it makes when you hire those vets. The second ***program*** that is getting started this ***year*** is the Military Family Stability Act. It was signed into law last November. We have the most powerful military in the world, the most well-trained military in the world, and a military that we have invested money, training, and energy in like none other. But the real strength of the military, according to military leader after military leader, is military families. In the Military Family Stability Act, we have created a new opportunity for families, because of education reasons or work reasons, to leave earlier than the spouse who is serving has been assigned for or to stay a little later if school is going to start before you otherwise were going to get there or school is going to be out a couple of weeks or a couple of months after the serving spouse had to leave. We have given families that option for the first time, where the family residential support money stays, and I think lots of families are going to take advantage of that. Families in the past could do that if everybody up and down the chain of command agreed. Now families get to do that because they think it works for their families. Secretary Mattis and Chairman McCain are very supportive of this ***program***, as was the Chairman of the Joint Chiefs of Staff, General Dunford, and we are looking forward to seeing how families are able this ***year***, for the first time, to look at that next assignment and decide when it is the right time for the family to move to that assignment. I have talked to lots of families, many of whom saw that moment as the moment they decided to leave the military or the moment they looked back and saw it as their most challenging time, when a spouse's job had to needlessly suffer or that last month of school couldn't be completed just because they didn't have that flexibility. Now, President Trump has just nominated Acting Secretary Robert Wilkie to head the VA. We look forward to his leadership there. The President and the acting head of the VA just signed a contract with Cerner, a Kansas City company that will modernize the VA's healthcare IT records, the records that healthcare providers in the whole system can access. Cerner was already in the process of coming up with a system that worked for the active Defense Department. So it only made sense for them to be the company that also makes that transition into the even bigger VA health system--a system that works. Almost 2 million veterans have used the Veterans Choice ***Program***. Senator Isakson has talked about how the bill we will be voting on improves that ***program***. The Senator from North Dakota just spoke about some of the obstacles that, frankly, the VA system had put in the way of veterans who wanted to take advantage of the ***program***. I have had people from Missouri in our office lately who are looking at VA health. We had a great discussion with the hospital administrators in our State about how it not only helps them but particularly helps small community hospitals, if they can identify something that a community hospital does better than they do and they are able to assign that work to be done there. The bill expands, as Senator Hoeven just mentioned, the caregivers ***program*** and makes the eligibility for caregivers greater than it has been before. Senator Blumenthal and I had a bill that was incorporated into the ***program***, the Veteran PEER Act, which just simply turns to peer group veterans and lets them become part of the emotional and mental support team for veterans who are being challenged. I am glad to see that legislation in the MISSION act that has gone through the process. Certainly, Senator Isakson and Senator Boozman and others on the Veterans Committee--the people who have served on that committee in many cases in the House and Senate--realize what needs to be done here. Nearly 40 veterans service organizations, like the VFW and the American Legion, support this legislation. Together with the VA MISSION Act, the electronic health records system contract that is now being performed by Cerner, the HIRE Vets Act, and the Military Family Stability Act, I think what we see here is that when we think we have done everything we need to do to honor our veterans and, then, we look more closely, we find that there are still things that we can do, that we will do, that we clearly are willing to do. We owe veterans that. We recognize veterans in many ways over the next few days, but the Veterans' Administration has a job to recognize veterans every day and fulfill our obligation to veterans every day. I look forward to seeing the implementation of this well-thought-out addition to the veterans health system. I see my friend from Arkansas, Senator Boozman, is here, and he is next on our list. [[Page S2861]] The PRESIDING OFFICER. The Senator from Arkansas. Mr. BOOZMAN. Mr. President, I thank the Senator from Missouri very much. Our Nation's veterans were promised access to healthcare for their service and their sacrifice. This week we continue our work to uphold that pledge. The bill before us, the VA MISSION Act, aims to transform the Department of Veterans Affairs delivery of community healthcare. That is a welcome job. Specifically, the VA MISSION Act consolidates and improves VA community care ***programs*** so veterans have access to healthcare and services in their own communities. This is important because veterans should have access to the best healthcare and services in a timely manner, regardless of where they live. Under this legislation, a veteran and his or her doctor will decide where that veteran will receive care, taking into consideration the veteran's healthcare needs and the availability and the quality of both VA and community care. For largely rural States, like Arkansas, this makes all the sense in the world. We have two VA medical centers in the Natural State, in Little Rock and in Fayetteville, as well as facilities in neighboring States that often serve Arkansas veterans. The healthcare providers and staff at those facilities that are community-based outpatient clinics in Arkansas truly do an excellent job in caring for our veterans. But the VA medical centers are in populated areas, which, in cases where veterans need more advanced care than the CBOC can provide, it means a full-day trip for many veterans. It is unnecessary when a veteran could receive similar quality care outside the VA system in their communities. The service options provided in this bill will give veterans who live far from the VA facility and need frequent followup care easier access to local providers and walk-in clinics. As noted in a letter signed by over 30 VSOs supporting the VA MISSION Act, the legislation is an effort to ``supplement, not supplant, VA healthcare.'' That is very important to note. Much like the Choice ***Program*** that preceded it, the new system that will be established by the VA MISSION Act is not meant to replace VA healthcare. Rather, it builds on the foundation laid out by the Choice ***Program***, which addressed many shortcomings within the VA system that led to the wait- time process. Last ***year***, I launched a listening tour to hear from Arkansas veterans about their experiences within the Choice ***Program***, so we can better meet their needs. I heard from Arkansas veterans who have been able to get quality care from private providers in their own community when the VA system could not meet their needs. That is a good thing, but as the veterans with whom I met noted, the Choice ***Program*** had its share of problems, its share of troubles. I heard repeated stories of difficulties navigating the complex and confusing bureaucratic process. This legislation aims to alleviate those problems. While VA implements the new system, we cannot afford to let care slip for our veterans. That is why we made sure the VA MISSION Act authorizes funding to continue the current Choice ***Program*** for more than a ***year***. In addition to the improvements to healthcare delivery, the bill will enable us to conduct better and more consistent oversight into how the VA spends money on veterans' healthcare. This is a priority for me as the chairman of the Appropriations Subcommittee on Military Construction and Veterans Affairs. We must ensure that the VA is efficiently and effectively providing veterans with quality healthcare, whether at a VA facility or a private facility in the community. The VA MISSION Act will also improve the VA's ability to hire quality healthcare professionals, strengthen opioid prescription guidelines for non-VA providers, and create a process to evaluate and reform VA facilities so they can best serve veterans. I wish to quickly highlight two other important provisions of the bill. One is the expansion of the VA caregiver benefits to veterans of all generations. This is a long-overdue reform that will correct an injustice that left family caregivers and veterans injured before September 11, 2001, without critical care. Caregivers and veterans of World War II, the Korean war, the Vietnam war, and the Gulf war will now have access to the same benefits as the post-9/11 veterans. The second revision is based off a bill I cosponsored that would authorize VA healthcare professionals to provide treatment to patients via telemedicine regardless of where the covered healthcare professional or patient is located. The Arkansas VA medical centers are leaders in telehealth, which holds great promise, especially for largely rural States like Arkansas. It is important that the VA continue to encourage its growth without unnecessary bureaucratic redtape. This bill is a great example of what we can accomplish through bipartisan, bicameral compromise, working together for our veterans. I thank the majority leader for swiftly bringing up this bill for consideration after the House overwhelmingly passed it. I commend Chairman Isakson's hard work and leadership. I appreciate the great job he has done and also Ranking Member Tester, who took the advice of all VA Committee members into consideration while working on this major piece of legislation. I look forward to supporting the VA MISSION Act on the Senate floor so our veterans have access to the quality care they deserve. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Oklahoma. Mr. LANKFORD. Mr. President, I ask unanimous consent to enter into a colloquy with Senator Isakson. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. LANKFORD. Mr. President, I thank Chairman Isakson for the work he has done on this important issue. It has been a long road to work through reforming the VA. The VA is exceptionally complicated. There are a lot of interests engaged with this. He has heard a lot of voices from all over the country and all over this town in order to help resolve some of the issues and bring them together. This is exceptionally important, though, for our veterans--especially for our veterans who live in rural areas that are very far from healthcare. Section 101 of this bill requires the VA to give access to community care when a veteran's referring clinician agrees that furnishing care or services in the community would be in the best interest of the veteran after considering certain criteria--and this is very important--things such as the distance they have to travel; the nature of the care that is required; the frequency of the care, so they don't have to travel back and forth, often for long distances; the timeliness of available appointments; whether the covered veteran faces an unusual or excessive burden. It includes the family and the veteran. So in the conversation that is happening, it is not just a clinician making a decision; the veterans are at the table, and their family is brought into consideration. This is important not just for so many veterans who have to travel long distances; it is important for veterans who live close. The chairman and I have spoken on this briefly before. I have a veteran in my State who was at the Muskogee facility and who was getting great care. I stopped by to visit veterans in the Muskogee facility and went room to room visiting with people, checking on them and their care. I asked how he was doing, and he said he had great nurses and great doctors and has really done well. My next question: Is this the first time you have been in this facility? He said: Well, no--kind of. I had cancer treatment a couple of ***years*** ago. But they couldn't do it here in my town; they sent me to Seattle to get my cancer treatments. I said: Did your family get to go? He said: No, sir. They couldn't go. So that was the best facility. He said: I got good care there, but I went a long way and spent months and months away from my family getting chemo, radiation, surgery, and then followup. He would have loved to have done that at any number of cancer facilities in Oklahoma. In fact, in Oklahoma City, there is a National Cancer Institute--one of top 2 percent of all the cancer hospitals in the country is right down the road. The question is, Once this bill passes, in future situations where veterans are [[Page S2862]] facing great need for specialties--like cancer and other issues--will this be a situation where veterans will continue to be sent across the country, away from their families, for care because that is easiest on the VA, or will their family members and the frequency of visits be brought to bear in that so they will be able to make the decision that maybe they can get that great care locally? Mr. ISAKSON. I thank the distinguished Senator from Oklahoma. I will tell him that the story of his veteran from Muskogee led us to the way we wrote a lot of the provisions in section 101. Comfort, ease, and accessibility for the veteran are equally important to every other consideration that will go in. The veteran who was sent to Seattle before would now be able to get treatment in Oklahoma City or in Muskogee or wherever else closer to home that is more convenient as long as it is in the best interest of that patient. Specifically, it says that a veteran and the veteran's referring clinician agree that the care or services in the community would be in the best medical interest of the veteran after considering criteria, including--and then all those criteria. So every personal criterion, as well as medical criterion, is considered. So that should never happen again because of the VA MISSION Act. I appreciate the Senator bringing it to our attention, and I hope it never happens again in Oklahoma or anywhere in the United States. Mr. LANKFORD. Anywhere else. I thank the chairman for that clarification. We look forward to doing what is in the best interest of the veteran and the veteran's care--not necessarily what is the simplest thing for the VA but what is in the best interest of that veteran and their family. I appreciate all the great folks at the VA who serve our veterans so faithfully every day and will continue to be able to give them what they need to do that but also help our veterans know that they are going to be taken care of in the best possible way. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Wyoming. Mr. ENZI. Mr. President, as we approach Memorial Day weekend, we will soon pause to honor and remember the members of our Armed Forces who have paid the ultimate price in service to our country. As Americans, we honor all our veterans who have sacrificially fought for our freedoms--certainly those who have paid with their lives but also those who have returned home, determined that we not forget their fallen brothers- and sisters-in-arms. Among the most meaningful ways Congress can honor our veterans is to uphold the promises that have been made to them. One such promise and responsibility is to ensure that America's veterans have access to the quality medical care they earned through their service. I thank Chairman Isakson and his staff for all the effort they have put into the bill before us. His tireless work on behalf of America's veterans has produced the compromise legislation now pending that aims to reform the VA's broken community care ***programs***. I particularly appreciate Chairman Isakson for sending his staff to Wyoming to understand the problems our veterans and providers have had with VA Choice. Since the VA Choice ***Program*** was enacted in 2014, I have received hundreds of letters and calls from people across Wyoming who were so frustrated with the ***program*** that they felt they had no other choice but to call their Senator. I have been contacted by veterans who could not access timely followup care or critical screenings because of unpaid claims, leading to providers dropping patients. Some veterans are even facing collections from the Choice ***Program***'s failure to pay the providers' claims. Similarly, many providers have not been paid for medical services they have provided. That has led some of Wyoming's physicians to stop participating in VA Choice. We are the least populated State in the Nation, but earlier this month, we had 3,130 pending claims in Wyoming, with 1,025 of them being over 30 days old. To get those numbers to even that level has required multiple meetings with the Department of Veterans Affairs and the administrator of the VA Choice ***Program*** for Wyoming. At the end of March, there were 5,319 pending claims and 3,214 more that were more than 30 days old. A number of my colleagues have participated in those meetings, and I appreciate their shared interest in improving care for our veterans in rural States. Despite those meetings, I still hear reports about how difficult it is to get simple questions answered. Whether dealing with the VA directly or with contractors who are supposed to administer the ***program***, the process of receiving and paying for healthcare services is broken. I believe the problems faced by Wyoming's veterans and doctors will be improved by this bill. I thank the Senator from Georgia for including provisions related to healthcare providers, veteran education, prompt ***payment*** to providers, tools for the VA to resolve ***payment*** issues, and VA flexibility to enter into agreements between VA facilities and healthcare providers. However, I do have one disappointment. I do have one concern with the bill. It is not paid for. I believe we must acknowledge that borrowing more money to pay for this ***program*** isn't an ideal way to honor our veterans. CBO estimates that Federal outlays will total more than $56.6 trillion over the next 10 ***years***--that is $56,600 billion--and yet nowhere in that budget can we find $4.5 billion to offset the cost of this ***program***? I believe we should care for our veterans in a fiscally responsible manner. In fact, I believe this is the best way to ensure their care long term, as well as the care for veterans of the next generation. I ask for support of the bill. I thank the Presiding Officer. I yield the floor. Ms. MURKOWSKI. Mr. President, I ask unanimous consent to engage in a colloquy with my friend and colleague, the distinguished chairman of the Senate Veterans' Affairs Committee, Senator Isakson. The PRESIDING OFFICER. Without objection, it is so ordered. Ms. MURKOWSKI. Mr. President, I would like to confirm my understanding that the term Indian Health Service as it appears in section 101 of the MISSION Act of 2018 includes Tribal health providers that are funded by the Indian Health Service and step into the shoes of the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act to provide healthcare. Mr. ISAKSON. Mr. President, the Senator is correct. The term Indian Health Service includes Indian Tribes and Tribal organizations that operate healthcare facilities in lieu of the Indian Health Service pursuant to a contract or self-governance compact with the Federal Government. Mr. ENZI. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. America's Water Infrastructure Act Mr. BARRASSO. Mr. President, over the past 50 ***years***, our country has gone from being a construction society to a consumption society. As a result, our bridges, our roads, our dams, and our waterways have suffered. President Trump has said that rebuilding America's infrastructure is a priority for his administration. He said that we will build ``with American heart, American hands, and American grit.'' That is what President Trump said in the State of the Union this ***year***. Yesterday the Committee on Environment and Public Works took a big step toward meeting that goal. We voted to approve the America's Water Infrastructure Act. There are a lot of people in Wyoming and around the Rocky Mountain West, as well, who say that--well, it was originally attributed to Mark Twain, and it goes like this: ``Whiskey is for drinking; water is for fighting over.'' Surprisingly, in this case, we actually didn't fight over the water of the United States. This legislation was written by Republicans and Democrats, and it passed with unanimous, bipartisan support of 21 to 0. Both parties [[Page S2863]] agreed that there is a lot we can do to improve America's water infrastructure. Basically, the bill comes down to three big things. It grows the economy and creates jobs, it cuts redtape by getting more control out of Washington, and it keeps communities safe. The first way this legislation supports America's economy is by increasing water storage. That is a big concern in my home State of Wyoming and across the West. We have had a serious problem over the ***years*** where sediment builds up behind dams in the lakes where water is stored. That sediment limits the amount of water the lakes can hold. We are telling the Army Corps of Engineers and other agencies to develop plans to deal with this sediment at Federal reservoirs. That is a simple thing that Washington can do, and now it is going to get done. We are also expanding water storage capacity by making it easier to get permits for additional reservoirs. We have a facility in Lincoln County, WY, that is called the Fontenelle Reservoir. We have been trying to expand the water storage at that reservoir for ***years***. This legislation makes sure the expansion will finally occur. Farmers, ranchers, and communities nearby will get a new, reliable supply of the water they need. Of course, the water doesn't do much good if people can't get it where they need it. So we fix the failing irrigation systems that are so important in rural areas. We are also improving America's inland waterways, which people rely on to move products to market. On the coasts, we deepen some of the most vital ports, and we can ship goods from there around the world. The pro-growth policies, like the tax cuts we passed last ***year***, have helped America's economy take off. Now we need to make sure that we have the water infrastructure in place to keep it growing, to keep people working, and to keep American raw materials and American-made products moving. The second thing this legislation does is to cut some of the burdensome and unnecessary redtape that does nothing but get in the way of economic progress that we need. We are going to make sure that these water projects reflect the priorities of the American people, not the priorities of Washington bureaucrats. That means more local control over which projects get built. Local leaders know what they need, and they know which projects will make the biggest difference. Once we identify the best projects, then we need to make sure that they actually get built. Today, the permitting process can drag on for ***years***, while people get more and more desperate for projects to be finished. The America's Water Infrastructure Act will push the Army Corps of Engineers to complete all feasibility studies for new projects within less than 2 ***years***. We also eliminate the need for multiple benefit- cost-ratio assessments for a single project. These are expensive, and they take lot of time. Often, the Army Corps of Engineers will require new assessments several times for a single project. This legislation gets rid of these redundant studies. It is going to make a big difference in getting things built on time and on budget. The third big thing that this legislation does is to help keep American communities safe. We are going to repair some of the old drinking water and wastewater systems across the country. We provide help for places that need to clean up pollution in their water and to keep the pollution from getting into the water in the first place. As a doctor, I can tell you that this is extremely important for the health of our families and for our communities. That is why it is a priority in this legislation. We also take some important steps to reduce floods in rural areas. In my home State of Wyoming and in other parts of the West, this is a continual threat for many people. Every spring they have to worry about floods caused by snow and ice melting. We have dams and levees where maintenance has been put off for so long that people are anxious every time the water starts to rise. We are addressing the backlog of maintenance as well. We are looking for ways to permanently fix some of these areas where ice backs up along the rivers and cause serious damage. Most people don't give a lot of thought to the water that comes into their home. They turn on the faucet, water comes out, comes into the house, and water goes out of the house. This legislation makes sure that people don't have to worry about that changing. Their water will be safe, reliable, and abundant so they will not have to worry about it. For most of us in the West, water is always on our minds. It is vital to our way of life. We rely on irrigation and water storage for our livestock and our crops. We rely on water to transport our products to markets far away. We rely on dams and levees to protect us from floods. This legislation makes sure that people in rural communities can still count on the water being there when we need it. That is good for all of us. Republicans and Democrats agree. We know there is a lot of work to be done to address America's water infrastructure needs. We know we need to get the job done right. We need to get it done faster, better, cheaper, and smarter. The America's Water Infrastructure Act does just that. This cooperative piece of legislation passed the committee 21 to 0. Now it is time for the entire Senate to act. I yield the floor. The PRESIDING OFFICER. The Senator from Ohio. Mr. PORTMAN. Mr. President, I wish to start by congratulating my colleague from Wyoming on reporting out this legislation on water infrastructure and, particularly, for the help he has given us with regard to the Great Lakes. What the Senator has done to help us to maintain and to protect the Great Lakes is very much appreciated. It is the No. 1 tourist destination in Ohio, and there is a $6 billion fishing industry in the Great Lakes, with Lake Erie being the No. 1 lake for fishing. The Great Lakes Restoration Initiative the Senator supported is incredibly important, as well as keeping the dredge material out of the lake and helping us with the Army Corps. We thank the Senator. We also hope to keep invasive species out of the lake, including bighead carp, which would ruin that $6 billion fishing industry. We thank the Senator for his support. We look forward to getting that bill to the floor soon for a vote. Memorial Day Mr. President, today I wish to talk, as other colleagues have, about the men and women of our Armed Forces--the brave men and women in uniform who protect us every day and some of whom have made the ultimate sacrifice for all of us. This coming Monday, of course, is Memorial Day. This holiday weekend is a time for all of us to kick back a little bit, spend some time with our families, relax, and be with friends. But let's not forget what Memorial Day stands for. It is first and foremost an opportunity to reflect on the service and sacrifice of those who gave their lives defending the freedoms we enjoy and sometimes take for granted as Americans. I will be spending part of the day at a Memorial Day parade that I try to attend every ***year*** and have for many ***years*** in Blue Ash, OH, which is north of Cincinnati. It is an event that I think is as patriotic as any I have seen in my State. It is a wonderful parade. There are many veterans in the parade but also veterans who come to watch. It ends at a beautiful memorial for our veterans. It was constructed over time in Blue Ash, paying tribute to patriots from every single conflict we have been involved in as a country since our founding. Across the country on Memorial Day, we will give humble thanks to those brave men and women in uniform who, during their lives, fought for the principles we hold dearest and who, in their deaths, sacrificed themselves in defense of those Americans ideals. Freedom is bought at a price, sometimes a very high price--the price of lives, of limbs, of some of the veterans who gave the prime ***years*** of their lives for all of us. Part of the cost is the scars of war. Some of those scars are very visible, of course. Others are more invisible-- those who are coming back with PTSD or traumatic brain injuries. Those scars can't be seen, but they are certainly felt. Servicemembers brave those risks because of their sense of duty and their sense of patriotism. I am proud to be the son and the grandson of two Army infantry lieutenants. One is a World War I veteran, and [[Page S2864]] one is a World War II veteran. They instilled in me this importance of duty, hard work, the virtue of service, and the merits of servant leadership. They believed in these values and embodied them in their lives, as so many veterans do. This weekend, as we pay thanks to the many men and women who were laid to rest under the flag they died defending, we should all take a moment to remember and thank all veterans as well--past and present-- whose service also has made our way of life possible. The men and women of our United States military represent the best in all of us, and they deserve the best from all of us. VA MISSION BILL Today, Mr. President, the Senate will vote on what is called the VA MISSION Act, which is a bipartisan bill that will reform the Veterans Choice ***Program***. I have heard my colleagues speak about this legislation on the floor this morning and this afternoon, and I agree with them that this is a positive step forward. It will expand private care options and provide veterans in Ohio and around the country with more choices and fewer barriers to ensure they will have the best healthcare possible. By the way, the bill has passed the House of Representatives already. It passed last week, and it received more than 370 votes. That is unusual around this place. That was out of 435, so it was a strong majority. I look forward to its passing the Senate with a sweeping bipartisan majority as well so it can be signed into law as soon as possible and begin to help the veterans I represent in Ohio and around the country. We had another positive development for veterans last week when the Senate's Energy and Natural Resources Committee passed a bipartisan bill I introduced with Senator Brown that would designate the spectacular new Veterans Memorial and Museum, in Columbus, OH, which is scheduled to open later this ***year*** in the fall, as the National Veterans Memorial and Museum. It will be a spectacular structure. More importantly, it will have terrific exhibits on the inside to allow for future generations to know about the selfless sacrifices that have been made by so many men and women of the Armed Forces. The National Veterans Memorial and Museum in Columbus will be one important way we will commemorate not only brave Ohioans but all American veterans. This legislation will have been voted on by both Houses and will be signed into law by the President, I hope, very soon. In fact, I would love to get this bill through this body before Memorial Day as a way to pay tribute to our veterans again. It is not something we are asking the taxpayers to support. This National Veterans Memorial and Museum is being supported by $75 million that has been raised in the private sector. There is a philanthropist in the Columbus area named Les Wexner, who has taken the lead on this issue, but it has involved a lot of the businesses in the Greater Columbus area as well as individuals from all around the country who have stepped forward to say we need to have a National Veterans Memorial and Museum and that Columbus, OH, is the right place for it. I urge my colleagues to support this legislation as we hotline it in the U.S Senate and try to get it done even before Memorial Day. On this Memorial Day, as we remember those who have sacrificed their lives for our country, let us also remember why they offered to lay down their lives. Why? It is that this Nation under God is worth fighting for. We are eternally grateful for their sacrifices and for the service of all military members--those in the past, those in the present, and those who will step forward to protect us and serve our great country. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. Toomey). Without objection, it is so ordered. Mr. CRAPO. Mr. President, I rise to urge my colleagues to confirm Brian Montgomery as Federal Housing Commissioner. The Federal Housing Administration or FHA plays an important role in today's housing finance market, promoting homeownership and ensuring access to affordable mortgage credit for millions of Americans. When FHA operates in a safe, viable manner, it can help many deserving people gain a foothold in our housing market who otherwise would not have been able to do so. FHA also plays a countercyclical role in the mortgage marketplace, providing market liquidity in times when traditional sources of home financing dry up, as they did a decade ago. Since 1934, the FHA has insured mortgages for more than 40 million families. Today, the FHA is the largest mortgage insurer in the world. It is also the primary facilitator of reverse mortgages and supports a nationwide network of housing counseling agencies. Yet for nearly 4 ***years*** it has not had a Senate-confirmed leader. Fortunately, the time has finally come to fill this vacancy. I know Brian Montgomery will do a terrific job. Brian Montgomery is an ideal candidate to take up the mantle because he has done it before. Mr. Montgomery provided steadfast leadership at the helm of FHA between 2005 and 2009, under Presidents Bush and Obama, during one of the most trying times the housing markets had ever seen. His nearly unanimous support from housing stakeholders speaks to this strong track record of experience and expertise. Once confirmed, Mr. Montgomery can hit the ground running, moving FHA forward in pursuit of its continuing mission. I look forward to continued conversations with him on opportunities to improve America's housing finance system, which continues to be urgently needed. I also look forward to working with him on how we can make HUD ***programs*** more effective and more efficient, with better stewardship of taxpayer dollars. Thirteen ***years*** ago, this body confirmed Mr. Montgomery on a voice vote to serve as FHA Commissioner. I ask my colleagues to once again confirm him to this critical role. Thank you. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. VA MISSION Bill Mr. ISAKSON. Mr. President, I come briefly to the floor to encourage all Members of the Senate to vote for the VA MISSION bill. It is long overdue, a lot of hard work went into it, and it had a great vote on cloture of 91 to 4. I am sure we will have an outstanding vote today because it is a vote for our veterans, for the promises we made to them for better quality healthcare and a better VA. It would not have happened if it were not for a lot of people, but one of the most key persons in making sure this bipartisan bill passes with the overwhelming margin it deserves is Jon Tester, my ranking member on the committee. We worked together hand in hand for about 3 ***years***. We had enough pitfalls to want to quit many times but never did because we knew the ultimate goal was to meet our veterans' needs. Today, when we adopt this bill, and later on this month when it is signed, it will be because of the hard work of a lot of people but none more important than Jon Tester from Montana. I thank my ranking member for encouraging everyone to vote for the bill, and I thank the Presiding Officer at this time. I yield to the ranking member. The PRESIDING OFFICER. The Senator from Montana. Mr. TESTER. Mr. President, I thank the chairman of the Veterans' Affairs Committee, Senator Isakson, for the leadership he has shown from the get-go. From the moment he took the gavel in the Senate Veterans' Affairs Committee, he has been wanting to work together in a bipartisan way, put aside our differences, and get things done. This VA MISSION Act had a great vote yesterday, and people might say: [[Page S2865]] Well, gee, this is just another one of those slam-dunk bills. It is not. We would not be here today if it wasn't for Chairman Isakson and the great work he has done on this bill. I also thank the entire Senate Veterans' Affairs Committee. I thank the leadership of the House Veterans' Affairs Committee. I thank the 38 veterans service organizations that offered their support for this bill. I said many times during the hearings, we will take our cues from the veterans. This is exactly what the entire Senate, hopefully, will do in a minute or two with this bill, is take our cues from the people who serve this country in the military. This is a big win for them. They are also going to put a lot of pressure on the VA to deliver for them, but, nonetheless, this is one of those rare times when the Senate and House have done their job and done it in a bipartisan way, worked together, and worked for the benefit of the veterans of this country. I also thank my staff, Tony McClain, Dahlia Melendrez, and Jon Coen for their great work. In a brief review, what this bill does is scrap the Choice ***Program*** and all the community care ***programs*** and puts them into one ***program*** where the veteran and the doctor control where to seek care, whether it is within the VA or the private sector. It strengthens the VA and helps build capacity in the VA in two ways, with a loan repayment ***program*** for our employees, and it incentivizes medical residencies within the VA. It also improves rural healthcare in States where I come from in Montana by deploying mobile health teams and by expanding telehealth. Finally, this bill expands the caregiver ***program*** to veterans of all eras--something Senator Murray has worked on for ***years*** and ***years***. I was there when Senator Murray came up to the chairman of the committee on a previous bill and said to Chairman Isakson: We really need this caregiver bill in. Chairman Isakson said: We are not going to forget about you, Patty. We are going to make sure this is taken care of. He lived up to his promise to her, and he lived up to those veterans who have a family member who takes care of them at home, where people don't even know what is going on. They don't even know what is happening. Sometimes these folks have to quit their job to take care of a veteran at home who needs help. So the caregiver ***program*** is a very important part of this bill. It happened because we worked together. When I go home to Montana people ask: How come you guys can't work together? We kind of broke the mold a little bit, and we worked together in a bipartisan way. We put aside politics, and we did what was right for our country and our veterans. Hopefully, we will get a strong vote out of this bill when it is brought up for passage, and we can get it to the President for his signature. I yield the floor. I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll. Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. The question is, Will the Senate advise and consent to the Montgomery nomination? Mr. CRAPO. Mr. President, I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll. The assistant bill clerk called the roll. Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. Flake) and the Senator from Arizona (Mr. McCain). Mr. DURBIN. I announce that the Senator from Illinois (Ms. Duckworth) is necessarily absent. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced--yeas 74, nays 23, as follows: [Rollcall Vote No. 105 Ex.] YEAS--74 Alexander Baldwin Barrasso Bennet Blunt Booker Boozman Burr Capito Cardin Carper Cassidy Collins Coons Corker Cornyn Cotton Crapo Cruz Daines Donnelly Enzi Ernst Fischer Gardner Graham Grassley Hassan Hatch Heitkamp Heller Hoeven Hyde-Smith Inhofe Isakson Johnson Jones Kaine Kennedy King Klobuchar Lankford Leahy Lee Manchin McCaskill McConnell Menendez Moran Murkowski Murphy Nelson Paul Perdue Peters Portman Risch Roberts Rounds Rubio Sasse Schatz Scott Shelby Smith Sullivan Tester Thune Tillis Toomey Van Hollen Warner Wicker Young NAYS--23 Blumenthal Brown Cantwell Casey Cortez Masto Durbin Feinstein Gillibrand Harris Heinrich Hirono Markey Merkley Murray Reed Sanders Schumer Shaheen Stabenow Udall Warren Whitehouse Wyden NOT VOTING--3 Duckworth Flake McCain The nomination was confirmed. The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

**Load-Date:** May 25, 2018

**End of Document**



[***FFBH - Bulgaria Daily Update, Jun 18, 2018***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5SKF-Y391-JDVR-0445-00000-00&context=1516831)

Emerging Markets Brokers Reports - Central Eastern Europe

June 18, 2018 Monday 10:52 AM EEST

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**Length:** 976 words

**Byline:** SeeNews

**Body**

MARKET WRAP-UP

BSE-Sofia indexes erased the gains from the previous sessions and ended with a decline on Friday as SOFIX (627.9) was down 1.48%. Liquidity was on target for the investors and one of the reason for the sell-offs was the upcoming IPO of Gradus on 18th of June. Stara Planina Hold (5SR, BGN 7.30, -7.59%) and Central Cooperative Bank (4CF, BGN 1.68, -2.33%) were among the top losers. Both names were trading with higher volumes than the 3-month average numbers. Eurohold Bulgaria (4EH, BGN 1.405, -6.33%) and First Investment Bank (5F4, BGN 3.65, -2.41%) dropped due to small trades at lower levels. Sirma Group Holding (SKK, BGN 0.966) finished with the only significant increase - up by 2.77%.

(To view the original document, please click on the link below:

[*http://reports.aiidatapro.com/brokers/FFBH/BMU18-06-18.pdf*](http://reports.aiidatapro.com/brokers/FFBH/BMU18-06-18.pdf))

ECONOMY AND POLITICS

Macroeconomic news and statistics

The unemployment rate down by 0.3 p.p. MoM to 6.1% in May'18

The unemployment rate in May'18 decreased by 0.3 p.p. MoM to 6.1% (-1.0 p.p. YoY), according to the National Employment Agency. A total of 200 458 unemployed were registered at the end of the month. The number of people who found a job during the month was 19 963, down by 2 086 MoM.

Source: National Employment Agency; FFBH

Retail trade The new passenger car registrations up by 34.6% YoY in May'17

The new passenger car registrations in Bulgaria increased by 34.6% YoY to 3 308 units in May'17, according to data from the European Automobile Manufacturers Association (ACEA). The

cumulative YTD new passenger cars registrations grew by 25.6% YoY to 14 496, vs 2.4% average annual growth in the EU\*.

\*Data for Malta n.a.

Source: ACEA; FFBH

CORPORATE NEWS

Bulgarian Real Estate Fund [5BU]

FSC approves BREF REIT cap raise prospectus for BGN 38m

The Financial Supervision Commission has approved Bulgarian Real Estate Fund REIT's capital raise prospectus. The company plans an offering for 20 150 000 new shares at a price of BGN 1.90.

The increase could double the fund's share capital from BGN 20.1m to BGN 40.3m. The IPO would be successful if investors subscribe a minimum of 10 075 000 shares. The success threshold comes to around BGN 19.1m in total. The raised funds would be used for the construction of an office building in Sofia Tech Park with over the ground GBA of 35k sq.m. and underground GBA of 16k sq.m.

FFBH, along with Sofia International Securities are the managers of the issue.

Source: FSC; Bulgarian Real Estate Fund REIT; FFBH

Sopharma AD [3JR]

Sopharma to pay out BGN 0.11 DPS (NEUTRAL)

Sopharma shareholders have approved a BGN 0.11 gross DPS (dividend yield of 2.6% at last close price) during the 15.06.2018 AGM. The stock will go ex-dividend on 28.06.2018. The shareholders also approved a number of related parties transactions bonuses for employees in the form of company's shares (276 000 in total), as well as bonuses for the management - 1% of 2017 net profit for the CEO and 2% of 2017 net profit for the rest of the management.

Source: Sopharma; FFBH

Advance Terrafund REIT [6A6]

Advance Terrafund bought 480 daa and did not sell ***agricultural*** land in May'18 (NEUTRAL)

Advance Terrafund REIT bought 480 daa land at an average price of BGN 985/daa in May'18 and did not sell land during the month. The total portfolio of the fund reached 221 283 daa ***agricultural***

and 133 daa urban land. The management's guidance for rental revenue for the 2017-2018 ***agricultural*** ***year***, which started on 01 October'17, is BGN 6.25m. Currently the fund has rented out

159 140 daa, or 81.6% of its rentable ***agricultural*** land, at an average rate of BGN 39.26/daa.

Sopharma Trading AD [SO5]

Sopharma Trading to distribute BGN 0.3 gross DPS (NEUTRAL)

The shareholders of Sopharma Trading approved to distribute a total of BGN 9.9m as dividends for 2017, equivalent to BGN 0.3 gross DPS. The amount corresponds to 67.7% payout and 4.0%

dividend yield at the last close price of BGN 7.45 per share.

The shareholders also approved a bonus for the CEO of 1% of the 2017 net profit and a number of related parties transactions.

Source: Sopharma Trading; Trade Registry; FFBH

Neochim AD [3NB]

Neochim about the distribute BGN 0.2 gross DPS (NEUTRAL)

The shareholders of Neochim voted to distribute a total of BGN 0.5m as dividends for 2017, equivalent to BGN 0.2 gross DPS. The voted amount represents 3.8% payout and 0.4% dividend

yield at the last close price of BGN 45.4 per share. The ***payment*** of the dividends is scheduled to begin on 08 August'18. Please recall that the management proposed BGN 1.3 gross DPS originally,

but Eco Tech which owns a 24.28% stake in Neochim, proposed to lower the dividend, presumably in order to free up resources for the new investment ***programme*** of the company.

Source: Neochim; FFBH

Zaharni zavodi AD [3Z9]

FSC approves Zaharni Zavodi BGN 20m convertible bond prospectus (NEUTRAL)

The Financial Supervision Commission approved the prospectus of Zaharni Zavodi for 200 000 registered, interest-bearing, convertible, freely ***transferable***, unsecured bonds with par value of BGN

100 each and total issue value of BGN 20m. The bond will bear a fixed annual interest of 3%, paid semi-annually with maturity of 84 months. The conversion ratio of bond to shares is 1 to 14, making a conversion share price of BGN 7.143 compared to the last price of BGN 4.48. The bond is callable at the second, sixth and tenth coupon ***payment*** date at a fee of 0.75%, 0.5% and 0.25%,

respectively. The bond also has a put option which could be exercised 80 days before the last call date. The debt will be used to finance operations and repay existing debt.

Source: FSC; Zaharni Zavodi; FFBH

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**Load-Date:** June 18, 2018

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[***Hemp and CBD set to Eclipse the THC Marijuana Market***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5THC-WHY1-JB72-13T4-00000-00&context=1516831)

PR Newswire Europe

October 17, 2018 Wednesday 8:30 AM EST

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**Length:** 2512 words

**Dateline:** NEW YORK, October 17, 2018

**Body**

PR Newswire

CannabisNewsWire Editorial Coverage

As the cannabis market continues to grow, hemp and cannabidiol (CBD) are occupying an increasingly large share of the escalating industry.

Hemp, the form of cannabis without psychoactive tetrahydrocannabinol (THC), is an important part of the cannabis market.Hemp is common in many health and wellness products.Total sales of hemp-derived products are expected to exceed $1 billion this ***year***.Some industry experts expect hemp products to soon exceed marijuana for their share of the cannabis industry.

Sugarmade, Inc.(OTC:SGMD)(SGMD Profile)is taking advantage of this shift by making a heavy investment in hemp production. Medical marijuana companyTilray, Inc.(NASDAQ:TLRY) bridges the gap between product types through its production of CBD oils. One of the largest cannabis growers in Canada,Canopy Growth Corp.(NYSE:CGC) provides plants used in a wide range of products.GW Pharmaceuticals Plc(NASDAQ:GWPH) has created the first cannabis-derived prescription drug approved by the U.S. Food and Drug Administration. Meanwhile, public acceptance and more positive perception of the cannabis sector are shifting, thanks at least in part to publicity efforts by shifted by cannabis companies such asAurora Cannabis, Inc.(OTC:ACBFF) (TSX:ACB).

To view an infographic of this editorial,click here.

The Two Sides of the Cannabis Market

It's all too easy to view the cannabis sector as a single market providing variations on the same product. In reality, it's an increasingly complex and varied industry. Its primary plants and products can be divided into two groups: marijuana (and THC) in one category, and hemp (and CBD) in the other.

The marijuana piece of the cannabis market is the one more traditionally recognized. In this space, plants grown, cultivated and used contain THC, the psychoactive ingredient that gets drug users high. THC is the reason for cannabis' ongoing popularity as a recreational drug worth hundreds of millions of dollars in both legal and illegal markets.

The other side of the market is centered around hemp. Hemp does not contain THC; rather it contains CBD, an active ingredient found in other cannabis plants. CBD has fueled the development of medical marijuana applications, but alternative products that utilize the substance are increasingly popular in the health and wellness markets, where they can be bought more widely than medical marijuana. As a result, some industry experts note that hemp may soon make up the larger part of the cannabis industry.

The Growth of the CBD Market

Though less well-known outside of specialist markets, CBD is becoming a more accessible way to benefit from cannabis. This has led to investment from companies across the cannabis sector, includingSugarmade, Inc. (OTC:SGMD).

Sales of hemp-based products in the United Statesreached $820 million last ***year***, of which $190 million, or 23 percent of sales, consisted of CBD-derived products, according toHemp Business Journal. That total for hemp is expected to pass a billion dollars this ***year***.

Predictions for the future are even more promising. The sameHemp Business Journalarticle estimates that the hemp market will reach $1.9 billion in the United State by 2022, with $646 million of that coming from CBD and its derivatives.The Brightfield Groupis even more optimistic in its assessment. The group's industry specialists believe that CBD could outstrip the rest of the cannabis sector in size in the next few ***years***.

For companies such as Sugarmade, whose business is closely tied to CBD, these developments create opportunities for expansion and innovation.

CBD Enters the Mainstream

A wide variety of end-use product potential is helping hemp gain mainstream use and acceptance. This market includes supplements, personal care products, textiles, and food and industrial applications, as well as CBD and the support services provided Sugarmade and other similar companies.

The hemp market hasgrown 15 percent per ***year*** over the past few ***years***. Unlike marijuana sales, this growth isn't driven by the medical and recreational sectors. Instead, body products and supplements have been key factors. Much of the hemp for these products has been imported from Canada and China, with imports totaling $78.2 million in 2015, not counting textiles, paper products or construction materials.

The hemp market is expected to be strengthened by the2018 Farm Bill currently making its way through the U.S. Senate. Legislation included in the act, supported by the Senate majority leader, would remove industrial hemp from the Controlled Substances Act, making it easier for farmers to grow hemp for CBD and other ***agricultural*** purposes. Since the last farm bill was passed four ***years*** ago, some farmers have been able to legally set up test production of hemp for CBD, but widespread cultivation has not been permitted.

The extent of the change permitted by the expected ***agricultural*** lawremains uncertain. Other issues unrelated to cannabis are currently holding up the Farm Bill, despite widespread bipartisan support for the hemp provisions. Once the bill passes, the impact for CBD will also depend upon decisions made by state authorities and the FDA. But the bill will certainly ease the way for potential hemp growers in states that support the CBD industry. Until now, national law only allowed the growing of hemp and harvest of CBD in state pilot ***programs*** and for academic research; in the 2018 Farm Bill, those limitations are eliminated.

Clearly, The legalization of hemp and CBD on the federal level will only benefit companies such as Sugarmade. Previously, access to financial and support services could be difficult for companies working in the cannabis sector. Marijuana retailers had to resort to cash ***payments*** or newly developed electronic systems because banks feared doing business with companies defying federal law. Making hemp legal will allow a wide variety of support systems to evolve.

Innovating with CBD

The success of companies such as Sugarmade that are working in the CBD space comes in large part through innovation. These companies recognize the need to research, offer, and implement new products, services and investments to drive growth.

New products will take CBD into new commercial categories.Hemp-derived beverages and pet foodsare both on the horizon. Medicines are being tested. Paper, cloth and construction are also industries that stand to benefit from additional hemp offerings.

Sugarmade's success comes through expansion in hydroponics, the company's entry into the cannabis space. Hydroponic equipment is key to cultivating cannabis and, as a result, hydroponic companies have seen substantial growth over the past few ***years***. Sugarmade is building upon its existing growth byacquiring two other hydroponics companies, a move that turned the company into one of the leading players in hydroponics. This move is also expected to raise Sugarmade's revenues next ***year*** from $30 million to $75 million as the market for hemp and its support services grows.

Sugarmade has also reinforced its position in the market through more direct investment in CBD. The company recently committed toinvesting a million dollars in Hempistry, Inc. The investment is targeted to support Hempistry's work on an ultra-high CBD-content hemp strain being grown in Kentucky. It also positions Sugarmade to profit directly from the staggering growth in CBD.

The impact of the hemp industry extends beyond the United States. Sugarmade has made moves into Europe as well,selling hydroponics in the United Kingdom. While the current hemp market in Europe is small, savvy companies are evaluating opportunities to get in now. Where America leads, Europe is likely to follow, which means the road towards legalized cannabis and a thriving CBD market may be imminent.

Cannabis Competitors

A number of companies are competing for a share of the CBD market.

For medical marijuana companyTilray, Inc.(NASDAQ:TLRY), CBD is a natural extension of its other work. The company has developed CBD oil for medical use and is one of the first to sell such a product into the United Kingdom after top politicians intervened to make CBD available for treating rare childhood forms of epilepsy. A strong ***program*** of research and development has led to growth for the company, which is now makinginitial public offerings in the United States and Canadato finance further work.

Canopy Growth Corporation(NYSE:CGC) is one of the largest cannabis companies in Canada, a leading market for cannabis and CBD. With5.6 million square feet of growing space spread across its facilities and subsidiaries, three-quarters of it licensed by Canadian authorities to grow cannabis, Canopy Growth has become a powerhouse within the industry and is breaking new ground for cannabis companies, having completed thefirst legal ***transfer*** of cannabis from Canada to the United Statesusing a DEA-issued permit. This ***transfer***, for medical research purposes, seems to reflect a softening of DEA attitudes as the agency adjusts to the changing status quo.

Medical cannabis research is also important toGW Pharmaceuticals Plc(NASDAQ:GWPH). The company created thefirst cannabis-based prescription medicine to gain FDA approvaland continues to innovate through its research and product divisions. Like Tilray, the company is committed to growth, havingrecently announced new shares to raise $300 million of finance.

Aurora Cannabis, Inc.(OTCQX: ACBFF) (TSX:ACB) isn't just selling its own CBD-rich health and wellness products - it's also working to raise the public profile of the cannabis industry. It has partnered with Elevate, the annual citywide Toronto festival, to create tracks discussing cannabis and health issues. These events will encourage discussion about the health potential of CBD and marijuana, as both sides of the industry continue to gain in size and public recognition.

The cannabis industry has seen huge growth over the past decade, and now it's going through big changes. Commercial CBD and hemp, until recently existing in the shadow of medical cannabis and recreational marijuana, could soon be the leading products in a growing global market.

For more information about Sugarmade, please visitSugarmade, Inc. (OTC:SGMD).

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**Load-Date:** October 17, 2018

**End of Document**



[***Airtel Africa - 2017***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5PXN-V2W1-JD33-J259-00000-00&context=1516831)

Malawi and Mozambique Telecommunications Report

January 1, 2018 Monday

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**Length:** 1298 words

**Highlight:** Airtel Africa is a wholly owned subsidiary of India's Bharti Airtel. The company, which oversees Bharti Airtel's African operations, was formed following the acquisition of Kuwait-based Zain Group's telecoms assets in 15 Sub-Saharan African countries for USD10.7bn in March 2010.

**Body**

**SWOT Analysis**

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|  |  |
| Strengths | Backed by major international player Bharti Airtel. Extensive regional footprint with operations in 17 countries across Africa. Present in key regional markets, including Nigeria, Ghana, Kenya and Tanzania. Airtel is in the top three position in most of its markets, enabling it to influence competition dynamics. |
| Weaknesses | Low-margin strategy failed spectacularly in Africa, impacting revenue growth and profitability. Presence in many low-ARPU countries weighs on average regional ARPU levels. Limited investment in submarine cable systems compared to some of its regional rivals. Lags some major rivals in the development of enterprise services. Heavily dependent on prepaid subscribers. |
| Opportunities | Market consolidation in Kenya and Uganda would improve Airtel's competitiveness in those markets. Airtel is well placed to take advantage of growing opportunities in m-commerce services with its Airtel Money platform. Investments in 3G/HSPA+ networks would enable Airtel to serve the rising demand for data services. Proposed divestment of tower assets could free-up much needed capital and improve cost efficiencies. Airtel is open to new expansion opportunities in the region, either through acquisitions or through green field investments. |
| Threats | Insecurity and political conflicts in some of Airtel's markets could threaten the operator's investments. Airtel's large footprint intensifies the challenge of managing multiple cultural and macroeconomic factors at play in different markets, include language, inflation and forex movements. Airtel's ongoing dispute with Econet Wireless over its Nigerian unit could be expensive to resolve, with Econet claiming up to USD3bn in damages and a return of its stake in the unit. |

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| **Company Overview** | Airtel Africa is a wholly owned subsidiary of India's Bharti Airtel. The company, which oversees Bharti Airtel's African operations, was formed following the acquisition of Kuwait-based Zain Group's telecoms assets in 15 Sub-Saharan African countries for USD10.7bn in March 2010. As part of the operator's wider strategy in Africa, Airtel has taken cost cutting measures by selling its tower assets in 10 African countries to date. In a first deal struck with Helios, the tower company acquired Airtel's assets in the Democratic Republic of Congo (DRC) and the Republic of the Congo (Congo-Brazzaville) while the sale of towers in Chad and Tanzania fell through. In a second deal with Eaton, the sale of towers in Burkina Faso, Ghana, Uganda and Kenya was completed, while the sale of assets in Nigeria and Malawi fell through. In January 2014, Bharti Airtel reorganised its African operations to drive its regional strategy. Under the new structure all the operating units in the region were clustered into four strategic business units (SBUs) whose leaders reported to a managing director/chief executive officer from April 1 2014. The SBUs have been divided into the following clusters: i. Zambia, Congo-Brazzaville, Malawi, Burkina Faso, Niger, Chad, Madagascar and Seychelles ii. Ghana, Kenya, Tanzania, Gabon, Uganda, Sierra Leone and Rwanda iii. Nigeria iv. DRC Airtel Africa stated that it was open to further expansion opportunities, either through acquisitions or through green field investments. Some of the company's recent moves include the acquisition of Warid Telecoms assets in Uganda in May 2013 and the acquisition of part of YU Mobile's assets in Kenya in March 2014. In June 2014, Airtel finalised the acquisition of operator Warid Congo, for around USD80mn. |

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| **Strategy** | Airtel's decision to sell its tower assets across the continent, beginning with the sale of 3,100 towers to Helios Towers in July 2014 and another 3,500 towers to Eaton Towers in September should have a positive impact on its bottom line. The sale of an estimated remaining 11,900 towers across Africa should help reduce operating costs and boost the operator's capex budget over the coming ***years***. In line with this development, Airtel stated plans to invest USD1bn a ***year*** in its African operations for the next few ***years***. This is a significant increase from capex of USD629mn in the 12 months to June 2014. BMI expects these investments to be geared primarily towards building up coverage and capacity of its 3G and 4G networks across the continent and further developing VAS such as its MFS platform in order to maintain growth momentum in non-voice revenues. The failure of the low-margin high-volume strategy has spurred Airtel to expand its portfolio of non-voice services for consumers and enterprise solutions for businesses. Since 2013, Airtel has been forming partnerships with content providers across different interests, including education, entertainment, financial services, health, ***agriculture*** and information, to launch new non-voice services for consumers. The company is also investing its terrestrial fibre-optic infrastructure to power its recently launched Airtel Connect initiative which is a network of fibre and satellite networks, with 42 points of presence (PoP) throughout Airtel's African footprint targeted at enterprise customers. |

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| **Developments** | **2017** In February, Airtel Malawi announced a MWK15.2bn (USD20.98mn) network upgrade to expand and improve the coverage and quality of its voice and data services. The improvements are scheduled to take place between March and July 2017. **2016** In November Bharti Airtel reached an agreement with Zain for the Kuwaiti company to pay Bharti approximately USD129mn for the settlement of a long-running legal disagreement with Econet over its Nigerian unit. Later that month Bharti bought Econet's 4.2% stake in Airtel Nigeria, bringing the dispute to a close. **2015** In November Airtel announced an agreement with Facebook, which will see it become the first Sub-Saharan African partner operator to expand access to the Free Basics (rebranded from ) ***programme*** across its entire footprint. The Free Basics initiative provides free internet access to 18 partner websites covering news, information, education, health and communication. In October Airtel closed the sale of 2,500 towers in Burkina Faso, Ghana, Uganda and Kenya to Eaton Towers. The mobile operator has committed to a 10-***year*** tenancy contract in each country. Airtel further confirmed that by October it had concluded the sale of 9,000 towers across eight African countries. In September Airtel Africa agreed to use Liquid Telecom's 20,000km fibre optic backbone to interconnect its various mobile networks in East, Central and Southern Africa. Backhauling voice and data traffic in this way will free up capacity on the wireless elements of its networks, increasing data ***transfer*** speeds and eliminating congestion. The company - which has, so far, used very low prices to tempt customers away from rivals' networks - now needs to emphasise quality of service in order to retain users. In March, Airtel partnered with Visa to launch mobile ***payment*** services in seven African countries (Kenya, Gabon, Ghana, Madagascar, Rwanda, Seychelles and Tanzania). The two firms will build on the existing capabilities of Airtel's Mobile Money service, enabling subscribers to pay in stores and online - wherever Visa is accepted - through their Airtel Money account. Subscribers will also be able to withdraw money and make ***payments*** from their Airtel Money account with their Airtel Money Visa companion card. |

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| **Financial Data** | **Annual Revenues** 2012: USD4.376bn 2013: USD4.466bn 2014: USD4.552bn 2015: USD3.886bn 2016: USD3.31bn **Net Loss** 2012: USD417mn 2013: USD455mn 2014: USD502mn 2015: USD581mn 2016: USD321mn |

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| **Operational Data** | **Mobile Subscriptions** 2012: 61.687mn 2013: 68.307mn 2014: 74.599mn 2015: 82.07mn 2016: 80.35mn |

**Load-Date:** November 10, 2017

**End of Document**



[***Myanmar government implements reforms to increase financial inclusion***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WS6-C4X1-DXYV-74TB-00000-00&context=1516831)

Oxford Business Group: Articles

April 2018

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**Length:** 4915 words

**Body**

As South-east Asia's largest country and one of its richest in terms of natural resources, Myanmar's largely unbanked population of over 53m presents vast growth opportunities. Already, rising demand for the newly emerging financial sector has led to a sizeable expansion of services and investments. In the few short ***years*** that have passed since Myanmar embarked on the path of liberalisation and democratisation, the country has attracted interest from international financial intermediaries, while the domestic sector has seen many new private lenders emerge. The government has been moving forward with updating the legislative and regulatory framework for banks, passing a new Financial Institutions Law in 2016. Since then, the Central Bank of Myanmar (CBM) has issued updated rules on risk and eased restrictions on non-collateralised loans.

Much remains to be done, however, with the key sector challenges including squeezed liquidity, low levels of capitalisation and a lack of transparency among banks and firms, while restrictions on the operations of foreign lenders are contributing to financing bottlenecks. In addition, the young age of the liberalised sector poses some notable capacity-building difficulties. The sheer size of Myanmar and the diversity of economic and political conditions across its regions make blanket policies and strategies for tackling issues difficult to implement. Despite these obstacles, the sector still presents numerous opportunities and the banking system will continue to be essential to the development of other sectors in this frontier market.

**Regulation**

The main supervisor and regulator of the sector is the CBM, which is headquartered in the capital, Naypyidaw. CBM governors are elected to office for five-***year*** terms, with the current governor, U Kyaw Kyaw Maung, scheduled to end his term in 2018. In 2013 Parliament enacted a law that granted the CBM autonomous and independent status separate from the Ministry of Finance. Nevertheless, the government has retained a strong influence over the CBM, but there have been recent calls for the National League for Democracy (NLD) government to further strengthen the regulator's independence. In order to build up the CBM's capacity and to enhance its advisory capabilities, teams from various international institutions, such as the IMF, have set up offices at the CBM.

**Structure**

The CBM oversees the sector via its Financial Institutions Supervision Department, which monitors four main groups of lenders. First, there are the four state-owned banks: Myanma Foreign Trade Bank, Myanma Investment and Commercial Bank (MICB), and Myanma Economic Bank (MEB), which are all controlled by the Ministry of Finance; and Myanma ***Agriculture*** and Development Bank (MADB), which is run by the Ministry of ***Agriculture***, Livestock and Irrigation (MALI).

Second, there are the 24 private or partly private banks, with a number of these partially owned by the government or municipalities. The latter group consists of three banks: Yangon City Bank, Yadanabon Bank and Naypyitaw Sibin Bank. The former includes A-Bank, the Construction and Housing Development Bank and the Myanmar Citizens Bank (MCB), as well as Rural Development Bank, which is partly owned by MALI and other municipal authorities. MCB is one of the two banks that are currently listed on the local stock exchange, with the other being First Private Bank, which is wholly private.

There are 16 private banks that have no government shareholding, with two of these accounting for more than half of all the assets held by private or partly private banks: Kanbawza Bank (KBZ Bank), which had a 42% share as of 2016, and AYA Bank, with 14%. Other major private players include Cooperative Bank (CB Bank), with 10%, and Myawaddy Bank, Myanma Apex Bank and Yoma Bank, with 6% each. This leaves the remaining 14 private and partly state-owned banks with just 12% of assets for this segment. As of early 2018, KBZ Bank, AYA Bank and CB Bank were also the three largest private banks in terms of their branch networks, having 392, 232 and 200 branches, respectively.

**Foreign Players**

The third group under CBM supervision is the foreign bank segment. Some 13 international entities hold foreign bank licences, including the Bank of Tokyo-Mitsubishi, Sumitomo Mitsui Banking Corporation and Mizuho Bank from Japan. These three have been investors in the special economic zone (SEZ) in Thilawa since 2014, when the first foreign banks were granted licences to open branches in Myanmar. Tokyo-Mitsubishi was the first foreign entity to actually begin branch banking operations in 2015. These licences are limited, however, as foreign banks are prohibited from providing retail banking services or lending directly to domestic companies or customers. Instead, they are allowed to open branches in SEZs under joint-venture partnerships. In July 2017 U Set Aung, deputy governor of the CBM, told local media that authorities were considering allowing foreign banks to offer retail services as part of the broader lifting of restrictions, though no formal plans have been announced.

Other international banks that are operating in SEZs include Bangkok Bank from Thailand; United Overseas Bank, which is based in Singapore; Malaysia's Maybank; Industrial and Commercial Bank of China; State Bank of India; Taiwan's E Sun Commercial Bank; the Australia and New Zealand Banking Group; and the Joint Stock Commercial Bank for Investment and Development Vietnam.

European and North American banks are notably absent from this group, however, there are some present in the fourth category overseen by the CBM: foreign banks with representative offices in Myanmar. As of early 2018 there were 49 international banks in this category, which notably included France's BRED Banque Populaire, Qatar National Bank and London-based Standard Chartered Bank.

**In Figures**

In terms of overall market share, the CBM figures for March 2017 showed the four state-owned banks had 39.1% of total assets, amounting to MMK17.3trn ($13.2bn), while the private or partly private banks had a 60.9% share, totalling MMK26.9trn ($20.5bn). The total assets of the foreign banks at that time stood at MMK4.6trn ($3.5bn), or some 9.4% of the total MMK48.8trn ($37.3bn) of banking assets. In terms of branch density, West Yangon was the best served region as of mid-2016, with more than 20 branches per 100,000 people. Other areas that also had a higher-than-average density included East Yangon, Muse, Det Khi Na and Kawthuong, all of which had between five and 10 branches per 100,000 inhabitants. The least-served areas tended to be in the north-west of the country, where three provinces had no branches at all.

The sector is supported by statutory bodies, notably including the Myanma Banks Association (MBA), which was established in 1999 to be the country's official liaison with international counterparts like the ASEAN Bankers Association. Almost all domestic banks are members of the MBA, with the exception of state-owned MEB, MICB and MADB.

Working within the MBA, the Myanmar Institute of Banking was formed in 2002 to provide sector training ***programmes***, including part-time and full-time diplomas. Foreign banks and development organisations, such as Germany's GIZ, have contributed to these courses, as has the Yangon University of Economics (YUE). YUE offers a master's degree ***programme*** in banking and finance - which is often oversubscribed - and also supports other academic and training institutions in their banking courses, such as those provided by the Myanmar Institute of Finance and the Myanmar Institute of Business.

Another important sector body is the is the Myanmar ***Payment*** Union (MPU), which was formed in 2011 to act as the national electronic ***payments*** and ATM network for retail operations. The MPU became a public limited company in 2015, and is now jointly owned by 23 domestic banks.

**Chequered Past**

Banking in Myanmar dates back to the British colonial period, with the first lender, Indian Presidency Bank of Bengal, beginning operations in 1861. Following independence in 1948, the sector developed rapidly to become one of the most advanced in the region, accounting for around one-third of GDP by 1962. In that same ***year***, however, the revolutionary government took over and nationalised the banks as part of its socialist overhaul of the economy. The People's Bank of the Union of Burma became the sole, state-owned bank, with three demonetisations also occurring between 1964 and 1987. The last of these caused such political chaos that a new regime gained power and abandoned the purely socialist path in favour of a more market-oriented approach.

Following this changeover, private banks began re-emerging from 1992, but for the most part the system remained highly centralised and state-controlled. The majority of current banking officials gained much of their experience in this era, rather than in a fully market-oriented period, which has had lasting effects that can be felt today, as there are significant capacity issues hindering the transition towards a more liberalised sector.

Despite strong growth in the ***years*** that followed - with Myanmar escaping the worst effects of the 1997-98 Asian financial crisis - a major crash occurred in 2003. Trouble started when a number of trading companies, which had been acting as informal financial institutions thanks to a loophole in the law, collapsed. This caused banks to call in loans in order to maintain liquidity, which severely depressed economic growth, hurting many businesses and citizens. It also failed to save the banks, with three eventually closing. Furthermore, the crisis affected the public's trust in the country's banks and financial sector more generally.

After this crisis, the CBM brought in a series of restrictive measures designed to ensure such contagion would not occur again. Stricter controls on lending and capital requirements continued until 2011, when a new president, U Thein Sein, introduced a range of liberalisation measures and reforms. In this period, foreign banks began re-engaging and multiple sector expansions took place: the Yangon Stock Exchange was founded in October 2015, the state insurance monopoly was broken up, a series of new laws on banking, microfinance and exchange rates were passed, and there was an easing of the more conservative regulations. In 2016 the NLD came to power, promising further liberalisation, with the creation of a modern banking sector being a cornerstone of its economic ***programme***. Acting on these promises, Parliament passed the new Financial Institutions Law in early 2016 (see analysis).

**Boosting Inclusion**

According to the IMF, Myanmar's GDP for 2016 was $64.4bn, while GDP per capita was estimated to be $1232. Although this is still relatively low, it is roughly similar to the levels seen in countries such as Vietnam, China and Thailand, before they embarked on systematic economic reform. With this in mind, there is the potential for higher personal incomes in Myanmar, particularly given the relatively strong GDP growth trajectory, which reached 6.1% in 2016 and 7.2% in 2017, according to the IMF. Looking ahead, the IMF expects GDP growth to expand further to 7.6% in 2018 and 7.5% in 2019. While this is positive, directing income through the banking system remains a challenge. Recognising that the vast majority of the population remains unbanked, the UN Capital Development Fund, the Livelihoods and Food Securities Trust Fund and Myanmar's government came together to form Making Access Possible (MAP) Myanmar in 2014, which subsequently launched the Financial Inclusion Roadmap 2014-20.

MAP's researchers found that although 30% of the population had formal access to financial services, only 6% had access to more than one product. The percentage of adults with a bank account in their own name was even less at just 5%, while 2% had a debit card. The roadmap found that even though the 23 banks operating at the time had 6.7m clients between them, making them the biggest financial intermediaries in the market, there were many other players as well. These included 153 microfinance institutions (MFIs), which served 700,000 people; 7562 financial co-ops, with 900,000 clients; 13 insurance companies with 1.3m customers; and 2026 regulated pawnshops, which served 3.1m people.

At the same time, there is a large informal sector providing loans, with the study suggesting informal enterprises accounted for around 21% of all access to finance. Self-financing and friends accounted for a further 30%, and around 19% of the population was completely excluded from any source of financing.

**Electronic Finance**

Myanmar is still a largely cash-based economy. A 2016 study by GIZ, a sustainable development fund, showed that 100% of government ***transfers*** and utility bill ***payments*** were made in cash in Myanmar, while the same was true of almost all salary ***payments***. This was well above ASEAN averages, which are around 90% for utilities, 45% for government ***transfers*** and 65% for salaries. Cash ***payments*** are cumbersome and more vulnerable to theft and money laundering. Boosting access to electronic banking systems therefore has important implications for transparency and accountability. Some 21 of the country's 28 banks have joined the Society for Worldwide Interbank Financial Telecommunication network - a system that ensures reliable international electronic ***payments*** - but there is still a long way to go to moving Myanmar away from hard cash.

The roadmap has a target of increasing the percentage of people with formal access to financial services to 40% by 2020. In order to achieve this, the CBM and the other banks will have to overcome widespread negative perceptions among the population. These stem from past financial crises as well as damaging scams that are still present in the market, with Myanmar suffering from several Ponzi schemes in recent ***years***. The new Financial Institutions Law should help make banking products more appealing, as it sets clear public disclosure obligations for banks, while also establishing some important processes that are set to enhance the usefulness of bank services to individuals and businesses.

**Lending**

Allowing banks to issue non-collateralised loans has been suggested as a means of easing credit, with the proposal mooted by U Soe Thein, deputy governor of the CBM, in November 2017. Traditionally, banks have required prospective borrowers to provide collateral, usually in the form of real estate, although in the past gems and precious metals, such as jade or gold, were also commonly used. This requirement often proves difficult for the majority of individuals and businesses, leading to bank loans being concentrated in the hands of the wealthy and property owners, a relatively small group given the country's difficult history. "The problem is that if you don't own real estate you can't expand your business," Thiri Thant Mon, managing director of consultancy Sandanila, told OBG. "It also ties the banking sector too much to real estate, meaning that a depressed real estate sector also creates concerns over bad debt."

One reason for the insistence on collateral is that there is no central credit bureau. Unable to check the past performance or other outstanding loans of a potential borrower, banks tend to seek tangible assets to offset risks. Further compounding the problem is the practice of banks issuing loans that are equivalent to a maximum of half the value of the collateral, which constricts business growth. In mid-2016 the MBA signed an agreement with Singapore's NSP Holdings to set up a joint venture credit bureau, though this development appears to still be in its early stages. The passage of the Financial Institutions Law was a crucial first step in establishing such a bureau, as the previous Bank Secrecy Act had prevented financial institutions from sharing information with third parties. This law has amended this restriction to allow the CBM to authorise and regulate a credit bureau. In March 2017 the CBM published guidelines for the establishment of the credit bureau, with officials stating that it may begin operating in 2018. This would clearly be an important move forward, although more work would be needed to assuage concerns over its reliability and the quality of its information on borrowers.

**SME Growth**

Although the removal of the collateral obligation would be unlikely to lead to a major increase in loans in the short term, especially without a central credit bureau in place, it would still be a welcome move for small and medium-sized enterprises (SMEs) in particular.

There are around 100,000 SMEs in Myanmar, representing roughly 95% of all enterprises in the country. Developing SMEs and incorporating more of them into the formal sector is one of the government's priority objectives. To achieve this, authorities are working to raise the transparency of SMEs, foster better reporting practices among non-financial businesses and increase their access to credit. The government's SME Development Law of 2015 defined what constitutes an SME for the first time as well as set up institutional infrastructure to assist these enterprises and provide them with a support fund and an array of tax incentives. For the country's banks, SMEs present both opportunities and challenges. For one, their size often precludes the necessary access to collateral. In addition, it is common for SMEs to lack formal accountancy methods and proper records of their finances. For SMEs, applying for a bank loan is usually a complex process, and the limited durations of smaller loans can cause problems with repayments.

As a result, most banks offer commercial loans on much the same basis as private loans, usually in the form of: bullet loans, which involve quarterly interest ***payments*** and full repayment of principal at the end of the term, generally one to three ***years***; hire-purchase loans, often used to acquire cars, consumer goods and electronic equipment, where the wholesaler carries part of the repayment risk; and overdraft facilities, which banks have typically allowed to roll over indefinitely, though this is set to change within the next three ***years*** under new regulations that will force banks to ensure overdrafts are cleared for a period of two full weeks on an annual basis. Some banks, such as KBZ Bank, have recently introduced specific SME loans, but most SME owners still have to rely on personal connections, loan sharks, savings and re-invested profits to finance their businesses. This scenario acts as a substantial weight on both banking and business growth.

**Microfinance**

ne area that could fill the gap in the SME and personal banking markets is microfinance. Historically, the growth of MFIs in Myanmar has been relatively subdued compared to neighbouring countries, largely because of restrictive regulations. Until recently, MFIs were forbidden from borrowing from domestic banks, while interest rates for dollar loans were limited to 8%. The Microfinance Law of 2011 formalised the status of MFIs, but the legislation still limits the segment somewhat to a rural development role. There is a maximum loan cap of MMK5m ($3820) and at least 50% of an MFI's portfolio must be extended in rural areas. Moreover, MFIs that take deposits must have a minimum paid-up capital of MMK300m ($229,000), while non-deposit taking ones have a minimum of MMK100m ($76,400), with a minimum solvency ratio of 12% and a minimum liquidity ratio of 25%. Interest rates are set by the Ministry of Finance, though the current rates - which enforce a 30% maximum for loans, a 15% minimum for compulsory deposits and a 10% minimum for voluntary deposits - make profitability a challenge. However, surveys have consistently shown that there is high demand for micro-loans, meaning that the segment has potential should the current regulatory restrictions be relaxed.

**Setting The Rate**

Interest rates pose another barrier to entry in the formal banking sector. Indeed, 32% of respondents in a 2014 survey conducted by Deloitte stated this was the top finance-related barrier for businesses in Myanmar. Rates are set by the CBM and all banks - whether state, private, domestic or foreign - must adhere to them. Moreover, the CBM enforces multiple restrictions on the autonomy of the banks to price risk and offer unique products. These limitations have far-reaching implications on the sector, with the IMF noting in its Article IV consultation that: "With bank lending rates capped at 13%, banks have little incentives to lend to MFIs given the high risks involved in microfinance."

The range of products that banks can offer, however, is still fairly wide. Banks may issue: commercial loans, development loans and overdrafts; time, savings, demand and call deposits; savings certificates; hire purchase and/or leasing agreements; debit cards, credit cards and co-brand cards; mobile banking services; foreign banking services; and domestic and international remittances. While the CBM rate is currently set at 10%, there is a minimum bank deposit rate of 8% and a maximum of 13%, with all banks effectively offering this highest rate. The loan period is usually restricted to one ***year***, meaning that most borrowers are obliged to roll over their loans on an annual basis. Two exceptions to this are ***agricultural*** loans from MADB, which have some variable interest rates, and two-step development loans from the Japanese International Cooperation Agency to help SMEs, which six of the private banks administer and offer at 8.5% interest.

The CBM rate went down from 12% to 10% in FY 2011/12, while deposit rates fell from 12% to 8% and lending rates decreased from 17% to 13% that same ***year***, with the intention that eventually rates will be completely liberalised. The climbing inflation rate is also placing pressure on the CBM, as it had previously been considerably lower than the CBM deposit and lending rates, but in FY 2015/16 it jumped to 11.4% while CBM rates remained the same. Since then, inflation has fallen as the economy has slowed. The Central Statistical Organisation has forecast it will moderate to 7.9% for FY 2017/18, though the IMF expects it to fall to 6.1% over 2018.

For many businesses, the 13% lending rate is a major barrier to growth, yet the CBM is reluctant to lower the rate while inflation remains high. The latter is largely caused by money supply growth originating from a combination of loose fiscal policies in the past, CBM purchases of government securities to fund the budget deficit, depreciation of the currency pushing up the price of imports and external factors, such as recent flooding pushing up food prices. The government has been tackling some of the structural elements in this list - including cutting its expenditure and trying to boost state revenues to reduce the deficit - with some success.

The government has been working to keep the deficit under 5% of GDP. In October 2017 it was around 4.4%, down from 4.9% a ***year*** before. However, these efforts to rein in the budget have further restricted economic and credit growth, with the CBM having limited room to manoeuvre interest rates, including liberalising them. This is a challenge for the banks, which in the meantime have to offer identical products at identical rates.

**International Banks**

This limitation also has some bearing on foreign banks operating in the country. These are restricted to one location each, with their branch only able to open if it has a paid-up capital of at least $75m. In addition, foreign banks may only engage in wholesale banking. They may grant loans and take deposits from foreign corporations and domestic banks operating in the country, using either Myanmar kyat or foreign currencies, and can also work with a local bank to disburse loans to local companies, via a syndicated loan extension ***programme***. However, the main function of foreign banks in Myanmar is to participate in the local interbank market, assisting domestic banks with loans and engaging in foreign-exchange transactions, while also acting as a recognisable institution to foreign companies operating in Myanmar.

At some point foreign banks may be allowed to engage in retail business, but for the time being this is still some way off. Many businesses would welcome foreign bank participation, particularly as they may be able to leverage their international positions to provide cheaper loans, should interest rates become liberalised. The CBM and the government have signalled that a change in the rules may be on its way, but for now authorities are cautious about opening the sector due to concerns over the possible impacts on overall financial stability. Partnerships with local banks may prove to be the best way forward, as they can provide knowledge ***transfers*** and capacity-building benefits, as well as helping to boost capital within the domestic sector.

**Growing Credit**

For all the difficulties businesses face in obtaining loans, credit growth continues to be substantial, albeit from a relatively low base. According to CBM statistics, the sector's total loans stood at MMK5.4trn ($4.1bn) in June 2013, split between MMK998.4bn ($762.6m) from state banks and MMK4.4trn ($3.4bn) from the private and semi-government banks. By June 2017 the total had risen to MMK19.5trn ($14.9bn), of which state banks held MMK2.8trn ($2.1bn) and private banks held MMK16.7trn ($12.8bn). This gives a compound annual growth rate of some 37.9%.

Such rapid growth poses macroeconomic risks, but the rate has slowed slightly in recent times. In March 2017 the IMF reported a ***year***-on-***year*** rise of 34%. The absence of prudential data and concentration risk were noted by the fund as causes for concern in its January 2017 Article IV consultation, along with "ever-greening" practices, where banks keep companies afloat by lending them enough to make their interest ***payments***, thereby concealing bad debt. The concentration risk has mainly been caused by the large sums of bank lending that have been to extended to the trade and construction sectors, with both of these experiencing a slowdown in 2016. In addition, state-owned banks are in need of substantial reforms in their operating practices. These banks are systemically important in the economy and have large deposit bases, but they lack modern banking methods and experience.

**Leapfrogging**

Technology can provide a rapid means of improving services, while also promoting inclusion and transparency. The new mobile banking law means that customers are now able to access a range of financial services from their smartphones. In terms of other digital developments, banks have been investing in growing their ATM networks, debit card distribution and online services.

ATMs and point-of-sale (POS) terminals were first installed in Myanmar after the formation of the MPU in 2011. Now, all cardholders with MPU member banks can access their funds from any ATM in the network. Withdrawal limits are fixed at MMK300,000 ($229) per transaction and MMK1m ($764) per day. MPU cards can also be used at POS terminals and for purchases made online, though their main usage continues to be cash withdrawals from ATMs.

Figures for March 2016 counted some 1686 ATMs installed nationwide, along with 2839 POS machines. According to World Bank data, there were 2.7 ATMs per 100,000 adults in Myanmar in 2016, which is one of the lowest ratios in ASEAN. By comparison, Vietnam and Thailand had ratios of 24.5 ATMs and 113 ATMs per 100,000 people, respectively. As a result, ATM terminals have been targeted for development by manufacturers such as NCR and Diebold Nixdorf, which are in the process of competing for business. ATMs that have more sophisticated features - including remote video-enabled assistance, foreign-exchange conversion and cash recycling - offer the possibility of extending a bank's network without having to provide physical branches, in turn helping to boost financial inclusion.

The next steps may include enabling machines to accept biometric recognition, which could obviate the need for debit or ATM cards altogether. Such technological improvements may also help banks compete against mobile money firms, which are partly bypassing not only bank branches, but ATMs as well. The cash-based nature of most transactions will, however, likely means that the demand for ATMs is set to remain strong for the time being.

**Outlook**

Although the sector has made great strides in recent ***years***, it is still very much a young, evolving market. As such, there will need to be more coordinated reforms to overcome interlinking challenges. This will require a strategic approach by the government and the CBM, as well as the banks and other financial institutions. The pressure for more change appears set to continue in the ***year*** ahead.

In the short term banks will likely remain restricted in the services they can provide, their overall liquidity and ability to expand. Foreign banks, meanwhile, will have to wait until the domestic sector is brought onto a more level playing field before their restrictions on operations are eased. Nonetheless, the potential for growth remains strong, with banks having the opportunity to capture the sizeable unbanked population. Other Asian countries started out in a similar place, but have gone on to become some of the world's most dynamic and lucrative banking markets. It may take some time to arrive to that point, but Myanmar is on the right course.

**Load-Date:** March 12, 2020

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[***BRIEF NEWS BULLETIN NO. 10411***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5S6C-08Y1-JDKJ-12YR-00000-00&context=1516831)

HINA Digest

27 April 2018

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**Length:** 11989 words

**Body**

Zagreb, 27 April 2018 (Hina) - National Reform ***Programme*** for 2018 endorsedZAGREB, April 26(Hina) - Croatia's government on Thursday endorsed a National Reform ***Programme*** for 2018and a three-***year*** convergence planwith three main goals: boosting thecompetitiveness of the national economy, making the education system congruent with the needs of the labour market, and making public finances sustainable.Outlining the documents at his cabinet's meeting in Zagreb, Prime Minister Andrej Plenkovic said that now was the right time to implement structural reforms."These goals are based on the government's political platform and are in line with the recommendations made in the European Commission's reports. We want this document to trigger many reforms in 2018 and in the first half of 2019," Plenkovic said.The document includes 59 measures for 11 reform areas.Plenkovic went on to say that the ministers were aware of strategic priorities and that economic growth and other macroeconomic indicators were favourable.He said that he expectedone more excellent tourist season that would give an additional impetus to the national economy.National reform plan to ensure further growth, more jobs, lower taxesThe National Reform ***Programme*** for 2018is designed to ensure growth, employment and better living standards as the government's priorities.The convergence plan projects Croatia's growth at 2.8% in 2018and 2.7% in 2019, while a growth rate of 2.5% is expected for 2020 and 2021.When it comes to the budget for this ***year***, the government is sticking to its original plan that envisages a budget deficit-to-GDP ratio of 0.5%. This ratio is expected to contract to 0.4% and zero in 2019 and in 2020 respectively.

In 2021 Croatia plans a budget surplus of 0.5%.Concerning the public debt, the baseline scenario for its reduction envisages economic growth and state property consolidation and activation.The government is set to cut the debt-to-GDP ratio to 66% by the end of its term, while the government's ***programme*** initially put this ratio at 75%.At the end of 2017, Croatia's public debt-to-GDP ratio was 78%. It is expected to fall to 75.1% in 2018, 72.2% in 2019 and69.1% in 2020, while in 2021 it is expected to drop to 66%.The government is determined to cut the cost of interest on the country's borrowing to below two percent of GDP. In 2015, the cost of interest amounted to 3.3% of GDP, and in 2017 it fell to 2.7%.The Reform ***Programme*** defines the state of affairs and plans regarding the implementation of the government's key structural policies, while the Convergence ***Programme*** defines the key characteristics of macroeconomic and fiscal policy frameworks.The government must send the National Reform ***Programme*** and the Convergence ***Programme*** to the European Commission by the end of April.These activities are part of the process of mandatory reporting and adjustment of EU member countries' fiscal policies to the jointly defined goals and regulations of the EU, and non-compliance with them results in sanctions, including the freezing of EU funds.Transport sector to be overhauledThe National Reform ***Programme*** includes the restructuring of the transport sector, that is, of roads and the state-owned HZ railway operator, the search for a strategic partner for Croatia Airlines, and regulations on the maritime domain and land for tourism purposes, on which bills are being drafted.With regard to the restructuring of the railway sector, a comprehensive ***programme*** is being prepared to improve the operation of HZ Infrastruktura and HZ Cargo. Similar to the road sector, a project for the railway sector is being prepared with the World Bank.The National Reform ***Programme*** also envisages a reform of the state administration and a bill on that matter is being fine-tuned, which means that there is a plan to open dialogue with the social partners. The new legislation on the state administration reform that is being worked on also envisages depolitisation of the state administration as well as regulation of government employees' salaries.The new legislation envisages the introduction of 12 salary brackets and provides for promotion based on performance, which will be evaluated. The new laws also envisage one-off rewards as well as the possibility of demotion.The government is expected to prepare amendments to the legislation on pension insurance and retirement that envisage raisingthestatutory retirement age to 67 for both men and women through gradual but accelerated changes.Gov't to continue tax reform, carry out comprehensive pension reformZAGREB, April 26(Hina) - A comprehensive pension system reform with the statutory retirement age being gradually raisedto 67, further easing of the tax burden and removal of administrative barriers, the continuation of the merger of hospitals and the establishment of a national clinical hospital for children as well as new legislation on public sector workers'salaries are some of the measures in a 130-page National Reform ***Programme*** approved by the Croatian government on Thursday.With regard to public finances, Minister Zdravko Maric pointedout the reforms in his sector would go in two directions - further reinforcement of the budget framework and planning and the continuation of the tax reform.Taxes and the administrative burden will be further reduced, Maric said, announcing the preparation of a set of pertinentmeasures until summer recess so that the necessary legislation could be adopted in the autumn and go into force on 1 January 2019.The reform ***programme*** envisages the strengthening of the State AuditOffice andthe adoption of new fiscal responsibility legislation and a new budget law by the end of this ***year***.In response to questions from the press, Maric said that the ***programme*** did not include plans for introducing a property tax.A tax of this kind has not been on the agenda since last ***year***, and the intention is to advance the system of collection of utilityfees (municipal taxes), Maric explained.Comprehensive pension reform to be included on agendaLabour and Pension System Minister Marko Pavic said that the purpose of the planned pension system overhaul was to make it sustainable.Explaining why it wasnecessary to extend working life, Pavic said that only 1 in five retirees (19%) have worked full ***years*** of service (40 ***years***) before retiring.Furthermore, Croatia'spensioner-to-worker ratio is a mere 1:1.19, he underscored.The minister announced the overhauling of the Employment Agency, with the focus being on measures to deal with those who have been out of work for a long time. A total of13 billion kuna from the European Social Fund has been made available to Croatia to address the marginalised on the labour market.Minister says pension ***payment*** not at riskZAGREB, April 26(Hina) - Labour and Pension System Minister Marko Pavic said at a government session on Thursday that pension savings in compulsory pension funds would definitely be paid out and that those pension insurance funds were not at risk in the context of their exposure to Agrokor shares.The government adopted reports on the work of four compulsory pension funds in 2017, with the value of their assets totalling almost HRK 93 billion.The AZ compulsory pension fund had the highest assets amounting to close to HRK 36 billion, followed by Raiffeisen, with assets worth HRK 28.5 billion, PBZ with HRK 15 billion, and Erste with assets amounting to HRK 12.7 billion."The funds operated successfully. As for media reports about pensions being at risk due to exposure to Agrokor shares, we must say that pensions are absolutely safe, their ***payment*** is beyond question. Agrokorshares account for less than0.5% of the funds' assets, so theirinvestments are safe, and domestic bonds account for 73% of the investments," said Pavic.The government also endorseda decision to make a national spatial development plan designed to make sure thatspatialdevelopment is in line with the government's economic, social and environmental principles, spatialsustainability, andthe preservation of spatial capacity on the land andat sea.The plan is to be adopted by the end of 2019 at the latest.Gov't adopts final bill on state assets managementZAGREB, April 26(Hina) - The Croatian government on Thursday sent the final bill on the management of state assets to parliament for consideration, with State Assets Minister Goran Maric saying that the new legislation would have an impact on employment and GDP growth."The existing legislation on state assets management hasresulted in state assets having beenneglected, destroyed and seized over a long period of time. The final bill on state assets management is designed to protect and activate state assets," Maric said.Hesaid the bill would have a direct positive impact on GDP, employment, budget revenues, and the amount of public debt, as well as on demographic revival.Among other things, the bill is designed to explicitly define what constitutes state assets that aremanaged by the State Assets Ministry and the Restructuring and Sale Centre (CERP) and define more clearly responsibilities in the management of those assets.Under the bill, the ministry would be managingcamping site facilities regardless of whether those sites are located in a construction zone as it has been found that the management of those facilities is currently unsatisfactory.The bill also proposes that the ministry should manage farmland converted to serve for the construction of golf courses, hotels, camping sites and other establishments providing tourist, sports and recreationservices.Under the bill, all decisions on the management of state assets whose value exceeds HRK 7.5 million will be made by the government while decisions concerning less valuable property will be made by the state assets minister.The bill is designed to help putto use properties with unresolved property-rights relations such as Socialist-era holiday establishments on the coast by renting them out for longer periods of time.The bill also regulates the use of property temporarily seized in criminal proceedings, whereby the relevant directives of the European Parliament and the Council of the EU are being transposed into the Croatian legislation.One of the main novelties of the bill is that all real estate owned by Croatia which on 1 January 2017 served as schools, community health centres, hospitals and other institutions founded by local government units used for educational and health purposes, as well as cemeteries, mortuaries, monuments, parks, playgrounds, sports and recreation facilities, community centres, fire brigades, memorials and market places, would be registered as the property of local government units.The bill also envisages compensating local government units for the amount they had to pay to physical persons in line with court rulings as compensation for the land which was seized from them during the Yugoslav Communist rule and which became Croatia's property under special regulations.Minister Maric said that ten major projects designed to reactivate state property that was not being used and that wasvalued at more than HRK 10 billion, would be prepared by 2020."A single register of state assets will be introduced as will the obligation of medium-term planning by companies of special interest to the state," said Maric.Reforms under way in 4 segments of science and education system, says ministerZAGREB, April 26(Hina) - Science and Education Minister Blazenka Divjak told reporters on Thursday that reform processes in the sectors of science and education were being implemented in four areas, describing those processes as major headway."The experimental stage of the curricular reform is about to begin in 72 schools. Work on that is very intensive and teacher training is currently under way," Divjak told reporters.In the area of vocational education, a dual education pilot project is being launched, the minister said."As for the system of higher education, we have been working more on the relevance (of the education offer) by applying the Croatian Qualifications Framework and on new ***programme*** agreements for universities. As for science, we have focusedon ***programmes*** that promote excellence," she said, noting that thesewere not small changes.EUR 1bn expected to be invested in Croatian tourism industry this ***year***, mostly in hotelsZAGREB, April 26 (Hina) - Nearly a million euros is expected to be invested in the Croatian tourism industry this ***year***, which is 15 percent more than last ***year*** and 40 percent more than in 2016, and most of the investment will go towards 4- and 5-star hotels, Tourism Minister Gari Cappelli said on Thursday.Cappelli was speaking at the start of the 24th international conference "Tourism and Hospitality Industry 2018: Trends and Challenges", organised by the Faculty of Tourism and Hospitality Management in the northern Adriatic town of Opatija.The minister said that Croatia was never better ranked on the world tourism map and that tourism was important for the whole national economy. He said that 2017 was a record tourist ***year*** and that 2018 got off to a good startwith double-digit increases in the numbers of tourist arrivals and overnight stays."A considerable portion of the government's objectives in tourism have been realised, Croatia is a hit destination, but it needs to strengthen its position in global tourism," Cappelli said.Stressing the importance of investments and innovations in the hotel sector, Cappelli said that under the strategy for tourism development by 2020, about 2 billion kuna would be invested in the construction of new hotelsand new hotel facilities.Hotels generate 24 percent of all overnight stays, and according to the latest survey, visitors stay in hotelssix to seven days on average and their daily spending is 55 percent higher than that by visitors staying in other accommodation facilities.Speaking of a labour shortage in the tourist industry, Cappelli said that one of the developmental goals was to adjust the national education system to the tourism and hospitality industry, adding that his ministry had earmarked 500 million kuna for the development of regional centres of competence.Grcic (SDP): 2.5% growth not enough to lift Croatia from bottom of EU rankingZAGREB, April 26 (Hina) - Social Democratic Party (SDP) member of Parliament Branko Grcic said on Thursday that the growth rates projected by the government in its convergence ***programme*** were not enough to ensure a real rise in living standards and lift the country from the bottom of the EU ranking."Economists and the business community agree that the growth rate of a mere 2.5 percent is not big enough, and that's the key problem that is pushing Croatia to the bottom of the EU ranking," Grcic told a press conference during a visit to Bjelovar, about 80 kilometres northeast of Zagreb.The government's convergence plan projects growth of 2.8% in 2018, 2.7% in 2019, and 2.5% in 2020 and 2021.Grcicwarned that Croatia had used only 10 percent of the 10.7 billion eurosat its disposal in EU funds."We are getting close to the middle of the fifth ***year*** of seven ***years*** during which we are allowed to use these funds, and we have used only 10 percent, despite the efforts by the government to conceal this fact. Besides, all major projects currently being financed from the EU treasury were prepared or arranged by the SDP government of Prime Minister Milanovic, including the construction of the Dugo Selo - Krizevci railway line and the Peljesac bridge," Grcic said.PM calls on social stakeholders to attend official state commemorationsZAGREB, April 26(Hina) - After representatives of some of Croatian minority communities recently boycotted the central state commemoration for the victims of the World War II Jasenovac concentration camp on April 22, Prime Minister Andrej Plenkovic on Thursday called on all social stakeholders in the country, notably politicians, to attend central state commemorations and make effort so "that in the future we could have a single commemoration at Jasenovac."Addressing a government session, Plenkovic said that a state delegation this past Sunday paid tribute to all victims of Nazism and Fascism and that the government's position on the matter was very firm and clear."We reiterated that once again on Sunday,and we will continue doing so in the future," he said.For the third ***year*** in a row this past Sunday representatives of the Coordinating Committee of Jewish Communities of Croatia, the Serb National Council and the Association of Anti-Fascist Fighters and Anti-Fascists of Croatia boycotted the central state commemoration for the victims of the Ustasha-run concentration camp and honoured the victims at their own, separate commemorations.They said that their non-attendance at the commemoration was due to the downplaying of Ustasha crimes, for which they believe the state authorities share the responsibility.Zagreb City Council fails to adopt waste management planZAGREB, April 27 (Hina) - A waste management plan put to the Zagreb City Council by Mayor Milan Bandic on Thursday was not adopted as a majority of councilors voted against the proposed plan, with 15 votes in favour, 25 against and 7 abstentions.About a hundred citizens and NGOs held a protest rally outside the Zagreb City Council on Thursday to voice their opposition against the proposed waste management plan.The protesters were joined by several members of parliament, including Gordan Maras from the Social Democratic Party, Nikola Grmoja and Marko Sladoljev from the Bridge party and Branimir Bunjac from the Human Shield party.Marko Kosak of the Green Action told reporters that they objected to the proposed plan because it would not be sufficient to advance the existing waste management system."More than a billion kuna is being invested in processing waste instead of in recycling it," Kosak underscored.He said that the plan was obviously Mayor Milan Bandic's doing and that it was not in the public interest and was detrimental to environmental protection in Zagreb."The city of Zagreb is one of the worst capitals in the European Union with regard to waste management and this plan won't change that. Citizens are paying unfair and unlawfulmonthly bills, waste is being thrown into the streets all over the place. Instead of investing in this, to change things, the mayor is once again investing in waste processing and transportation and in murky dealings with waste," Kosaksaid at the protest.Unions opposed to privatisation of primary healthcareZAGREB, April 26(Hina) - The SSSH and MHS trade union federations on Thursday appealed to the Health Ministry and governmentto refrain from privatising primary healthcare which has been announced through the Healthcare Bill and called on citizens to express their opposition to the bill being adopted, whichthe unions claimwill affectthe availability of healthcare services.We appeal to the government and Health Ministry, to Prime Minister Andrej Plenkovic and Health Minister Milan Kujundzic to refrain from its insane intention to privatise the healthcare system, SSSH leader Mladen Novosel told a press conference."We want reforms to be implemented, but those in which competent people in the health ministry will know how to manage Croatia's health system and not those who aren't capable of organising anything, who can't even secure that doctors have even the basic conditions to work and to earn decent pays, and who in this way wish to resolve the problem of doctors leaving Croatia," Novosel said.He warned ofthe danger of introducing private practices - doctors are becoming private businesses aiming for a profit, healthcare will be less accessible, particularly in smaller towns and on the islands and health clinics will become empty because private doctors will be able to open their offices wherever they wish."Once again we appeal for reason and political will by the government, not to make the same mistakes as in the 1990s with the worst example of transition and privatisation. In 1997, the system's privatisation was introduced through the back door.Firstly with the introduction ofleases and later concessions in primary healthcare and now, 20 ***years*** later, Kujundzic wants to end that job with the complete privatisation of primary healthcare," Novosel said.Croatian and Slovenian unions to cooperate in quality job creationZAGREB, April 26 (Hina) - The Croatian Federation of Autonomous Trade Unions (SSSH) and the Slovenian Association of Free Trade Unions (ZSSS) on Thursday signed a joint declaration on quality jobs, undertaking to actively participate in the further development of an inclusive labour market and quality job creation.The declaration was signed by SSSH leaderMladen Novosel and his ZSSS counterpart Lidija Jerkic at the Bregana-Obrezje border crossing point as part of the 12th SSSH-ZSSS meeting held under the motto "Trade Unions Without Borders".They noted that EU countries with the best results in reducing unemployment and establishing sustainable social security systems had the most quality jobs.Novosel called for an end tothe rising trend of insecure and underpaid work. "We don't agree that any job is a good job," he said, adding that well-organised and functioning labour markets provided quality jobs, along with social inclusion and combating all forms of discrimination.Jerkic said close cooperation between the trade unions was necessary because workers on both sides of the border were facing the same problems. Cooperation is all the morenecessary as new forms of labour are putting workers in an even more dependent position, she concluded.One month detention set for young hacker from ZapresicZAGREB, April 26, 2018 (Hina) - A 19-***year***-old Croatian who owns theworld's biggest illegal web server for cyber attacks, Webstresser.org, was given month-long detention for fear of repeating the crime, according to sources atthe County Court in Velika Gorica.The 19-***year***-oldwas arrested on Wednesday and reportedfor cyber crimes, which carries a sentence of one to eight ***years*** in prison.Webstresser.org is the world's biggest online service where users can rent DDoS (Distributed Denial of Service) cyber attackservices to attack owners of web sites across the world. With more than 136,000 registered users and four million cyber attacks, until April 2018 Webstresser posed the biggest threat to key online services offered by banks, the business sector and state institutions around the globe.This way he allegedly illegally gained163.75124693 bitcoins worth approximately HRK 1.45 million.Granic reiterates Hypo Bank deal was arranged by SanaderZAGREB, April 26, 2018 (Hina) - Former foreign minister Mate Granic on Thursday testified at the retrial of former prime minister Ivo Sanader in the Hypo Bank case, reiterating his previous testimony, namely that Sanader, who is on trial for war profiteering over the alleged bribe taking, was in charge of negotiations with Austrian Hypo Bank about a loan to Croatia for the purchase of embassy residencies in the mid-1990s.Ivo Sanader, a former deputy foreign minister and former prime minister, is charged with having received HRK 3.6 million kuna in kickbacks for the loan agreement with the Hypo bank when he was Granic's deputy."I fully stand by my testimony from November 2011 and I am prepared to answer any question," Granic said after his previous testimony was read to him in court.At the request of Sanader's defence team, Granic repeated the chronology of the deal with Hypo Bank. He recalled that everythingstarted with a letter from Austrian Foreign Minister Alois Mock who notified him that "an ambitious bank from Carinthia waswilling to grant a loan to Croatia for the purchase of buildings for its diplomatic mission."It was a time when there were no foreign banks on the Croatian market and the government could not obtain a loan on international financial markets, he added."I did not know of that bank at the time. After that I talked to President Franjo Tudjman and Prime Minister Nikica Valentic and notified deputy Sanader to take over communicationand negotiations.According to Granic's previous testimonies, in 1999 he took out a DM 300,000 housing loan, negotiated by Sanader. Once he left politics, Granic worked as a consultant for Hypo Bank and received EUR200,000 for his services.Sanader's defence again objected to the veracity of Granic's testimony.Sanader had been found guilty in this case, but the final verdict was quashed by the Constitutional Court in 2014 and a retrial was ordered to take place before the Zagreb County Court.Serbia declares Croatian defence minister persona non grataZAGREB, April 26(Hina) - The Serbian government has decided to declare Croatian Defence Minister Damir Krsticevic persona non grata, authorities in Belgrade reported on Thursday."The Serbian government decided at its session on Thursday to adopt reciprocal measures against Croatia, under which Croatian Deputy Prime Minister and Defence Minister Damir Krsticevic is not welcome to Serbia until further notice," the government said in a press release.It said this was a reciprocal measure to counter the Croatian Foreign and European Affairs Ministry's decision of 21 April declaring Serbian Defence Minister Aleksandar Vulin persona non grata in Croatia.Serbia said that Croatia's moves are contrary to the spirit of good neighbourly relations and respect of fundamental European values that include freedom of movement,the statement said.The press release goes on to say that the Serbia government remains committed to building good neighbourly relations with Croatia, refraining from steps that could deteriorate relations with the neighbours.Krsticevic: Serbian government's decision unwarrantedZAGREB, April 26 (Hina) - Croatian Defence Minister Damir Krsticevic said on Thursday that the decision by the Serbian government to declare him persona non grata was unwarranted, adding: "I never offended anyone or said something that was not true. I never went to Serbia or said anything bad.""Serbian Defence Minister Aleksandar Vulin and I are worlds apart. I am focused on developing and strengthening the Croatian military, strengthening the homeland security system in the interest of Croatia. In my job I am always guided by values, by my responsibilities, and most importantly, I never do to others what I wouldn't want others to do to me," Krsticevic told reporters in Zagreb when asked to comment on the Serbian government's decision to declare him persona non grata. "I was like thatduring the Homeland War, after my forced retirement and when I worked in the private sector, and now as defence minister," he added.The Serbian government said in a statement on Thursday this was a reciprocal measure in response to the Croatian Foreign and European Affairs Ministry's decision of 21 April declaring Serbian Defence Minister Aleksandar Vulin persona non grata in Croatia.Krsticevic said that the Croatian decision was justified. "It was our response to provocations by Vulin, and any modern country which protects its sovereignty, dignity and national interests would do the same," he stressed."However, this decision is unjustified. It is a decision made by the Serbian government, I can deal with it, but it speaks much more about them," the Croatian defence minister said.Asked to comment on the reason for the Serbian government's decision, Krsticevic said it could be his involvement in the Homeland War as commander of the 4th Guards Brigade, or many other reasons. "What I did and what I do now is honourably servingCroatia," he said.Asked how he saw further cooperation with Serbia, Krsticevic said he was always in favour of cooperation, adding that the Croatian military was cooperating with everyone, especially with key allies the United States, the United Kingdom, Israel and Sweden."We need to cooperate. We are cooperating with our neighbours. Croatia always wants cooperation and dialogue and wants the focus to be on the future. Croatia is a member of NATO and the EU and is forward-looking," Krsticevic said.He said that he was in touch with Prime Minister Andrej Plenkovic and that he should be asked how Croatia would respond.President declines to comment on Serbia's decisionZAGREB, April 26 (Hina) - Croatian President Kolinda Grabar-Kitarovic on Thursday declined to comment on the Serbian government's decision to declare Croatian Defence Minister Damir Krsticevic persona non grata, a day before a meeting of the Brdo-Brijuni Process which is also expected to be attended by Serbian President Aleksandar Vucic.Earlier on Thursday, the Serbian government decided to declare Croatian Defence Minister Damir Krsticevic persona non grata, saying it was a reciprocal measure to counter the Croatian Foreign and European Affairs Ministry's decision of 21 April declaring Serbian Defence Minister Aleksandar Vulin persona non grata in Croatia.Grabar-Kitarovic, who is on a two-day visit to Macedonia, declined to comment on this decision.Macedonian and Croatian presidents discuss stepping up economic cooperationZAGREB, April 26(Hina) - The objective is for Croatiato become one of Macedonia's five biggest economic partners, Macedonian President Gjorge Ivanov said in Skopje on Thursday after talks with Croatian counterpart Kolinda Grabar-Kitarovic who reiterated Zagreb's support for Macedonia's Euro-Atlantic integration.Grabar-Kitarovic and Ivanov agreed that the two countries' relations are friendly without outstanding issues so a large part of their meeting focused on the strengthening ofeconomic cooperation and Macedonia's aspirations to join NATO and the EU.Croatia-Macedonia trade in 2017 totaled EUR 185.8 million, or3.8% less than in 2016. Since 2012, Croatia has recorded a surplus in trade with Macedonia, withlast ***year***'s surplus amounting to HRK 44,5 million, associates of the Croatian president said."I am confident there is unused potential for stronger economic cooperation between the two countries," Ivanov told a joint press conferencewith Grabar-Kitarovic. "The two countries' objective isfor Croatia to become one of Macedonia's five biggest trading partners," he added.Grabar-Kitarovic underscored that many Croatian companies were already doing business in Macedonia and that during her two-day visit she would hold talks withMacedonian officials about possibilities of increasing investments."I am confident there is room for further investment and expansion of trade not only in the food industry butalso in the high techsector andthe construction industry. Croatian companies are interested in taking part in the reconstruction of Macedonian roads and railways, in military and defence cooperation, military technology etc," Grabar-Kitarovic said.She underscored that Croatia's Labour and Pension System Ministry was interested in signing an agreement on seasonal employment with Macedonia, adding that there was potential for a joint presentation of Croatian and Macedonian companies on third markets.EU and NATOIvanov said he appreciated Croatia's support for the Euro-Atlantic aspirations of Macedonia, whose journey is blocked by Greece because of the two countries' dispute over Macedonia's name.He said that the case of Croatia and Slovenia showed that bilateral disputesshould not be an obstacle to memberships of NATO and the EU.Later on Thursday, Slovenian President Borut Pahor is expected to join Ivanov and Grabar-Kitarovic at a meeting of the Brdo-Brijuni Process, which will also be attended by European Council President Donald Tuskand Bulgarian Prime Minister Bojko Borisov.Also announced, but not yet confirmed, are the arrivals of the leaders of other Southeast European countries, including Serbian President Aleksandar Vucic.The Brdo-Brijuni process was launched in 2013by Slovenia and Croatia in order to further stabilise the situationin Southeast Europe through regional cooperation and solving outstanding issues.Ivanov said that the Brdo-Brijuni Process was a strong confirmation of Croatia and Slovenia's commitment to the region.Grabar-Kitarovic welcomed the European Commission's renewed focus on Southeast Europe, stronger involvement and the realisation that the EU enlargement process must continue. A summit will be held in Sofia in May to discuss the EU integration of Southeast European countries.Speaking of NATO membership, Grabar-Kitarovic said she was confident that the Croatian embassy in Skopje, which is the so-called contact point between NATO and Macedonia, would help accelerate Macedonia's path to membership and that following a solution to the dispute with Greece aninvitation would automatically be sent to Skopje.The Croatian president is also scheduled to meet MacedonianParliament Speaker Talat Xhaferi and Prime Minister Zoran Zaev on Thursday. She is also due to meet representatives of the Croat community in Macedonia.On Friday, the president is expected to meet Croatian business people and representatives of the Croatian companies in Macedonia, as well as Croatian police officers, members of the 51st Contingent of the mobile unit for monitoring the state border who have been helping their Macedonian colleagues in preventing illegal migrations since December 2015.Grabar-Kitarovic meets with Croatian community in MacedoniaZAGREB, April 26 (Hina) - Croatian President Kolinda Grabar-Kitarovic told the Croatian community in Macedonia on Thursday that Croatia would continue to help them exercise their rights."Today we have talked with Macedonian officials about you as well and we will continue these talks when it comes to the exercise of your rights, particularly the right to preserve your national heritage, language and culture," Grabar-Kitarovic said during a meeting with representatives of the Croatian minority in Skopje after meeting with President Gjorge Ivanov and Parliament Speaker Talat Xhaferi.According to the 2002 census, 2,686 people in Macedonia identified themselves as ethnic Croats, but unofficial estimates put their number at 4,000. Most of them live in Bitola and Stip, but smaller groups also live in Kumanovo, Ohrid and Tetovo, the President's Office said.Croatian language classes are taught in several Macedonian towns for about 70 students, and their number in the last four ***years*** has increased by 40 percent.On the other hand, about 4,100 ethnic Macedonians live in Croatia, mostly in Zagreb, Primorje-Gorski Kotar County and Istria County.Earlier in the day, during the meeting with Ivanov, Grabar-Kitarovic said that the minorities were a bridge connecting the two countries. She noted that the Macedonian minority is recognised by the Croatian constitution, has its representative in the national parliament, and Croatia financially supports the activities of Macedonian associations.Ivanov said that by mentioning them in its constitution Croatia was the first country "to take the Macedonians into the European Union, which is great support that is rarely emphasised."Grabar-Kitarovic said she was pleased that the joint committee for the implementation of the agreement on the protection of the minorities, which Skopje and Zagreb signed in 2007, would soon hold its third meeting, expressing hope that concrete progress would be made.Jandrokovic meets Crown Princess Victoria of SwedenZAGREB, April 26 (Hina) - At the end of his two-day visit to Sweden on Thursday,Croatian Parliament Speaker Gordan Jandrokovicwas received by Crown Princess Victoria of Swedenand invited the Swedish heir apparent to visit Croatia,the parliament said in a press release.Jandrokovic expressed gratitude for the warm welcome offered to the Croatian delegation on theirofficial reciprocal visit to Sweden at the invitation of Swedish Parliament Speaker Urban Ahlin.Jandrokovic underscored the long tradition of friendly relations between the two countries and increasingly intensive cooperation in many areas.During the audience with Princess Victoria, Jandrokovic informed her of Croatia's experiences as a member of the European Union, while in reference to the number of Swedish tourists in Croatia, the talks focused on cooperation intourism between the two countries.Butkovic attends TEN-T transport conferenceZAGREB, April 26 (Hina) - The 9th edition of the TEN-T Days conference on the trans-European transport network began in Ljubljana, Slovenia on Thursday.The event is organised by the European Commission Mobility and Transport Directorate.About 200 participants are attending the conference, including 30 ministers from EU member states among whom is the Croatian Minister of the Sea, Transport and Infrastructure, Oleg Butkovic.European Commission for Transport Violeta Bulc is hosting the conference which will also be attended by Vice President of the European Commission for the Energy Union and Climate Maros Sefcovic, Commissioner for Regional Policy Corina Cretu and European Commissioner for Budget and Human Resources Guenther Oettinger.The conference is dedicated to a better transport connectivity in Europe and is expected to end with a Ljubljana declaration on Friday.The conference will also address investments into motorways and increasing road safety.Slovenian participants warned that Southeast Europe is lagging behind in plans to introduce vehicles on alternative fuel sources as well as in road maintenance which would improve road safety, and added that funds for that purpose from European mechanisms are being reduced.Bulc said that the Commission was working successfully on introducing a future model for a single digital level for all transport types. That will enable the introduction of a common European integrated fare ticket for all types of air, road, rail and sea transport.Those solutions will mean big changes and improvements in transport and logistics. That contemporary, integrated and ecologically clean solution in transport and logistics could by 2030 account for as much as 8% of Europe's GDP and create 13 million new jobs, Bulc said.Offices of Croatia's Permanent Representation at NATO's new headquarters openedZAGREB, April 27 (Hina) - Croatian Foreign and European Affairs Minister Marija Pejcinovic Buric on Thursday officially opened the offices of Croatia's Permanent Representation to NATO at the alliance's new headquarters in Brussels, the Foreign and European Affairs Ministry said.State-of-the-art offices of the new NATO headquarters are designed to meet the constantly changing tasks which NATO encounters in keeping peace and ensuring freedom for its members, the ministry said in a statement.The new building, with an area of more than 250,000 square metres, provides space for 1,500 people from national delegations, 1,700 international military and civilian employees, 650 employees of NATO agencies, and 500-1,000 visitors daily.The complete relocation of all NATO member-countries' representations is expected before a NATO summit scheduled to take place on July 11-12.Memorandum of Friendship basis of future cooperation between Kotor, Dubrovnik, Mostar and OhridZAGREB, April 26 (Hina) - Representatives ofKotor (Montenegro), Dubrovnik (Croatia), Mostar (Bosnia and Herzegovina) and Ohrid (Macedonia) on Thursday signed a Memorandum of Friendship under which the four cities will apply together for international projects and exchange experiences in the field of culture and sports."We are happy that Dubrovnik, Mostar and Ohrid are here with us today and that we had this opportunity to sign together a Memorandum of Friendship between our four cities. I'm certain that this is a signpost for everyone on how to advance cooperation between cities in the region, particularly between those that share common values and problems," Kotor Mayor Vladimir Jokic said.He said that the memorandum is the first step of what is yet to follow and that is joint projects and applications to international organisations."I'm certain that signing this memorandum is the basis of future cooperation and the way that will bring benefit to the cities and their residents," Jokic said.Dubrovnik MayorMato Frankovic said that the memorandum had not been signed before due to numerous problems and challenges facing UNESCO cities that "we can resolve together and make suggestions to each other on how to work.""At the same time, we can jointly apply to European funds and other possible financing sources for various activities and resolve through cooperation everything that we consider important - promote sports and improve our existing infrastructure through the exchange of experience," Frankovic said.He added that some activities have already been launched when it comes to sustainable tourism."With regard to destination management, we are in very active talks with Kotor about that, how and in what way to work in the future with regard to the issue of guests from cruisers and how to control tourism or how to reconstruct our monumental heritage. We have already held talks and this is confirmation of what we have already worked on. This won't just be signing another document and won't remain at that and cooperation will develop in various segments over the coming months," Frankovic said.The mayors of UNESCO-recognised cities are attending a two-day meeting in Kotor of the directors of theOrganisation of World Heritage Cities (OWHC).Exhibition "The Sixties in Croatia - Myth and Reality" opens in ZagrebZAGREB, April 27 (Hina) - The exhibition "The Sixties in Croatia: Myth and Reality" was opened at Zagreb's Museum or Arts and Crafts on Thursday.The central exhibition of the Museum of Arts and Crafts in 2018 offers an overview of one of the key periods of recent Croatian history from 1958 to 1971.The exhibition's author, Zvonko Makovic, said he considered it was interesting to show how much the 1960s differed from the present."Now we are constantly talking about crisis, depression, stress and lack of energy, while the 1960s were optimistic, people believed that anything was possible, it was a time of innovation," said Makovic.Opening the exhibition, a State Secretary at the Culture Ministry, Ivica Poljicak, said that the 1960s would be remembered as a period of accomplishments whose strong impact was still felt but also as a period when human freedoms were deficient."It was a time when people lived intensively, we were more oriented towards one another and less to gadgets. This exhibition will enable us to establish an emotional connection to that period," Poljicak said.The numerous exhibits, ranging from documents and works of art to photographs and film, TV and music excerpts and objects of everyday use, put emphasis on the more relevant segments of the fields of art, architecture and fashion.They are displayed in 12 halls on an area of more than 1,000 square metres. More than 1,000 exhibits have been borrowed from 62 institutions in five countries and 84 individuals. Around 200 people worked on the exhibition for four ***years***.The event will be open until September 30.Izetbegovic and Covic argue about Peljesac Bridge in front of TuskZAGREB, April 26 (Hina) - The two most senior Bosniak and Croat officials in Bosnia and Herzegovina used European Council President Donald Tusk's visit on Thursday to confront their views on Croatia's plan to build a bridge between the Peljasac peninsula and the mainland.Tusk visited Sarajevo on Thursday as part of his Western Balkans tour. He held talks with members of the Bosnian collective presidency and attended the signing of an agreement between representatives of the Bosnia and Herzegovina Council of Ministers and the European Investment Bank on loans worth EUR 150 million earmarked for the construction of two new sections of the highway along Corridor Vc connecting Ploce and Budapest.The Chairman of the BH Presidency, Bakir Izetbegovic, used his statement to the press to highlight the issue of the Peljesac Bridge, publicly asking Tusk to "help" find a satisfactory solution.The Croat member of the presidency, Dragan Covic, also broke the protocol, saying that Izetbegovic's position was not the country's official position but his own.Tusk ignored the issue of the Peljesac bridge and focused on the coming EU-Western Balkans summit scheduled for May 17 in Sofia.After Sarajevo, Tusk travelled to the Macedonian capital Skopje, the final destination on his tour.Bosnian Muslim dignitary calls for stronger USengagement in countryZAGREB, April 26(Hina) - Bosnia and Herzegovina is an American investment that will be protected - this is amessage which William Berkley, Director for European Affairs at National Security Council at the White House, conveyed to the visiting Bosnian Grand Mufti Husein Kavazovic in Washington, the press agency of Bosniaand Herzegovina's Islamic Community (MINA) reported on Thursday.The dignitary noted that the vacuum created by the absence of the USA in Bosnia and Herzegovina was being filled by other political factors that hadtheir interests in the country.According to MINA's press release, Berkley asked Kavazovic about his opinion on the impact of foreign factors on the radicalisation of developments in Bosnia and Herzegovina and violent youth extremism.Kavazovic informed USofficials that in Bosnia and Herzegovina as well as in the wider region, the presence of extremist nationalist groups was growing and that they enjoyed the support of some "of the countries that are playing destructive roles in the region."Some of those groups are under the sanctions of the USand other international stakeholders, however, their parades through Bosnia and Herzegovina are being tolerated for some reason, Kavazovic said, alluding to extremist nationalist groups from Serbia and Russia.Kavazovic admitted that the Bosnian Islamic Community itselfhad problems with some Muslims who advocated intolerant and exclusive interpretations of the religion and who belittled traditional institutions and centuries-old models and tenets practiced by Muslim believers in Bosnia and Herzegovina.RSF official says independent media in Serbia facing threat of extinctionZAGREB, April 26 (Hina) - The director of the Reporters Without Borders (RFS) office for the Balkans, Pauline Ades-Mevel, has warned that independent media in Serbia are at risk of disappearing if they are left without the support of international organisations.Ades Mavel was quoted by RadioFree Europeas saying that despite claims by some Serbian office-holders that the situation regarding media has been improving, working conditions for reporters are actually deteriorating and attacks against reporters are more and more frequent.The annual RFS report, which was published on Wednesday,shows that Serbia moved downward by 10 places in the 2018 World Press Freedom Index to 76th place."Under President Aleksandar Vucic, Serbia has become a country where it is unsafe to be a journalist. This is clear from the alarming number of attacks on journalists that have not been investigated, solved, or punished, and the aggressive smear campaigns that pro-government media orchestrate against investigative reporters," the organisation says."Serbia wants to join the European Union, but for the time being it utterly fails to meet EU press freedom standards," the association says."This is clear from the experiences of reporters working in the field. Some courageous journalists continue to cover dangerous subjects such as crime and corruption, but their stories are usually published by online media with a limited reach."Collusion between politicians and media, a high level of ownership concentration, and a lack of pluralism in the print and broadcast media are also a sources of concern," the RFS writes about Serbia.Ades-Mevel accusedSerbia of pretending to be trying to improve its imagebut the situation on the groundis terrible, according to her interview carried by the Belgrade-based Beta news agency.She saidthat in order that independent media outlets in Serbia are enabled to continue operating, it is necessary to ensure the support of international organisations and media. Otherwise, independent media will disappear one by one due to a lack of money, she warned.Administrative Court turns down Strabag's complaintZAGREB, April 26(Hina) -The Administrative Court in Zagreb has dismissed a complaint filed by theAustrian construction company Strabagagainst the selection of the China Road and Bridge Corporation to build the Peljesac Bridge and access roads.The State Commission for Supervision of Public Procurement Procedures (DKOM) stated on Thursday that it had received the Administrative Court ruling, which also turned down Strabag's proposal that the construction of the bridge should be temporarily suspended.In mid-January the state-run road operator Hrvatske Ceste (HC) saidthatof the three bids submitted for the first stage of construction work on the Peljesac Bridge, it had selected the one by the China Road and Bridge Corporation worth HRK 2.08 billion, not including VAT.AnItalian-Turkish consortium offered 2.55 billion kuna for the project andStrabag offered 2.62 billion kuna. Both of them appealed tothe DKOM against the HC decision.In March, the DKOM turned down the appeals as unfounded.On Monday, executives of the HC road operator and the Chinese consortium signed a 2.08 billion kuna contract for the construction of Peljesac Bridge and access roads.The total value of the project is EUR 526 million, including VAT, and the value of eligible costs is EUR 420 million, of which 85% will be covered by the EU.The bridge will be 2.4 kilometres long and 55 metres high and will have four lanes. It will connect the southernmost part of Croatia with the rest of the country and facilitate an unimpeded flow of goods and people throughout the ***year*** and especially during the tourist season.Petrokemija at a turning point - new strategic partner as of autumnZAGREB, April 26 (Hina) - The Kutina-based Petrokemija artificial fertiliser manufacturer is at a turning point and is faced with the most important task of restructuring and modernisation through the injection of fresh capital and we expect the government to finalise negotiations with a potential partner as soon as possible so that as of autumn we head off in a new environment and with a new partner that will be involved in the company's survival, the board chairman Djuro Popijac said on Thursday."We started the activities to look for a strategic partner mid 2017when our company was visited by about a hundred experts from 12 companies who screened the company from all aspects. Now that bids have been submitted, it is up to the government as the company's owner to finalise concrete negotiations with potential partners and mutual terms and expectations that will ensure that the company survives over the next 50 ***years***. We expect that process to be defined as soon as possible and for it to be completed so that as of autumn we can head in a new environment without any pressure and uncertainty and together with partners who will be involved with Petrokemija's survival," Popijac said signing an agreement of cooperation with the Agrivi company to build a digital platform to be used in research in the field and applying products.Popijac recalledthat the process of recapitalisation wasbeing conducted in cooperation with the government and that he expects both the company and government toeach do what they have to on time.Asked whether the INA oil and gas producer which is the main energy source for the production of artificial fertilisers, would be a desirable strategic partner, Popijac said that the Kutina plant had been originally established as part ofthe petrochemical system in INA and that many of its competitors wereco-owned by oil companies.Regardless of the equity ownership, whoever comes to Petrokemija is supposed to develop the company, invest in its and develop trends, he said.Last ***year*** the company put 1.2 million tonnes of fertilisers on the market and is continuing with regular supplies for its buyers.Croatia has potential in several key branches and ***agriculture*** is certainly one of them. The need for food in the world will increase by 60% by 2050 and without the use of mineral fertilisers that won't be possible, Popijac said.Petrokemija and Agrivi ink cooperation dealThe cooperation agreement signed with Agrivi should result in the modernisation of mineral fertiliser productionand advancing its use.Agrivi's director Matija Zulj said the aim of the agreement is for Petrokemija to gain an edge and be a step ahead of its competitors. "Our role is to be a mediator in ***transferring*** Petrokemija's know-how to farmers which will help them increase yields and improve their production," Zulj said.Agrivi is knowledge-based cloud farm management software that helps fruit, vegetable and grain producers to improve their productivity and profitability. The company wonthe World Startup Competition held in Seoul, Korea as part of Startup Nations Summit 2014 and already has clients from 150 countries around the world.HTnet profit up nearly 12%, revenues mildly downZAGREB, April 26(Hina) - In the first quarter of 2018 Hrvatski Telekom (HT) earned a net profit in the amount of HRK 166 million, 11.8% more than in the same period of 2017 while its revenues dropped by 1.1% to HRK 1.8 billion, the telecommunications operator said on Thursday."The contribution by Crnogorski Telekom shows net profit realisation increased by HRK 3 million compared to Q1 2017. Excepting the contribution by Crnogorski Telekom, the net profit realised by HT Group in Croatia amounts to HRK 160 million, a 10.1% increase compared to the same period last ***year***," the group said in a financial statement.Total consolidated revenue generated in the first three months of 2018 amounts to HRK 1.798 billion, which is a 1.1% decrease compared to the same period last ***year***."In Q1 2018, EBITDA before exceptional items increased by HRK 11 million, or 1.6%, to HRK 684 million compared to the same period last ***year***. The EBITDA margin is at 38.1%, which is an increase by 1 percentage point. Crnogorski Telekom also contributed to the profitability growth by realising EBITDA in the amount of HRK 50 million, a HRK 5 million increase compared to EBITDA realised in Q1 2017."Excluding Crnogorski Telekom's contribution, HT Group's EBITDA in Croatia increased by 0.9% compared to the same period last ***year***, amounting to HRK 634 million, along with an EBITDA margin at 38.3 %."CAPEX (capital expenditure) realisation increased by 21% compared to Q1 2017, amounting to HRK 442 million, including the contribution by Crnogorski Telekom. Without this effect, HT Group's CAPEX in Croatia increased by 13.8% to HRK 392 million."In the first quarter of 2018, Hrvatski Telekom continued to increase key financial indicators. We saw an increase of EBITDA, net profit, and CAPEX, and we will continue on this path.The focus is on investments in infrastructure, as this way, we are creating the foundations for implementation of 5G technology," said Davor Tomaskovic, president of the Management Board of Hrvatski Telekom.Atlantic Grupa profit up nearly 18% in Q1ZAGREB, April 26, 2018 (Hina) - In the first quarter of 2018, Atlantic Grupa recorded total sales in the amount of HRK 1.143 billionwhich, compared to the same period of the previous ***year***, represents a growth of 3percent.Earnings before interest, taxes, depreciation and amortisation (EBITDA) amount to HRK 121.3 million and are 11.3 percent higher, while net profit after minorities increased by 17.8 percent to HRK 61.7 million.The exceptional results were recorded riding on the growth of distribution operations and own brands equally, whereby the missing revenues from the private label production of sports food, due to selling production plants to the Belgian Aminolabs, were more than compensated for.Not taking the impact of this transaction into consideration, the organic revenue growth in the first quarter would be an impressive 7.2 percent.Ericsson Nikola Tesla Q1 profit risesZAGREB, April 26(Hina) -Ericsson Nikola Tesla (ERNT), specialised indevelopment, design and sales of total communication solutions,posted a net profit of HRK 30.3 million in the first quarter of 2018, which was a 52-percent rise compared to the corresponding period in 2017,this Croatian company, which is an associated company of the Ericsson Group, stated in a report on Thursday.The operating profit rose by 45.1% to HRK 42.4 million. The sales revenues fell ***year***-over-***year*** by 5.4% to HRK 341 million.At the company's Supervisory Board and Managing Director meeting, which washeld on Wednesday, it was proposed that the dividend ***payment*** of HRK 32.5 per share should be adopted at the annual general shareholders' meeting is scheduled for June 20.Janaf posts 1.3% higher net profit in Q1ZAGREB, April 26 (Hina) -The Janafoil pipeline operator generated a net profit of HRK 69.4million in Q1 2018, which is an increase of 1.3% compared to the same period last ***year*** and37.4% more than planned, the company reported on Thursday.Janaf'sQ1 total revenue amounted to HRK 173.1million or 5.2% down ***year*** on ***year***,which the company explained was due to the difference in the foreign currency exchange rate and the American dollar falling by 15% y-o-y.The fall in the exchange rate of the dollar impacted thesales on foreign markets, resulting ina drop of 11.7% or HRK 113.16 million.Income from domestic sales remained almost the same as in Q1 2017 and amounted to HRK 51.75 million.Total expenditure was reduced by 10.7% to HRK 88.5 million y-o-y and19.7% less than planned.The company's gross profit in Q1 amounted to HRK 84.6million, which is 1.3% more on the ***year*** and 37.4% higher than planned.The operator'sinvestments in Q1 amounted to 157.5 million, an increase of 88.1% compared to the same period last ***year*** when the company invested HRK 83.7 million.The investments were for the most part made for the construction of storage facilities at the Omisalj Terminal, valued at HRK 105.5 million, the company's financial statements for Q1 said.Adris Group proposes dividend of HRK 17.5 per shareZAGREB, April 26 (Hina) - The management and supervisory boards of the Adris tourism and insurance group have made a proposal to the General Assemblyto pay a dividend of HRK 17.5 per share and supported decisions made by the management and legal steps taken to protect the company's interests concerning developments in the ailing Agrokor food and retail conglomerate.Adris proposed that the unallocated retained profit of HRK 287 million be distributed and that HRK 17.50 per share will be paid in dividend.Adris' Supervisory Board examined and presented the group's 2017 financial statements and put them up for adoption.The group's 2017 total revenue amounted to HRK 5.54 billion. Net profit amounted to HRK 374 million whereby profit after minority interests amounted to HRK 293 million.The group achieved a double-digit rise in net profit of HRK 33%.Mercator's retail sales revenues rebound in 2017ZAGREB, April 26 (Hina) - Mercator, a Slovenian retail chain owned by the ailing Croatian Agrokor Group, recorded a positive growth in sales revenues of2.5% to EUR 1.6 billion, however, a one-off revalorisation of its properties offset the positive outcome, resulting in a net loss of 184 million euro, the Ljubljana-based retailer reported on Thursday.The revalorisation of Mercator was conducted by an external consulting company.Last ***year***, Mercator's EBIDTA was EUR 90.6 million, which was 45% or 28 million euro more than in 2016.The company's retail sales revenuesrose for the first time since 2011.ZSE: Turnover shrinks significantlyZAGREB, April 26 (Hina) - The main Zagreb Stock Exchange (ZSE) indices grew amid a significant fall inturnover on Thursday, the highest turnover being recorded by the Podravka food conglomerate.The Crobex increased by 0.41% to1,793.15 points and the specialised Crobex10 grew by 0.62% to 1,043.44 points.Regular turnover amounted to HRK 4.7 million, which is almost HRK 6.8 million less than on Wednesday.The highest turnover, of HRK 1.99 million, was generated by Podravka shares, their price jumping by 1.75% to HRK 290.Noother stock crossed the million kuna mark.(EUR 1 = HRK7.409576)THIS BULLETIN INCLUDES ITEMS RELEASED BY 0830 HOURS FRIDAY. (Hina) vm Masthead Brief News Bulletin is published by the Croatian News Agency HINA Marulicev trg 1610 000 ZagrebCroatia web:[*www.hina.hr*](http://www.hina.hr) mail: [*hina@hina.hr*](mailto:hina@hina.hr) phone: (+385 1) 48 08 660; fax (+385 1) 48 08 822 Publisher: Branka Gabriela Valentic, DirectorEditor in Chief: Serdo Obratov Bulletin Editor: Marija Sestan

ZAGREB, April 26(Hina) - Croatia's government on Thursday endorsed a National Reform ***Programme*** for 2018and a three-***year*** convergence planwith three main goals: boosting thecompetitiveness of the national economy, making the education system congruent with the needs of the labour market, and making public finances sustainable.

ZAGREB, April 26(Hina) - A comprehensive pension system reform with the statutory retirement age being gradually raisedto 67, further easing of the tax burden and removal of administrative barriers, the continuation of the merger of hospitals and the establishment of a national clinical hospital for children as well as new legislation on public sector workers'salaries are some of the measures in a 130-page National Reform ***Programme*** approved by the Croatian government on Thursday.

ZAGREB, April 26(Hina) - Labour and Pension System Minister Marko Pavic said at a government session on Thursday that pension savings in compulsory pension funds would definitely be paid out and that those pension insurance funds were not at risk in the context of their exposure to Agrokor shares.

ZAGREB, April 26(Hina) - The Croatian government on Thursday sent the final bill on the management of state assets to parliament for consideration, with State Assets Minister Goran Maric saying that the new legislation would have an impact on employment and GDP growth.

ZAGREB, April 26(Hina) - Science and Education Minister Blazenka Divjak told reporters on Thursday that reform processes in the sectors of science and education were being implemented in four areas, describing those processes as major headway.

ZAGREB, April 26 (Hina) - Nearly a million euros is expected to be invested in the Croatian tourism industry this ***year***, which is 15 percent more than last ***year*** and 40 percent more than in 2016, and most of the investment will go towards 4- and 5-star hotels, Tourism Minister Gari Cappelli said on Thursday.

ZAGREB, April 26 (Hina) - Social Democratic Party (SDP) member of Parliament Branko Grcic said on Thursday that the growth rates projected by the government in its convergence ***programme*** were not enough to ensure a real rise in living standards and lift the country from the bottom of the EU ranking.

ZAGREB, April 26(Hina) - After representatives of some of Croatian minority communities recently boycotted the central state commemoration for the victims of the World War II Jasenovac concentration camp on April 22, Prime Minister Andrej Plenkovic on Thursday called on all social stakeholders in the country, notably politicians, to attend central state commemorations and make effort so "that in the future we could have a single commemoration at Jasenovac."

ZAGREB, April 27 (Hina) - A waste management plan put to the Zagreb City Council by Mayor Milan Bandic on Thursday was not adopted as a majority of councilors voted against the proposed plan, with 15 votes in favour, 25 against and 7 abstentions.

About a hundred citizens and NGOs held a protest rally outside the Zagreb City Council on Thursday to voice their opposition against the proposed waste management plan.

The protesters were joined by several members of parliament, including Gordan Maras from the Social Democratic Party, Nikola Grmoja and Marko Sladoljev from the Bridge party and Branimir Bunjac from the Human Shield party.

Marko Kosak of the Green Action told reporters that they objected to the proposed plan because it would not be sufficient to advance the existing waste management system.

"More than a billion kuna is being invested in processing waste instead of in recycling it," Kosak underscored.

He said that the plan was obviously Mayor Milan Bandic's doing and that it was not in the public interest and was detrimental to environmental protection in Zagreb.

"The city of Zagreb is one of the worst capitals in the European Union with regard to waste management and this plan won't change that. Citizens are paying unfair and unlawfulmonthly bills, waste is being thrown into the streets all over the place. Instead of investing in this, to change things, the mayor is once again investing in waste processing and transportation and in murky dealings with waste," Kosaksaid at the protest.

ZAGREB, April 26(Hina) - The SSSH and MHS trade union federations on Thursday appealed to the Health Ministry and governmentto refrain from privatising primary healthcare which has been announced through the Healthcare Bill and called on citizens to express their opposition to the bill being adopted, whichthe unions claimwill affectthe availability of healthcare services.

ZAGREB, April 26 (Hina) - The Croatian Federation of Autonomous Trade Unions (SSSH) and the Slovenian Association of Free Trade Unions (ZSSS) on Thursday signed a joint declaration on quality jobs, undertaking to actively participate in the further development of an inclusive labour market and quality job creation.

ZAGREB, April 26, 2018 (Hina) - A 19-***year***-old Croatian who owns theworld's biggest illegal web server for cyber attacks, Webstresser.org, was given month-long detention for fear of repeating the crime, according to sources atthe County Court in Velika Gorica.

ZAGREB, April 26, 2018 (Hina) - Former foreign minister Mate Granic on Thursday testified at the retrial of former prime minister Ivo Sanader in the Hypo Bank case, reiterating his previous testimony, namely that Sanader, who is on trial for war profiteering over the alleged bribe taking, was in charge of negotiations with Austrian Hypo Bank about a loan to Croatia for the purchase of embassy residencies in the mid-1990s.

ZAGREB, April 26(Hina) - The Serbian government has decided to declare Croatian Defence Minister Damir Krsticevic persona non grata, authorities in Belgrade reported on Thursday.

ZAGREB, April 26 (Hina) - Croatian Defence Minister Damir Krsticevic said on Thursday that the decision by the Serbian government to declare him persona non grata was unwarranted, adding: "I never offended anyone or said something that was not true. I never went to Serbia or said anything bad."

ZAGREB, April 26(Hina) - The objective is for Croatiato become one of Macedonia's five biggest economic partners, Macedonian President Gjorge Ivanov said in Skopje on Thursday after talks with Croatian counterpart Kolinda Grabar-Kitarovic who reiterated Zagreb's support for Macedonia's Euro-Atlantic integration.

ZAGREB, April 26 (Hina) - At the end of his two-day visit to Sweden on Thursday,Croatian Parliament Speaker Gordan Jandrokovicwas received by Crown Princess Victoria of Swedenand invited the Swedish heir apparent to visit Croatia,the parliament said in a press release.

ZAGREB, April 27 (Hina) - Croatian Foreign and European Affairs Minister Marija Pejcinovic Buric on Thursday officially opened the offices of Croatia's Permanent Representation to NATO at the alliance's new headquarters in Brussels, the Foreign and European Affairs Ministry said.

State-of-the-art offices of the new NATO headquarters are designed to meet the constantly changing tasks which NATO encounters in keeping peace and ensuring freedom for its members, the ministry said in a statement.

The new building, with an area of more than 250,000 square metres, provides space for 1,500 people from national delegations, 1,700 international military and civilian employees, 650 employees of NATO agencies, and 500-1,000 visitors daily.

The complete relocation of all NATO member-countries' representations is expected before a NATO summit scheduled to take place on July 11-12.

ZAGREB, April 26 (Hina) - Representatives ofKotor (Montenegro), Dubrovnik (Croatia), Mostar (Bosnia and Herzegovina) and Ohrid (Macedonia) on Thursday signed a Memorandum of Friendship under which the four cities will apply together for international projects and exchange experiences in the field of culture and sports.

ZAGREB, April 26(Hina) - Bosnia and Herzegovina is an American investment that will be protected - this is amessage which William Berkley, Director for European Affairs at National Security Council at the White House, conveyed to the visiting Bosnian Grand Mufti Husein Kavazovic in Washington, the press agency of Bosniaand Herzegovina's Islamic Community (MINA) reported on Thursday.

ZAGREB, April 26 (Hina) - The director of the Reporters Without Borders (RFS) office for the Balkans, Pauline Ades-Mevel, has warned that independent media in Serbia are at risk of disappearing if they are left without the support of international organisations.

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ZAGREB, April 26, 2018 (Hina) - In the first quarter of 2018, Atlantic Grupa recorded total sales in the amount of HRK 1.143 billionwhich, compared to the same period of the previous ***year***, represents a growth of 3percent.

ZAGREB, April 26(Hina) -Ericsson Nikola Tesla (ERNT), specialised indevelopment, design and sales of total communication solutions,posted a net profit of HRK 30.3 million in the first quarter of 2018, which was a 52-percent rise compared to the corresponding period in 2017,this Croatian company, which is an associated company of the Ericsson Group, stated in a report on Thursday.

ZAGREB, April 26 (Hina) -The Janafoil pipeline operator generated a net profit of HRK 69.4million in Q1 2018, which is an increase of 1.3% compared to the same period last ***year*** and37.4% more than planned, the company reported on Thursday.

ZAGREB, April 26 (Hina) - The management and supervisory boards of the Adris tourism and insurance group have made a proposal to the General Assemblyto pay a dividend of HRK 17.5 per share and supported decisions made by the management and legal steps taken to protect the company's interests concerning developments in the ailing Agrokor food and retail conglomerate.

ZAGREB, April 26 (Hina) - Mercator, a Slovenian retail chain owned by the ailing Croatian Agrokor Group, recorded a positive growth in sales revenues of2.5% to EUR 1.6 billion, however, a one-off revalorisation of its properties offset the positive outcome, resulting in a net loss of 184 million euro, the Ljubljana-based retailer reported on Thursday.

ZAGREB, April 26 (Hina) - The main Zagreb Stock Exchange (ZSE) indices grew amid a significant fall inturnover on Thursday, the highest turnover being recorded by the Podravka food conglomerate.

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**End of Document**



[***Federal Register: Fees for the Administration of the Toxic Substances Control Act Pages 52694 - 52724 [FR DOC # 2018-22252]***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5THF-77K1-F0YC-N0SG-00000-00&context=1516831)

Impact News Service

October 17, 2018 Wednesday

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**Length:** 36279 words

**Body**

Washington: Office of the Federal Register has issued the following notice:

Environmental Protection Agency ----------------------------------------------------------------------- 40 CFR Parts 700, 720, 723 et al. Fees for the Administration of the Toxic Substances Control Act; Rules Federal Register / Vol. 83 , No. 201 / Wednesday, October 17, 2018 / Rules and Regulations [[Page 52694]] ----------------------------------------------------------------------- ENVIRONMENTAL PROTECTION AGENCY 40 CFR Parts 700, 720, 723, 725, 790, and 791 [EPA-HQ-OPPT-2016-0401; FRL-9984-41] RIN 2070-AK27 Fees for the Administration of the Toxic Substances Control Act AGENCY: Environmental Protection Agency (EPA). ACTION: Final rule. ----------------------------------------------------------------------- SUMMARY: As permissible under the Toxic Substances Control Act (TSCA or the Act), EPA is establishing fees applicable to any person required to submit information to EPA; or a notice, including an exemption or other information, to be reviewed by EPA; or who manufactures (including imports) a chemical substance that is the subject of a risk evaluation. This final rulemaking describes the final TSCA fees and fee categories for fiscal ***years*** 2019, 2020, and 2021, and explains the methodology by which the final TSCA fees were determined.

It identifies some factors and considerations for determining fees for subsequent fiscal ***years***; and includes amendments to existing fee regulations governing the review of premanufacture notices, exemption applications and notices, and significant new use notices. As required in TSCA, EPA is also establishing standards for determining which persons qualify as ``small business concerns'' and thus would be subject to lower fee ***payments***. Requiring manufacturers and processors of certain chemical substances to pay a fee for specific fee-triggering events under TSCA, will defray part of the EPA cost of administering TSCA. DATES: This final rule is effective on October 18, 2018. ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2016-0401, is available at [*http://www.regulations.gov*](http://www.regulations.gov) or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m to 4:30 p.m , Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at   [*http://www.epa.gov/dockets*](http://www.epa.gov/dockets). FOR FURTHER INFORMATION CONTACT: For technical information contact: Mark Hartman, Immediate Office, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-3810; email address: [*hartman.mark@epa.gov*](mailto:hartman.mark@epa.gov) For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [*TSCA-Hotline@epa.gov*](mailto:TSCA-Hotline@epa.gov) SUPPLEMENTARY INFORMATION: I. Executive Summary A. Does this action apply to me? You may be affected by this action if you manufacture (including import), distribute in commerce, or process a chemical substance (or any combination of such activities) and are required to submit information to EPA under TSCA sections 4 or 5, or if you manufacture a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). The following list of North American Industry Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include companies found in major NAICS groups:  Chemical Manufacturers (NAICS code 325),      Petroleum and Coal Products (NAICS code 324), and      Chemical, Petroleum and Merchant Wholesalers (NAICS code 424).     If you have any questions regarding the applicability of this action, please consult the technical person listed under FOR FURTHER INFORMATION CONTACT.

B. What is the Agency's authority for taking this action?

    The Toxic Substances Control Act (TSCA), 15 U.S.C 2601 et seq., as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act of 2016 (Pub. L. 114-182) (Ref. 1), provides EPA with authority to establish fees to defray a portion of the costs associated with administering TSCA sections 4, 5, and 6, as amended, as well as the costs of ``collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.'' EPA is finalizing this rule under TSCA section 26(b), 15 U.S.C 2625(b).

C. What action is the Agency taking?

    Pursuant to TSCA section 26(b), EPA is finalizing a rule to establish and collect fees from manufacturers (including importers) and, in some cases, processors, to defray some of the Agency's costs related to activities under TSCA sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. EPA is also finalizing standards for determining which persons qualify as small business concerns and thus would be subject to lower fee amounts. TSCA section 26(b)(4) requires that EPA, in setting fees, establish lower fees for small businesses.

D. Why is the Agency taking this action?

    The 2016 amendments to TSCA authorize EPA to establish fees to defray a portion of the costs of administering TSCA sections 4, 5, and 6 and collecting, processing, reviewing, providing access to, and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. Pursuant to the final rule, the Agency will collect ***payment*** from manufacturers who: Are required to submit information under TSCA section 4; are required to submit a notice, exemption application, or other information under TSCA section 5; or manufacture a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). The Agency will also collect ***payment*** from processors in limited scenarios, i.e , where a processor submits a Significant New Use Notice (SNUN) under TSCA section 5; or where a fee-triggering TSCA section 4 activity is tied to a SNUN submission by a processor. These fees are intended to achieve the goals articulated by Congress by providing a sustainable source of funds for EPA to fulfill its legal obligations to conduct activities such as designating applicable substances as High- and Low-Priority, conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, requiring testing of chemical substances and mixtures, and evaluating and reviewing new chemical submissions, as required under TSCA sections 4, 5 and 6, as well as and collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.

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E. What are the estimated incremental impacts of this action?

    EPA has evaluated the potential incremental economic impacts of this final rule. The Agency analyzed a three-***year*** period, since the statute requires EPA to reevaluate and adjust, as necessary, the fees every three ***years***. The Economic Analysis (Ref. 2), which is available in the docket, is briefly summarized here and discussed in more detail in Unit IV.     The annualized fees collected from industry are approximately $20 million, excluding fees collected for manufacturer-requested risk evaluations. Total annualized fee collection was calculated by multiplying the estimated number of fee-triggering events anticipated each ***year*** by the corresponding fees. EPA estimates that section 4 fees account for less than one percent of the total fee collection, section 5 fees for approximately 43 percent, and section 6 fees for approximately 56 percent.     Total annual fee collection for manufacturer-requested risk evaluations is estimated to be $1.3 million for chemicals included in the 2014 TSCA Work Plan (TSCA Work Plan) (based on two requests over the three-***year*** period) and approximately $3.9 million for chemicals not included in the TSCA Work Plan (based on three requests over the three- ***year*** period).     EPA estimates that 18.6 percent of section 5 submissions will be from small businesses that are eligible to pay the section 5 small business fee because they meet the definition of ``small business concern.'' Total annualized fee collection from small businesses submitting under section 5 is estimated to be $339,000 (Ref. 2). For sections 4 and 6, reduced fees paid by eligible small businesses and fees paid by non-small businesses may differ over the three-***year*** period that was analyzed, since the fee paid by each entity is dependent on the number of entities identified per fee-triggering event. EPA estimates that average annual fee collection from small businesses impacted by section 4 and section 6 would be approximately $7,000 and $926,000, respectively. For each of the three ***years*** covered by this rule, EPA estimates that total fee revenue collected from small businesses will account for about 6 percent of the approximately $20 million total fee collection, for an annual average total of approximately $1.3 million. For fees paid through consortia for activities under section 4 and 6, since consortia will be required to pay the full fee amount, general industry firms that are not eligible for reduced fees will pay more to ensure the fee is covered. Therefore, although more firms are eligible for small business discounts under the SBA definition used in the final rule, the total annual fee revenue estimate remains relatively stable at approximately $20 million.     Total social cost represents the total burden a regulation will impose on the economy. It can be defined as the sum of all opportunity costs incurred as a result of the regulation. The opportunity cost incurred by industry to carry out these activities is the foregone value of the time (burden) and investments required to comply with rule. Total social cost for this final rule does not include the fees collected from industry by EPA, as these fees are considered ***transfer*** ***payments***. Rather, total social cost includes the opportunity costs incurred by industry, such as the cost to read and familiarize themselves with the rule; determine their eligibility for paying reduced fees; register for CDX; form, manage and notify EPA of participation in consortia; notify EPA and certify whether they will be subject to the action or not; and arrange to submit fee ***payments*** via Pay.gov Total social costs also include the additional costs to EPA to administer fee assessment and collection for TSCA sections 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. The total annualized opportunity cost to industry is approximately $231,000 and the additional annualized Agency cost is approximately $7,000, yielding a total annualized social cost of approximately $238,000.

II. Background

A. Statutory Requirements for TSCA Fees

    The proposed rule provides a robust overview of the history of fees under TSCA and the 2016 amendments to TSCA (83 FR 8212, February 26, 2018) (FRL-9974-31). TSCA authorizes EPA to establish, by rule, fees for activities under TSCA sections 4, 5 and/or 6. In so doing, the Agency must set lower fees for small business concerns and establish the fees at a level such that they'll offset 25% of the Agency's costs to carry out a broader set of activities under sections 4, 5, and 6 and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under TSCA. In addition, in the case of a manufacturer-requested risk evaluation, the Agency is authorized to establish fees sufficient to defray 50% of the costs associated with conducting a manufacturer-requested risk evaluation on a chemical included in the TSCA Work Plan for Chemical Assessments: 2014 Update, and 100% of the costs of conducting a manufacturer-requested risk evaluation for all other chemicals. TSCA now requires fee revenue to be deposited into a new dedicated TSCA fund intended to ensure that resources are made available to the Agency to defray some of the costs that EPA incurs in carrying out activities under sections 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under TSCA. EPA is also required in TSCA section 26(b)(4)(F) to review and adjust the fees established in this rule every three ***years***, and to consult with parties potentially subject to fees when the fees are reviewed and updated to reflect changes in ***program*** costs.

B. Overview of Final Rule

    Pursuant to TSCA section 26(b), this final rule establishes fees for certain activities under TSCA sections 4, 5, and 6 to defray approximately 25% of the costs to carry out a broader set of activities under these sections of TSCA and of collecting, processing, reviewing, and providing access to and protecting from disclosure, as appropriate under TSCA section 14, information on chemical substances under TSCA. In addition, the final rule establishes fees for risk evaluations requested by manufacturers to defray 50% or 100% of the costs, depending on whether the chemical is listed on the TSCA Work Plan or not, respectively.     After consideration of public comments, EPA is finalizing a number of provisions from the proposed rule without modification, including the general methodology for calculating fees (except in the case of manufacturer-requested risk evaluations), the ***program*** cost estimates, the eight proposed fee categories, the fee amounts, the allowance of ***payment*** of fees through consortia, the discounted fees for small business concerns, and the provision of refunds under certain circumstances.     Based on consideration of public comments, the final rule also includes certain modifications and clarifications related to the proposal. For example, in response to comments, the final rule includes a new process for identifying manufacturers subject to fee obligations for TSCA section 4 test rules and TSCA section 6 EPA-initiated risk evaluations, including publication of a preliminary

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list, opportunity for public comment, self-identification, and/or certification of no manufacture, and publication of a final list defining the universe of manufacturers obligated to pay. The final rule also reflects modifications to the proposed methodology for calculating fees for manufacturer-requested risk evaluations, the timing for consortia formation, ***payment*** due dates, and the standard for small business concerns. Finally, the final rule provides the additional clarity requested by commenters in areas including: The allocation of fees in complex multi-payer scenarios, the estimation of ***program*** costs and activity level assumptions, and the circumstances for providing refunds. The content of the final rule and these changes are discussed in greater detail in Unit III.

III. Discussion of the Final Rule and Response to Comments

A. Purpose and Applicability

    As described in 40 CFR 700.40, the purpose of the final rule is to establish and collect fees from manufacturers (including importers) and processors to defray a portion of EPA's TSCA implementation costs. The rule applies to manufacturers who are required to submit information under TSCA section 4, manufacturers and processors who submit certain notices and exemptions under TSCA section 5, and to manufacturers who are subject to risk evaluation under TSCA section 6(b), including manufacturers who submit requests for risk evaluation under TSCA section 6(b)(4)(C)(ii).

B. Entities Subject to Fees

    Although EPA has authority to collect fees from both manufacturers and processors of chemical substances, the final rule focuses fee collection primarily on manufacturers. EPA will collect fees from processors only when processors submit a SNUN or test-marketing exemptions (TME) under section 5, when a section 4 activity is tied to a SNUN submission by a processor, or when a processor voluntarily joins a consortium and therefore agrees to provide ***payment*** as part of the consortium. This approach is consistent with the proposed rule and with most comments received. Although a few commenters urged EPA to allocate more of the fee burden to processors, EPA is declining to do so at this time. EPA believes the allocation primarily to manufacturers, and, in limited circumstances, to processors, is an appropriate balance as required in TSCA. As noted in the proposal, the effort of trying to identify relevant processors for all fee-triggering actions would be overly burdensome and EPA expected many processors would be missed. Generally limiting fee obligations to manufacturers is the simplest and most straightforward way to assess fees for conducting risk evaluations under TSCA section 6 and most TSCA section 4 testing activities. Furthermore, EPA expects that manufacturers required to pay fees will have a better sense of the universe of processors and will pass some of the costs on to them.

C. Identifying Manufacturers Subject to Fee Obligations

    The proposed rule suggested that EPA would use Chemical Data Reporting (CDR) data to identify manufacturers subject to fee obligations, but would also rely on self-identification from other manufacturers not subject to CDR reporting requirements. EPA also proposed to include a ``manageable approach'' in the final rule for identifying manufacturers subject to fees for TSCA section 4 and 6 activities, and requested public comment in this area. See 83 FR 8212, 8216. EPA also requested comment on whether to adopt a process that would allow time for public input before finalizing a list. A number of commenters agreed that such a process was necessary, and EPA is codifying a process in the final rule to provide the necessary clarity and certainty for those potentially subject to fees.     1. In general. EPA intends the process to include publication of a preliminary list that identifies manufacturers (based on information available to EPA through CDR reporting and other sources), a public comment period (to allow for self-identification, correction of errors, and certification of no-manufacture and no intention to manufacture in the next five ***years***), and publication of a final list defining the universe of manufacturers responsible for ***payment***. Further, EPA will follow this process for only two fee-triggering events: TSCA section 4 test rules and TSCA section 6 EPA-initiated risk evaluations. EPA believes that for all other fee-triggering events, the relevant manufacturer(s) will already be apparent to the Agency and a specific identification process will not be necessary. This process is not necessary for TSCA section 5 activities, TSCA section 4 enforceable consent agreements (ECAs), or TSCA section 6 manufacturer-requested risk evaluations as manufacturers are self-identified through those activities. The process is also not necessary for TSCA section 4 test orders, as EPA will ultimately select the manufacturer(s) subject to the order prior to or during the development of the order.     2. Data sources. To compile the preliminary list, EPA will use the most up-to-date information available, including information submitted to the Agency (e.g , information submitted under TSCA sections 5(a), 8(a) (including CDR), 8(b), and to the Toxics Release Inventory) as well as other information available to the Agency, such as publicly available information (e.g , Panjiva) or information submitted to other agencies to which EPA has access (e.g , U.S Custom and Border Patrol data). To be able to include the most recent CDR data (collected every four ***years***) and to account for annual or other typical fluctuations in manufacturing (including import), EPA will use five ***years*** of data submitted or available to the Agency to create the preliminary list. Although some commenters suggested looking back a greater or fewer number of ***years***, EPA believes that a five-***year*** period enables EPA to utilize a number of data sources described earlier and increase accuracy.     3. Publication of preliminary list. EPA will publish this preliminary list in the Federal Register concurrently with a relevant milestone for each action. For risk evaluations initiated by EPA under TSCA section 6, the preliminary list will be published at the time of final designation of the chemical substance as a High-Priority Substance. For test rules under TSCA section 4, the preliminary list will be published with the proposed test rule.     4. Public comment period. Publication of the preliminary list will be followed by a comment period of no less than 30 days, during which manufacturers and the public will have the opportunity to correct errors, self-identify as a manufacturer, and/or certify to already having exited the market and that they will not return for a period of 5 ***years***. EPA believes this process is largely consistent with comments on the proposal encouraging EPA to publish a preliminary list and engage with stakeholders to identify others who may be missing, correct errors, and provide an opportunity for manufacturers to be removed from the list under certain circumstances.     5. Self-identification and certification. If a manufacturer is on the preliminary list, or is not on the preliminary list but is a manufacturer of the chemical substance at issue, they must report to EPA and self-identify with certain basic contact information. Although EPA expects reporting to occur through CDX, EPA has developed a form to reflect the self-identification statements, for reference purposes. (Ref. 9.)

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Manufacturers on the preliminary list also have an opportunity to certify through CDX that (1) they have already ceased manufacturing prior to the defined cutoff dates and will not manufacture for five ***years*** into the future, or (2) they have not ever manufactured the chemical substance. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee. Manufacturers who are not listed on the preliminary list and otherwise believe they can ``certify out'' as described previously, may choose to attest these facts to EPA. However, if information received during the public comment period would prompt the addition of manufacturers to the final list, EPA will first notify those manufacturers. Manufacturers who plan to cease manufacture in the future (but have not yet done so), or those who have already ceased but may re-enter the market within the next five ***years***, would not be permitted to certify out, and would still be subject to the fee obligation. The cutoff date (i.e , the date by which manufacture must have ceased in order to certify out) for an EPA- initiated risk evaluation is the date upon which the prioritization process is initiated for that chemical (i.e , approximately 9-12 months before the risk evaluation begins and 9-12 months before the preliminary list is published). The cutoff date for a TSCA section 4 test rule is the date upon which the proposed test rule is published. EPA chose an earlier cutoff date for risk evaluations to provide greater assurance that the manufacturer has exited the market and will not return for five ***years***. Numerous commenters expressed concerns that some manufacturers may only temporarily stop manufacture to avoid potentially significant fee obligations, and subsequently return to the market. The earlier cutoff date provides an extra measure of protection against that scenario. See paragraph 7 for additional discussion regarding free riders and late entrants.     6. Publication of final list. After the comment period for the preliminary list of entities subject to a fee obligation, EPA will make any associated updates or corrections, and then publish a final list of manufacturers. This list will indicate if any manufacturers were identified in error, any additional manufacturers that were identified through the comment period and/or reporting form, and if any manufacturers have certified that they have already ceased manufacture prior to the cutoff date described earlier and will not manufacture the subject chemical substance for five ***years*** into the future. The final list will be published concurrently with the final scope document for risk evaluations initiated by EPA under TSCA section 6, and with the final test rule under TSCA section 4.     7. Free riders and late entrants. A number of commenters raised concerns about the potential for manufacturers to exit the market shortly before or during the fee-triggering event, and avoid their fee obligations. Commenters expressed further concern about those same manufacturers re-entering the market shortly after the fee-triggering event, thereby getting a ``free ride.'' Other commenters suggested that EPA also impose fees on ``late entrants'' (i.e , manufacturers who enter the market after the fee-triggering event has concluded), and reallocate fees accordingly, and provide partial refunds as appropriate. EPA believes that the identification process will help prevent the problems identified by some commenters regarding free riders and manufacturers who may otherwise too easily exit and reenter the market to avoid fee obligations. Specifically, the final rule requires manufacturers to self-identify, and, for those who have exited the market, certify that they will not manufacturer for at least 5 ***years*** or face penalties for violating TSCA. For chemicals with ongoing uses, there is no requirement for new market entrants to provide notice to EPA. Furthermore, it is impracticable for EPA to administer fees to such late entrants by reallocating fee amounts, collecting additional monies, and providing partial refunds to previously identified manufacturers. Those entities who truly begin to manufacture during or after the fee event would not be subject to fees, late charges or other penalties, but this is consistent with how TSCA operates in the new chemicals context: New manufacturers, not subsequent chemical manufacturers, are required to submit PMNs and pay fees and subsequent manufacturers are not obligated to reimburse a PMN submitter.     Existing manufacturers who fail to identify themselves as required by this rule is a prohibited act under TSCA section 15(1) and therefore subject to a penalty under TSCA section 16. EPA views each day of failed identification by a manufacturer past the ***payment*** due date as a separate event subject to penalty. Likewise, manufacturers who falsely certify to having ceased manufacture and/or not re-initiating manufacture within five ***years*** will also be subject to penalty.

D. Methodology for Calculating Fees

    For the proposed rule, EPA calculated fees by estimating the total annual costs of administering TSCA sections 4, 5, and 6 (excluding the costs of manufacturer-requested risk evaluations) and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14; identifying the full cost amount to be defrayed by fees under TSCA section 26(b) (i.e , 25% of those annual costs); and allocating that amount across the fee- triggering events in TSCA sections 4, 5, and 6, weighted more heavily toward TSCA section 6 based on early industry feedback. EPA specifically requested comment on this methodology. While a number of commenters generally supported the allocation as an appropriate balance of fees amongst activities in TSCA sections 4, 5, and 6, many commenters offered alternative suggestions for calculating fees, such as an actual cost approach or level-of-effort approach.     A common theme from commenters was that fees, particularly those for TSCA section 6 activities, should more closely align with EPA's actual costs for carrying out the specific activity on the specific chemical. Some commenters pointed to the likelihood for variability in costs stemming from the number of uses evaluated, extent of exposures, amount of existing information such as assessments from other government bodies, the level of contractor support necessary, the complexity and number of tests required, and other factors.     As a general matter, EPA believes it is important to track costs on a chemical and activity basis in light of the increased responsibilities under TSCA and the need to better understand associated new costs. The Agency is working towards building this capability and, consistent with commenters' suggestions, expects to begin tracking actual costs on a chemical basis as soon as feasible. EPA plans to use our time reporting system to track employee hours and contract expenditures for each chemical undergoing risk evaluation and at the fee category level for section 4 and 5 activities. EPA also plans to track CBI claim review direct and programmatic support costs as well as cross cutting costs, direct costs and indirect costs associated with section 4, 5, 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under TSCA. However, EPA does not currently track costs with this level of

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specificity and, as with any new activity, expects there to be some initial challenges as it works to do so. As such, EPA does not believe it would be feasible or appropriate to implement an actual cost approach for all fee-triggering events at this time. Furthermore, because actual costs of individual activities are unknown at this time and unknowable in advance (i.e , every activity will be unique and bear different actual costs), and because the fee-triggering events are a narrower subset of the activities that TSCA fees must defray, it is unclear how EPA could ensure that an actual cost approach would yield fee revenue sufficient to defray 25% of the overall TSCA implementation costs associated with section 4, 5, and 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under TSCA, absent a better understanding of the actual costs of these new activities. More generally, EPA has many new responsibilities under TSCA and relatively little information and experience to inform assumptions on costs or activity levels. EPA expects to gain valuable experience implementing this initial fee structure. Ultimately, EPA believes this initial experience and information gained from tracking actual costs will help EPA to continue refining methodologies for calculating fees, and will inform potential revisions to the fee structure in the future. To inform these revisions EPA plans to use our time reporting system to track employee hours and contract expenditures for each chemical undergoing risk evaluation and at the fee category level for section 4 and 5 activities. EPA also plans to track CBI claim review direct and programmatic support costs as well as cross cutting costs, direct costs and indirect costs associated with section 4, 5, 6, and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under TSCA. Congress implicitly recognized the benefit of gained experience and understanding over time by requiring EPA to revisit the fees structure every three ***years***. Therefore, after considering the comments, for the final rule, EPA has determined to calculate the fees using the same approach as used in the proposed rule for most fee categories.     EPA is, however, finalizing an actual cost approach for calculating fees for manufacturer-requested risk evaluations. Although EPA proposed a static fee for manufacturer-requested risk evaluations based on general cost estimates for risk evaluation activities, upon further consideration and in light of public comments received, EPA will include a provision in the final rule to align this fee with the actual costs of the activity as a plain reading of TSCA would require. Specifically, EPA will require an initial ***payment*** of $1,250,000 (for a chemical on the TSCA Work Plan) or $2,500,000 (for a chemical not on the TSCA Work Plan), payable within 30 days after granting the request, and a final invoice to total either 50% or 100% of the actual costs in line with the percentage requirements in TSCA, or a refund to achieve these requirements, if warranted. As described in this unit, EPA estimates the cost of a manufacturer-requested risk evaluation to be approximately $3.88M The initial ***payment*** amounts were calculated to capture approximately two thirds of either 50% or 100% of that estimated cost, with the expectation that approximately the last third would come from the final ***payment***. This approach is well-supported in the language of TSCA, which explicitly requires the Agency to collect a percentage of costs incurred ``in conducting the risk evaluation'' (i.e , 50% or 100%, depending on whether or not the chemical is on the TSCA Work Plan). TSCA section 26(b)(4)(D) specifies that EPA shall establish a fee for manufacturer-requested risk evaluations sufficient to defray the full costs (or 50% of the costs for TSCA Work Plan chemicals) and the approach being finalized is consistent with that. Commenters had a variety of suggestions for how to implement an actual cost approach (e.g , multiple ***payments*** at various milestones, small upfront ***payments*** or application fees followed by one or more additional ***payments***, multiple ***payments*** based on target cost estimate ranges, etc.), but EPA determined that a simple two-***payment*** approach--an initial ***payment***, followed a final invoice at the conclusion of the risk evaluation for the total remaining due, or a refund--was a fair, understandable and practical approach in line with EPA's goals for the rulemaking.     EPA is confident that the actual cost approach for manufacturer- requested risk evaluations will be implementable for these activities beginning in FY19. Because fees collected for manufacturer-requested risk evaluations do not count towards the requirement that fees defray 25% of overall implementation costs in TSCA section 26(b)(4)(F), there is not a need to count manufacturer-requested risk evaluation fees towards achieving a specific percentage of total revenue collected. Additionally, EPA continues to believe that these types of requests will generally be less complex (i.e , companies will request risk evaluations on chemicals that are likely to present fewer significant risk issues) than most EPA-initiated risk evaluations, and therefore easier/simpler to assess and track for actual costs.

E. Fee Categories

    EPA proposed 8 distinct fee categories: (1) Test orders, (2) test rules and (3) enforceable consent agreements, all under TSCA section 4; (4) notices and (5) exemptions, both under TSCA section 5; and (6) EPA- initiated risk evaluations, (7) manufacturer-requested risk evaluations for chemicals on the TSCA Work Plan, and (8) manufacturer-requested risk evaluations for chemicals not on the TSCA Work Plan, all under TSCA section 6. Although EPA received some comment on these and other potential fee categories as described later in this discussion, EPA is not altering these fee categories for the final rule. The activities in these categories are fee-triggering events that result in obligations to pay fees under this final rule.     As a general matter, EPA received very few comments on the categories proposed for TSCA section 4 activities. One commenter expressed concern that testing requirements that are associated with TSCA section 5 or 6 activities should not be subject to a separate TSCA section 4 fee, otherwise it would amount to double-charging. EPA disagrees with this characterization. Cost estimates for TSCA section 4 activities do not overlap with cost estimates for TSCA section 5 or 6 activities, and the expenses defrayed by the fees are different. There is a cost to the Agency to (1) develop an order, rule or consent agreement, and (2) to review the data. These costs are separate from and in addition to the costs associated with review of a TSCA section 5 notice or exemption, or undertaking a TSCA section 6 risk evaluation.     EPA received a number of comments related to TSCA section 5 fee categories--most pertaining to the proposed fees for low-volume exemptions (LVEs) and other exemptions. A number of commenters sought to eliminate the exemption fee category entirely, and particularly for LVE fees. Historically, EPA has not charged a fee for TSCA section 5 exemption applications (e.g , LVE, low exposure/low release exemptions (LoREX), test-marketing exemptions (TME), TSCA experimental release

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applications (TERA), etc.). EPA's prior fee structure was set in 1988 and, while TSCA authorized EPA to collect fees for exemption applications, EPA only implemented fees for PMNs, SNUNs, and MCANs. EPA is imposing fees in this rule for all exemption submissions, except Tier I and polymer exemptions because the expected revenue from those activities would be largely negated by the administrative costs of collection. Some commenters suggested that fees for any exemption application would become a barrier to research, development and innovation. While EPA shares commenters' general concerns for impacts to innovation, EPA does not believe the LVE fee--a onetime $4,700 cost per submission ($940 for small business concerns)--will be a significant barrier to chemical industries seeking to introduce a new chemical to market. There is already a regulatory exemption from the TSCA section 5 notice requirements for those who manufacture only for research and development purposes (see 40 CFR 720.36). Another commenter asked EPA to clarify whether there would be a fee for bona fide submissions to ascertain whether or not a chemical is on the TSCA Inventory. EPA did not propose a fee for bona fide submissions, and there is no fee in the final rule for such submissions. Moreover, if a PMN was determined not to be a new chemical substance, the submitter would be due a full refund.     No commenters opposed the proposed fee categories for TSCA section 6 activities. However, several suggested exclusions or discounts for those who manufacture a chemical as an impurity or byproduct, or those who manufacturer chemicals for small, niche markets as their revenue may be insufficient to support a risk evaluation. As indicated earlier, EPA is not adjusting the fee categories in the final rule. TSCA requires EPA to evaluate chemicals under their conditions of use, and conditions of use evaluated may involve manufacture of impurities or byproducts, or chemicals used in niche market applications. As such, EPA does not believe it would be appropriate to exclude these manufacturers from fee obligations for TSCA section 6 activities.     Finally, EPA solicited comment in the proposed rule about the potential for additional fee categories for other TSCA activities such as CBI claims or risk management activities. A majority of commenters opposed fee categories or surcharges associated with submission of CBI claims, with the exception of some who noted that requiring ***payment*** of fees could help reduce the number of unwarranted claims. Commenters were split regarding a separate risk management fee. Several opposed a separate fee, suggesting there was no authority in TSCA to implement one. Other commenters encouraged EPA to include a separate fee category for risk management activities to both place the costs of this activity on companies choosing to use more dangerous chemicals, and to incentivize companies to move to safer chemistries. After further consideration, EPA has determined not to add these additional categories. EPA already accounted for both CBI and risk management activities in the baseline cost estimates in the proposed rule, meaning that EPA will recover a portion of these costs through the other fee categories. EPA believes this approach is in line with TSCA section 26, which does not explicitly authorize EPA to assign fees for CBI claims or risk management activities. EPA expects that the historical problem of unwarranted CBI claiming will be mitigated to a certain extent by enhanced CBI review requirements for EPA and substantiation requirements in TSCA. Similarly, EPA believes that the new general requirements for prioritization and evaluation of existing chemicals will themselves be a disincentive to manufacturing chemicals with more significant risks.

F. ***Program*** Cost Estimates and Activity Assumptions

    The estimated annual Agency costs of carrying out TSCA section 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA, are approximately $80.2 million excluding the estimated cost of having 5 manufacturer-requested risk evaluations underway each ***year***. Because the 25% cap on cost recovery does not apply to manufacturer-requested risk evaluations, the total cost to which the cap applies is $80.2 million. Based on these cost estimates, EPA anticipates collecting approximately $20 million in fees not associated with manufacturer-requested risk evaluations. In addition, the Agency intends to collect fees from manufacturers to recover 50% or 100% of the actual costs incurred by EPA in conducting chemical risk evaluations requested by manufacturers. EPA expects the amount collected will be approximately $1.94 million per chemical for chemicals on the TSCA Work Plan and $3.9 million per chemical for chemicals not on the TSCA Work Plan.     EPA determined the anticipated costs associated with TSCA sections 4, 5, and 6 of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA, including both direct ***program*** costs and indirect costs (see Table 1). For fiscal ***year*** 2019 through fiscal ***year*** 2021, these costs were estimated to be approximately $80.2 million per ***year***. More detail on how anticipated costs were calculated follows in Unit III.B.2

                                     Table 1--Estimated Annual Costs to EPA                                    [Fiscal ***Year*** 2019 through Fiscal ***Year*** 2021] ----------------------------------------------------------------------------------------------------------------                                                                   Direct ***program***                                                                        costs      Indirect costs   Annual costs ---------------------------------------------------------------------------------------------------------------- TSCA Section 4..................................................      $2,765,000        $778,000      $3,543,000 TSCA Section 5..................................................      22,375,000       6,296,000      28,672,000 TSCA Section 6..................................................      34,073,000       9,545,000      43,618,000 TSCA Chemical Information Management............................       3,531,000         814,000       4,345,000                                                                  -----------------------------------------------     Total.......................................................      62,744,000      17,425,000      80,178,000 ---------------------------------------------------------------------------------------------------------------- Notes: Numbers may not add due to rounding. The indirect cost rate for Office of Chemical Safety and Pollution   Prevention is estimated at 28.14% for the purposes of this analysis.

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    After estimating the annual costs of administering TSCA section 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA, the Agency had to determine how the costs would be allocated over the narrower set of activities under TSCA section 4, 5 and 6, which trigger a fee. The Agency took an approach to determining fees that tied the ***payment*** of fees to individual distinct activity types or ``fee-triggering events''. This allows allocation of costs more equitably among the activity types and their related costs.     1. ***Program*** costs. To determine the ***program*** costs for implementing TSCA sections 4, 5, and 6, of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA, the Agency accounted for the intramural and extramural costs for activities under these sections. Intramural costs are those costs related to the efforts exerted by EPA staff and management in operating the ***program***, collecting and processing information and funds, conducting reviews, and related activities. Extramural costs are those costs related to the acquisition of contractors to conduct activities such as analyzing data, developing IT systems and supporting the TSCA Help Desk. The Agency then added indirect costs to the direct ***program*** cost estimates. The Agency used an indirect cost rate of 28.14% to calculate the indirect costs associated with all direct ***program*** cost estimates for TSCA sections 4, 5, 6 and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA.     Some commenters expressed concerns that agency cost estimates and fee amounts were too low while other commenters expressed concerns that general or specific cost estimates, or fee amounts were too high or were not well substantiated. EPA continues to believe that the estimates presented represent the best estimates possible given our reliance, to the extent possible, on past experience and consideration of the additional work under the expanded authorities in the amended statute. Given this limited experience with novel obligations and authorities, our costs are estimates and subject to change and become more precise over time. However, EPA informed these estimates by relying on past experience with similar activities coupled with significant interaction and discussion with programmatic staff and management to develop estimates.     Because of the novelty and expanded scope of many aspects of the ***program*** under amended TSCA, EPA is not able to fully benchmark or substantiate all our estimates through past staffing or contract budget needs for identical activities. However, EPA carefully took into account the expanded requirements for risk evaluation, risk management, and new chemical review activities as well as the new test order authority when developing the cost estimates. Furthermore, EPA believes that Congress understood the uncertainty in standing up a new chemical review and management ***program*** and therefore required EPA to perform annual audits and reassess fees every three-***years*** to allow for costs estimates and the associated fees to be refined.     a. TSCA section 4 ***program*** costs. TSCA section 4 gives EPA the authority to require (by rule, order, or ECA) manufacturers and processors to conduct testing of identified chemical substances or mixtures. EPA estimated TSCA section 4 activity costs based on prior experience with developing test rules and ECAs, reviewing study plans, and reviewing the data received. These activity level assumptions represent EPA's best professional judgment on how the ***program*** will be implemented in the first 3-***year*** fees cycle. EPA estimates that, on average, it will undertake work associated with 10 test orders, one test rule and one ECA each ***year***. While EPA expects to work on one test rule and one ECA each ***year***, we expect to initiate each of these activities about every other ***year*** as it takes approximately two ***years*** to complete the work associated with both of these activities. While not EPA's current practice, these estimates represent EPA's best estimate on the work that will be required as a result of the 2016 amendments to TSCA, including the requirements to prioritize chemicals for risk evaluation review and to have 20 risk evaluations underway at all times beginning in December 2019.     EPA used historical averages of the number of affected firms per chemical from the three most recent section 4 test rules for high production volume (HPV) chemicals (71 FR 13708, March 16, 2006) (FRL- 7335-2); (76 FR 4549, January 26, 2011) (FRL-8862-6); and (76 FR 65385, October 21, 2011) (FRL-8885-5) and assumed an average of seven chemicals involved per TSCA section 4 action and four affected firms per chemical. EPA based Section 4 costs on our general experience with the rulemaking process, our experience with the developing an ECA for Octamethylcyclotetrasiloxane (D4) and costs associated with reviewing information received, and administration of, the HPV Voluntary Testing ***Program***. EPA relied on this past experience augmented thorough a process of coordination with programmatic staff and management to estimate the TSCA section 4 costs.     EPA's cost estimates included a full suite of activities related to developing and implementing actions under the TSCA section 4 authorities including development of screening-level hazard and environmental fate information, including tests that provide information on the toxicity of a chemical (e.g , aquatic toxicity, and mammalian toxicity). EPA also included estimates of the costs of reviewing physical/chemical properties and environmental fate and pathways data and tests.     Some commenters felt that EPA cost estimates were too low. However, EPA's estimates reflect the best estimates currently available, rely on past programmatic experience, and fully consider the information needs under amended TSCA for section 4 activities. In addition, TSCA section 4 actions have historically included multiple chemicals per action. EPA TSCA section 4 test orders, for example, could cover a group of similar chemicals allowing EPA to collect information on more than 10 chemicals in a given ***year***. Further, if EPA learns that more activities are needed per ***year*** or that costs are higher than expected, EPA will appropriately revise the requirements during the annual and three-***year*** review of fees.     Based on previous experience and expected work under TSCA as amended, EPA assumed that testing required by test orders is likely to be completed in under a ***year***, and test rules and ECAs are likely to take two ***years*** to complete. To estimate the costs of reviewing test data, we assume that on average, data will be submitted to EPA for seven chemicals in each TSCA section 4 activity and that each chemical would have 4 associated companies to test for a total of 28 firms per action.     Based on this approach, the estimated cost to the Agency of each test order is approximately $279,000. Each test rule is estimated to cost approximately $844,000 and each enforceable consent agreement is estimated to cost approximately $652,000. These cost estimates include submission review and are based on projected full-time equivalent (FTE) and extramural support needed for each activity divided by the number of orders, rules and ECAs EPA assumes will be worked on over a

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three-***year*** period. Several of these activities (rules and ECAs) are expected to span two ***years***, as noted earlier so those estimates are based on the annual estimated costs multiplied by two. The annual cost estimate of administering TSCA section 4 in fiscal ***year*** 2019 through fiscal ***year*** 2021 is $3,543,000 (Ref. 3: Table 8).     b. TSCA section 5 ***program*** costs. TSCA section 5 requires that manufacturers and processors provide EPA with notice before initiating the manufacture of a new chemical substance or initiating the manufacturing or processing for a significant new use of a chemical substance. EPA is required to review and make affirmative determinations for new chemical submission and take risk management action, as needed.     Examples of the notices or other information that manufacturers and processors are required to submit under TSCA section 5 are PMNs, significant new use notifications (SNUNs), microbial commercial activity notices (MCANs), and numerous types of exemption notices and applications (e.g , low-volume exemptions [LVEs], test-marketing exemptions [TMEs], low exposure/low release exemptions [LoREXs], TSCA experimental release applications [TERAs], certain new microorganism [Tier II] exemptions, film article exemptions, etc.).     EPA's TSCA section 5 efforts prior to the 2016 amendments to TSCA are well understood through experience that spans several decades. The Agency has 40 ***years*** of experience and historical data on costs, as well as the number of different TSCA section 5 submission types sent to the Agency each ***year*** under the previous statute. In 1987, the costs for the Agency to process a PMN were approximately up to $15,000 per submission, depending on the amount of detailed analysis necessary; these estimates did not include indirect costs. Recent data on the number of annual submissions is found at [*https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review*](https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review). In ***calendar*** ***year*** 2016, EPA received 577 PMNs, SNUNs and MCANs, and another 560 exemption notices and applications, most of which were LVEs.     Cost estimates were developed based on our historical understanding of costs, extensive consultation with programmatic staff and management and careful consideration of the requirements for new chemical reviews under amended TSCA, including the requirement to make an affirmative safety determination, and costs of pre-notice consultation. Based on the extent of past experience to rely upon for costs estimation, TSCA section 5 costs are some the best understood in terms of anticipated activity level and per activity cost.     Some commenters commented that EPA did not fully consider the statutory requirements under amended TSCA. However, EPA feels the costs are developed using our robust historical cost understanding, extensive discussion with programmatic staff and management, and consideration of the requirements under amended TSCA to evaluate intended, known, or reasonably foreseen conditions of use and the Agency's costs of taking any related required regulatory action such as with a SNUR and/or a consent order. Costs of reviewing any data that is submitted to EPA as a result of an order is also included in EPA's estimates. EPA's cost estimates for administering TSCA section 5 also include the costs associated with processing and retaining records related to a Notice of Commencement (NOC) submission. NOC costs also include the cost of registering the chemical with the Chemical Abstracts Service. EPA has lumped the costs associated with NOCs (totaling an estimated $1,700,000 per ***year***) with those of PMNs, MCANs and SNUNs. The estimated average cost for EPA to review a PMN, MCAN and SNUN is approximately $55,200. This estimate is based on projected FTE and extramural support needed for these actions divided by the number of submissions the Agency assumes will be received each ***year*** once fees are in place. EPA estimated that there will be 462 submissions annually. EPA's estimate of number of submissions is based on submissions received in FY 16, and reduced by 20% due to the anticipated impact of increased fees on the number of submissions (Ref. 3: Table 9). EPA does not believe that this estimated reduction in submissions will translate into a reduction in new chemicals entering commerce as only roughly 57% of new chemicals reviewed by EPA have historically entered commerce. Furthermore, EPA acknowledges that these activity level assumptions are only estimates and there is underlying uncertainty regarding the true impact of these fees.     Estimated costs associated with TSCA section 5 exemption notices and applications include pre-notice consultation, processing and reviewing the application, retaining records, and related activities. The average cost for EPA to review an exemption is $5,600. This estimate is based on projected FTE and extramural support needed for these actions divided by the number of submissions the Agency assumes will be received each ***year*** once fees are in place. EPA estimates that there will be 560 exemptions submitted annually. While EPA did not assume a reduction in the number of exemption submissions, EPA acknowledges that these activity level assumptions are only estimates and there is underlying uncertainty regarding the true impact of fees on exemption submissions. Our estimate of number of submissions is based on submissions received in FY 16 (Ref. 3: Table 10).     The annual cost estimate of administering TSCA section 5 in fiscal ***year*** 2019 through fiscal ***year*** 2021 is $28,600,000. Approximately $25,500,000 is attributed to PMNs, SNUNs and MCANs; another approximately $3,149,000 is attributed to section 5 exemptions notices and applications for LVEs, LoREXs, TMEs, TERAs, Tier IIs and film articles.     c. TSCA section 6 ***program*** costs. TSCA section 6 describes EPA's process for assessing and managing chemical safety under TSCA. TSCA section 6 addresses: (a) Prioritizing chemicals for evaluation; (b) evaluating risks from chemicals; and (c) addressing unreasonable risks identified through the risk evaluation. Under TSCA, EPA is now required to undergo a risk-based prioritization process to designate existing chemicals on the TSCA Inventory as either high-priority for risk evaluation or low-priority. EPA is also currently considering approaches for identifying potential candidates for prioritization and has included estimates for this the EPA costs for TSCA section 6. For chemicals designated as high-priority substances, EPA must evaluate existing chemicals to determine whether they ``present an unreasonable risk of injury to health or the environment'' (TSCA section 6(a)). Under the conditions of use the Agency expects to consider for each chemical, the Agency will assess the hazard(s), exposure(s), and the potentially exposed or susceptible subpopulation(s) that EPA determines are relevant. This information will be used to make a final determination as to whether the chemical presents an unreasonable risk under the conditions of use. The first step in the risk evaluation process, as outlined in TSCA, is to issue a scoping document for each chemical substance within six months of its designation in the Federal Register. The scoping document will include information about the chemical substance, such as conditions of use, exposures, including potentially exposed or susceptible subpopulations, and hazards, that the Agency expects to consider in the risk

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evaluation. TSCA requires that these chemical risk evaluations be completed within three ***years*** of initiation, allowing for a 6-month extension. By the end of ***calendar*** ***year*** 2019, EPA must have at least 20 chemical risk evaluations ongoing at any given time on high-priority chemicals, have identified at least 20 low-priority substances for which risk evaluation is not warranted at this time, and have an additional 5-10 manufacturer-requested risk evaluations underway, if sufficient requests and fee ***payments*** have been made. For each risk evaluation that the Agency completes for a High-Priority Substance, TSCA requires that EPA identify another High-Priority Substance. The Agency expects to have between 25 and 30 risk evaluations ongoing at any time in any given ***year*** at different stages in the review process.     TSCA section 6 cost estimates have been informed by the Agency's experience completing assessments for several TSCA Work Plan chemicals, including N-methylpyrrolidone, antimony trioxide, methylene chloride, trichloroethylene, and 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8- hexamethylcyclopenta[[gamma]]-2-benzopyran (HHCB) and by the Agency's experience with risk management actions addressing risks identified from particular uses of a chemical. In addition, EPA relied on our experience with work to date on the first ten 10 chemicals currently undergoing risk evaluation. TSCA section 6 risk evaluation costs include the cost of information gathering, considering human and environmental hazard, environmental fate, and exposure assessments. Costs also include the use of the ECOTOX knowledge and Health and Environmental Research Online (HERO) databases, among others. Other costs include scoping (including problem formulation, conceptual model and analysis plan), developing and publishing the draft evaluation, conducting and responding to peer review and public comment, and developing the final evaluation, which includes a risk determination.     Under TSCA section 6, the Agency also has obligations to take action to address the unreasonable risks identified from a chemical. TSCA section 6(a) provides authority for EPA to prohibit or otherwise restrict the manufacture, processing, distribution in commerce, and commercial use of chemicals, as well as any manner or method of disposal of chemicals. Cost estimates for risk management activities have been informed, in part, by EPA's recent risk reduction actions on several chemicals, including development of the proposed rules regarding the use of N-methylpyrrolidone and methylene chloride in paint and coating removal and trichloroethylene in both commercial vapor degreasing and aerosol degreasing and for spot cleaning in dry cleaning facilities.     In addition to considering previous experience with TSCA Work Plan chemicals described in this Unit, EPA also benchmarked risk evaluation costs against cost associated with conducting risk assessments for pesticides under the Pesticide Registration Improvement Act (PRIA). The Agency chose the costs of conducting reviews for new conventional food- use pesticide active ingredients as the most relevant comparison to an existing chemical review under TSCA based on the scope and complexity of the assessments and the data considered in conducting the reviews. EPA estimates the cost of completing a risk assessment and risk management decision for a new conventional food use pesticide active ingredient to be approximately $2,900,000 which includes direct cost estimates provided by the Office of Pesticide ***Programs*** and indirect costs at 28.14%. The primary rationale for the increased cost estimate for a risk evaluation under TSCA when compared to a new pesticide review under PRIA are that the scope of an existing chemical assessment under TSCA is expected to be broader in terms of conditions of use and exposure scenarios that will be assessed.     EPA also expects that risk management costs will be higher under TSCA since rulemaking is required to implement any mitigation that is considered appropriate whereas most mitigation for a pesticide can be achieved directly through changes to the product labeling and/or terms and conditions of the registration. Some commenters commented that risk evaluation costs were over-estimated since risk assessments by private firms are less expensive. EPA does not agree with this as the scope of an assessment from a private firm could be significantly lower than that required under amended TSCA.     The breakdown of costs for an average three-***year*** EPA-initiated chemical risk evaluation is shown in Table 2.

    Table 2--Estimated Costs (Direct and Indirect) Associated With an                     Average Chemical Risk Evaluation ------------------------------------------------------------------------                                                                Estimated                   Risk evaluation activity                       cost ------------------------------------------------------------------------ Risk Evaluation: Data Gathering (i.e , literature search)...    $395,000 Risk Evaluation: Databases (e.g , ECOTOX and HERO)..........     147,000 Risk Evaluation: Hazard Assessment..........................   1,008,000 Risk Evaluation: Exposure Assessment........................   1,038,000 Risk Evaluation: Scoping....................................     235,000 Risk Evaluation: Draft Evaluation...........................     502,000 Risk Evaluation: Peer Review & Responding to Comment........     230,000 Risk Evaluation: Final Evaluation...........................     329,000                                                              -----------   Total.....................................................   3,884,000 ------------------------------------------------------------------------

    Upon further consideration and in light of public comments received, EPA cost estimates for manufacturer-requested risk evaluations were revised from those in the proposed rule to be consistent with the costs of EPA-initiated risk evaluations and to increase accountability and transparency by using an actual cost approach when determining the fee for a specific manufacturer-requested chemical review. In the proposed rule, EPA estimated the costs of a manufacturer-requested risk evaluation to be $2.6M, and the costs of an EPA-initiated risk evaluation to be $3.88M Upon consideration of comments and further analysis, for purposes of the economic analysis and burden analysis, EPA estimated the same costs for both manufacturer-requested and EPA-initiated risk evaluations at $3.88M However, EPA also carefully considered commenters that expressed concern that some risk evaluations may be less burdensome. In order to address concerns with potentially overcharging for some risk evaluations, EPA is implementing an actual cost approach to fees for manufacturer-requested risk evaluations as described in Unit III.     The estimated annual cost of administering TSCA section 6 in fiscal ***year*** 2019 through 2021 is $43,618,000. Approximately $32,370,000 is attributed to risk evaluation work on chemical risk evaluations; another approximately $6,584,000 is attributed to risk management efforts; another approximately $2,091,000 is attributed to support from the Office of Research and Development (ORD) for alternative animal testing and methods development and enhancement, data integration, meta-analysis of studies, and providing access to other models, tools and information already developed by ORD, and approximately $2,573,000 is attributed to the process of designating chemicals as High- or Low- priority substances (Ref. 3: Table 11).

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    d. Costs of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14 information on chemical substances under TSCA. EPA's cost estimates for TSCA section 14 as presented for the proposed rule are unchanged for the final rule.     Some commenters thought that the statutory requirement that EPA collect fees to defray 25% of the costs of ``collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14'' would apply to costs beyond those to manage information related to activities in TSCA section 4, 5 and 6. EPA generally agrees and is clarifying that cost estimates do fully consider these costs of general information management but do not include the costs of administering other authorities for collection such as those in TSCA section 8 and 11. EPA does not believe that Congress intended EPA to offset costs associated with administering authorities under these other sections. The statutory text clearly points to the authorities of sections 4, 5, 6 and 14 but not others. If the costs of administering activities under sections 8 and 11 were intended to be defrayed with fees, Congress would have specifically included those authorities in the statutory text. Therefore, cost estimates in the proposed rule already considered costs associated with managing information that for instance, comes in pursuant to a TSCA section 8 rule, but not the costs of developing the TSCA section 8 rule.     In response to commenter's requests to better substantiate costs related to information management, EPA expanded upon the categories in the cost estimates provided in the Technical Background Document (Ref. 3) from those released in the proposed rule to provide a cost breakout that better elaborates which activities were included and the associated cost estimates. Specific activities considered when developing this estimate for these activities include: Prescreening/ initial review; substantive review and making final determinations; documents review and sanitization; regulation development; IT systems development; and transparency/communications. Estimates also include Office of General Counsel costs associated with issuing TSCA CBI claim final determinations, and supporting guidance, policy and regulation development for TSCA Section 14 activities, e.g , implementing the unique identifier provisions, access to TSCA CBI for emergency personnel, states, tribes and local governments, the TSCA CBI sunset provisions, among others.     Other chemical information management activities included in the analysis are: The costs for implementation of the Unique Identifier Rule; costs for implementing the requirements in TSCA section 14(d); costs for implementing the CBI sunset requirements; costs for Notice of Activity chemical identity CBI claim reviews, costs for Freedom of Information Act-Related CBI claim reviews; and costs for providing public access to Non-CBI Data and IT costs for operating and maintaining the CBI Local Area Network (LAN). The annual cost estimate of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA, including FTE and extramural costs, from fiscal ***year*** 2019 through fiscal ***year*** 2021 is $4,346,000 (Ref. 3).     1. Indirect costs. Indirect costs are the intramural and extramural costs that are not accounted for in the direct ***program*** costs, but are important to capture because of their necessary enabling and supporting nature, and so that our proposed user fees will accomplish full cost recovery up to that provided by law. Indirect costs typically include such cost items as accounting, budgeting, payroll preparation, personnel services, purchasing, centralized data processing, and rent. Indirect costs are disparate and more difficult to track than the other cost categories, because they are typically incurred as part of the normal flow of work (e.g , briefings and decision meetings involving upper management) at many offices across the Agency.     EPA accounts for some indirect costs in the costs associated with TSCA sections 4, 5, and 6, costs of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA by the inclusion of an indirect cost factor. This rate is multiplied by and then added to the ***program*** costs. An indirect cost rate is determined annually for all of EPA offices by the Agency's Office of the Controller, according to EPA's indirect cost methodology and as required by Federal Accounting Standards Advisory Board's Statement of Federal Financial Accounting Standards No. 4: Managerial Cost Accounting Standards and Concepts. An indirect cost rate of 28.14% was applied to direct ***program*** costs of work conducted by EPA's Office of Chemical Safety and Pollution Prevention, based on FY 2016 data (Ref. 4). Some of the direct ***program*** costs included in the estimates for TSCA sections 4, 5, and 6 and collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA are for work performed in other Agency offices (e.g , the Office of Research and Development and the Office of General Counsel). Appropriate indirect cost rates were applied to those cost estimates (i.e , 25.56% and 8.05%). These indirect rates are based on an EPA's existing indirect cost methodology (Ref. 4). Indirect cost rates are calculated each ***year*** and therefore subject to change. Indirect costs were included in the ***program*** cost estimates in the previous sections.     2. Total costs of fee-triggering events. The annual estimated costs for fee categories under TSCA section 4, including both direct and indirect ***program*** costs are shown in Table 3. Note that the costs presented in Tables 3, 4 and 5 include only the costs of fee-triggering events and so do not include costs associated with CBI reviews, alternative testing methods development, risk management for existing chemicals or prioritization of existing chemicals. Costs associated with those activities are part of the overall costs of administering TSCA sections 4, 5, 6 and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA and, as such, are included in the overall cost estimates previously in Table 1.

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                                         Table 3--TSCA Section 4 Costs \* ----------------------------------------------------------------------------------------------------------------                                                                      Estimated                                                                      number of    Estimated cost     Estimated                           Fee category                                ongoing       to agency/    annual cost to                                                                    actions/***year***       action          agency ---------------------------------------------------------------------------------------------------------------- Test Order......................................................              10        $279,000      $2,795,000 Test Rule.......................................................               1         844,000         422,000 Enforceable Consent Agreement...................................               1         652,000         326,000 ---------------------------------------------------------------------------------------------------------------- \* Numbers may not add due to rounding.

    The estimated annual costs for fee categories under TSCA section 5, including both direct and indirect ***program*** costs are shown in Table 4.

                                         Table 4--TSCA Section 5 Costs \* ----------------------------------------------------------------------------------------------------------------                                                                      Estimated                                                                      number of    Estimated cost     Estimated                           Fee category                                ongoing       to agency/    annual cost to                                                                    actions/***year***       action          agency ---------------------------------------------------------------------------------------------------------------- PMN and consolidated PMN, SNUN, MCAN and consolidated MCAN......             462         $55,200     $25,500,000 LoREX, LVE, TME, Tier II exemption, TERA, Film Article..........             560           5,600       3,149,000 ---------------------------------------------------------------------------------------------------------------- \* Numbers may not add due to rounding.

    The estimated annual costs for fee categories under TSCA section 6, including both ***program*** and indirect costs are shown in Table 5.

                                         Table 5--TSCA Section 6 Costs \* ----------------------------------------------------------------------------------------------------------------                                                                      Estimated                                                                      number of    Estimated cost     Estimated                           Fee category                                ongoing       to agency/    annual cost to                                                                    actions/***year***       action          agency ---------------------------------------------------------------------------------------------------------------- EPA-initiated risk evaluation...................................              25      $3,884,000     $32,370,000 Manufacturer-requested risk evaluation: Work Plan chemical......               2       3,884,000       2,589,000 Manufacturer-requested risk evaluation: Non-Work Plan chemical..               3       3,884,000       3,884,000 ---------------------------------------------------------------------------------------------------------------- \* Numbers may not add due to rounding.

G. Fee Amounts

    With the exception of manufacturer-requested risk evaluations, EPA is finalizing the fee amounts as described in the proposed rule. EPA applied the same formula to calculate the fees per submission for each fee category as used in the proposal to ensure that 25% of the costs of administering TSCA sections 4, 5, and 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under TSCA section 14 information on chemical substances under TSCA would be collected in any given ***year*** (i.e , approximately $20 million annually in fiscal ***years*** 2019 through 2021). Because the eight fee categories do not span all of the activities (e.g , costs of administering TSCA section 14, risk management activities under section 6, prioritization of chemicals for evaluation, support for alternative testing and methods development and enhancement, etc.), EPA set fee amounts to ensure these costs were captured.     1. Fee amounts in general. EPA received a number of comments on the specific fee amounts in the proposed rule. Commenters generally had suggestions for adjusting fee amounts in various ways: Some specific to fee categories (described in the subsequent paragraphs) and some more generally applicable across all fee categories. For example, one commenter suggested a maximum fee for scenarios where there is a small number of manufacturers subject to a large fee. Another commenter suggested that fee amounts should be adjustable based on the number of identified manufacturers for the particular chemical and activity. Ultimately, EPA determined not to adjust fee amounts for the final rule based on these general comments. As a primary matter, EPA does not know in advance how many manufacturers will be identified for a particular fee-triggering activity. As such, it would be impossible to provide some type of discount when the number of identified manufacturers is low, while still ensuring that EPA collects sufficient fees overall to defray 25% of implementation costs. EPA made a significant effort to explain its methodology for calculating fees and basis for determining fee amounts in the proposed rule, and has further clarified certain aspects in the final rule. EPA has many new responsibilities under TSCA, and this presents challenges for developing cost estimates for the fees rule. With more experience, EPA may be able to refine estimates and potentially adjust fee amounts when revisiting this rule in the future as required under TSCA.     2. Fee amounts for TSCA section 4 activities. EPA is finalizing three fee amounts--one for each of the TSCA section 4 fee categories: Test orders, test rules and ECAs. These fees amount to approximately 3.5% of the total estimated activity cost. Several commenters expressed general support for the lower fee amounts for TSCA section 4 activities. Another commenter felt that section 4 fees were set too

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low--that they should be more proportional to actual costs, noting that Congress set a national policy that industry should pay for development of information. One commenter suggested that EPA consider assigning lower fees when companies agree to collaborate and produce data. EPA recognizes that manufacturers will be responsible for paying to develop the test information in addition to paying the TSCA fee, and reflected this in assigning lower fee amounts in the proposed rule. While EPA strongly encourages collaboration amongst manufacturers when developing data, EPA does not believe that such collaboration should result in lower fees. If manufacturers collaborate to voluntarily produce and provide data that EPA needs, that may obviate the need for a test rule or order. If, however, EPA issues a test rule and companies subsequently form a consortium to jointly produce data, no discount would be warranted. EPA would still incur the cost of developing the test rule and reviewing data regardless of the extent of collaboration amongst manufacturers.     3. Fee amounts for TSCA section 5 activities. EPA is finalizing two fee amounts for TSCA section 5 activities--one for notices (PMNs, SNUNs and MCANs) at approximately 29% of the estimated cost of the activities, and one for exemptions (LVEs, LoREX, TME, Tier II, TERA and film articles) at approximately 89% of the estimated cost of the activities.     A number of commenters indicated that the proposed TSCA section 5 fees were too high and should be kept as low as possible to promote innovation. Some of these commenters argued that these fees will result in reduced new chemical submissions and lost social benefits, and will reduce research and development efforts in the industry. Another commented that EPA was not permitted under TSCA to set fees based on promoting innovation. Others had more specific comments or requests. Some commenters, for example, suggested that EPA also apply a PMN discount for graduates of EPA's Sustainable Futures ***program*** (Ref. 5). Another commenter expressed concern regarding EPA's proposal to establish the same fee amount for both individual and consolidated notices, even though EPA acknowledges that consolidated submissions are more costly to review.     EPA appreciates commenters' concerns regarding increased TSCA section 5 fees and potential impacts to chemical innovation. First, amongst the fee categories for TSCA sections 4, 5, and 6 activities, EPA proposed to collect the bulk of fees from manufacturers subject to TSCA section 6 EPA-initiated risk evaluations, in part, to minimize impacts to innovation and competitive standing for new chemical manufacturers. TSCA calls for EPA to implement TSCA in a manner that does not ``impede'' or create ``unnecessary barriers to technological innovation.'' See TSCA section 2(b)(3). Second, the proposed fee amount for PMNs, MCANs and SNUNs was only moderately higher than the current fee adjusted for inflation (i.e , $10,400). As discussed in the proposed rule preamble, EPA also benchmarked the proposed new chemicals fees against similar activities conducted in EPA's pesticide ***program*** and found them to fall within an appropriate range of costs. With respect to specific requests to lower fee amounts, EPA has similarly determined not to make any adjustments for the final rule. Sustainable Futures ***program*** graduates do not currently receive a PMN discount and EPA did not propose to provide one. While one aim of the ***program*** is to encourage better quality submissions, there is no evidence to support that such submissions are categorically any less complex or expensive to review. EPA chose to lump PMN, MCAN and SNUN fees into a single category, setting a single fee applicable to each, for practical implementation reasons. Although certain activities (i.e , consolidated PMNs and MCANs) may cost the agency more than other activities in the same category (i.e , individual PMNs and MCANs), EPA chose to assign the same fee amount for individual and consolidated submissions in furtherance of EPA's goal to develop a practicable, implementable TSCA fee structure. EPA believes that there is value in keeping the fee structure relatively simple from an implementation perspective, but also because EPA currently lacks the experience and information to more narrowly tailor fees while still meeting the collection requirements in TSCA. Finally, EPA is finalizing the fee amount for section 5 exemptions. EPA is finalizing the proposal to eliminate the ``intermediate PMN'' fee category. As discussed in the preamble to proposed rule, discounted fees are not warranted for intermediate PMNs as EPA has not realized costs savings in review of these submissions. Reviewing and processing these exemptions is not an insignificant amount of work, and EPA believes the exemption fee--set at a fraction of the fee for PMNs and other notices--is well within reason.     4. Fee amounts for TSCA section 6 activities. EPA is finalizing one fee amount for EPA-initiated risk evaluations at approximately 35% of the estimated cost of the activity. As indicated earlier, EPA is finalizing an actual cost approach for manufacturer-requested risk evaluations, whereby the requesting manufacturer (or requesting consortia of manufacturers) would be obligated to pay either 50% or 100% of the actual costs of the activity, depending on whether or not the chemical was listed on the TSCA Work Plan, respectively. EPA received a number of comments on the proposed section 6 fee amounts. Some expressed concern that the amounts were too high, and could result in manufacturers abandoning production of critical substances. Others suggested discounts when data/analytical needs were low, when companies voluntarily submit additional data, or if a company would--prior to or during the risk evaluation--agree to voluntarily phase out manufacture of the substance. One commenter requested clarification that only one fee will be required for a risk evaluation, even if it is completed in phases as contemplated in the Risk Evaluation framework rule, and that only one fee will be required for risk evaluations performed on categories of chemicals.     While EPA recognizes the possibility for variation in complexity of a risk evaluation for any number of reasons (e.g , availability of data, number and type of associated uses, etc.), and therefore variation in cost, EPA has limited experience in conducting risk evaluations under new TSCA except for that related to ongoing work associated with the first 10 chemicals, and no experience or evidence to justify specific cost reductions related to number or type of uses, availability of more information, etc. In assigning fees across activities in TSCA sections 4, 5, and 6, EPA believes it achieved an appropriate balance in the proposal: a structure that was both efficient and practical to implement, while also distributing the fee burden across the fee-triggering events consistent with stakeholder input and the goals and policies of TSCA. With respect to commenter's request for clarification, EPA will only charge one fee for each risk evaluation activity, including risk evaluations on a category of substances, regardless of how unreasonable risk determinations may be communicated.     The final fee amounts are described in Table 6.

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                     Table 6--Final TSCA Fee Amounts ------------------------------------------------------------------------               Fee category                          Fee amount ------------------------------------------------------------------------ TSCA Section 4:     Test order.........................  $9,800.     Test rule..........................  $29,500.     Enforceable consent agreement......  $22,800. TSCA Section 5:     PMN and consolidated PMN, SNUN,      $16,000.      MCAN and consolidated MCAN.     LoREX, LVE, TME,\* Tier II            $4,700.      exemption, TERA, Film Articles. TSCA Section 6:     EPA-initiated risk evaluation......  $1,350,000.     Manufacturer-requested risk          Initial ***payment*** of $1.25M, with      evaluation on a chemical included    final invoice to recover 50%      in the TSCA Work Plan.               of Actual Costs.     Manufacturer-requested risk          Initial ***payment*** of $2.5M, with      evaluation on a chemical not         final invoice to recover 100%      included in the TSCA Work Plan.      of Actual Costs. ------------------------------------------------------------------------ \* EPA will waive the TME fee for submissions from companies that have   graduated from EPA's Sustainable Futures ***program***.

    5. Fee amounts for small businesses. EPA is finalizing reduced fee amounts for small businesses, consistent with the proposed rule and without change. EPA is, however, adjusting the small business size standard as discussed in Unit III. The reduced fee amounts are summarized in Table 7. These fee amounts represent an approximate 80% reduction compared to the base fee for each category. In one case, for TSCA section 5 notices (i.e , PMNs, MCANs and SNUNs), the small business reduction is 82.5%. For all fee categories, the reduced fee is only available when the only entity or entities are small businesses, including when a consortium is paying the fee and all members of that consortium are small businesses. Consistent with the proposed rule, reduced fees are not available for small business manufacturers requesting a risk evaluation, as TSCA requires those fees to be set at a specific percentage of the actual costs of the activity.     Some commenters expressed concern regarding accommodations made to small businesses in the proposed rule. For example, a few commenters argue that reduced fees for companies with annual sales of $91 million is an undue accommodation for companies that can clearly support fees, and the discount relief was unjustified and excessive. Another commenter urged EPA to clarify and better support its proposed discount of 80%. With respect to the approximate 80% discount in the proposed rule, EPA continues to believe this is appropriate. The discount is generally in line with EPA's discount for small businesses in the pesticides ***program*** (i.e , 75%), but slightly higher in line with significant stakeholder input regarding the need to minimize impacts to small businesses.

              Table 7--Final TSCA Fees for Small Businesses ------------------------------------------------------------------------               Fee category                      Small business fee ------------------------------------------------------------------------ TSCA Section 4:     Test order.........................  $1,950.     Test rule..........................  $5,900.     ECA................................  $4,600. TSCA Section 5:     PMN and consolidated PMN, SNUN,      $2,800.      MCAN and consolidated MCAN.     LoREX, LVE, TME, Tier II exemption,  $940.      TERA, Film Articles. TSCA Section 6:     EPA-initiated risk evaluation......  $270,000.     Manufacturer-requested risk          $1,250,000 initial ***payment*** +      evaluation on a chemical included    50% of total actual costs.      in the Work Plan.     Manufacturer-requested risk          $2,500,000 initial ***payment*** +      evaluation on a chemical not         100% of total actual costs.      included in the Work Plan. ------------------------------------------------------------------------

H. Definition for ``Small Business Concerns''

    EPA is also finalizing a revision to the size standard used to identify businesses that can qualify as a ``small business concern'' under TSCA for the purposes of fee collection. EPA proposed to adjust the 1988 size standard used to identify businesses that can qualify as a ``small business concern'' from a prior revenue threshold of $40 million to approximately $91 million (See Ref. 6). EPA also proposed to use average annual sales values over the three ***years*** preceding the activity, instead of just one ***year***. Further, EPA proposed to apply this definition to all fee categories in TSCA, not just TSCA section 5 submissions.     EPA specifically requested comment on this proposal and some alternative approaches, and commenters provided a variety of views. A number of commenters expressed support for SBA's employee based definition. Other commenters suggested that EPA apply only the inflation-adjusted approach in proposal, or else risk over-identifying small business concerns. At least one commenter expressed support for the proposed revenue-based definition, arguing that an employee-based metric is antiquated. A number of commenters supported an ``either/or'' approach, where a company could choose to certify as a small business under either the EPA's proposed revenue standard or SBA's employee- based standards. One commenter suggested that EPA consider

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an additional ``micro business'' category of 1-9 employees with an associated fee cap of $100.     After further consideration, review of the public comments and consultation with SBA, including the Office of Advocacy, EPA has determined to adopt an employee-based size standard modeled after SBA's standards. When establishing its size standards, SBA examines various industry characteristics such as average firm size, degree of competition within an industry, start-up costs and entry barriers, and distribution of firms by size. SBA also evaluates federal market factors including a small business's share in total industry's receipts. For more details, please see the ``SBA's Standards Methodology'' white paper, available at [*www.sba.gov/size*](http://www.sba.gov/size). The SBA size standards are industry-specific mostly based on either average annual revenue or number of employees, for reference please see the SBA size standards at 13 CFR 121.202 In order for an entity to be classified as a small business for federal contracting and other small business ***programs***, its enterprise level revenue or number of employees (including all affiliates) shall not exceed the size standard for the applicable industry. These size thresholds are determined at the 6- digit North American Industry Classification System (NAICS) levels. SBA's employee-based size thresholds range from 100 to 1,500 employees to account for differences among NAICS codes.     The Small Business Jobs Act of 2010 (Jobs Act) (Pub. L. 111-240, 124 Stat. 2504, Sept. 27, 2010) requires SBA to review every five ***years*** all size standards and make adjustments to reflect current industry and market conditions. SBA completed the first 5-***year*** review of size standards in early 2016 and is currently performing the second 5-***year*** review. As part of that effort, SBA plans to publish for public comments a series of proposed rules on size standards revisions in the coming ***years***.     For the final rule, EPA has incorporated the 2017 NAICS codes and SBA's associated size thresholds most likely to apply to manufacturers and processors subject to TSCA fees, see table 700.43 For those NAICS codes not represented on the table provided in 700.43 of the final rule, the manufacturer or processor must have 500 or fewer employees to be considered as a ``small business concern'' under TSCA for the purposes of fee collection. As a general matter, the reduction in revenue collection was minimal when applying an employee-based standard versus a revenue-based standard, and EPA deferred to the expertise of SBA in relying on an employee-based standard for this rulemaking. The definition in the final rule is updated accordingly, as well as supporting materials.     EPA considered several other options offered by commenters including an ``either/or'' approach and a ``micro-business'' category. With respect to the first, EPA did not believe it was appropriate to allow small businesses to choose to certify either under a revenue- based standard, or an employee-based standard. Doing so would potentially result in a significant increase to the total number of businesses identified as small, resulting in a shortfall in EPA's overall fee revenue and the need to adjust the fee structure--either by providing small businesses with a lower discount, or by increasing fees for other businesses. Adding a ``micro-business'' category would likely create similar issues with revenue shortfalls for EPA and a need to increase fee amounts elsewhere. Further, such a standard is not currently used anywhere in the federal government, including SBA. Ultimately, EPA did not believe the TSCA fees rule was an appropriate venue to introduce a micro-business standard. As indicated in the proposed rule, EPA believes a forthcoming TSCA section 8(a) rulemaking will provide for more consideration of appropriate size standards for industries subject to TSCA and offer the public further opportunities to comment on small business size standards, and EPA is committed to considering the results of that rulemaking, as well as the experience and information gained from implementing this final rule and future rulemaking to update the TSCA fees rule for the next three-***year*** cycle.

I. ***Payment*** of Fees and Refunds

    1. Timing. The final rule generally requires upfront ***payment*** of fees (i.e , ***payment*** due prior to reviewing a TSCA section 5 notice, within 120 days of publication of final test rule, within 120 days of issuance of a test order, within 120 days of signing an ECA, within 30 days of granting a manufacturer-requested risk evaluation, and within 120 days of publishing the final scope of a risk evaluations). However, for manufacturer-requested risk evaluations, ***payment*** will now be collected in two installments over the course of the activity.     A number of commenters encouraged EPA to allow for phased ***payments***, particularly for TSCA section 6 activities. Some of these commenters suggested that ***payment*** at specific milestones would better hold EPA accountable and assist with business planning efforts. EPA is finalizing an actual cost approach for manufacturer-requested risk evaluations which will, in effect, allow for phased ***payments*** (i.e , initial ***payment*** followed later by a final invoice).     This final rule is effective the day after publication and will apply to all submissions that are received starting October 1, 2018. Section 553(d)(3) of the Administrative Procedure Act (``APA''), 5 U.S.C 553(d), provides that final rules shall not become effective until 30 days after publication in the Federal Register ``except . . . as otherwise provided by the agency for good cause.'' The purpose of this provision is to ``give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' Omnipoint Corp. v. Fed. Commc'n Comm'n, 78 F.3d 620, 630 (D.C Cir. 1996); see also United States v. Gavrilovic, 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). Thus, in determining whether good cause exists to waive the 30-day delay, an agency should ``balance the necessity for immediate implementation against principles of fundamental fairness which require that all affected persons be afforded a reasonable amount of time to prepare for the effective date of its ruling.'' Gavrilovic, 551 F.2d at 1105. EPA has determined that there is good cause for making this final rule effective immediately because, under TSCA, as amended, EPA was directed to institute a fee collection ***program*** to ensure that the Agency has a sustainable source of funding to ensure successful implementation of TSCA as Congress intended. As is clear by the fact that Congress provided different parameters for setting fees both before October 1, 2018 (26(b)(4)(B)) and after (26(b)(4)(F)), EPA believes it was Congress' intent for EPA to be able to start assessing fees as quickly as possible after the enactment of the fee provisions and that fees would already be in place by October 1, 2018 when they would need to be updated. As required by TSCA 26(b)(4)(E), EPA consulted and met with stakeholders that were potentially subject to fees in August 2016, held and industry-specific consultation meeting and webinar in September 2016, participated in a Small Business Roundtable discussion in March 2018, and had several meetings with individual stakeholders through the development of the final rule, always stressing the urgency of collecting fees and the expected timing of collections. In addition, EPA provided public notice when including this effective date in the proposed rule, did not receive any comments on this

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provision, and proposed that all submissions starting October 1 would be subject to fees regardless of when the rule becomes effective. The fee amounts being finalized have not changed from the proposal other than those for manufacturer-requested risk evaluations, which will initially incur a smaller upfront fee. For these reasons, EPA believes that reasonable notice, including opportunity for comment has been provided regarding the date when fee collections will occur and that persons subject to the fees have had reasonable time to prepare to pay the fees. Between October 1, 2018 and when the rule is effective, EPA will track submissions and then send invoices to affected companies within 30 days of the effective date. Since all submitters will be subject to the fees starting October 1, 2018, and to minimize the need for after-the-submission invoicing, EPA believes there is good cause for an effective date one day after publication. For these reasons, the agency finds that good cause exists under APA section 553(d)(3) to make finalize its proposed approach to collect fees for all submissions that are received starting October 1, 2018.     2. Consortium formation and ***payment***. Additionally, EPA is extending the amount of time for manufacturers to notify EPA of their intent to form a consortium and the time to provide ***payment*** for certain TSCA section 4 and 6 activities. EPA believes this additional time will be useful for businesses to financially plan for the additional expense. Specifically, the final rule allows manufacturers subject to test orders, test rules, ECAs and EPA-initiated chemical risk evaluations time to associate with a consortium and work out fee ***payments*** within that consortium. ***Payment*** for fee categories under TSCA section 4 (i.e , test orders, test rules and ECAs) is due within 120 days of certain events as described previously. For EPA-initiated risk evaluations, full ***payment*** is due within 120 days of EPA publishing the final scope of a chemical risk evaluation. The proposed rule provided 60 days for these activities. EPA believes this additional time will assist manufacturers with the process of joining a consortium, if they so choose, and decide on the partial fee ***payments*** each member of the consortium will be responsible for. Manufacturers will have ample warning that a risk evaluation is underway, well before the final scope is published in the Federal Register. However, for manufacturer- requested risk evaluations, EPA will still require the initial ***payment*** within 30 days of when EPA grants the request to conduct the evaluation, as indicated in the proposed rule. A manufacturer or manufacturers who make such a request have complete control of the timing of the request, and are better positioned to sort out ***payment*** and fee allocation issues related to a consortium before the request is ever sent to EPA.     3. Applicability to ongoing activities. As described at length in the proposed rule, EPA proposed to begin recording fee obligations starting on October 1, 2018, even if the final rule is not yet effective. EPA is codifying this approach in the final rule. Specifically, EPA intends to record actions that would trigger ***payment*** of fees per the final rule and, once the final rule is effective, send invoices to the affected parties within 30 days containing information on timing, fee amounts and other details based on this final rule.     A number of commenters requested that EPA explicitly state whether fees will apply to certain ongoing activities, such as the first 10 chemical risk evaluations and TSCA section 5 submissions under review at the time the rule is finalized. To be clear, EPA will not collect fees for events that started prior to October 1, 2018 such as the first ten risk evaluations, or any TSCA section 5 activities initiated before that date. In these cases, the fee event is already ongoing, and EPA has determined not to retroactively apply fee obligations on these manufacturers. In addition, the costs of completing these risk evaluations has been included in the overall ***program*** cost estimates for TSCA section 6 activities, and EPA expects to recover 25% of these costs through implementation of this rule.     4. ***Payment*** method. EPA originally proposed to accept ***payment*** of fees through two different electronic ***payment*** options: Pay.gov and Fedwire. However, upon further review, EPA has determined that Fedwire is not a viable option for the Agency's current financial systems. As such, the final rule will only allow electronic ***payment*** through the secure, Pay.gov collection portal. As indicated in the proposed rule, Pay.gov provides customers the ability to electronically complete forms and make ***payments*** twenty-four hours a day. Because the application is web-based, customers can access their accounts from any computer with internet access. Manufacturers (and processors, where appropriate) would be expected to create ***payment*** accounts in Pay.gov and use one of the electronic ***payment*** methods currently supported by Pay.gov (e.g , Automated Clearing House debits (ACH) from bank accounts, credit card ***payments***, debit card ***payments***, PayPal or Dwolla). Because Pay.gov does not accept paper checks as ***payment***, EPA will not accept paper checks as ***payment*** for TSCA services. Additional instructions for making ***payments*** to EPA using Pay.gov are found at [*https://www.epa.gov/financial/additional-instructions-making-****payments****-epa*](https://www.epa.gov/financial/additional-instructions-making-payments-epa).     5. Refunds. EPA proposed to issue full and partial refunds in certain circumstance related to TSCA section 5 activities, consistent with EPA's authority under TSCA sections 5(a)(4)(B) and 26(b)(4)(G). EPA is finalizing those provisions, with some additional clarifications and corrections in light of public comments. EPA will issue full refunds for (1) PMN submissions that are determined not to be a new chemical substance, (2) MCAN submissions when the microorganism is determined not to be a new microorganism or significant new use, (3) SNUN submissions if the use is determined not to be a significant new use, (4) when the Agency fails to make a determination on a notice by the end of the applicable notice review period, unless the submitter unduly delayed the process, and (5) when the Agency fails to approve or deny an exemption with the applicable review period, unless the submitter unduly delayed the process. EPA will issue partial refunds (i.e , 75% of the fee amount) if a TSCA section 5 submission is withdrawn during the first 10 business days after the beginning of the applicable review period. EPA is not able to issue refunds for the entire fee amount because work begins as soon as EPA receives and application. Due to concerns with administrative burden and potential delays in issuing refunds, EPA will not calculate and refund a unique amount for each withdrawn submission. Although EPA originally proposed to issue a full refund for certain incomplete submissions, EPA's existing regulations already provide a process and timeline for EPA and the submitter to correct the issue. EPA believes the existing approach is more efficient than immediately issuing a full refund, and requiring the submitter to provide a new, complete submission.     A number of commenters had suggestions with respect to the refund provisions in the proposed rule. Several asked EPA to clarify the circumstances under which a full refund would be granted in the event the review is not completed within the applicable review period and what was meant by ``undue delay'' by the submitter that would prevent the submitter from receiving that full refund. Relatedly, a few commenters argued that voluntary

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suspensions shouldn't pause the review period.     With respect to full refunds, EPA is generally required to complete TSCA section 5 reviews within 90 days, and can unilaterally extend that period to 180 days under certain circumstances in TSCA. Consistent with longstanding practice, EPA and the submitter can, and often do, agree to suspend the review period to allow the submitter to develop new information, or to provide EPA with time to review new information. EPA has also historically allowed the submitter to amend their submission at any time during the review period. EPA intends to continue these practices. A voluntary suspension pauses the applicable review period. ``Undue delay'' by the submitter, as contemplated in the proposal, might occur if the submitter submits an amended submission or significant new information late in the review process and does not agree to suspend the review period. In such a case, EPA does not believe it should be required to issue a refund if the TSCA review period expires. As a practical matter, EPA believes that a scenario in which as EPA has authority to unilaterally extend the review period for an additional 90 days. Moreover, most submitters have appreciated the flexibility to suspend the review period, as doing so is often in their best interest.     A few commenters asked EPA to clarify the circumstances, if any, where EPA would issue refunds in the TSCA sections 4 or 6 context, such as when a manufacturer-requested risk evaluation fee exceeds the actual costs. EPA did not propose any refund provisions for TSCA sections 4 or 6 EPA-initiated risk evaluation activities. EPA does not expect to exceed actual costs for these costs given that fee amounts are set significantly below estimated costs of these activities. See Technical Background Document, (Ref. 3). For example, fees for TSCA section 4 activities are set at approximately 3.5% of the estimated costs of those activities. For both categories of fee-triggering events, EPA also believe that refunds are not appropriate based on late entrants or other timing reasons. In the context of manufacturer-requested risk evaluations, EPA is finalizing an actual cost approach, so there may be--in rare circumstances--a scenario where a manufacturer might be charged more than the cost of completing the activity and would be entitled to a refund. EPA has updated the final regulatory text to account for this possibility.

J. Multiple Parties Subject to Fee Obligations

    The final rule allows joint submissions under TSCA section 5, and the formation of, and ***payment*** by, consortia for submissions under TSCA sections 4 and 6. Manufacturers who seek to jointly submit a TSCA section 5 notice would be required to remit the applicable fee for each TSCA section 5 notice submitted. Only one fee is required for each submission, regardless of the number of joint submitters for that notice. To qualify for the small business discount, each joint submitter of a TSCA section 5 notice must qualify as a small business concern as defined in this rule. Manufacturers may also form a consortium to pay TSCA user fees for section 4 and 6 activities. The consortium must notify EPA of such intent. Once established, the consortium determines how the user fee would be split among the members, and ultimately paid to EPA. In response to comments, EPA made some minor modifications to this process, and provides some additional clarification on related issues:     1. Consortia: Timing of formation and ***payment***. Under the proposed rule, manufacturers would have been required to notify EPA of their intent to form a consortium within 30 days of the fee-triggering event and pay EPA within 60 days of the fee-triggering event. A significant number of commenters urged EPA to extend the time for consortia to form and pay, with suggestions of anywhere from 90 to 180 days. EPA recognizes the likelihood of challenges and complexities associated with forming consortia and managing ***payments***. In response to public comments, EPA will extend the amount of time for consortia to notify EPA of their intent to form, as well as the ***payment*** due date, each by 30 days. Thus, manufacturers will have 60 days to notify EPA of their intent to form a consortium from the triggering event, and 120 days total from the triggering event for ***payment***.     2. Consortia: Complex scenarios. EPA is providing some additional clarification on the division of costs amongst consortia and individual manufacturers for certain complex scenarios identified by commenters. The ideal scenario is that a single consortium forms and independently agrees upon allocation of ***payment*** amongst its members. In such a scenario, EPA would send a single invoice to the consortium, and receive a single ***payment*** in return. It is possible, however, for any number of more complicated scenarios to arise, such as formation of multiple consortia, or a combination of consortia and individual manufacturers not associated with the consortia. Adding discounts for small business concerns further complicates the allocation of fees in these scenarios.     Consistent with the formula in the proposed rule, in any scenario where there is not a single consortium comprised of all manufacturers subject to a single fee, EPA will take the following steps to allocate fees:      Count the total number of manufacturers, including the number of manufacturers within any consortia.      Divide the total fee amount by the total number of manufacturers, and allocate equally on a per capita basis to generate a base fee.      Provide all small businesses who are either (a) not associated with a consortium, or (b) associated with an all-small business consortium with an 80% discount from the base fee referenced previously.      Calculate the total remaining fee and total number of remaining manufacturers by subtracting out the discounted fees and the number of small businesses identified.      Reallocate the remaining fee across those remaining individuals and groups in equal amounts, counting each manufacturer in a consortium as one person.     Small businesses in a successfully-formed consortium (other than an all-small business consortium) cannot be afforded the 80% discount by EPA. Association with consortia for purposes of jointly paying fees is a voluntary activity; EPA lacks the authority to compel consortia managers to provide small businesses with discounts. However, consortia are strongly encouraged to provide a discount for small business concerns.     For example, consider a scenario in which there is one consortium formed (with a mix of small businesses and non-small businesses), plus some additional individual small businesses and non-small businesses not associated with the consortium. There are 10 total manufacturers, with 5 in the consortium and 5 individuals (2 small businesses and 3 non-small businesses). Assume the total fee is $100,000. The base fee would be $10,000 ($100,000 divided by 10 manufacturers). The two individual small businesses (not associated with consortium) would be responsible for $2,000 each ($10,000 base fee x 0.2). That leaves $96,000 to be paid across 8 total remaining manufacturers. The consortium (5 of 8 remaining manufacturers) would responsible for 62.5% of the remaining fee or $60,000,

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and they would be free to determine how to allocate that amount amongst their membership. Any small businesses within the consortium are not provided a discount by EPA. Each of the 3 individual non-small business manufacturers would be responsible for 12.5% of the remaining fee or $12,000.     3. Consortia: Failure to reach agreement. If a consortium is unable to reach agreement on splitting the fee, the principal sponsor must notify EPA prior to the expiration of the 60-day notification period. EPA defines the principal sponsor as a person who assumes primary responsibility for the direction of the study, the ***payment*** of fees to EPA, and for oral and written communication with EPA. This notification by the principal sponsor effectively nullifies the formation of the consortium, and each member will be treated as an individual manufacturer, and must pay their portion of the fee--as calculated by EPA--within the time period remaining. The Agency will divide the total fee by the number of manufacturers. Small businesses will be afforded an 80% discount.     4. Consortia: Small business concerns. EPA strongly encourages consortia to set lower fees for small business concerns; Congress generally intended small businesses to be afforded lower fee ***payments*** (TSCA section 26(b)(4)(A)). Some commenters suggested that EPA should go further in prescribing fairness in consortia dealings, including dealings with small businesses. At least one commenter suggested that an expectation that consortia would assign lower fees to small businesses is unrealistic. Another commenter suggested EPA should require consortia to give a small business discount. One commenter suggested that the proposal would result in formation of all small business consortia every time, given that small businesses would surrender their small business protections by consorting with non-small businesses. However, association with a consortium is a voluntary activity; a small business will always have the choice to not associate with a consortium and to receive the small business discount. Further, EPA does not believe it has the authority in TSCA to compel consortia managers to provide a discount to small businesses. Nevertheless, EPA strongly encourage consortia to do so.     5. Consortia: Administrative costs and burden. Several commenters suggested that EPA recognize administrative costs associated with consortia formation and management that companies would be expected to bear, and to set those expectations in final rule. The administrative costs of consortia management would be set by third parties and completely outside the control of EPA, and would not be appropriate for EPA to factor this into ***program*** cost estimates or otherwise reflect in the fee amounts. However, based on public comments, EPA is including some minor updates to the economic analysis to reflect this additional administrative burden and costs associated with forming consortia for the distinct purpose of submitting fee ***payments***.

K. Enforcement

    Failure to comply with any requirement of a rule promulgated under TSCA is a prohibited act under TSCA section 15 and is subject to penalties under TSCA section 16. Failure to pay the appropriate fee at the required time would subject each manufacturer and processor who is subject to the fee ***payment*** to penalties of as much as the maximum statutory amount per day ($38,114 as of January 2017) until the required fee is paid. Each person subject to fees would be subject to such penalties regardless of whether they intend to pay independently, as a joint submitter or through a consortium. Each member of a consortium, and each joint submitter, is individually responsible for ***payment*** of the fee, and subject to penalties for non-***payment***, until the fee is actually paid. EPA may develop enforcement response policy guidance provisions for this rule. In the meantime, EPA's Office of Enforcement will rely on TSCA section 16(a)(2)(B) and GM 21 at [*https://www.epa.gov/enforcement/policy-civil-penalties-epa-general-enforcement-policy-gm-21*](https://www.epa.gov/enforcement/policy-civil-penalties-epa-general-enforcement-policy-gm-21).

L. Compliance Date

    EPA will be able to start collecting fees the day after the final TSCA user fees regulations are published in the Federal Register. For EPA to sufficiently address the increased workload under TSCA, the Agency must start collecting fees as soon as possible for use in defraying implementation costs. All submissions starting October 1, 2018 are subject to the fees in this rule regardless of when the rule becomes effective. For submissions received between October 1, 2018 and the effective date of the rule, EPA will invoice submitters within 30 days.

M. Conforming and Other Technical Amendments

    EPA is finalizing minor changes to several of its regulations that cross-reference the part 700 fees regulations, specifically 40 CFR parts 720, 723, 725, 790 and 791. Amending the regulatory text in these parts will ensure that existing regulations appropriately reference the regulatory text being finalized today. These include minor updates for implementing the fee requirements for test marketing exemptions at Sec.  720.38; premanufacture notification regulations at Sec.   720.45(a)(5); instant photographic and peel-apart film articles exemptions at Sec.  723.175; amendments to regulations covering MCANs and exemption requests at Sec.  725.25 and Sec.  725.33; minor amendments at Sec.  790.45 and Sec.  790.59; and a modification to the general provisions for data reimbursement found at Sec.  791.39

IV. Projected Economic Impacts

    EPA has evaluated the potential costs for entities potentially subject to this final rule. More details can be found in the Economic Analysis (Ref. 2) for this rule.     For the baseline, EPA used the number of section 5 submissions received in FY 2016 for each of the types of fee-triggering section 5 categories (Ref. 7) as the estimate of the number of submissions per section 5 fee category for the next three ***years*** in the absence of the rule. As a result of the final rule, EPA expects that the number of PMNs, MCANs, and SNUNs submitted would decline by 20% from the baseline, while the number of exemptions would remain the same, on average. Test orders under section 4 are new under TSCA as amended and the average number of test orders expected per ***year*** represents an EPA estimate based on previous experience and expected work under TSCA as amended. Similarly, for the other fee categories under section 4 (test rules and ECAs), EPA also estimated the expected number of such actions per ***year*** based on previous experience and expected work under TSCA as amended. The amended TSCA regulations specify the number of risk evaluations that EPA must have ongoing over the next three ***years***. The Agency expects to have between 20 and 30 risk evaluations ongoing in any given ***year*** at different stages in the review process, including manufacturer-requested evaluations.     EPA calculated fees by estimating the total annual costs of administering TSCA sections 4, 5, and 6 (excluding the costs of manufacturer-requested risk evaluations) and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14; identifying the full amount to be defrayed by fees under TSCA section 26(b) (i.e , 25% of those annual costs);

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and allocating that amount across the fee--triggering events in sections 4, 5, and 6, weighted more heavily toward section 6 based on early industry feedback. EPA estimates the total fee collection by multiplying the fees with the number of expected fee-triggering events under full implementation for each fee category, for a total of approximately $20 million in average annual fee revenue. This total does not include the fees collected for manufacturer-requested risk evaluations. EPA estimates that section 4 fees account for less than one percent of the total fee collection, section 5 fees for approximately 43 percent, and section 6 fees for approximately 56 percent.     Total annual fee collection for manufacturer-requested risk evaluations is estimated to be $1.3 million for chemicals included in the Work Plan (based on two requests over the three-***year*** period) and approximately $3.9 million for chemicals not included in the Work Plan (based on three requests over the three-***year*** period).     For small businesses, EPA estimates that 18.6 percent of section 5 submissions will be from small businesses that are eligible to pay the small business fee because they are classified as small businesses based on the SBA small business thresholds. Total annualized fee collection from small businesses submitting under section 5 is estimated to be $339,000 (Ref. 2). For sections 4 and 6, reduced fees paid by eligible small businesses and fees by paid non-small businesses may differ over the three-***year*** period that was analyzed, since the fee paid by each entity is dependent on the number of entities identified per fee-triggering event. EPA relied on past experience with Test Rules for HPV chemicals under section 4 as well as work to date on the first ten 10 chemicals currently undergoing risk evaluation under section 6 to inform its estimates of average number of small businesses impacted per action, and estimates that average annual fee collection from small businesses impacted by section 4 and section 6 would be approximately $7,000 and $926,000, respectively. For each of the three ***years*** covered by this rule, EPA estimates that total fee revenue collected from small businesses will account for about 6 percent of the approximately $20 million total fee collection, for an annual average total of approximately $1.3 million.     This rule establishes fee requirements for affected manufacturers (including importers) and, in some cases, processors of chemical substances. The fees to be paid by industry would defray the cost for EPA to administer TSCA sections 4, 5, 6, and collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. Absent this regulation, EPA costs to administer these sections of TSCA would be borne by taxpayers through budget appropriations from general revenue. As a result of this rule, 25% of EPA costs to administer TSCA section 4, 5, 6, and collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14, and activities paid from general revenue would be ***transferred*** via the fees to industry. Although these user fees may be perceived by industry as direct private costs, from an economic perspective, they are ***transfer*** ***payments*** rather than real social costs. Therefore, the total social cost of this rule does not include the fees collected from industry by EPA. Rather, it includes the opportunity costs incurred by industry, such as the cost to read and familiarize themselves with the rule; determine their eligibility for paying reduced fees; register for CDX; form, manage and notify EPA of participation in consortia; notify EPA and certify whether they will be subject to the action or not; and arrange to submit fee ***payments*** via Pay.gov Total social costs also include the additional costs to EPA to administer fee assessment and collection for TSCA sections 4, 5, 6, and collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. The total annualized opportunity cost to industry is approximately $231,000 and the additional annualized Agency cost is $7,000, yielding a total annualized social cost of approximately $238,000.

V. References

    The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under FOR FURTHER INFORMATION CONTACT.

1. 2016. The Frank R. Lautenberg Chemical Safety for the 21st Century Act. June 22, 2016. 2. 2017. EPA. Economic Analysis for the TSCA Section 26(b) Proposed Fees Rule. December 2017. 3. 2018. EPA. Updated Technical Background Document for TSCA Fees. September 2018. 4. 2017. EPA. Interagency Agreement and Oil Indirect Cost Rates for FY 2018 and Beyond. September 28, 2017. 5. 2002. EPA. 67 FR 76282. Sustainable Futures--Voluntary Pilot Project Under the TSCA New Chemicals ***Program***. 6. 2016. Abt Associates. Memorandum: Inflation of Small Business Definition under section 5 of TSCA. August 31, 2016. 7. 1987. EPA. Proposed Fees for Processing Premanufacture Notices, Exemption Applications and Notices, and Significant New Use Notices. 42 FR 12940. 8. 2017. EPA. Information Collection Request for the TSCA Section 26(b) Proposed Reporting Requirements Associated with the ***Payment*** of TSCA Fees (EPA ICR No. 2569.01; OMB Control No. 2070-[NEW]). December 2017. 9. 2018. EPA. TSCA Fee Reporting Notice. September 2018.

VI. Statutory and Executive Order Reviews

    Additional information about these statutes and Executive Orders can be found at [*https://www.epa.gov/laws-regulations/laws-and-executive-orders*](https://www.epa.gov/laws-regulations/laws-and-executive-orders).

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

    This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). Any changes made in response to OMB recommendations have been documented in the docket for this action as required by section 6(a)(3)(E) of Executive Order 12866. EPA prepared an economic analysis of the potential costs and benefits associated with this action (Ref. 2), which is available in the docket and discussed in Unit IV.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

    This action is subject to the requirements for regulatory actions specified in Executive Order 13771 (82 FR 9339, February 3, 2017). Details on the estimated costs of this rule can be found in EPA's analysis (Ref. 2) of the potential costs and benefits associated with this action, which is available in the docket and is summarized in Unit IV.

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C. Paperwork Reduction Act (PRA)

    The information collection requirements in this final rule have been submitted to OMB for review and approval under the PRA, 44 U.S.C 3501 et seq. The Information Collection Request (ICR) prepared by EPA has been assigned EPA ICR No. 2569.01 and OMB Control No. 2070-0208. You can find a copy of the ICR in the docket (Ref. 8), and it is briefly summarized here.     The information collection activities associated with the rule include familiarization with the regulation; reduced fee eligibility determination; CDX registration; formation, management and notification to EPA of participation in consortia; self-identification and certification; and electronic ***payment*** of fees through Pay.gov     Respondents/affected entities: Persons who manufacture, distribute in commerce, use, dispose, process a chemical substance (or any combination of such activities) and are required to submit information to EPA under TSCA sections 4 or 5, or manufacture or process a chemical substance that is the subject of a risk evaluation under TSCA section 6(b).     Respondent's obligation to respond: Mandatory.     Estimated number of respondents: 1,418 respondents.     Frequency of response: On occasion to EPA as needed.     Total estimated burden: 539 hours (per ***year***). Burden is defined at 5 CFR 1320.3(b).     Total estimated cost: $230,607 (per ***year***), includes $0 annualized capital or operation and maintenance costs.     An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The OMB control numbers for certain EPA regulations are listed in 40 CFR part 9.

D. Regulatory Flexibility Act (RFA)

    Pursuant to section 605(b) of the RFA, 5 U.S.C 601 et seq., I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities expected to be subject to the requirements of this action are small chemical manufacturers and processors, small petroleum refineries, and small chemical and petroleum wholesalers. There may be some potentially affected firms within other sectors, but not all firms within those sectors will be potentially affected firms.     EPA has determined that 84 small businesses may be affected annually by section 4 actions; 190 small businesses may be affected by section 5 actions; and 24 small businesses may be affected by section 6 actions. For section 5 actions, the total discounted annual fee collections and opportunity cost for the affected small businesses is expected to be about $344,000. For section 4 and section 6 actions, total discounted annual fee collections and opportunity cost for the affected small business is expected to be about $14,000 and $927,000 respectively. In total, the annual fee collections and opportunity costs for the 298 affected small businesses is expected to be about $1.3 million.     As a result, EPA estimates that, of the 298 small businesses paying fees every ***year***, all may have annual cost-revenue impacts less than 1%. EPA estimates the median annual sales for small businesses likely to be affected by TSCA section 4 and TSCA section 6 actions to be approximately $5,445,000; and $3,475,000 for small businesses likely to be affected by TSCA section 5 actions. The average annual cost per affected small business is expected to be about $170 for section 4; $1,800 for section 5, and $38,600 for section 6.

E. Unfunded Mandates Reform Act (UMRA)

    This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C 1531-1538, and does not significantly or uniquely affect small governments. As such, the requirements of sections 202, 203, 204, or 205 of UMRA, 2 U.S.C 1531- 1538, do not apply to this action.

F. Executive Order 13132: Federalism

    This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

    This action does not have tribal implications because it will not have any effect on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

    EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ``covered regulatory action'' in section 2-202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate environmental health risks or safety risks.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

    This action is not a ``significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on energy supply, distribution, or use. This action would establish service fees for TSCA, which will not have a significant effect on the supply, distribution or use of energy.

J. National Technology ***Transfer*** and Advancement Act (NTTAA)

    Since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C 272 note) does not apply to this action.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

    This action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.     The fees collected under this rule will assist the Agency in carrying out various requirements under TSCA, including conducting risk evaluations, requiring testing of chemical substances and mixtures, and evaluating and reviewing new chemical submissions, as required under TSCA sections 4, 5, and 6.

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Although not directly impacting environmental justice-related concerns, the fees will enable the Agency to better protect human health and the environment, including in low-income and minority communities.

L. Congressional Review Act (CRA)

    This action is subject to the CRA, 5 U.S.C 801 et seq., and EPA will submit a rule report to the U.S Senate, and the U.S House of Representatives, and the Comptroller General of the United States. This action is not a ``major rule'' as defined by 5 U.S.C 804(2).

List of Subjects

40 CFR Part 700

    Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, User fees.

40 CFR Part 720

    Chemicals, Environmental protection, Hazardous substances, Imports, Reporting and recordkeeping requirements.

40 CFR Part 723

    Chemicals, Environmental protection, Hazardous substances, Phosphate, Reporting and recordkeeping requirements.

40 CFR Part 725

    Administrative practice and procedure, Chemicals, Environmental protection, Hazardous substances, Imports, Labeling, Occupational safety and health, Reporting and recordkeeping requirements.

40 CFR Part 790

    Administrative practice and procedure, Chemicals, Confidential business information, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 791

    Administrative practice and procedure, Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

    Dated: September 27, 2018. Andrew R. Wheeler, Acting Administrator.

    Therefore, 40 CFR chapter I, subchapter R, is amended as follows:

PART 700--[AMENDED]

0 1. The authority citation for part 700 is revised to read as follows:

    Authority:  15 U.S.C 2625 and 2665, 44 U.S.C 3504.

0 2. Section 700.40 is revised to read as follows:

Sec.  700.40  Purpose and applicability.

    (a) Purpose. The purpose of this subpart is to establish and collect fees from manufacturers and processors to defray part of EPA's cost of administering the Toxic Substances Control Act (15 U.S.C 2601- 2692), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114-182).     (b) Applicability. This subpart applies to all manufacturers who are required to submit information under section 4 of the Act, who submit certain notices and exemption requests to EPA under section 5 of the Act, who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4) of the Act, and who process a chemical substance that is the subject of a Significant New Use Notice (SNUN) or Test Market Exemption (TME) under section 5 of the Act and who are required to submit information under section 4 of the Act related to a SNUN submission.     (c) Effective date. After October 18, 2018, all persons specified in Sec.  700.45 and paragraph (a) of this section must comply with this subpart.

0 3. Section 700.43 is amended by: 0 a. Revising the section heading; 0 b. Revising the introductory text; 0 c. Adding in alphabetical order definitions for ``Consortium'', ``Enforceable consent agreement'', and ``EPA-initiated risk evaluation''; 0 d. Removing the definitions of ``Exemption application'' and ``Intermediate premanufacture notice''; 0 e. Revising the definition of ``Joint submitters''; 0 f. Adding in alphabetical order a definition for ``Manufacturer- requested risk evaluation''; 0 g. Revising the definition of ``Person''; 0 h. Adding in alphabetical order definitions for ``Principal sponsor'' and ``Risk evaluation''; 0 i. Revising the definitions of ``Significant new use notice'' and ``Small business concern''; and 0 k. Adding in alphabetical order definitions for ``Test order'' and ``Test rule''.     The revisions and additions read as follows:

Sec.  700.43  Definitions applicable to this subpart.

    Definitions in section 3 of the Act (15 U.S.C 2602), as well as definitions contained in Sec. Sec.  704.3, 720.3, 723.175(b), 725.3, and 790.3 of this chapter, apply to this subpart unless otherwise specified in this section. In addition, the following definitions apply: \* \* \* \* \*     Consortium means an association of manufacturers and/or processors who have made an agreement to jointly split the cost of applicable fees. \* \* \* \* \*     Enforceable consent agreement means a consent agreement used by EPA to accomplish testing where a consensus exists among EPA and interested parties (as identified in Sec.  790.22(b)(2)) concerning the need for and scope of testing under section 4 of the Act.     EPA-initiated risk evaluation means any risk evaluation conducted pursuant to section 6(b)(4)(C)(i) of the Act. \* \* \* \* \*     Joint submitters mean two or more persons who submit a TSCA section 5 notice together.     Manufacturer-requested risk evaluation means any chemical substance risk evaluation conducted at the request of one or more manufacturers of that chemical substance pursuant to section 6(b)(4)(C)(ii) of the Act. \* \* \* \* \*     Person means a manufacturer or processor. \* \* \* \* \*     Principal sponsor means a person who assumes primary responsibility for the direction of study, the ***payment*** of fees to EPA, and for oral and written communication with EPA.     Risk evaluation means any risk evaluation conducted pursuant to section 6(b) of the Act. \* \* \* \* \*     Significant new use notice or SNUN means any notice submitted to EPA pursuant to section 5(a)(1)(B) of the Act in accordance with part 721 of this chapter.     Small business concern means a manufacturer or processor who meets the size standards identified in the following table. The number of employees indicates the maximum allowed for a manufacturer or processor to be considered small. If the North American Industry Classification System (NAICS) code of a manufacturer or processor is not represented in the table, it will be considered small if it has 500 or fewer employees. When calculating the number of employees, a manufacturer or processor must include the employees of all of its ``parent companies'' (if any) and all companies it ``owns or controls,'' as defined by 40 CFR 704.3 The number of employees are calculated as the average number of people employed for each pay period of

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the business' latest 12 ***calendar*** months, regardless of hours worked or temporary status.

----------------------------------------------------------------------------------------------------------------                                                                          Small business concern size standards      Potentially affected NAICS              NAICS description                   (number of employees) ---------------------------------------------------------------------------------------------------------------- 324110..............................  Petroleum Refineries...........  1,500 or fewer. 325110..............................  Petrochemical Manufacturing....  1,000 or fewer. 325120..............................  Industrial Gas Manufacturing...  1,000 or fewer. 325130..............................  Synthetic Dye and Pigment        1,000 or fewer.                                        Manufacturing. 325180..............................  Other Basic Inorganic Chemical   1,000 or fewer.                                        Manufacturing. 325193..............................  Ethyl Alcohol Manufacturing....  1,000 or fewer. 325194..............................  Cyclic Crude, Intermediate, and  1,250 or fewer.                                        Gum and Wood Chemical                                        Manufacturing. 325199..............................  All Other Basic Organic          1,250 or fewer.                                        Chemical Manufacturing. 325211..............................  Plastics Material and Resin      1,250 or fewer.                                        Manufacturing. 325212..............................  Synthetic Rubber Manufacturing.  1,000 or fewer. 325220..............................  Artificial and Synthetic Fibers  1,000 or fewer.                                        and Filaments Manufacturing. 325311..............................  Nitrogenous Fertilizer           1,000 or fewer.                                        Manufacturing. 325312..............................  Phosphatic Fertilizer            750 or fewer.                                        Manufacturing. 325314..............................  Fertilizer (Mixing Only)         500 or fewer.                                        Manufacturing. 325320..............................  Pesticide and Other              1,000 or fewer.                                        ***Agricultural*** Chemical                                        Manufacturing. 325411..............................  Medicinal and Botanical          1,000 or fewer.                                        Manufacturing. 325412..............................  Pharmaceutical Preparation       1,250 or fewer.                                        Manufacturing. 325413..............................  InVitro Diagnostic Substance     1,250 or fewer.                                        Manufacturing. 325414..............................  Biological Product (except       1,250 or fewer.                                        Diagnostic) Manufacturing. 325510..............................  Paint and Coating Manufacturing  1,000 or fewer. 325520..............................  Adhesive Manufacturing.........  500 or fewer. 325611..............................  Soap and Other Detergent         1,000 or fewer.                                        Manufacturing. 325612..............................  Polish and Other Sanitation      750 or fewer.                                        Good Manufacturing. 325613..............................  Surface Active Agent             750 or fewer.                                        Manufacturing. 325620..............................  Toilet Preparation               1,250 or fewer.                                        Manufacturing. 325910..............................  Printing Ink Manufacturing.....  500 or fewer. 325920..............................  Explosives Manufacturing.......  750 or fewer. 325991..............................  Custom Compounding of Purchased  500 or fewer.                                        Resins. 325992..............................  Photographic Film, Paper, Plate  1,500 or fewer.                                        and Chemical Manufacturing. 325998..............................  All Other Miscellaneous          500 or fewer.                                        Chemical Product and                                        Preparation Manufacturing. 424690..............................  Other Chemical and Allied        150 or fewer.                                        Products Merchant Wholesalers. 424710..............................  Petroleum Bulk Stations and      200 or fewer.                                        Terminals. 424720..............................  Petroleum and Petroleum          200 or fewer.                                        Products Merchant Wholesalers                                        (except Bulk Stations and                                        Terminals). 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    Test order means an order to develop information pursuant to section 4(a) of the Act.     Test rule refers to a regulation requiring the development of information pursuant to section 4(a) of the Act.

0 4. Section 700.45 is revised to read as follows:

Sec.  700.45  Fee ***payments***.

    (a) Persons who must pay fees. (1) Manufacturers submitting a TSCA section 5 notice to EPA shall remit for each such notice the applicable fee identified in paragraph (c) of this section in accordance with the procedures in paragraphs (f) and (g) of this section.     (2) Manufacturers of chemical substances and mixtures required to test these chemical substance and mixtures under a TSCA section 4(a) test rule, test order, or enforceable consent agreement shall remit for each such test rule, order, or enforceable consent agreement the applicable fee identified in paragraph (c) of this section in accordance with the procedures in paragraphs (f) and (g) of this section.     (3) Manufacturers of a chemical substance that is subject to a risk evaluation under section 6(b) of the Act, shall remit for each such chemical risk evaluation the applicable fee identified in paragraph (c) of this section in accordance with the procedures in paragraphs (f) and (g) of this section.     (4) Processors submitting a SNUN or TME under TSCA section 5 to EPA shall remit for each such notice the applicable fee identified in paragraph (c) of this section in accordance with the procedures in paragraphs (f) and (g) of this section.     (5) Processors of chemical substances and mixtures subject to a TSCA section 4(a) test rule, test order, or enforceable consent agreement in association with a SNUN submission referenced in paragraph (a)(4) of this section shall remit for each such test rule, order, or enforceable consent agreement the applicable fee identified in paragraph (c) of this section in accordance with the procedures in paragraphs (f) and (g) of this section.     (b) Identifying manufacturers subject to fees--(1) In general. For purposes of identifying manufacturers subject to fees for section 4 test rules and section 6 EPA-initiated risk evaluations, EPA will publish a preliminary list of manufacturers identified through a review of data sources described in paragraph (b)(2) of this subsection; provide an opportunity for public comment; and publish a final list specifying the manufacturers responsible for ***payment***.     (2) Data sources. To compile the preliminary list, EPA will rely on information submitted to the Agency (such as the information submitted under sections 5(a), 8(a), 8(b), and to the Toxics Release Inventory) as well as other information available to the Agency, including publicly available information or information submitted to other agencies to which EPA has access. To be able to include the most recent CDR data and to account for annual or other typical fluctuations in manufacturing, EPA will use the five most recent ***years*** of data submitted or

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available to the Agency to develop the preliminary list.     (3) Publication of preliminary list. (i) For risk evaluations initiated by EPA under section 6, the preliminary list will be published at the time of final designation of the chemical substance as a High-Priority Substance.     (ii) For test rules under section 4, the preliminary list will be published with the proposed test rule.     (4) Public comment period. Following publication of the preliminary list, EPA will provide a period of public comment that is no less than 30 days.     (5) Self-identification. All manufacturers who have manufactured or imported the chemical substance in the previous five ***years***, must submit notice to EPA, irrespective of whether they are included in the preliminary list specified in paragraph (b)(3) of this section. The notice must be submitted electronically via EPA's Central Data Exchange (CDX), the Agency's electronic reporting portal, using the Chemical Information Submission System (CISS) reporting tool, and must contain the following information:     (i) Contact information. The name and address of the submitting company, the name and address of the authorized official for the submitting company, and the name and telephone number of a person who will serve as technical contact for the submitting company and who will be able to answer questions about the information submitted by the company to EPA.     (ii) Certification of cessation. If a manufacturer has manufactured in the five-***year*** period preceding publication of the preliminary list, but has ceased manufacturer prior to the certification cutoff dates identified in paragraph (b)(6) of this section and will not manufacture the substance again in the successive five ***years***, the manufacturer may submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee under this section.     (iii) Certification of no manufacture. If a manufacturer is identified on the preliminary list, but has not manufactured the chemical in the five-***year*** period preceding publication of the preliminary list, the manufacturer may submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee under this section.     (6) Certification cutoff date. (i) For a section 6 EPA-initiated risk evaluation, the cutoff date for purposes of paragraph (b)(5)(ii) of this section is the day prior to initiation of the prioritization process for the applicable chemical substance.     (ii) For a section 4 test rule, the cutoff date for purposes of paragraph (b)(5)(ii) of this section is the day prior to publication of the proposed test rule for the applicable chemical substance.     (7) Publication of final list. EPA expects to publish a final list of manufacturers to identify the specific manufacturers subject to the applicable fee. This list will indicate if additional manufacturers self-identified pursuant to paragraph (b)(5) of this section, if other manufacturers were identified through credible public comment, and if manufacturers submitted certification of cessation or no manufacture pursuant to paragraph (b)(5)(ii) or (iii). The final list will be published no later than concurrently with the final scope document for risk evaluations initiated by EPA under section 6, and with the final test rule for test rules under section 4.     (8) Effect of final list. Manufacturers who are listed on the final list are subject to the applicable fee identified in paragraph (c) of this section.     (9) Identifying manufacturers for other fee categories. For Section 4 Test Orders and enforceable consent agreements, and Section 6 Manufacturer-Requested Risk Evaluations, EPA will not conduct the identification process described in paragraphs (b)(1) through (8) of this section, as manufacturers self-identify through a submission or are already otherwise known to Agency. However, those manufacturers are required to provide an information submission to EPA for the purposes of fee administration. The notice must be submitted electronically via the Agency's electronic reporting software (e.g , Central Data Exchange (CDX)) and must contain the manufacturers: Full name, address, telephone number and email address. Timing of this submission must be as follows:     (i) For section 4 test orders and enforceable consent agreements, the informational submission in this paragraph (b)(9) must be provided within 30 days following notification from EPA.     (ii) For section 6 manufacturer-requested risk evaluations, the informational submission in this paragraph (b)(9) is required as part of the procedural process for making such requests, and must be completed at the time of making the request.     (c) Fees for the 2019, 2020 and 2021 fiscal ***years***. Persons shall remit fee ***payments*** to EPA as follows:     (1) Small business concerns. Small business concerns shall remit fees as follows:     (i) Premanufacture notice and consolidated premanufacture notice. Persons shall remit a fee totaling $2,800 for each premanufacture notice (PMN) or consolidated (PMN) submitted in accordance with part 720 of this chapter.     (ii) Significant new use notice. Persons shall remit a fee totaling $2,800 for each significant new use notice (SNUN) submitted in accordance with part 721 of this chapter.     (iii) Exemption application. Persons shall remit a fee totaling $940 for each of the following exemption requests submitted under section 5 of the Act:     (A) Low releases and low exposures exemption or LoREX request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with Sec.  723.50(a)(1)(ii) of this chapter.     (B) Low volume exemption or LVE request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with Sec.  723.50(a)(1)(i) of this chapter.     (C) Test marketing exemption or TME application submitted to EPA pursuant to section 5 of the Act in accordance with Sec. Sec.  725.300 through 725.355 of this chapter.     (D) TSCA experimental release application or TERA application submitted to EPA pursuant to section 5 of the Act for research and development activities involving microorganisms in accordance with Sec. Sec.  725.200 through 725.260 of this chapter.     (E) Tier II exemption application submitted to EPA pursuant to section 5 of the Act in accordance with Sec. Sec.  725.428 through 725.455 of this chapter.     (iv) Instant photographic film article exemption notice. Persons shall remit a fee totaling $940 for each instant photographic film article exemption notice submitted in accordance with Sec.  723.175 of this chapter.     (v) Microbial commercial activity notice and consolidated microbial commercial activity notice. Persons shall remit a fee totaling $2,800 for each microbial commercial activity notice (MCAN) or consolidated MCAN submitted in accordance with Sec. Sec.  725.25 through 725.36 of this chapter.     (vi) Persons shall remit a total of twenty percent of the applicable fee under paragraph (c)(2)(vi), (vii) or (viii) of this section for a test rule, test order, or enforceable consent agreement.     (vii) Persons shall remit a total fee of twenty percent of the applicable fee under paragraphs (c)(2)(ix) of this section for an EPA- initiated risk evaluation.

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    (viii) Persons shall remit the total fee under paragraph (c)(2)(x) or (xi) of this section, as applicable, for a manufacturer-requested risk evaluation.     (2) Others. Persons other than small business concerns shall remit fees as follows:     (i) PMN and consolidated PMN. Persons shall remit a fee totaling $16,000 for each PMN or consolidated PMN submitted in accordance with part 720 of this chapter.     (ii) SNUN. Persons shall remit a fee totaling $16,000 for each significant new use notice submitted in accordance with part 721 of this chapter.     (iii) Exemption applications. Persons shall remit a fee totaling $4,700 for each of the following exemption requests, and modifications to previous exemption requests, submitted under section 5 of the Act:     (A) Low releases and low exposures exemption or LoREX request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with Sec.  723.50(a)(1)(ii) of this chapter.     (B) Low volume exemption or LVE request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with Sec.  723.50(a)(1)(i) of this chapter.     (C) Test marketing exemption or TME application submitted to EPA pursuant to section 5 of the Act in accordance with Sec. Sec.  725.300 through 725.355 of this chapter, unless the submitting company has graduated from EPA's Sustainable Futures ***program***, in which case this exemption fee is waived.     (D) TSCA experimental release application or TERA application submitted to EPA pursuant to section 5 of the Act for research and development activities involving microorganisms in accordance with Sec. Sec.  725.200 through 725.260 of this chapter.     (E) Tier II exemption application submitted to EPA pursuant to section 5 of the Act in accordance with Sec. Sec.  725.428 through 725.455 of this chapter.     (iv) Instant photographic film article exemption notice. Persons shall remit a fee totaling $4,700 for each exemption notice submitted in accordance with Sec.  723.175 of this chapter.     (v) MCAN and consolidated MCAN. Persons shall remit a fee totaling $16,000 for each MCAN or consolidated MCAN submitted in accordance with Sec. Sec.  725.25 through 725.36 of this chapter.     (vi) Test rule. Persons shall remit a fee totaling $9,800 for each test rule.     (vii) Test order. Persons shall remit a fee totaling $29,500 for each test order.     (viii) Enforceable consent agreement. Persons shall remit a fee totaling $22,800 for each enforceable consent agreement.     (ix) EPA-initiated chemical risk evaluation. Persons shall remit a fee totaling $1,350,000.     (x) Manufacturer-requested risk evaluation of a Work Plan Chemical. Persons shall remit an initial fee of $1,250,000, and final ***payment*** to total 50% of the actual costs of this activity, in accordance with the procedures in paragraph (g) of this section. The final ***payment*** amount will be determined by EPA, and invoice issued to the requesting manufacturer.     (xi) Manufacturer-requested risk evaluation of a non-work plan chemical. Persons shall remit an initial fee of $2,500,000, and final ***payment*** to total 100% of the actual costs of the activity, in accordance with the procedures in paragraph (g) of this section. The final ***payment*** amount will be determined by EPA, and invoice issued to the requesting manufacturer.     (d) Fees for 2022 fiscal ***year*** and beyond. (1) Fees for the 2022 and later fiscal ***years*** will be adjusted on a three-***year*** cycle by multiplying the fees in paragraph (c) of this section by the current PPI index value with a base ***year*** of 2019 using the following formula:

FA = F x I

Where:

FA = the inflation-adjusted future ***year*** fee amount. F = the fee specified in paragraph (c) of this section. I = Producer Price Index for Chemicals and Allied Products inflation value with 2019 as a base ***year***.

    (2) Updated fee amounts for PMNs, SNUNs, MCANs, exemption applications and manufacturer-requested chemical risk evaluation requests apply to submissions received by the Agency on or after October 1 of every three-***year*** fee adjustment cycle beginning in fiscal ***year*** 2022 (October 1, 2021). Updated fee amounts also apply to test rules, test orders, enforceable consent agreements and EPA-initiated chemical evaluations that are ``noticed'' on or after October 1 of every three-***year*** fee adjustment cycle, beginning in fiscal 2022.     (3) The Agency will initiate public consultation through notice- and-comment rulemaking prior to making fee adjustments beyond inflation. If it is determined that no additional adjustment is necessary beyond for inflation, EPA will provide public notice of the inflation-adjusted fee amounts most likely through posting to the Agency's web page by the beginning of each three-***year*** fee adjustment cycle (i.e , October 1, 2021, October 1, 2024, etc.). If the Agency determines that adjustments beyond inflation are necessary, EPA will provide public notice of that determination and the process to be followed to make those adjustments.     (e) No fee required. Persons are exempt from remitting any fee for Tier I exemption submissions under Sec.  725.424 and polymer exemption reports submitted under Sec.  723.250 of this chapter.     (f) Multiple parties, including joint submitters and consortia. (1) Joint submitters of a TSCA section 5 notice are required to remit the applicable fee identified in paragraph (c) of this section for each section 5 notice submitted. Only one fee is required for each submission, regardless of the number of joint submitters for that notice. To qualify for the fee identified in paragraph (c)(1) of this section, each joint submitter of a TSCA section 5 notice must qualify as a small business concern under Sec.  700.43 of this chapter.     (2) Any consortium formed to split the cost of the applicable fee under section 4 of the Act is required to remit the appropriate fee identified in paragraph (c) of this section for each test rule, test order, or enforceable consent agreement regardless of the number of manufacturers and/or processors in that consortium. For the consortium to qualify for the fee identified in paragraph (c)(1) of this section, each person in the consortium must qualify as a small business concern under Sec.  700.43 of this chapter. Failure to submit fee ***payment*** pursuant to this paragraph, or to provide notice of failure to reach agreement pursuant to paragraph (f)(2)(v) of this section constitutes a violation by each consortium member.     (i) The consortium must identify a principal sponsor and provide notification to EPA that a consortium has formed. The notification must be accomplished within 60 days of the publication date of a test rule under section 4 of the Act, or within 60 days of the issuance of a test order under Section 4 of the Act, or within 60 days of the signing of an enforceable consent agreement under section 4 of the Act. EPA may permit additional entities to join an existing consortium prior to the expiration of the notification period if the principal sponsor provides updated notification.     (ii) Notification must be submitted electronically via the Agency's electronic reporting software--Central Data Exchange (CDX)--and include the following information:

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    (A) Full name, address, telephone number and signature of principal sponsor;     (B) Name(s) and contact information for each manufacturer and/or processor associating with the consortium.     (iii) It is up to the consortium to determine how fees will be split among the persons in the consortium.     (iv) Consortia are strongly encouraged to set lower fees for small business concerns participating in the consortium.     (v) If a consortium is unable to come to terms on how fees will be split among the persons in the consortium, the principal sponsor must notify EPA in writing before the end of the notification period in paragraph (f)(2)(i) of this section.     (vi) If a consortium provides notice to EPA under paragraph (f)(2)(v) of this section that they failed to reach agreement on ***payment***, EPA will assess fees to all persons as individuals described under paragraph (f)(4) of this section.     (3) Any consortium formed to split the cost of the applicable fee supporting a risk evaluation under section 6(b) of the Act is required to remit the appropriate fee identified in paragraph (c) of this section for each risk evaluation, regardless of the number of manufacturers in that consortium. For the consortium to qualify for the fee identified in paragraph (c)(1)(vii) of this section, each person in the consortium must qualify as a small business concern under Sec.   700.43 of this chapter. Failure to provide notice or submit fee ***payment*** pursuant to this paragraph (f)(3) constitutes a violation by each consortium member.     (i) Notification must be provided to EPA that a consortium has formed. The notification must be accomplished within 60 days of the publication of the final scope of a chemical risk evaluation under section 6(b)(4)(D) of the Act or within 60 days of EPA providing notification to a manufacturer that a manufacturer-requested risk evaluation has been granted.     (ii) Notification must be submitted electronically via the Agency's electronic reporting software--Central Data Exchange (CDX)--and include the following information:     (A) Full name, address, telephone number and signature of principal sponsor;     (B) Name(s) and contact information for each manufacturer and/or processor associating with the consortium.     (iii) It is up to the consortium to determine how fees will be split among the persons in the consortium.     (iv) Consortia are strongly encouraged to set lower fees for small business concerns participating in the consortium.     (v) If a consortium is unable to come to terms on how fees will be split among the persons in the consortium, the principal sponsor must notify EPA in writing before the end of the notification period in paragraph (f)(3)(i) of this section.     (vi) If a consortium provides notice to EPA under paragraph (f)(3)(v) of this section that they failed to reach agreement on ***payment***, EPA will assess fees to all persons as individuals as described under paragraph (f)(4) of this section.     (4) If multiple persons are subject to fees triggered by section 4 or 6(b) of the Act and no consortium is formed, EPA will determine the portion of the total applicable fee to be remitted by each person subject to the requirement. Each person's share of the applicable fee specified in paragraph (c) of this section shall be in proportion to the total number of manufacturers and/or processors of the chemical substance, with lower fees for small businesses: [GRAPHIC] [TIFF OMITTED] TR17OC18.018

Where:

Ps = the portion of the fee under paragraph (c) of this section that is owed by a person who qualifies as a small business concern under Sec.  700.43 of this chapter. Po = the portion of the fee owed by a person other than a small business concern. F = the total fee required under paragraph (c) of this section. Mt = the total number of persons subject to the fee requirement. Ms = the number of persons subject to the fee requirement who qualify as a small business concern.

    (5) If multiple persons are subject to fees triggered by section 4 or 6(b) of the Act and some inform EPA of their intent to form a consortium while others choose not to associate with the consortium, EPA will take the following steps to allocate fee amounts:     (i) Count the total number of manufacturers, including the number of manufacturers within any consortia; divide the total fee amount by the total number of manufacturers; and allocate equally on a per capita basis to generate a base fee.     (ii) Provide all small businesses who are either not associated with a consortium, or associated with an all-small business consortium with an 80% discount from the base fee referenced previously.     (iii) Calculate the total remaining fee and total number of remaining manufacturers by subtracting out the discounted fees and the number of small businesses identified;     (iv) Reallocate the remaining fee across those remaining individuals and groups in equal amounts, counting each manufacturer in a consortium as one person; and     (v) Inform consortia and individuals of their requisite fee amount.     Small businesses in a successfully-formed consortium, other than a consortium of all small businesses will not be afforded the 80% discount by EPA, but consortia managers are strongly encouraged to provide a discount for small business concerns.     (g) Remittance procedure. (1) Electronic ***payment***. Each remittance under this section shall be paid electronically in U.S dollars, using one of the electronic ***payment*** methods supported by the Department of the Treasury's Pay.gov online electronic ***payment*** service, or any applicable additional or successor online electronic

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***payment*** service offered by the Department of Treasury.     (2) Fees incurred prior to October 18, 2018. Timing of ***payment*** for fees incurred between October 1, 2018 and October 18, 2018. Fees required by paragraph (c) of this section for which the fee-triggering action or event occurred between October 1, 2018, and October 18, 2018 shall be paid in response to invoices EPA will send within 30 days of October 18, 2018.     (3) Fees incurred after October 18, 2018. Timing of ***payment*** for fees incurred after October 18, 2018. Fees required by paragraph (c) of this section for which the fee-triggering action or event occurred after October 18, 2018 shall be paid at the following time:     (i) Test orders and test rules. The applicable fee specified in paragraph (c) of this section shall be paid in full not later than 120 days after the effective date of a test rule or test order under section 4 of the Act.     (ii) Enforceable consent agreements. The applicable fee specified in paragraph (c) of this section shall be paid in full not later than 120 days after the signing of an enforceable consent agreement under section 4 of the Act.     (iii) Section 5 notice. The applicable fee specified in paragraph (c) of this section shall be paid in full immediately upon submission of a TSCA section 5 notice.     (iv) Risk evaluations. (A) For EPA-initiated risk evaluations, the applicable fee specified in paragraph (c) of this section shall be paid in full not later than 120 days after EPA publishes the final scope of a chemical risk evaluation under section 6(b)(4)(D) of the Act.     (B) For manufacturer-requested risk evaluations under section 6(b)(4)(C)(ii) of the Act, the applicable fees specified in paragraph (c) of this section shall be paid as follows:     (1) The first ***payment*** towards the applicable fee specified in paragraph (c) of this section shall be paid in full not later than 30 days after EPA provides the submitting manufacture(s) notice that it has granted the request.     (2) The final ***payment*** towards the applicable fee specific in paragraph (c) of this section shall be paid in full not later than 30 days after EPA publishes a final risk evaluation in the Federal Register.     (4) ***Payment*** identity. (i) Persons who submit a TSCA section 5 notice shall place an identifying number and a ***payment*** identity number on the front page of each TSCA section 5 notice submitted. The identifying number must include the letters ``TS'' followed by a combination of 6 numbers (letters may be substituted for some numbers). The ***payment*** identity number may be a ``Pay.gov'' transaction number used to transmit the fee. The same TS number and the submitter's name must appear on the corresponding fee remittance under this section. If a remittance applies to more than one TSCA section 5 notice, the person shall include the name of the submitter and a new TS number for each TSCA section 5 notice to which the remittance applies, and the amount of the remittance that applies to each notice.     (ii) Persons who are required to submit a letter of intent to conduct testing per Sec.  790.45 of this chapter shall place a ***payment*** identity number on the front page of each letter submitted. The identifying number must include the letters ``TS'' followed by a combination of 6 numbers (letters may be substituted for some numbers). The ***payment*** identity number may be a ``Pay.gov'' transaction number used to transmit the fee. The same TS number and the submitter's name must appear on the corresponding fee remittance under this section. If a remittance applies to more than one letter of intent to conduct testing, the person shall include the name of the submitter and a new TS number for each letter of intent to conduct testing to which the remittance applies, and the amount of the remittance that applies to each letter of intent.     (iii) Persons who sign an enforceable consent agreement per Sec.   790.60 of this chapter shall place a ***payment*** identity number within the contents of the signed agreement. The identifying number must include the letters ``TS'' followed by a combination of 6 numbers (letters may be substituted for some numbers). The ***payment*** identity number may be a ``Pay.gov'' transaction number used to transmit the fee. The same TS number and the submitter's name must appear on the corresponding fee remittance under this section. If a remittance applies to more than one enforceable consent agreement, the party or parties shall include the name of the submitter(s) and a new TS number for each enforceable consent agreement to which the remittance applies, and the amount of the remittance that applies to each enforceable consent agreement.     (5) Small business certification. (i) Each person who remits the fee identified in paragraph (c)(1) of this section for a PMN, consolidated PMN, or SNUN shall insert a check mark for the statement, ``The company named in part 1, section A is a small business concern under 40 CFR 700.43 and has remitted a fee of $2,800 in accordance with 40 CFR 700.45(c).'' under ``CERTIFICATION'' on page 2 of the Premanufacture Notice for New Chemical Substances (EPA Form 7710-25). This form is available on EPA's website at [*https://cdx.epa.gov/SSL/PMN/Outbound/Electronic\_PMN\_Form\_version2.pdf*](https://cdx.epa.gov/SSL/PMN/Outbound/Electronic_PMN_Form_version2.pdf)     (ii) Each person who remits the fee identified in paragraph (c)(1) of this section for a LVE, LoREX, TERA, TMEA, or Tier II exemption request under TSCA section 5 shall insert a check mark for the statement, ``The company named in part 1, section A is a small business concern under 40 CFR 700.43 and has remitted a fee of $940 in accordance with 40 CFR 700.45(c).'' in the exemption application.     (iii) Each person who remits the fee identified in paragraph (c)(1) of this section for an exemption notice under Sec.  723.175 of this chapter shall include the words, ``The company or companies identified in this notice is/are a small business concern under 40 CFR 700.43 and has/have remitted a fee of $940 in accordance with 40 CFR 700.45(c).'' in the certification required in Sec.  723.175(i)(1)(x) of this chapter.     (iv) Each person who remits the fee identified in paragraph (c)(1) of this section for a MCAN or consolidated MCAN for a microorganism shall insert a check mark for the statement, ``The company named in part 1, section A is a small business concern under 40 CFR 700.43 and has remitted a fee of $2,800 in accordance with 40 CFR 700.45(c).'' in the certification required in Sec.  725.25(b) of this chapter.     (6) ***Payment*** certification statement. (i) Each person who remits a fee identified in paragraph (c)(2) of this section for a PMN, consolidated PMN, or SNUN shall insert a check mark for the statement, ``The company named in part 1, section A has remitted the fee of $16,000 specified in 40 CFR 700.45(c).'' under ``CERTIFICATION'' on page 2 of the Premanufacture Notice for New Chemical Substances (EPA Form 7710-25).     (ii) Each person who remits a fee identified in paragraph (c)(2) of this section for a LVE, LoREX, TERA, TMEA, or Tier II exemption request under TSCA section 5 shall insert a check mark for the statement, ``The company named in part 1, section A has remitted the fee of $4,700 specified in 40 CFR 700.45(c).'' in the exemption application.     (iii) Each person who remits the fee identified in paragraph (c)(2) of this section for an exemption notice under Sec.  723.175 of this chapter shall include the words, ``The company or companies identified in this notice has/have remitted a fee of $4,700 in accordance

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with 40 CFR 700.45(c).'' in the certification required in Sec.   723.175(i)(1)(x) of this chapter.     (iv) Each person who remits the fee identified in paragraph (c)(2) of this section for a MCAN for a microorganism shall insert a check mark for the statement, ``The company named in part 1, section A has remitted the fee of $16,000 in accordance with 40 CFR 700.45(c).'' in the certification required in Sec.  725.25(b) of this chapter.     (h) Full fee refunds. EPA will refund, in totality, any fee paid for a section 5 notice whenever the Agency determines:     (1) That the chemical substance that is the subject of a PMN, consolidated PMN, exemption request, or exemption notice, is not a new chemical substance as of the date of submission of the notice,     (2) In the case of a SNUN, that the notice was not required,     (3) That as of the date of submission of the notice: The microorganism that is the subject of a MCAN or consolidated MCAN is not a new microorganism; nor is the use involving the microorganism a significant new use; or     (4) When the Agency fails to make a determination on a notice by the end of the applicable notice review period under Sec.  720.75 or Sec.  725.50 of this chapter, unless the Agency determines that the submitter unduly delayed the process, or     (5) When the Agency fails to approve, or deny an exemption request within the applicable period under Sec.  720.38(d), Sec.  723.50(g), or Sec.  725.50(b) of this chapter, unless the Agency determines that the submitter unduly delayed the process.     (i) Partial fee refunds. (1) If a TSCA section 5 notice is withdrawn during the first 10 business days after the beginning of the applicable review period under Sec.  720.75(a) of this chapter, the Agency will refund all but 25% of the fee as soon as practicable.     (2) Once withdrawn, any future submission related to the TSCA section 5 notice must be submitted as a new notice.     (3) If EPA determines that the initial ***payment*** for a manufacturer- requested risk evaluation exceed the applicable fee in paragraph (c) of this section, EPA will refund the difference.

0 5. Section 700.49 is revised to read as follows:

Sec.  700.49  Failure to remit fees.

    (a) EPA will not consider a TSCA section 5 notice to be complete unless the appropriate certification under Sec.  700.45(g) is included and until the appropriate remittance under Sec.  700.45(c) has been submitted as provided in Sec.  700.45(g). EPA will notify the submitter of a section 5 notice that it is incomplete in accordance with Sec. Sec.  720.65(c) and 725.33(b)(1) of this chapter.     (b) Failure to submit the appropriate remittance specified under Sec.  700.45(c) for a test order, test rule, enforceable consent agreement, or EPA-initiated risk evaluation as provided in Sec.   700.45(g) is a violation of TSCA and enforceable under section 15 of the Act.     (c) EPA will not initiate a manufacturer-requested risk evaluation the request for which the Agency has otherwise determined to be complete unless EPA has determined to grant the request and the appropriate initial remittance under Sec.  700.45(c) has been submitted as provided in Sec.  700.45(g).     (d) Failure to submit the appropriate final remittance specified under Sec.  700.45(c) for a manufacturer-requested risk evaluation as provided in Sec.  700.45(g) is a violation of TSCA and enforceable under section 15 of the Act.

PART 720--[AMENDED]

0 6. The authority citation for part 720 continues to read as follows:

    Authority:  15 U.S.C 2604, 2607, and 2613.

0 7. Section 720.38 is amended by adding paragraphs (b)(6) and (f) to read as follows:

Sec.  720.38  Exemptions for test marketing.

\* \* \* \* \*     (b) \* \* \*     (6) A fee ***payment*** identity number, as required in 40 CFR 700.45(g)(4). \* \* \* \* \*     (f) When applying for a test marketing exemption, persons are subject to fees in accordance with 40 CFR 700.45

0 8. Section 720.45 is amended by revising paragraph (a)(5) to read as follows:

Sec.  720.45  Information that must be included in the notice form.

\* \* \* \* \*     (a) \* \* \*     (5) If a manufacturer cannot provide all the information specified in paragraphs (a)(1) and (2) of this section because the new chemical substance is manufactured using a reactant having a specific chemical identity claimed as confidential by its supplier, the manufacturer must submit a notice directly to EPA containing all the information known by the manufacturer about the chemical identity of the reported substance and its proprietary reactant. In addition, the manufacturer must ensure that the supplier of the confidential reactant submit a letter of support directly to EPA providing the specific chemical identity of the confidential reactant, including the CAS number, if available, and the appropriate PMN or exemption number, if applicable. The letter of support must reference the manufacturer's name and PMN Fee Identification Number. The statutory review period will commence upon receipt of both the notice and the letter of support. \* \* \* \* \*

PART 723--[AMENDED]

0 9. The authority citation for part 723 continues to read as follows:

    Authority:  15 U.S.C 2604.

0 10. Revise section 723.175 to read as follows:

Sec.  723.175  Chemical substances used in or for the manufacture or processing of instant photographic and peel-apart film articles.

    (a) Purpose and scope. (1) This section grants an exemption from the premanufacture notice requirements of section 5(a)(1)(A) of the Toxic Substances Control Act (15 U.S.C 2604(a)(1)(A)) for the manufacture and processing of new chemical substances used in or for the manufacture or processing of instant photographic and peel-apart film articles. This section does not apply to microorganisms subject to part 725 of this chapter.     (2) To manufacture a new chemical substance under the terms of this exemption, a manufacturer of instant photographic or peel-apart film articles must:     (i) Submit an exemption notice when manufacture begins under paragraph (i) of this section.     (ii) Comply with certain requirements to limit exposure to the new chemical substance under paragraphs (e) through (h) of this section.     (iii) Comply with all recordkeeping requirements under paragraph (j) of this section.     (iv) Remit the applicable fee specified in Sec.  700.45(c) of this chapter.     (b) Definitions--(1) Act means the Toxic Substances Control Act (15 U.S.C 2601 et seq.).     (2) An article is a manufactured item--     (i) Which is formed to a specific shape or design during manufacture;     (ii) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and     (iii) Which has either no change of chemical composition during its end use or only those changes of composition which have no commercial

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purpose separate from that of the article and that may occur as described in Sec.  710.2 of this chapter except that fluids and particles are not considered articles regardless of shape or design.     (3) The terms byproduct, EPA, impurities, person, and site have the same meanings as in Sec.  710.3 of this chapter.     (4) The term category of chemical substances has the same meaning as in section 26(c)(2) of the Act (15 U.S.C 2625).     (5) The terms chemical substance, distribute in commerce, distribution in commerce, environment, manufacture, new chemical substance, and process have the same meanings as in section 3 of the Act (15 U.S.C 2602).     (6) Director of the Office of Pollution Prevention and Toxics means the Director of the EPA Office of Pollution Prevention and Toxics or any EPA employee designated by the Office Director to carry out the Office Director's functions under this section.     (7) The term exemption category means a category of chemical substances for which a person(s) has applied for or been granted an exemption under section 5(h)(4) of the Act (15 U.S.C 2604).     (8) The term instant photographic film article means a self- developing photographic film article designed so that all the chemical substances contained in the article, including the chemical substances required to process the film, remain sealed during distribution and use.     (9) Intermediate means any chemical substance which is consumed in whole or in part in a chemical reaction(s) used for the intentional manufacture of another chemical substance.     (10) Known to or reasonably ascertainable means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know, or could obtain without unreasonable burden or cost.     (11) The term peel-apart film article means a self-developing photographic film article consisting of a positive image receiving sheet, a light sensitive negative sheet, and a sealed reagent pod containing a developer reagent and designed so that all the chemical substances required to develop or process the film will not remain sealed within the article during and after the development of the film.     (12) Photographic article means any article which will become a component of an instant photographic or peel-apart film article.     (13) Special production area means a demarcated area within which all manufacturing, processing, and use of a new chemical substance takes place, except as provided in paragraph (f) of this section, in accordance with the requirements of paragraph (e) of this section.     (14) Test data means:     (i) Data from a formal or informal study, test, experiment, recorded observation, monitoring, or measurement.     (ii) Information concerning the objectives, experimental methods and materials, protocols, results, data analyses (including risk assessments), and conclusions from a study, test, experiment, recorded observation, monitoring, or measurement.     (15) Used in or for the manufacturing or processing of an instant photographic or peel-apart film article, when used to describe activities involving a new chemical substance, means the new chemical substance--     (i) Is included in the article; or     (ii) Is an intermediate to a chemical substance included in the article or is one of a series of intermediates used to manufacture a chemical substance included in the article.     (16) Wet mixture means a water or organic solvent-based suspension, solution, dispersion, or emulsion used in the manufacture of an instant photographic or peel-apart film article.     (c) Exemption category. The exemption category includes new chemical substances used in or for the manufacture or processing of instant photographic or peel-apart film articles which are manufactured and processed under the terms of this section.     (d) Applicability. This exemption applies only to manufacturers of instant photographic or peel-apart film articles who:     (1) Manufacture the new chemical substances used in or for the manufacture or processing of the instant photographic or peel-apart film articles.     (2) Limit manufacture and processing of a new chemical substance to the site(s) listed in the exemption notice for that new chemical substance submitted under paragraph (i) of this section.     (3) Comply with the requirements of paragraphs (e), (f), (g), (h), and (j) of this section.     (4) Do not distribute in commerce or use a peel-apart film article containing a new chemical substance until submission of a premanufacture notice under section 5(a)(1)(A) of the Act (15 U.S.C 2604) and until the review period for the notice has ended without EPA action to prevent distribution or use.     (e) Conditions of manufacture and processing in the special production area. All manufacturing, processing, and use operations involving the new chemical substance must be performed in a special production area under the conditions set forth in this paragraph until the new chemical substance has been incorporated into a wet mixture, photographic article, or instant photographic or peel-apart film article.     (1) Exposure limits. In the special production area, the ambient air concentration of the new chemical substance during manufacture, processing, and use cannot exceed an 8-hour time weighted average (TWA) of 10 ppm for gases and vapors and 50 [micro]g/m\3\ for particulates, with an allowable TWA excursion of 50 percent above those concentrations for a duration of 30 minutes or less.     (2) Respiratory protection--(i) Respirator requirement. Except as specified in paragraph (e)(2)(ii) of this section, each person in the special production area must wear an appropriate respiratory protection device to protect against dusts, fumes, vapors, and other airborne contaminants, as described in 29 CFR 1910.134 Selection of an appropriate respirator must be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2- 1969 and the NIOSH Certified Equipment List, U.S Department of Health and Human Services, NIOSH publication No. 80-144.     (ii) Waiver of respirator requirement. Employees are not required to wear respirators if monitoring information collected and analyzed in accordance with paragraph (e)(3) of this section demonstrates that the ambient 8-hour TWA concentration of the new chemical substance in the area is less than 1 ppm for gases and vapors and 5 [micro]g/m\3\ for particulates with an allowable TWA excursion of 50 percent above these concentrations for a duration of 30 minutes or less.     (iii) Quantitative fit test. Each respirator must be issued to a specific individual for personal use. A quantitative fit test must be performed for each respirator before its first use by that person in a special production area.     (3) Monitoring--(i) When to monitor. (A) When suitable sampling and analytic methods exist, periodic monitoring in accordance with this paragraph must be done to ensure compliance with the exposure limits of paragraphs (e)(1) and (e)(2)(ii) of this section.     (B) When suitable sampling and analytic methods do not exist,

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compliance with the exposure limits of paragraph (e)(1) and the requirements of paragraph (e)(10) of this section must be determined by an evaluation of monitoring data developed for a surrogate chemical substance possessing comparable physical-chemical properties under similar manufacturing and processing conditions.     (ii) Monitoring methods. A suitable air sampling method must permit personal or fixed location sampling by conventional collection methods. A suitable analytic method must have adequate sensitivity for the volume of sample available and be specific for the new chemical substance being monitored. If chemical-specific monitoring methods are not available, nonspecific methods may be used if the concentration of the new chemical substance is assumed to be the total concentration of chemical substances monitored.     (iii) Monitoring frequency. (A) When suitable air sampling and analytical procedures are available, monitoring must be done in each special production area during the first three 8-hour work shifts involving the manufacture or processing of each new chemical substance. Thereafter, monitoring must be done in each special production area for at least one 8-hour period per month, during a production run in which the new chemical substance is manufactured or processed. Samples must be of such frequency and pattern as to represent with reasonable accuracy the mean level and maximum 30-minute level of employee exposure during an 8-hour work shift. In monitoring for an 8-hour work shift or the equivalent, samples must be collected periodically or continuously for the duration of the 8-hour work shift. Samples must be taken during a period which is likely to represent the maximum employee exposure.     (B) If the manufacturer demonstrates compliance with the exposure limits for 3 consecutive months, further monitoring of the identical process must be performed only every 6 months thereafter, unless there is a significant change in the process, process design, or equipment. If there is such a change, the manufacturer must begin monitoring again according to the schedule in paragraph (e)(3)(iii)(A) of this section.     (iv) Location of monitoring. Air samples must be taken so as to ensure that the samples adequately represent the ambient air concentration of a new chemical substance present in each worker's breathing zone.     (4) Engineering controls and exposure safeguards. Engineering controls such as, but not limited to, isolation, enclosure, local exhaust ventilation, and dust collection must be used to ensure compliance with the exposure limits prescribed in paragraph (e)(1) or (e)(2)(ii) of this section.     (5) Training, hygiene, and work practices--(i) Training. No employee may enter a special production area before the completion of a training ***program***. The training ***program*** must be adapted to the individual circumstances of the manufacturer and must address: The known physical-chemical and toxicological properties of the chemical substances handled in the area; procedures for using and maintaining respirators and other personal safeguards; applicable principles of hygiene; special handling procedures designed to limit personal exposure to, and inadvertent release of, chemical substances; and procedures for responding to emergencies or spills.     (ii) Hygiene. Appropriate standards of hygiene must be observed by all employees handling a new chemical substance in manufacturing, processing, or ***transfer*** operations. The manufacturer must provide appropriate facilities for employee changing and wash-up. Food, beverages, tobacco products, and cosmetics must not be allowed in special production areas.     (iii) Work practices. Operating procedures such as those related to chemical weighing and filtering, or the charging, discharging and clean-up of process equipment, must be designed and conducted to ensure compliance with the exposure limits prescribed in paragraph (e)(1) or (e)(2)(ii) of this section. Written procedures and all materials necessary for responding to emergency situations must be immediately accessible to all employees in a special production area. Any spill or unanticipated emission must be controlled by specially trained personnel using the equipment and protective clothing described in paragraph (e)(6) of this section.     (6) Personal protection devices. All workers engaged in the manufacture and processing of a new chemical substance in the special production area must wear suitable protective clothing or equipment, such as chemical-resistant coveralls, protective eyewear, and gloves.     (7) Caution signs. Each special production area must be clearly posted with signs identifying the area as a special production area where new chemical substances are manufactured and processed under controlled conditions. Each sign must clearly restrict entry into the special production area to qualified personnel who are properly trained and equipped with appropriate personal exposure safeguards.     (8) Removal for storage or transportation. A new chemical substance that is not incorporated into a wet mixture, photographic article, or instant photographic or peel-apart film article may be removed from the special production area for purposes of storage between operational steps or for purposes of transportation to another special production area. Such storage or transportation must be conducted in a manner that limits worker and environmental exposure through the use of engineering controls, training, hygiene, work practices, and personal protective devices appropriate to the chemical substance in question.     (9) Labeling. (i) Any new chemical substance removed from a special production area or stored or transported between operational steps must be clearly labeled. The label must show the identity of the new chemical substance or an appropriate identification code, a statement of any known hazards associated with it, a list of special handling instructions, first aid information, spill control directions, and where applicable, the appropriate U.S Department of Transportation notations.     (ii) No label is required if the new chemical substance has been incorporated into a photographic article, or if it is contained in a sealed reaction vessel or pipeline, or if it has been incorporated into an instant photographic or peel-apart film article.     (10) Areas immediately adjacent to the special production area. The ambient air concentration of the new chemical substance in areas immediately adjacent to the special production area must not exceed the exposure limit established in paragraph (e)(2)(ii) of this section for waiver of respirator protection within the special production area. Periodic monitoring in accordance with paragraph (e)(3) of this section must be performed in immediately adjacent areas where it is reasonable to expect a risk of inhalation exposure.     (f) Conditions of processing outside the special production area. A wet mixture may be incorporated into a photographic article or an instant photographic or peel-apart film article outside the special production area under the conditions listed in this paragraph:     (1) Engineering controls and exposure safeguards. Engineering controls must limit the exposure to a new chemical substance contained in a wet mixture.     (2) Training, hygiene and work practices--(i) Training. Training of

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employees involved in the handling of wet mixtures containing a new chemical substance must be adapted to the individual circumstances of the employees' activities and must address: Procedures for using personal exposure safeguards, applicable principles of hygiene, handling procedures designed to limit personal exposure, and procedures for responding to emergencies and spills.     (ii) Hygiene. Appropriate standards of hygiene that limit exposure must be observed by all employees handling wet mixtures that contain new chemical substances.     (iii) Work practices. Work practices and operating procedures must be designed to limit exposure to any new chemical substance contained in wet mixtures. Any spills or unanticipated releases of a wet mixture must be controlled by trained personnel wearing appropriate protective clothing or equipment such as gloves, eye protection, and, where necessary, respirators or chemically impervious clothing.     (3) Personal protection devices. All workers engaged in the processing of a wet mixture containing a new chemical substance must wear suitable protective clothing or equipment such as coveralls, protective eyewear, respirators, and gloves.     (g) Incorporation of photographic articles into instant photographic and peel-apart film articles. A photographic article may be incorporated into the instant photographic or peel-apart film article outside the special production area. The manufacturer must take measures to limit worker and environmental exposure to new chemical substances during these operations using engineering controls, training, hygiene, work practices, and personal protective devices.     (h) Environmental release and waste treatment--(1) Release to land. Process waste from manufacturing and processing operations in the special production area that contain a new chemical substance are considered to be hazardous waste and must be handled in accordance with the requirements of parts 262 through 267 and parts 122 and 124 of this chapter.     (2) Release to water. All wastewater or discharge which contain the new chemical substance must be appropriately pretreated before release to a Publicly Owned Treatment Works (POTW) or other receiving body of water. In the case of release to a POTW, the pretreatment must prevent structural damage to, obstruction of, or interference with the operation of the POTW. The treatment of direct release to a receiving body of water must be appropriate for the new chemical substance's physical-chemical properties and potential toxicity.     (3) Release to air. All process emissions released to the air which contain the new chemical substance must be vented through control devices appropriate for the new chemical substance's physical-chemical properties and potential toxicity.     (i) Exemption notice. An exemption notices must be submitted to EPA when manufacture of the new chemical substance begins.     (1) Contents of exemption notice. The exemption notice must include the following information:     (i) Manufacturer and sites. The notice must identify the manufacturer and the sites and locations where the new chemical substance and the instant photographic or peel-apart film articles will be manufactured and processed.     (ii) Chemical identification. The notice must identify the new chemical substance as follows:     (A) Class 1 substances. For chemical substances whose composition can be represented by a definite structural diagram (Class 1 substances), the notice must provide the chemical name (preferably CAS or IUPAC nomenclature), the molecular formula, CAS Registry Number (if available), known synonyms (including trade names), and a structural diagram.     (B) Class 2 substances. For chemical substances that cannot be fully represented by a structural diagram, (Class 2 substances), the notice must provide the chemical name, the molecular formula, the CAS Registry Number (if available), and known synonyms (including trade names). The notice must identify the immediate precursors and reactants by name and CAS Registry Number (if available). The notice must include a partial or incomplete structural diagram, if available.     (C) Polymers. For a polymer, the notice must identify monomers and other reactants used in the manufacture of the polymer by chemical name and CAS Registry Number. The notice must indicate the amount of each monomer used (by weight percent of total monomer); the maximum residual of each monomer present in the polymer; and a partial or incomplete structural diagram, if available. The notice must indicate the number average molecular weight of the polymer and characterize the anticipated low molecular weight species. The notice must include this information for each typical average molecular weight composition of the polymer to be manufactured.     (iii) Impurities. The notice must identify the impurities that can be reasonably anticipated to be present in the new chemical substance when manufactured under the exemption by name and CAS Registry Number, by class of substances, or by process or source. The notice also must estimate the maximum percent (by weight) of each impurity in the new chemical substance and the percent of unknown impurities present.     (iv) Physical-chemical properties. The notice must describe the physical-chemical properties of the new chemical substance. Where specific physical-chemical data are not available, reasonable estimates and the techniques used to develop these estimates must be provided.     (v) Byproducts. The notice must identify the name, CAS Registry number (if available), and the volume of each byproduct that would be manufactured during manufacture of the new chemical substance.     (vi) Production volume. The notice must include an estimate of the anticipated maximum annual production volume.     (vii) Test data. The notice must include all information and test data on the new chemical substance's health and environmental effects that are known to or reasonably ascertainable by the manufacturer.     (viii) Identity of the article. The notice must identify and describe the instant photographic film article(s) or peel-apart film article(s) that will contain the new chemical substance.     (ix) Release to water. The notice must include a description of the methods used to control and treat wastewater or discharge released to a POTW or other receiving body of water. The notice must also identify the POTW or receiving body of water.     (x) Certification. The manufacturer must certify in the notice that it is familiar with the terms of the exemption and that the manufacture, processing, distribution, use, and disposal of the new chemical substance will comply with those terms.     (xi) Fee ***payment*** ID number. The manufacturer or processor must include a ***payment*** identity number on the front page of the notice.     (2) Duplication of information in premanufacture notice. If a manufacturer who submits an exemption notice under this paragraph has already submitted, or simultaneously submits, a premanufacture notice under section 5(a)(1)(A) of the Act for the new chemical substance, it may, in lieu of submitting the information required by

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this paragraph, reference the required information to the extent it is included in the premanufacture notice. At a minimum, the exemption notice must identify the manufacturer and the new chemical substance, and contain the certification required by paragraph (i)(1)(x) of this section.     (3) Address. The exemption notice must be addressed to the Document Control Office (DCO) (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.     (j) Recordkeeping. (1) Manufacturers of a new chemical substance under this exemption must keep the following records for 30 ***years*** from the final date of manufacture.     (i) Production records. Each manufacturer must maintain records of the annual production volume of each new chemical substance manufactured under the terms of the exemption. This record must indicate when manufacture of the new chemical substance began.     (ii) Exposure monitoring records. Manufacturers must maintain an accurate record of all monitoring required by this section. Monitoring records may be adapted to the individual circumstances of the manufacturer but, at a minimum, must contain the following information: The chemical identity of the new chemical substance, date of the monitoring, the actual monitoring data for each monitoring location and sampling, and a reference to or description of the collection and analytic techniques. If the manufacturer does not monitor, the manufacturer must maintain a record of the reasons for not monitoring and the methods used to determine compliance with the exposure limits of paragraph (e)(1) of this section.     (iii) Training and exposure records. For each employee engaged in the manufacture or processing of a new chemical substance, the company must develop and maintain a record of the worker's participation in required training. This record must also demonstrate the regular use of personal exposure safeguards, including the results of any personal exposure monitoring, the results of the quantitative fit test for the worker's personal respirator, and any additional information related to the worker's occupational exposure.     (iv) Treatment records. Manufacturers who release treated wastewater or discharge containing a new chemical substance to a POTW or other receiving body of water must maintain records of the method of treatment.     (2) The manufacturer must make the records listed in paragraph (j)(1) of this section available to EPA upon written request by the Director of the Office of Pollution Prevention and Toxics. The manufacturer must provide these records within 15 working days of receipt of this request.     (k) Confidentiality. If the manufacturer submits information under paragraph (i) or (j) of this section which it claims to be confidential business information, the manufacturer must clearly identify the information at the time of submission to the Agency by bracketing, circling, or underlining it and stamping it with ``CONFIDENTIAL'' or some other appropriate designation. Any information so identified will be treated in accordance with the procedures in part 2 of this chapter. Any information not claimed confidential at the time of submission will be made available to the public without further notice to the submitter.     (l) Amendment and repeal. (1) EPA may amend or repeal any term of this exemption if it determines that the manufacture, processing, distribution, use, and disposal of new chemical substances under the terms of the exemption may present an unreasonable risk of injury to health or the environment. EPA also may amend this exemption to enlarge the exemption category or to reduce the restrictions or conditions of the exemption.     (2) As required by section 5(h)(4) of the Act, EPA will amend or repeal the substantive terms of an exemption granted under this part only by the formal rulemaking procedures described in section 6(c)(2) and (3) of the Act (15 U.S.C 2605(c)).     (m) Prohibition of use of the exemption. The Director of the Office of Pollution Prevention and Toxics may prohibit the manufacture, processing, distribution, use, or disposal of any new chemical substance under the terms of this exemption if he or she determines that the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance may present an unreasonable risk of injury to health or the environment.     (n) Enforcement. (1) A failure to comply with any provision of this part is a violation of section 15 of the Act (15 U.S.C 2614).     (2) Submitting materially misleading or false information in connection with the requirements of any provision of this part is a violation of this regulation and therefore a violation of section 15 of the Act (15 U.S.C 2614).     (3) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C 2615) for each violation.     (4) EPA may seek to enjoin the manufacture of a new chemical substance in violation of this exemption or act to seize any chemical substances manufactured in violation of the exemption under the authority of section 17 of the Act (15 U.S.C 2616).

PART 725--[AMENDED]

0 11. The authority citation for part 725 continues to read as follows:

    Authority:  15 U.S.C 2604, 2607, 2613, and 2625.

0 12. Section 725.25 is amended by adding paragraph (i) to read as follows:

Sec.  725.25  General administrative requirements.

\* \* \* \* \*     (i) Fees. Persons submitting MCANs and exemption requests to EPA under this part are subject to the applicable fees and conditions specified in Sec. Sec.  700.40, 700.45(c), and 700.49 of this chapter.

0 13. Section 725.33 is amended by revising paragraphs (a)(9) and (10) to read as follows:

Sec.  725.33  Incomplete submissions.

    (a) \* \* \*     (9) The submitter does not remit the fees required by Sec.   700.45(c) of this chapter.     (10) The submitter does not include an identifying number and a ***payment*** identity number. \* \* \* \* \*

PART 790--[AMENDED]

0 14. The authority citation for part 790 continues to read as follows:

    Authority:  15 U.S.C 2603.

0 15. Section 790.45 is amended by adding paragraphs (c)(7) and (g) to read as follows:

Sec.  790.45  Submission of letter of intent to conduct testing or exemption application.

\* \* \* \* \*     (c) \* \* \*     (7) A ***payment*** identity number on the front page of the letter, as required in Sec.  700.45(g)(4) of this chapter. \* \* \* \* \*     (g) Manufacturers and processors subject to a test rule described in Sec.  790.40 and required to comply with the requirements of that test rule as provided in Sec.  790.42(a) must remit the applicable fee specified in Sec.  700.45(c) of this chapter.

0 16. Section 790.59 is amended by adding paragraph (c) to reads as follows:

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Sec.  790.59  Failure to comply with a test rule.

\* \* \* \* \*     (c) Persons who fail to pay the requisite fee as specified in Sec.   700.45(c) of this chapter will be in violation of the rule.

0 17. Section 790.60 is amended by adding paragraphs (a)(18) and (d) to read as follows:

Sec.  790.60  Contents of consent agreements.

    (a) \* \* \*     (18) ***Payment*** identity number, as required in Sec.  700.45(g)(4) of this chapter. \* \* \* \* \*     (d) Fees. Manufacturers and/or processors signing the consent agreement are subject to the applicable fee specified in Sec.   700.45(c) of this chapter.

0 18. Section 790.65 is amended by revising paragraph (b) to read as follows:

Sec.  790.65  Failure to comply with a consent agreement.

\* \* \* \* \*     (b) The Agency considers failure to comply with any aspect of a consent agreement, including the failure to pay requisite fees as specified in Sec.  700.45 of this chapter, to be a ``prohibited act'' under section 15 of TSCA, subject to all the provisions of the Act applicable to violations of section 15. Section 15(1) of TSCA makes it unlawful for any person to fail or refuse to comply with any rule or order issued under section 4. Consent agreements adopted pursuant to this part are ``orders issued under section 4'' for purposes of section 15(1) of TSCA. \* \* \* \* \*

PART 791--[AMENDED]

0 19. The authority citation for part 791 continues to read as follows:

    Authority:  15 U.S.C 2603 and 2607.

0 20. Section 791.39 is amended by removing paragraph (a)(3) and revising paragraph (b).     The revision reads as follows:

Sec.  791.39  Fees and expenses.

\* \* \* \* \*     (b) Expenses. All expenses of the hearing, including the cost of recording (though not transcribing) the hearing and required traveling and other expenses of the hearing officer and of American Arbitration Association representatives, and the expenses of any witness or the cost of any proofs produced at the direct request of the hearing officer, shall be borne equally by the parties, unless they agree otherwise, or unless the hearing officer, in the award, assesses such expenses or any part thereof against any specified party or parties. \* \* \* \* \* [FR Doc. 2018-22252 Filed 10-16-18; 8:45 am]  BILLING CODE 6560-50-P

**Load-Date:** October 31, 2018

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