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Senate

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

PRAYER

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

Let us pray.

Our Father, be with us not only in great moments of experience but also during mundane and common tasks of life. Through the power of Your Spirit, make our Senators mount up with wings like eagles, running without weariness and walking without fainting. Lord, give them the wisdom to be patient with others, ever lenient to their faults and ever prompt to appreciate their virtues. Rule in their hearts, keeping them from sin and sustaining their loved ones in all of their tomorrows. Surround them with the shield of Your favor, as You provide them with a future and a hope, accomplishing in their lives more than they can ask or imagine.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SASSE). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Newsom nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The assistant Democratic leader.

HEALTHCARE

Mr. DURBIN. Mr. President, last week, on a bipartisan basis, the Senate rejected a bill that would have repealed the Affordable Care Act. This should be a turning point, not just in our healthcare debate but in the way that we move forward in the Senate.

The speech given by Senator MCCAIN when he returned to the Senate Chamber last week lasted about 15 minutes, and, in that short period of time, the senior Senator from Arizona reminded us of our historic responsibility here in the Senate and the role that we play under our Constitution as an independent branch of government, and he then exhorted us to put away the partisanship and the gamesmanship and move to what we would call regular order in the Senate: Send a bill to a committee, have the committee consider the bill, bring in experts, go through an amendment process, report it to the floor, and have another amendment process hoping that the collective wisdom of the committee and the body will result in a work product that actually achieves the goal that we set out to achieve. That is the regular order. That is what JOHN MCCAIN asked us to get back to, and now we have that chance.

On a bipartisan basis, I believe the Senate must come together and work on solutions to improve our healthcare system. First, we have to stabilize it. In just a few weeks, the major insurance companies are going to announce their premiums for the next year, and I am afraid they are going to show dramatic increases, because what the industry has told us over and over is that the one thing they can't calculate is the uncertainty of policy decisions. So as long as we have not done our job in stabilizing the healthcare system, they will either step away from risk or charge higher premiums to cover the possibilities of greater risk. That is what we face in just a few weeks and particularly if this administration—the Trump administration—follows what the President has said over and over in his tweets. We have listened to the President basically say what I consider to be an irresponsible thing: Let the healthcare system fail; then the Democrats will come on their knees and beg us to change it.

Well, if the healthcare system fails, it will not have much impact on the President and his immediate family. They will still have health insurance. But if it fails, many people will not be able to afford basic health insurance. They may lose it, and others may lose their coverage altogether. It could be a personal disaster—a family disaster across the board. I can't believe that anyone—let alone the President—would suggest that is the best path to a constructive outcome. Responsibility suggests that there is a better way.

Thanks to the Affordable Care Act, 20 million previously uninsured Americans have gained healthcare coverage, including more than 1 million people in my State of Illinois. Thanks to the Affordable Care Act, our Nation's uninsured rate is at the lowest level in history. We cut it in half in Illinois. Thanks to the Affordable Care Act, insurance companies can no longer engage in the type of abusive conduct that was well known and well established before the passage of the Affordable Care Act.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Before the passage of that law, insurance companies decided that women, because of their gender, had a preexisting condition and, therefore, had to pay more for health insurance than men. They used to charge older people exorbitantly more than younger people for insurance. They would deny maternity care, mental health or substance abuse care, deny insurance to people with preexisting conditions or charge them sky-high premiums. They would impose annual or lifetime caps on benefits and kick people off insurance when they got sick and needed care.

The Affordable Care Act changed each and every one of those things. Young adults, in addition, can now stay on their parents' health insurance plans up to the age of 26, and seniors with Medicare are getting free preventive care and substantial discounts on their pharmaceuticals.

The law is far from perfect. Improvements can and should be made. We have done that over the years to Social Security and Medicare. We should do it again here. Six percent of Americans and 3 percent of Illinoisans purchase their insurance in the individual market, and more than 50 percent of those people receive premium subsidies to help them pay for their monthly premiums. For these people, especially those who don't qualify for subsidies, insurance options can be limited or expensive. So while there are clear challenges, we also need to be honest about the scope of the problem and where we need to make fixes. There are ways to help.

First, the 19 States that have refused to expand their Medicaid Program should do so. If they did, 4.5 million more Americans would instantly gain access to healthcare coverage. Many of these people who would gain coverage go to work every single day—sometimes to more than one job a week—and they don't have any healthcare benefits where they work. They have no place to turn. Medicaid can help. If Republicans are serious about wanting to provide people with access to affordable health insurance, Medicaid expansion is the most commonsense measure we can take.

Second, the administration should stop stoking uncertainty in the individual market and commit to paying cost-sharing reduction subsidies known as the CSRs. These Federal subsidies now help 7 million Americans with out-of-pocket health insurance costs. If the Trump administration sabotages the healthcare system and refuses to make these payments, premiums on these individuals would increase by 20 percent next year alone. Now, many of my Senate Republican colleagues, including HELP Committee Chairman LAMAR ALEXANDER of Tennessee, support the CSR payments. I think that is a responsible course of action. In fact, they are even included in some of the Republican healthcare repeal bills. It is time to end this ''will they or won't they'' game—this uncertainty—and reassure Americans and insurers that payments are going to be made. The uncertainty is going to raise the cost of health insurance for everybody. For goodness sake, let's move in the opposite direction, bring stability and bring assurances of where we are headed so that healthcare premiums can stabilize and perhaps not go up as far as they would otherwise.

Third, we should give people in the individual market more affordable options. I support offering a Medicare-like plan. If insurers choose not to participate in the individual market, why wouldn't the government step in and offer an option that individuals can decide whether they want to take it.

Finally, we have to do something about the high cost of prescription drugs. They are contributing directly to massive premium increases. The health insurance companies tell us—in Blue Cross Blue Shield's case in Illinois, they are paying more for prescription drugs in Illinois than they are paying for inpatient hospital care—that is driving premiums higher.

What have we done to deal with prescription drug costs exactly? Nothing. There is nothing in the Affordable Care Act that even monitors these costs when it comes to the public at large and very little, if anything, has been proposed or passed in Congress to deal with these out-of-control increases in prescription drug prices. I think drug companies should have to publicly justify their prices and provide ample lead time when they are going to raise these prices.

Drugs that are developed with significant Federal taxpayer dollars—and that is many of them—whether from the National Institutes of Health or the Department of Defense, should commit to reasonable pricing in their products. If these drug companies are using taxpayer subsidized research to develop a drug, I think they have a special public responsibility when it comes to the marketing of that drug to make sure the pricing is reasonable. The taxpayers helped them to a profitable position. They shouldn't go overboard and overcharge.

Last week when Senator MCCAIN made his appeal on the Senate floor, he really called on us to work together to get something done. I have noticed that there is a bipartisan effort underway in the House. I believe we will hear one this week in the Senate. I am glad that we are heeding his advice. I agree with the Senator from Arizona that it is time for the Senate to turn to regular order, hold hearings, bring in experts, and really work together on proposals that would expand access to affordable health insurance coverage and care. Democrats stand ready to work with Republicans to do this. It is time to put ObamaCare repeal behind us. It is time to move forward on behalf of those who are counting on us.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

WORK BEFORE THE SENATE

Mr. MCCONNELL. Mr. President, as I said yesterday, the Senate has a number of nominations to consider in the coming days.

Yesterday we voted to advance a well-qualified judicial nominee to serve on the Eleventh Circuit Court of Appeals.

Soon we will consider one of the President's nominations for the National Labor Relations Board, and we obviously need to confirm an FBI Director. I would hope, with all the threats facing us at home and abroad, our Democratic colleagues would not launch the first filibuster of a nominee to be FBI Director, especially one who was reported out of the Judiciary Committee by a vote to 20 to 0. These are just a few of the many nominees who need to be acted upon and quickly.

Up until now, our friends across the aisle have thrown up one unnecessary procedural hurdle after the next on even the most uncontroversial of nominees. As a result, I noted last month that at the pace we were going, it would take more than 11 years to confirm the remaining Presidential appointments. Well, that pace has slowed even further. Now it would take 12 years.

It is time to end this.

I look forward to our Democratic colleagues cooperating with us to do that so the Senate can spend its time considering other things that are important to our constituents. We have legislation to address over the remainder of this work period as well. Our veterans deserve the best care the country can provide. Under the last administration's VA scandal, the veterans were let down in a big way. Congress came together in the wake of that scandal to pass the Veterans Choice Program, which allows many veterans to skip the long wait and travel times at some VA facilities and access private care.

The House recently acted to shore up this program on an overwhelmingly bipartisan basis, 414 to nothing. Now the Senate needs to act as well.

We also need to renew the FDA User Fee Program. This program is critical to speeding up the drug approval process, and that is important to everyone frustrated by the time and costs of bringing lifesaving drugs to market. Without it, the important work of ensuring that drugs and devices are safe and effective would literally come to a screeching halt. Every 5 years, these agreements need to be reviewed and reauthorized. The Senate legislation to do so was reported by the HELP Committee on a 21-to-2 bipartisan vote, and given the lifesaving developments in immunotherapy and personalized medicine on the horizon, it is more important than ever.

We have important work to do over the remainder of this work period. I hope colleagues will cooperate across the aisle in our efforts to do so.

AUTHORIZING RECORD PRODUCTION

Mr. MCCONNELL. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 237, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 237) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EXECUTIVE CALENDAR—Continued

MEASURE PLACED ON THE CALENDAR—H.R. 3219

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2018, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. MCCONNELL. 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. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, the American people are looking to Congress to turn the page on healthcare and start working on bipartisan improvements to our healthcare system. Stabilizing the individual market is the first thing we should all focus on. The repeated attempts to repeal and replace the healthcare law, as well as the administration's threat to stop making the cost-sharing payments that help keep premiums down and keep markets stable, have injected massive uncertainty into the system.

Insurers hate nothing more than uncertainty. It drives them to jack up the costs of premiums and to pull out of markets. Already, insurers in three States have issued two separate sets of proposed rates for 2018—one if the administration makes the cost-sharing payments and one if it does not. The set of proposed rates if the payments are not made is 20 percent higher in all three States. I don't know the third, but two of them are North Carolina and Pennsylvania, which are very significant States. In Idaho, the State insurance commissioner said that rates on the most popular plans would be 50 percent higher next year because of ''the potential refusal by the Federal Government to fund the cost share reduction mechanism.'' That comes from the State insurance commissioner. I do not know if that is an elected position, but whether it is elected or appointed, my guess is that he is a Republican. They do not elect too many Democrats out there.

The administration is supposed to announce today or sometime this week its decision on whether to make the next set of payments. The ball is in the President's court. He can make the payments as the law requires and needs or he can sabotage our healthcare system and impose a Trump premium tax of 20 percent higher premiums on the American people next year by not extending the cost-sharing program.

Why would he do this? Why would he raise people's rates? His only stated reason is petty, is childish, is un-Presidential. He will get back at people because his hope to repeal and replace was rejected. You do not hurt innocent people when you lose politically. That is not Presidential. That is not, frankly, what an adult does. The ball is in the President's court, as I said, and let's hope he does the right thing.

President Trump has already made it harder for Americans to afford insurance next year by publicly rooting for our Nation's healthcare system to collapse, injecting a baseline of uncertainty into the system. President Trump would make things a whole lot worse by not making the next set of payments—20 percent higher premiums, more bare counties, even more market instability.

The American people need a President who puts their interests first, not someone who plays political games with their healthcare. The American people can ill afford a Trump premium tax this year, and it is completely avoidable. All the President has to do is to make the payments and carry out the law as he is supposed to. Afterward, Congress should move to guarantee these payments permanently or at least for a significant period of time.

This uncertainty caused by the President's threats has been the most destabilizing factor in the individual market. That is not according to CHUCK SCHUMER or any Democrat; it is according to the insurers' largest trade group, AHIP. The President has proved that he cannot be trusted to faithfully execute the procedures that keep our healthcare system on track.

The only good news here is that there are moves by people on both sides of the aisle in this Senate to take some of this uncertainty off the table by guaranteeing these payments in the future.

My good friends, the chairman of the HELP Committee, the senior Senator from Tennessee, LAMAR ALEXANDER, and the ranking Democratic member, Senator PATTY MURRAY, have an ability to work together on many issues. I know they are meeting almost as we speak—in 5 minutes—to discuss how we can move forward. I spoke to Senator ALEXANDER in the gym, where the Presiding Officer, I want to tell his constituents, was exercising and staying fit, too, and he seemed very eager to try to work together to stabilize the system.

TAX REFORM

Mr. President, on another matter—taxes—it is clear that our economy would benefit from a bipartisan package of changes to our Tax Code that would focus laser-like on increasing wages for working families, improving middle-class job growth, and promoting domestic investment, while modernizing our outdated business and international tax system.

From what we have heard from the White House so far, its plan would not do any of that. We Democrats are open to a bipartisan discussion on those issues, but we also believe that, in an economy in which wealth is seemingly funneled to the already wealthy, it is working Americans who deserve tax relief, not those at the very top. The wealthiest Americans have seen outsized benefits from recent economic gains. Now is not the time to shower millionaires and billionaires with another tax break while working Americans continue to struggle to make ends meet.

Today, 45 Members of the Democratic caucus sent a letter to our Republican friends, writing that we are open to bipartisan discussions on tax reform but that we will not support any effort to rewrite the Tax Code to give another tax break to the top 1 percent or add even more to the deficit and the debt.

Here are our three principles outlined in the letter:

First, no new tax breaks for the top 1 percent.

Second, it must not increase the debt and must be fiscally responsible.

Third, we must use a regular order process that will ensure true bipartisan input in the product, not the reconciliation process that was used in healthcare, which excluded the Democrats from the get-go and, in part, led to the failure of the Republicans to

pass repeal or repeal and replace. Ramming tax cuts through under reconciliation—the very same partisan process that failed for healthcare—is the wrong way to do business for this country.

Again, the Democrats are open to a bipartisan discussion on tax reform, but it has to be truly bipartisan, not under reconciliation, and tax reform cannot be a cover story for delivering tax cuts to the wealthiest or result in a ballooning deficit and debt.

CHINA AND NORTH KOREA

Mr. President, finally, on the matter of China and North Korea, under President Trump, North Korea continues to ramp up its aggression; yet China has not taken any significant steps to bring to an end its threatening and destabilizing behavior.

President Trump has staked his administration's approach to North Korea on China doing more, but right now 90 percent of North Korea's foreign trade is with China, and 95 percent of its foreign direct investment comes from China.

Even as the U.N. Security Council and the U.S. Congress have again sanctioned North Korea, China's trade with this rogue nation has risen more than 30 percent over the past year, according to some reports. Even after the recent ICBM tests—clear violations of international resolutions—China and Russia have worked behind the scenes to water down and weaken additional U.N. Security Council sanctions resolutions.

President Trump has talked about his ''wonderful relationship'' with President Xi, but this is not the behavior we should expect from a partner that is serious about the crisis on the Korean Peninsula.

The bottom line is simple. China could put pressure on North Korea right now, but they are taking a pass, as they have for over a decade.

President Trump began the year by offering a ''better trade deal'' to China if they put pressure on North Korea. That clearly hasn't happened. The soft-touch approach has gotten us nowhere, as usual, with China; they only understand strength. China continues to do the bare minimum as North Korea becomes more and more bellicose.

So, today, I am urging President Trump to use his authority over the Committee on Foreign Investment in the United States, known as CFIUS, and instruct the Treasury Department to suspend the approval of mergers and acquisitions of U.S. assets by Chinese companies until China works to bridle its neighbor's aggression.

China and its surrogates must face economic pressure if they are not going to help deter North Korea. This is an important tool in our country's toolbox, and the President ought to use it.

I urge President Trump to take a tougher line and suspend the approval of all mergers and acquisitions in the United States by Chinese companies.

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

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

NORTH KOREA

Mr. GARDNER. Mr. President, I rise today to speak about North Korea, the most urgent national security challenge for the United States and our allies in East Asia.

Secretary Mattis has said North Korea is ''the most urgent and dangerous threat to peace and security.'' Admiral Gortney, the previous commander of U.S. Northern Command, stated that the Korean Peninsula is at its most unstable point since 1953, when the armistice was signed.

Last year alone, North Korea conducted two nuclear tests and a staggering 24 ballistic missile launches. This year, Pyongyang already launched 18 missiles, including the two recent tests of intercontinental ballistic missiles that are reportedly capable of reaching the U.S. homeland.

President Trump has said that the United States will not allow this to happen, and I am encouraged by the President's resolve. Patience is not an option with the U.S. homeland in the nuclear shadow of Kim Jong Un. Our North Korea policy of decades of bipartisan failure must turn to one of immediate bipartisan success, with pressure and global cooperation resulting in the peaceful denuclearization of the regime.

As Vice President PENCE stated during his recent visit to South Korea:

> Since 1992, the United States and our allies have stood together for a denuclearized Korean Peninsula. We hope to achieve this objective through peaceable means. But all options are on the table.

But time is not on our side. I believe U.S. policy toward North Korea should be straightforward. The United States should deploy every economic, diplomatic, and, if necessary, military tool at our disposal to deter Pyongyang and to protect our allies.

However, the road to peacefully stopping Pyongyang undoubtedly lies through Beijing. China is the only country that holds the diplomatic and economic leverage necessary to put the real squeeze on the North Korean regime.

According to the South Korean state trade agency, China accounts for 90 percent of North Korea's trade, including virtually all of North Korea's exports. From 2000 to 2015, trade volume between China and North Korea has climbed more than tenfold, rising from $488 million in 2000 to $5.4 billion in 2015. Beijing is the reason the regime acts so boldly and with relatively few consequences.

China must now move beyond a mere articulation of concern and lay out a transparent path of focused pressure to denuclearize North Korea. A global power that borders this regime cannot simply throw up its hands and absolve itself of responsibility.

The administration is right to pursue a policy of ''maximum pressure'' toward North Korea, and we have a robust toolbox already available to ramp up the sanctions track—a track that has hardly been utilized to its fullest extent and a track made even more complete last week with additional sanctions on North Korea.

Last Congress, I led the North Korea Sanctions and Policy Enhancement Act, which passed the Senate by a vote of 96 to 0. This legislation was the first stand-alone legislation in Congress regarding North Korea to impose mandatory sanctions on the regime's proliferation activities, human rights violations, and malicious cyber behavior.

A recent analysis from the Foundation for the Defense of Democracies says:

> North Korea sanctions have more than doubled since the North Korea Sanctions and Policy Enhancement Act came into effect on February 18, 2016. Prior to that date, North Korea ranked eighth, behind Ukraine/Russia, Iran, Iraq, the Balkans, Syria, Sudan, and Zimbabwe.

Even with the 130-percent sanctions increase after the North Korea Sanctions and Policy Enhancement Act, North Korea is today still only the fifth most sanctioned country by the United States. North Korea is far from being sanctioned out.

So while Congress has clearly moved from the Obama administration inaction to some action, the Trump administration has the opportunity to use these authorities to build maximum leverage with not only Pyongyang but also with Beijing. I am encouraged by the actions the administration took last month to finally designate a Chinese financial institution, but this should be just the beginning. The administration, with congressional support, should now make clear to any entity doing business with North Korea that they will not be able to do business with the United States or have access to the U.S. financial system.

A report released last month by an independent organization known as C4ADS identified over 5,000 Chinese companies that are doing business with North Korea. These Chinese companies are responsible for $7 billion in trade with North Korea. Moreover, the C4ADS report found that only 10 of the 5,000-plus companies control 30 percent of Chinese exports to North Korea. So of 30 percent of Chinese exports, 10 companies are responsible for that number in 2016 alone. One of those ten companies alone controlled nearly 10 percent of all imports from North Korea. Some of these companies were even found to have satellite offices in the United States.

According to recent disclosures, from 2009 to 2017, North Korea used Chinese banks to process at least $2.2 billion in transactions through the U.S. financial

system. This must stop now. The United States should not be afraid of a diplomatic confrontation with Beijing for simply enforcing existing U.S. and international law. In fact, it should be more afraid of Congress if it does not. As for any prospect of engagement, we should continue to let Beijing know in no uncertain terms that the United States will not negotiate with Pyongyang at the expense of U.S. national security and that of our allies.

Instead of working with the United States and the international community to disarm the madman in Pyongyang, Beijing has called on the United States and South Korea to halt our military exercises in exchange for vague promises of North Korea suspending its missile and nuclear activities. That is a bad deal, and the Trump administration was right to reject it.

Moreover, before any talks in any format, the United States and our partners must demand that Pyongyang first meet the denuclearization commitments it had already agreed to in the past and subsequently chose to brazenly violate.

President Trump should continue to impress to President Xi that a denuclearized Korean Peninsula is in both nations' fundamental long-term interests. As Admiral Harry Harris rightfully noted, ''we want to bring Kim Jung Un to his senses, not to his knees.'' But to achieve this goal, Beijing must be made to choose whether it wants to work with the United States as a responsible global leader to stop Pyongyang or bear the consequences of keeping him in power.

Two weeks ago I introduced legislation with a bipartisan group of cosponsors called the North Korean Enablers Accountability Act. This legislation takes the first steps toward imposing a total economic embargo on North Korea, including a ban on any entity that does business with North Korea or its enablers from using the U.S. financial system and imposing U.S. sanctions on all those participating in North Korean labor trafficking abuses.

My legislation specifically singles out those 10 largest Chinese importers of North Korean goods and sends a very clear message: You can either do business with this outlaw regime or do business with the world's largest economy. I urge my colleagues to support this legislation and our continued efforts to stop Pyongyang's further development of nuclear weapons and intercontinental ballistic missiles to bring peace to the peninsula and to denuclearize peacefully the North Korean regime.

In order to put real pressure, this administration must act, and it must act on the regime and its enablers wherever they are based.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The deputy majority leader is recognized.

WORK BEFORE THE SENATE

Mr. CORNYN. Madam President, it is no secret that last week's vote on repealing and replacing the provisions of ObamaCare proved a disappointment to many of us. I have found, though, in my time here in the Senate that so often we agree on the goal we want to achieve, but we disagree on the means to achieve that goal.

Some people see the private sector and competition and markets as the best place to regulate economic activity. Other people look at the government as the source of actions that do things like provide access to healthcare. The truth is, in our complicated healthcare delivery system, everybody plays a role one way or the other.

We know that government plays an outsized role already, because we have Medicare, Medicaid, veterans health programs, and the like—the Children's Health Insurance Program, which we will have to take up and reauthorize before the end of September. But there does exist a very important private marketplace for health insurance, and, frankly, many times I think the government makes it harder, not easier, for the private marketplace to offer people a variety of products that they actually like, want to buy, and can afford.

But it is evident that there is a lot of passion about this issue, and that is not going to go away. Certainly, what is not going to go away is the need that consumers across this country of ours have for lower premiums, increased access, and a marketplace that actually functions, where people can buy an insurance product they want to buy, and, of course, there is always the issue of quality of care.

Some people think that maybe Medicaid is the ultimate answer. The fact of the matter is that Medicaid plays a very important role as a safety net for low-income Americans, but most of the medical studies that have been done indicate that medical outcomes under Medicaid are no better than those for those people who don't have insurance at all, and the number of people who go to the emergency room includes many people who have Medicaid but have a hard time finding a doctor who will treat them because Medicaid pays doctors at such a low rate that only about one-third of the doctors, especially in my State of Texas, will see a new Medicaid patient. As one of our colleagues has suggested, it is kind of like telling people: Here is a bus ticket. But there is no bus. There is no way to get there. That is hardly what I would call access to quality care.

I know our work is not done. Now I and others turn to our colleagues across the aisle who fought us every step of the way in trying to achieve progress on healthcare reform and ask them what their suggestions are. Democrats need to be constructive rather than continuing to bury their heads in the sand about the fundamental problems with the Affordable Care Act.

My firm belief is that these problems are structural in nature. They are not something that can be solved simply by throwing more money at the problem, particularly when insurance companies would love to have us do exactly that. That is the way they do business. They are profit-oriented companies. I don't begrudge them that.

It is simply not in our best interest, I believe, to just throw billions of dollars at insurance companies in a bailout without reforming the fundamental structure by which healthcare is delivered. I don't think we can turn to the taxpayers and say that it is their obligation to bail out insurance companies, particularly when they have seen their premiums already triple under ObamaCare.

We can't afford to do what the Senator from Vermont wants to do, which is enact a costly single-payer system, which would literally bankrupt our country.

With every day that passes, ObamaCare keeps getting worse, but we have no choice but to keep working to find new ways forward. That will include discussions and efforts to keep our promise and fix the mess that has been left to us to face.

There is a lot the American people expect of us. With fragile majorities in the Senate, we have seen that we are forced to work together to try to solve these problems. I think, frankly, bipartisan solutions tend to be more durable.

As we move forward to that work and turn to legislative priorities such as breaking the blockade on nominations, tax reform, getting our economy growing again, getting people back to work—because the economy is growing and they get good, well-paying jobs—and doing things such as rebuilding our infrastructure, something we know is important to our economic future, we will continue this week focusing on something that, frankly, we should have done months ago, which is seeing that more of President Trump's nominees are confirmed.

Of course, we know the approach of the Democratic leader from New York has been to obstruct, block, and slow down as many of these nominations as he can. For example, our Senate colleagues on the Democratic side have allowed only 10 percent of President Trump's confirmations to go by a voice vote, which is a customary courtesy when there is no controversy associated with the nomination. President Obama's confirmations went through with 90 percent of them by voice vote because they weren't truly controversial. What we have seen happen this year is to burn the clock and delay and obstruct and foot-drag as much as possible in order to deny the President his own team.

I realize many people were disappointed on that side of the aisle when President Trump was elected. He was elected President of the United States, and he deserves to have his team in place—particularly when they are not controversial nominees—rather

than to deny him the opportunities to staff up and do the job the American people elected him to do.

This obstruction is felt particularly acutely at the Department of Defense. You would think that if there is one thing that is bipartisan or nonpartisan, it would be our national security. In fact, only seven of President Trump's nominations for the Pentagon have been confirmed. Two of the remaining nominees waiting for confirmation have been waiting for 2 months after they have been unanimously approved by the Armed Services Committee—2 months of delay for no purpose whatsoever with noncontroversial nominees.

The minority leader is blocking these nominees, but his ranking member on the Senate Armed Services Committee, along with all other Democrats on the Armed Services Committee, unanimously voted to approve the nominees and vote them out of committee.

It should not take 2 months to fill these critical national security roles, especially for nominees who aren't controversial. Each day that our Democratic colleagues delay the process, they are hindering our readiness and putting American lives at risk.

This comes at a time when we are engaged in fights around the globe, at a time the vast array of threats around the globe are more diverse and, frankly, more dangerous than they have been in a long, long time. All we need to do is to look at what is happening in North Korea.

It is especially disgraceful for those men and women who put their lives in harm's way, who wake up every day and risk their lives to defend the country, and who proudly wear the uniform of the U.S. military. This is an offense against them. It is insulting. They deserve better than this from our Senate Democratic colleagues.

I hope the Senator from New York, the Democratic leader, will stick to what he said last week and drop the needless blockade against the President's nominees. The President won the election and is expected to appoint a Cabinet of qualified individuals to guide our country and carry out his policies. Whether you voted for President Trump or against President Trump, he did win the election, and we should move forward with a fully staffed executive branch.

Americans also deserve to keep more of their hard-earned paychecks in their pockets. We know that businesses, particularly small businesses that are the primary engine of job creation in the country, have been subjected to a tax code that is enormously complicated, confusing, and that discourages economic growth.

Why in the world would we want to do that to ourselves? Why would we want to tolerate a tax code that is so complicated, that is anti-growth, and that discourages job creation? We shouldn't.

With this new administration, we are committed to overhauling our outdated Tax Code to make it simpler and fairer, one that will encourage businesses to create jobs and bring profits back to our shore. Members of both Chambers—the House and Senate—have been hard at work on a solution that will provide that sort of relief and protect jobs and put Americans first, not government.

I look forward to the debate and the fight for historic tax reform in the coming months. I want to particularly commend my friend and colleague in the House of Representatives, a fellow Texan, KEVIN BRADY, chairman of the House Ways and Means Committee, for his great work in that body, together with our chairman in the Senate, Senator HATCH, chairman of the Senate Finance Committee. That is the committee of jurisdiction where we are going to have hearings and a markup this fall.

Finally, I wish to address another area where Congress ought to be able to work together on a bipartisan basis, and that is strengthening our Nation's infrastructure. It is absolutely imperative we build on the success of the FAST Act, the first multiyear surface transportation bill signed into law in more than a decade.

While this piece of legislation was critical to providing States and communities with the certainty they need, we must continue to invest in our Nation's bridges, roadways, ports, and other critical infrastructure.

I look forward to working with the administration and our colleagues in the Senate and in the House on legislation that will strengthen our Nation's infrastructure and do so in a fiscally responsible manner.

Finally, I hope to pass the bipartisan legislation that I have introduced to combat domestic human trafficking with my Democratic colleague, the Senator from Minnesota, this week. This has long been a priority of mine. The Abolish Human Trafficking Act is focused on getting victims of this heinous crime the help they need to rebuild their lives. In fact, as you talk to faith-based organizations and other people who are trying to help the victims of human trafficking, many times they will tell you the single thing these victims need the most is simply a safe place to live and heal and recover. That is what the Abolish Human Trafficking Act is focused on.

This bill reauthorizes the Justice Department's Domestic Trafficking Victims' Fund, which was established in the Justice for Victims of Trafficking Act, a bill that I authored and that was signed into law last Congress.

The Domestic Trafficking Victims' Fund provides critical resources to connect victims with the services they need so they can recover and begin to heal. Part of that fund is financed through fines collected on the convicted traffickers themselves. It is a clear way we can use these fines for good. Last year, the fund provided about $5 million in victim services. By reauthorizing it, we can continue to serve even more people, more victims.

This bill also empowers victims by permanently reauthorizing the Advisory Council on Human Trafficking, survivors who annually advise the government on ways to combat this crime and lend a hand to victims. While this bill certainly focuses on human trafficking victims, we recognize that these victims may not have survived this form of modern-day slavery without the dedication of law enforcement officials fighting for these survivors every day. That is why our legislation also supports local and State law enforcement agencies, so they are able to carry out not only the ability to track down the perpetrators and convict them but also to receive additional training to help equip them on how best to serve the victims.

Ending this terrible crime is a cause every Member in this Chamber should be able to get behind. I look forward to passing the Abolish Human Trafficking Act with bipartisan support, hopefully, later this week.

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. 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.

Mr. BARRASSO. Madam President, President Trump has been in office for just a little over 6 months. We had an election. The American people said they preferred the Republican vision for the direction this country should go, but it just seems today the Democrats in the Senate think the inauguration never happened.

For more than 6 months, Democrats have engaged in a historic effort to obstruct the work of the Trump administration and the U.S. Government. Normally, on inauguration day, the President gets a substantial number of people confirmed to his Cabinet. The idea is to let the President get his team in place so then they can go about hitting the ground running.

President Obama had six of his Cabinet Secretaries confirmed on Inauguration Day in 2009. All of them were confirmed by voice vote. They didn't even have to do a rollcall. People agreed, in a bipartisan way, to let the President have his nominees. Republicans in the Senate did nothing to try to block any of those Cabinet Secretaries for President Obama. We understood it is best to give the new President a chance and for all of us to work together when we can. President George Bush had seven people nominated and confirmed on his first day in office. That is the way it usually worked but not anymore.

Now, Democrats aren't interested in giving a Republican President a chance. They weren't interested in working together. Last January, President Trump only had two people confirmed to his Cabinet on inauguration

day. There were two people ready to get to work on the day he took office, the Secretary of Defense and the Secretary of Homeland Security. These were the only two jobs the Democrats let the President fill. By the end of January in 2009, President Obama had 10 of his Cabinet Secretaries in place. His Cabinet was almost entirely set by the end of the month that he took office, January 2009, but because of ongoing obstruction by Democrats in the Senate, President Trump still only had three Cabinet Secretaries in their jobs by the end of January. That is an incredible level of obstruction when you compare it to what has happened historically.

It didn't stop with members of the Cabinet, and it didn't just end in January. Democrats have continued to make the Senate jump through procedural hoops. In President Obama's first 6 months of office, 206 people were confirmed to serve in his administration. In President Trump's first 6 months, Democrats continued to block the way, allowing us to approve only 55 nominees for those first 6 months. So President Obama had nearly four confirmations for every one of President Trump's over the same period of time. The difference is stark and the reason is simple: Democrats have been putting up roadblocks, one after another, on even the most noncontroversial of nominees. It is not how things worked in the past in previous administrations. Many of these nominees for important jobs would get approved by what we call in the Senate unanimous consent or by a voice vote.

Republicans have been willing to let a lot of Democrats take their jobs without wasting time on rollcall votes and running out the clock. In President Obama's first 6 months in office, Republicans allowed 182 of his nominees to be confirmed by unanimous consent or voice vote. That is almost 90 percent of the jobs filled in those first 6 months by unanimous consent—general agreement—but in the same time, the Democrats only allowed five of President Trump's nominees to get through without a rollcall vote. That is the level of Democratic obstructionism.

They have been blocking judges, Cabinet Secretaries, and other high-ranking officials. Many of these nominees even had Democratic support. It is interesting. Democrats have supported many of these so they weren't controversial at all. Democrats in the Senate forced us to file cloture 34 times on people nominated to fill important jobs in the U.S. Government. We had to force the Democrats to act.

In President Obama's first 6 months, there were only eight cloture votes. There is no way Democrats can argue that they had principled objections to these 34 nominees where we had to file cloture on their nominations. The only explanation is that they did not want the President to have his team in place. When you take a look at these 34 people whom we had to go ahead and file cloture on, half of them ended up getting 60 or more votes for their confirmation so they had support by Democrats as well as the Republicans. There was no reason—no need to slow them down other than obstruction of the President. One nominee whom we had to file cloture on and go all the way through the process even received a unanimous confirmation vote—a rollcall vote in the U.S. Senate—100 to 0. Yet the Democratic leader made us file a motion to proceed and get a cloture vote on this individual whom then they approved 100 to 0.

Why the need to go through this? Democrats blocked him as long as they could. Yet not a single Democrat then stood to vote against him when his name was called for a rollcall vote. So why are Democrats blocking votes on people whom they then intend to support and do support with their votes? They are just trying to slow things down. The Democratic leader actually admitted that was his plan during the debate over confirming the No. 2 person at the Pentagon. It is someone whom the Senate actually confirmed with 92 votes in his favor. Yet they slowed him down. Then he received 92 votes.

Republicans wanted to speed up the process a little. Senator SCHUMER objected. Did he have a problem with the nominee's qualifications? No. The Democratic leader said on the floor: ''We would be happy to consider the nominee in regular order, and maybe once things change a little bit in healthcare, we can.''

It had nothing to do with the person who was nominated, nothing to do with anything, according to Senator SCHUMER, other than the fact that we were discussing healthcare in this country. It had nothing to do with the importance of the position that was going to be filled in the Pentagon. It was all because Democrats were trying to stall the debate over healthcare reform. There are the numbers: nominees confirmed in the first 6 months for Obama, 206; President Trump, 25.

Republicans are trying to keep the Federal Government functioning by filling these jobs that had been empty. Healthcare is a very separate thing. Both of these are important. The only thing they have in common is the Democrats have been playing politics with both of them. It is not normal. It is not acceptable. The Democrats' blockade against President Trump's nominees has caused what I believe has been a dangerous backlog. We still have 84 people who have been nominated by the President for positions in the government who have cleared the committees and are now just waiting for a vote on the Senate floor—slowed down by Democratic obstruction.

Democrats are trying their best to drag this out, it seems to me, as long as they possibly can. The Senate rules say that means up to 30 hours of debate once we vote to move forward on a nomination. Maybe that is too long. Senator RON JOHNSON wrote an op-ed in the Washington Post over the weekend with the headline: ''Let's break this Senate logjam.'' He suggests we cut the time back from 30 hours of debate to 2 hours of debate. That would certainly speed things up, and maybe that is the step we are going to have to take if this level of obstruction continues.

Whatever we do, we cannot allow this logjam to continue. These are important jobs—important positions. The American people deserve to have someone doing their work.

Last Friday, after the healthcare vote, Senator SCHUMER called for us to work together. He said: ''There are things we can do rather quickly, including moving a whole lot of nominations.'' I am going to hold the Democratic leader to his word on this. Let him show that he meant what he said. We should be able to clear the decks of these 84 nominees who have come through the Senate committee, who have been approved by the committee and are waiting here to be confirmed. We should do it by unanimous consent. If Democrats object to one or two of them, let's have a rollcall vote so we can get it on the record. It is time to stop this mindless obstruction that serves no purpose except to delay.

Thank you, Madam President.

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. BARRASSO assumed the Chair.)

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

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

Mr. SHELBY. Mr. President, I rise today in support of Kevin Newsom, formerly Alabama's solicitor general and currently the President's nominee for the U.S. Court of Appeals for the Eleventh Circuit.

He is someone whom the Presiding Officer knows well, having himself been the solicitor general for the State of Texas before he became a U.S. Senator.

I believe Kevin Newsom to be an exceptional choice for this high honor. I have the utmost regard for his intellect and integrity.

Kevin grew up in Birmingham, AL. He graduated first in his class from Samford University in Birmingham and went on to graduate with highest honors from Harvard Law School, as the Presiding Officer did.

One month prior to Harvard Law School, Kevin married his wife Deborah. They went on to have two sons, Chapman and Marshall James, who are now 12 and 14 years old respectively.

Kevin is no stranger to the courtroom. He began his legal career as a law clerk on the Ninth Circuit Court of Appeals for Judge O'Scannlain, as well as U.S. Supreme Court Justice David

Souter. He has argued four cases before the U.S. Supreme Court.

In 2011 and again in 2014, Kevin was appointed to the Advisory Committee on Appellate Rules by Chief Justice John Roberts. This is a signal honor, as the Presiding Officer knows. He is one of only 3 private practitioners on the 10-person committee.

Currently, Kevin serves as the chairman of his firm's appellate group and has been recognized by several national publications and organizations for his leadership in the legal field.

As the former solicitor general of Alabama, Kevin has proved to be an exceptionally skilled attorney. He understands and respects the law, and I believe he will be an asset to our Nation's judicial system as a Federal judge on the Eleventh Circuit. Moreover, the American Bar Association unanimously gave Kevin a ''well qualified'' rating to serve on the Eleventh Circuit—the highest possible recommendation they are able to give.

I am confident that Kevin Newsom will serve honorably and apply the law with impartiality and fairness, which I believe is required of all judges. I believe that President Trump has made the right decision in selecting Kevin Newsom to sit on the Eleventh Circuit. I am hopeful that later today my colleagues on both sides of the aisle will vote to confirm Kevin Newsom without any reservations.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RETURN OF PAPERS—H.J. RES. 76

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the papers with respect to H.J. Res. 76 be returned to the House of Representatives at their request.

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 p.m. today, the Senate proceed to the consideration of Calendar No. 178, the nomination of Christopher Wray to be Director of the FBI. I further ask that there be 4 hours of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation of the nomination with no intervening action or debate; that if confirmed, the President be immediately notified of the Senate's action. I further ask that following disposition of the Wray nomination, all postcloture time on the Newsom nomination be considered expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

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

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation for a term of ten years.

The PRESIDING OFFICER. There will now be 4 hours of debate equally divided in the usual form.

The President pro tempore, the Senator from Utah, is recognized.

INTERNATIONAL COMMUNICATIONS PRIVACY ACT

Mr. HATCH. Mr. President, I represent a generation of lawmakers brought up on the principles of bipartisanship and compromise, and I believe these very virtues are the key to my success as a legislator. By putting these principles in practice as chairman of the Finance Committee, I was able to pass more than 40 bills into law during the last Congress, and by working with my friends across the aisle over many decades of public service, I have been able to pass more legislation than anyone alive today.

I draw from these personal experiences to illustrate a simple point: In an era of endless gridlock and increasing polarization, there is no alternative to civility and healthy debate. We would do well to remember this in light of the frustrations we have all felt over the past several months.

The Senate is capable of so much more than it is today. I know because I have seen the Senate at its best, and I have seen the Senate when regular order was the norm, when legislation was debated in committee, and when Members worked constructively with one another for the good of the country. I have seen the Senate when it truly lived up to its reputation as the world's greatest deliberative body.

I believe we can again see this body at its best, but restoring the Senate to its proper function requires real change on all sides. It begins by recognizing that all of us here, Democrats and Republicans alike, are to some extent culpable for the current dysfunction. If we want to break free of the current gridlock and if we want to show the American people we are serious about legislating, then we have to be honest with ourselves, and we have to recognize that laying all the blame on the other side is as counterproductive as it is disingenuous.

Most importantly, we must be willing to work in good faith with Members of the opposite party. All too often, we miss the opportunity to effect meaningful change by hiding behind partisan differences. We must take the opposite course by renewing our efforts to reach across the aisle to overcome division and forge consensus. There is no better template for effective, bipartisan legislating.

This is the model I have followed for decades for the betterment of Utah and the Nation, and it is the model I have followed most recently in working with my dear friend Senator COONS to introduce the International Communications Privacy Act, or what we affectionately refer to as ICPA.

ICPA is more than just a commonsense proposal that updates law enforcement for the modern age; it is a symbol of what our two parties can accomplish when we lay aside petty differences and come together for the good of our Nation. In crafting this proposal, Senator COONS and I took great pains to strengthen international data privacy protections while also enhancing law enforcement's ability to access data across borders.

This issue has long been a priority of mine. I have spoken about it at length both here on the Senate floor and in other venues and have introduced legislation on the subject over multiple Congresses. Most recently, I came to the Senate floor to explain how the rise of cloud and remote network computing has transformed the way we store data and to describe the implications of that transformation for our data privacy laws.

Until relatively recently, most electronic data was housed in personal computers or on servers located in offices or homes. This meant that in order to access data, a person could simply go to the relevant location and retrieve it. That is no longer the case. Nowadays, much of our data is stored not on home or office computers but in the cloud—a network of remote servers spread throughout the world that allows us to access data from literally anywhere. Data pertaining to a single individual or even to a single document may be stored at multiple sites spread across countries or even continents.

This has profound implications for data privacy. To begin with, our privacy laws require government officials to obtain a warrant before they can access many types of electronic communications. Warrants, however, traditionally have stopped at the warrant's edge. This means that if a law enforcement agent is investigating a crime here in the United States but a key piece of information is stored on a remote server outside the United States, the agent may have significant difficulty obtaining the information. Without a warrant or the ability to get a warrant, the agent may have to use diplomatic channels to obtain the information—a process that can be extremely slow and cumbersome.

Our privacy laws also prohibit disclosure to foreign entities. This means that when a foreign government is investigating a crime within its borders and a key piece of information is stored in the United States, the foreign government must likewise work through diplomatic channels to obtain the information.

The growing prevalence of cloud and remote network computing has put law enforcement into increasing conflict with these sorts of restrictions. Crime knows no borders. A child pornographer in Bangalore may post photos of an American victim on a British server which can be accessed worldwide. A U.S. official investigating the crime may need information stored on the British server in order to track down the culprit. If the server was in the United States, the official could simply issue a warrant. But that tool isn't available in this scenario because the server is overseas.

Moreover, the United Kingdom may have a statute, similar to our own law, that prohibits British service providers from disclosing communications to foreign entities. Diplomatic channels exist for sharing such data, but these channels are exceptionally slow and can take months or even years to process requests. In the meantime, crimes go unpunished and perpetrators disappear.

This state of affairs is simply not tenable. We cannot allow outdated laws to hamstring law enforcement efforts in this way. At the same time, we must adequately protect Americans' privacy against unwarranted government intrusion.

Some have suggested that the answer is to simply extend the reach of U.S. warrants worldwide. This, however, is not a viable solution as foreign disclosure laws can and do conflict with U.S. laws. Extending the reach of U.S. warrants without reasonable limits would thus place service providers in the impossible position of having to choose which country's laws to violate—ours or the foreign jurisdiction's.

What we need is a sensible regime with clear rules that determine access based on factors that matter to the person whose data is being sought. At the same time, we need to take proper account of the laws and interests of other countries, especially our allies.

We ought to avoid, wherever possible, trampling on other nations' sovereignty or ignoring their own citizens' legitimate claims to privacy. Accordingly, ICPA sets clear rules for when and how U.S. law enforcement can access electronic data based on the location and nationality of the person whose data is being sought.

Here is what the bill says:

If a person is a U.S. national or is located in the United States, law enforcement may compel disclosure, regardless of where the data is stored, provided the data is accessible from a U.S. computer and law enforcement uses proper criminal process.

If a person is not a U.S. national, however, and is not located in the United States, then different rules apply. These rules are founded on three principles: respect, comity, and reciprocity.

First, respect. If U.S. law enforcement wishes to access data belonging to a non-U.S. national located outside the United States, then U.S. law enforcement must first notify the person's country of citizenship and provide that country an opportunity to object. This shows respect to the other country and gives it an opportunity to assert the privacy rights of its citizen.

Second, comity. If, after receiving notice, the other country lodges an objection, a U.S. court undertakes a comity analysis to determine whose interests should rightly prevail—the U.S. interests in obtaining the data or the foreign interests in safeguarding the privacy of its citizen. As a part of this analysis, the court considers such factors as the location of the crime, the seriousness of the crime, the importance of the data to the investigation, and the possibility of accessing the data through other means.

Third, reciprocity. In order to receive notice and an opportunity to object, the other country must provide reciprocal rights to the United States. This ensures that the U.S. provides its own citizens an equal or greater level of protection against foreign requests for data. It also offers incentives to foreign governments to properly safeguard the data of U.S. citizens within their borders.

Up to this point, I have been focusing on requests by U.S. law enforcement for data stored outside the United States, but there is another side to the problem, and that is what happens when foreign law enforcement requests data stored inside the United States.

As I have mentioned, our privacy laws prohibit disclosure to foreign entities. Suppose a British subject committed a crime in Britain but data relevant to the investigation is stored in the United States. Even if British law provides for extraterritorial process, a UK official investigating the crime will be unable to obtain the data because U.S. law prevents disclosure to foreign officials. As with U.S. requests for data in other countries, diplomatic channels exist for sharing such data, but these channels are slow and extremely cumbersome.

Accordingly, for the past several months, I have been working with Senator GRAHAM and others to find a solution for this second part of the problem. Senator GRAHAM, together with Senator WHITEHOUSE, convened a hearing in May of this year that I believe highlighted the need for action. I have also met with Ambassadors and other high-ranking foreign officials who have impressed upon me the challenges they are facing under existing U.S. law.

I think we need to address this second side of the problem—foreign requests for data in the United States—as well. We need to address it in conjunction with the first side—U.S. requests for data in other countries.

It will not do to give foreign authorities readier access to data stored in the United States without likewise clarifying U.S. law enforcement's ability to obtain data stored abroad. Similarly, it is inconceivable to me that we would open our doors to foreign law enforcement requests while telling U.S. law enforcement that data in other countries is off-limits. Surely, we should not prefer foreign criminal investigations over domestic ones.

I believe these two issues—ICPA and the bilateral United States-United Kingdom agreement—are inextricably linked. I have worked in good faith with Senator GRAHAM and with Senator WHITEHOUSE to find a path forward on these issues. It is my firm belief that we need to move these two issues together. Everyone has a vested interest in privacy, and everyone has a vested interest in bringing criminals to justice. We are going to work together on this.

In closing, I would emphasize one additional point. The question of whether, when, and under what circumstances the United States should authorize law enforcement access to data stored abroad is a question for Congress. There have been suggestions in some corridors that this is a question for the courts to decide. I emphatically reject that question. This is a policy question for Congress.

We should not defer to the courts' interpretation of a statute that was passed 30 years ago with no thought or comprehension of the situation we face today. Subject to constitutional constraints, it is Congress's job to set the bounds of government's investigatory powers. We decide what government officials can and cannot do. We should not pass the buck to the judiciary merely because this is a complicated issue. We shouldn't do that.

The International Communications Privacy Act provides critical guidance to law enforcement while respecting the laws and interests of our allies. It brings a set of simple, straightforward rules to a chaotic area of the law and creates an example for other countries to follow. It is a balanced approach and a smart approach, and it deserves this body's full-throated support.

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. THUNE. 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

Mr. THUNE. Mr. President, when polls ask Americans what issues are most important to them, one topic seems to score high every time: jobs and the economy. It is not surprising. The American people have had a rough time over the past few years.

The Obama years were characterized by long-term economic stagnation. Jobs and opportunities were few and far between. Wage growth was almost nonexistent, and yearly economic growth alternated between weak and woeful.

During the last year of the Obama administration—years, I might add, after the recession ended—economic growth averaged a dismal 1.5 percent. That is barely half of the growth needed for a healthy economy.

There have been some encouraging signs over the past few months. Economic growth for the second quarter of 2017 was stronger. We still have a way to go to get to where we need to be. Things still need to get better and better faster.

Another thing is, we want things to get better for the long term. During the Obama administration, there were periods of reasonable economic growth, but they were quickly followed by weak periods. That is not good enough. We need to put our economy on a strong, healthy footing for the long term.

How do we do this? How do we get back on the path to long-term economic health? One important thing we can do is reform our outdated, inefficient, and growth-stifling Tax Code.

The Tax Code might not be the first thing people think of when they think of economic growth, but it actually plays a huge rule in every aspect of our economy. It helps determine how much money you have left over to save or invest or whether you can afford a car or a house. When it comes to businesses, it can be the key to determining whether a young business gets off the ground or an existing business has the money to grow and to hire new workers.

Unfortunately, our current Tax Code is not helping our economy. Too often, American families find their opportunities limited by the size of the tax bill they owe to Uncle Sam. Large and small businesses alike find themselves struggling under heavy tax burdens that compromise their ability to grow and compete.

What does tax reform need to look like? On the individual side, of course, we need to lower income tax rates to put more money in Americans' pockets. American families should be the ones deciding how to spend their earnings and not Washington bureaucrats.

On the business side, there are two important things we can do that will have long-term benefits for economic growth: first, lower tax rates for all types of businesses—sole proprietorships, S corporations, limited liability companies, and corporations; and, second, accelerate the rate at which businesses can recover their investment costs to free up money for them to reinvest in their businesses, create new jobs, and increase wages.

When it comes to lowering business tax rates, there are several things we need to do. For starters, we need to lower our Nation's corporate tax rate. The United States has the highest corporate tax rate in the developed world. That puts American businesses at a competitive disadvantage in the global economy.

When American businesses are taxed at a far higher rate than their foreign competitors, it is likely to be the foreign, rather than the American, companies that expand and thrive.

It is not just our high corporate tax rate that puts American businesses at a competitive disadvantage. It is also our outdated worldwide tax system. If we want American businesses to stay competitive in the global economy, we need to move from a worldwide tax system to a territorial tax system.

The chairman of the Senate Finance Committee, Senator ORRIN HATCH, delivered a speech the other day explaining exactly why we need to move to a territorial system. I highly recommend reading his full speech, but I am going to take just a moment to highlight some of the points he made in that speech.

What does it mean to have a worldwide tax system? Under a worldwide tax system, American companies pay U.S. taxes on the profit they make here at home, as well as any profit they make abroad, once they bring that money back here home to the United States.

The problem with this is twofold. First, these companies are already paying taxes to foreign governments on the money they make abroad. While the current Tax Code gives them some credit for those foreign tax payments, they can still end up paying some U.S. taxes when they bring that money home, meaning they are being taxed twice on those profits.

This discourages companies from bringing their profits home to invest in their domestic operations in the United States. If the tax burden for bringing that money home is too great, they have a strong incentive to leave that money abroad and invest it in foreign workers and foreign economies.

The other problem is, most other major world economies have shifted from a worldwide tax system to a territorial tax system. In a territorial tax system, you pay taxes on the money you earn where you make it and only there. You aren't taxed again when you bring money back to your home country.

Most of American companies' foreign competitors have been operating under a territorial tax system for years so they are paying a lot less in taxes than American companies are. That leaves American companies at a competitive disadvantage.

These foreign companies can underbid American companies for new business simply because they don't have to add as much in taxes into the price of their products or services. By moving to a territorial tax system in the United States—a move that is supported, by the way, by Members of both parties—we can put American companies on an even footing with their global competitors.

With a territorial tax system and a lower corporate tax rate, we can provide a strong reason for companies to keep their operations in the United States and to bring their profits back home, instead of incentivizing companies to send their operations overseas the way they do now.

Improving the competitiveness of American companies and giving them a reason to invest their profits back home will have huge economic benefits, not only for American companies who are competing in the global marketplace but also for all the small- and medium-sized companies that form the supply chain here in the United States.

For every American company that operates in countries around the world, there are countless companies here at home that supply the raw material for the products that are sold abroad—businesses that handle the packaging and the shipping of those products and enterprises that supply support services like accounting and legal and payroll services.

The list goes on. America's global companies rely on a web of supporting businesses that spans the entire United States. As a result, when American companies are successful, so is the American economy.

Obviously, lowering corporate tax rates and moving to a territorial tax system will have the most impact on American companies with an international footprint. Tax reform also has to focus on that other engine of economic growth; that is, the American small business.

Like bigger businesses, small businesses currently face high tax rates, at times even exceeding those paid by large corporations. Lowering tax rates for small businesses has to be a part of any tax reform bill.

A dollar saved in lower tax rates is a dollar a small business owner can put back into the business to expand, to add another worker, or to give employees a raise. The other thing we can do for small businesses is to allow them to recover their investments in inventory, machinery, and the like faster.

Under current law, small- and medium-sized corporations are often required to use a method of accounting known as accrual accounting. Basically, what that means is, a business has to pay tax on income before it receives the cash and cannot deduct all of its expenses when it pays the invoice.

For investments in equipment and facilities, the delay in recovering the cost of the investment can be even longer. For instance, right now, the cost of a computer is recovered over 5 years; tractors, over 7 years; and commercial buildings, over 39 years.

For many businesses, this means it can be many years before that substantial investment can be fully deducted. That can leave a business extremely

cash poor. Cash-poor businesses don't expand, they don't hire new workers, and they don't increase wages.

Boosting small businesses' available cash by allowing them to recover their investments faster is one of the most important things we can do to help small businesses thrive.

I have actually introduced legislation that would do just that. My bill, which is called the INVEST Act, focuses on allowing new businesses to recover their startup costs more quickly and allowing existing small- and medium-sized businesses and farms and ranches to recover their investments faster, and in some cases deducting the acquisition costs immediately.

All of the tax reform priorities I have discussed today, and more, will be part of the final tax reform package that we develop in the U.S. Senate.

Members of the tax-writing committees, in both the Senate and the House, have spent years working out the best approach to tax reform. Both committees have redoubled their efforts this year, even as the Senate and the House took up a variety of different priorities.

Last week, leaders from the Senate, the House, and the administration announced that the Senate Finance Committee, of which I am a member, and the House Ways and Means Committee would begin putting together a final version of a tax reform package. Our goal is for the Senate and House to take up and pass the legislation sometime this fall.

I am looking forward to working with Chairman HATCH and all of my colleagues in the Senate Finance Committee to put together that final bill, because American families and businesses are counting on us to enact a tax system that works for them and not against them. That is what we intend to give them.

I yield the floor.

Mr. President, I ask unanimous consent that quorum calls during consideration of the Wray nomination be charged equally to both sides.

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

Mr. THUNE. Mr. President, 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.

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

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

Ms. KLOBUCHAR. Mr. President, I rise today to recognize the 10th anniversary of the collapse of the I–35W bridge and to pay tribute to those who lost their lives on that tragic summer day, as well as all the first responders, healthcare workers, and ordinary citizens who did extraordinary things on this day 10 years ago.

First, I want to acknowledge one other topic; that is, this evening we will be voting on the nomination of Christopher Wray to serve as the FBI Director. I was proud to join all of my colleagues on the Judiciary Committee—now, it is not an ordinary thing to have happen on its own that we all agree on something—from both sides of the aisle to support Mr. Wray's nomination in committee on July 20 with a unanimous vote of support.

In his hearing, Mr. Wray showed that he has integrity, that he will follow the law, and that he believes in the importance of an independent FBI. Senators on both sides of the aisle asked him strong and tough questions. Given this important time in our Nation's history for law enforcement and for the FBI, I don't think you would expect anything less.

Mr. Wray handled the questions well. He was knowledgeable, but most importantly for me, he showed respect for the agents, and he showed respect for his predecessors, both Mr. Mueller and Mr. Comey. He showed respect for the law, and he understood the somber time in which he comes in to take this job.

In particular, Mr. Wray said that if he were asked to do something illegal or unethical, he would urge the President not to proceed with such a course of action, and he would resign if necessary. Mr. Wray also responded to Senator GRAHAM that he did not consider Special Counsel Mueller to be on a witch hunt, and he agreed that anyone running for elected office should notify the FBI if a foreign government offers assistance on a political campaign.

Mr. Wray also agreed with the concerns I raised that are posed by organized criminals, including those from foreign governments or who work for foreign governments, hiding their money in shell companies. He said that we had to ''follow the money.'' With news reports that the eighth person in the meeting with Donald Trump, Jr., Paul Manafort, and a lawyer connected to the Russian Government was a Russian who has been linked to money laundering, this issue is as important as ever.

In addition, Mr. Wray pledged to continue the FBI's efforts to work with the Election Assistance Commission and to address cyber security threats to our election infrastructure, so it is not just investigating things backward. A lot of what fighting crime is about—and I certainly knew this in my time as county attorney in Hennepin County—is making sure you protect people going forward. The FBI has enormous responsibilities going forward with cyber security, not only for our elections but for our government and also for business and for individual citizens.

Importantly, Mr. Wray promised to be responsive to requests from the Judiciary Committee as it carries out its oversight responsibilities. Those were questions posed to him by the committee's chairman, Senator GRASSLEY.

This is a tough time to take this tough job. The previous FBI Director, as we know, was fired because of the Russia investigation. The former Acting Attorney General was fired, and we have had a slew of other firings throughout the government over the last few months.

Well, I believe Christopher Wray is someone who will come in there with the integrity that is needed to do the job for those brave agents who go to work every day, not wearing a political button. They just go to do their work to protect us. I also believe he is the right choice at this time for our country.

I am very proud of the work the FBI in Minnesota has done, especially in the past year, with the stabbing we had at the shopping mall. The police chief there often talks about how there was so much going on at that moment, and the FBI was able to come in and help with that investigation in a significant way, so the police chief could not only work on the investigation with his officers but also calm the community, work with them, and do the other work that had to be done in the aftermath of that tragic stabbing.

That is just one example of our FBI in Minnesota, but I think every Member in this Chamber has examples in their own communities, and that is why it is important to have someone of the caliber of Christopher Wray take charge. I look forward to voting for his confirmation this evening.

I–35W BRIDGE COLLAPSE ANNIVERSARY

Mr. President, I am here today to talk about the I–35W bridge, and, as I said earlier, this was a tragedy that captivated not only my State but the country and the world. It was 10 years ago to the day that the I–35W bridge collapsed into the Mississippi River, taking the lives of 13 people and injuring over 100. I will never forget the shock and horror of that day. Everyone in my State remembers where they were when they heard that the bridge had collapsed.

As I said that day, a bridge just shouldn't fall down in the middle of America—not an eight-lane highway, not a bridge just a few blocks from my house that I drive over every single day with my family. But it happened, and when something like that happens, a lot of it has to do with, yes, what caused it—you want to know that—but also you want to know how the community responded, and that gets to the part that I really wanted to focus on today.

In the minutes and the hours following the disaster, the response of Minnesota's firefighters, police, hospital personnel, emergency personnel, and ordinary citizens was nothing short of heroic. People did not run away from that disaster. They ran toward it.

Everyone remembers the video of the off-duty firefighter diving in, over and over again, looking for survivors, or they remember that school bus precariously hanging on the edge of that broken-down bridge, where ordinary people had come to help on this broken

bridge as the school bus rested on the side, ready to fall. To get the kids off the bridge—they were just going to a summer camp and coming home for the day—the driver was helping them out one by one by one, not leaving that bus until every single kid got off the bus. During the first 2 hours after the bridge fell down, the Minneapolis Emergency Communications Center received and processed over 500 calls, 51 of which came directly from the scene of the disaster.

The eyes of the Nation were on our State, and what they saw that day was the very best of Minnesota. That tremendous spirit of community is what carried us through the dark days after the bridge collapsed. I remember going there with then-Senator Coleman the next morning with the Transportation Secretary. There were already, literally, billboards the morning after, directing people where to go because this involved a major highway and telling them what buses would be working and which way they should go. That is a community responding.

Senator Coleman and I pledged that day that we would work with Congressman Oberstar, who was a major force—who sadly is no longer with us—on the House Transportation Committee and then, of course, with Congressman ELLISON, who is the Congressman for that district.

Senator Coleman and I pledged to get the money, and we secured $250 million in emergency bridge reconstruction funding in just the first few days. It was a bipartisan effort, and I was proud to have the support of so many people in this Chamber. As a result of that—and maybe this is a lesson in light of what we heard in Senator MCCAIN's beautiful speech and in light of what we know we still need to be doing with infrastructure in this country—with President Bush's help and with bipartisan support, we rebuilt that huge bridge in Minnesota in a little over a year. Literally 13 months later, I was driving over that bridge to my house.

It is a shining example of what we can accomplish when we put politics aside to get big things done. I believe the I–35W bridge can and should be a model, not just of a tragic disaster and of our declining infrastructure, which it certainly is, but also a model of how we can fix things—a Republican Senator working with a Democratic Senator, and we got it done.

We have made some progress in this Chamber when it comes to infrastructure. In 2015, Democrats and Republicans worked together to pass the Fixing America's Surface Transportation Act or FAST Act, led by Senator MCCONNELL, the leader, with Senator Boxer. They don't agree on much, but they worked hard to get that bill done. I have always loved that it was called the FAST Act. It is kind of a scary thing to name a bill in Congress these days, but they named it that, and it got done. It was a long-term reauthorization bill that increased transportation funding from existing revenue streams and helped provide certainty for local governments planning critical projects.

Under the FAST Act, Minnesota is scheduled to receive more than $4 billion in funding over 5 years, which will help to ensure that our infrastructure is safe and efficient, and by the last year, it will be an increase of about $100 million just for our State over what we were getting the year before we passed the FAST Act. But we still need to do more.

This year, the American Society of Civil Engineers, which every so often comes out with grades of the Nation's infrastructure, gave America's infrastructure a grade of D-plus. While other countries are running ahead with infrastructure investments, we are still standing still. Even with the FAST Act, it doesn't propel us into the future, where we want to be. As we know—and as the Presiding Officer knows from his own State of North Dakota—we are an export State; we are an export country. We have to bring goods to market, and we have to bring goods into the United States. We also have to bring people to their jobs, and we can't do that if we have infrastructure—roads, bridges, rails, locks, and dams—that was set up for the last century. Standing still means falling behind in this global economy. In Minnesota, we know the cost of neglecting our roads and bridges. Our country needs to build roads, bridges, airports, locks, dams, and rails that work.

While safety should always be our first priority, it shouldn't be our only expectation. Our infrastructure should help farmers from the Presiding Officer's home State of North Dakota and my State of Minnesota to get crops to market quickly. Small businesses have to grow, and workers have to get to their jobs.

Let's not forget about updating our energy grid, repairing and replacing our water infrastructure and sewers, and making sure all Americans have access to broadband—not just low-speed broadband but high-speed broadband. I don't want to hear about another farmer going to the McDonald's parking lot to do his business or a doctor in northern Minnesota going to look at his x rays. If he couldn't use the hospital, he couldn't look at x rays at home or anywhere except another coffee store parking lot. That makes no sense.

If our deteriorating infrastructure goes unaddressed, it will cost our economy nearly $4 trillion by 2025, leading to a loss of over 2 million jobs. If we address it, we can create millions of jobs.

Here are some ideas. Senators MARK WARNER of Virginia and ROY BLUNT of Missouri have a bipartisan bill that I am part of that would establish an infrastructure financing authority to complement existing funding and expand overall infrastructure investments by providing new incentives to increase private sector spending. Another idea is to reform our Tax Code—and we have to do a lot of work on that—to simplify it and to create incentives for businesses to invest right here in America. We can also provide incentives to bring back trillions of dollars of foreign earnings. But if we do that, we have to make sure a chunk of it goes into infrastructure.

Of course, these tools should supplement and not replace direct Federal funding because, especially when it comes to rural America, we are not going to see the same kind of public-private partnership that you might in other, more populated areas of the country. So it has to be a combination of funding sources to make this work for every State, especially for rural America.

I am committed to moving forward in a bipartisan way to address our infrastructure needs and to prevent another tragedy like the collapse of the I–35W bridge. It is time to work together to make this happen. I actually believe the Senate is a place where we can make this happen. We showed the ability to get through a major infrastructure bill just 2 years ago, and we can do it again.

Today, on this 10th anniversary, we honor the victims, and their families, of that I–35W bridge collapse. We recognize the bravery of the first responders, who were incredible, and the 911 operators, who did their duty and answered those calls and got the help where they were supposed to go, and the doctors, nurses, ER people, ambulance workers, and everyone else.

Today, we also—and I can't think of a better time, when we are going through a difficult period, as we are in our country—remember the actions of ordinary citizens who could have just said: Oh, this looks scary; I am going home. They didn't do that. They didn't run away from the disaster; they ran toward it. Ordinary citizens did extraordinary things. Why? Because they cared about their fellow citizens. Because they knew that while maybe they had crossed over that bridge 5 minutes before it collapsed and could see it in their rearview mirror, or maybe they were approaching the bridge and actually saw it collapse—if it weren't for a 5-minute or 1-minute or 30-second difference, it would have been them on that bridge, and they knew that, and that is why they helped.

That is what America is really all about. It is not just a lottery where only certain people win and certain people lose. You have to put yourselves in the shoes of other people and think, we are all on one team. That is what this democracy is about, and that is what we saw on this day 10 years ago, August 1, in Minnesota.

Thank you, Mr. President.

I yield the floor.

Mr. DURBIN. Mr. President, I will support the nomination of Christopher Wray to be the next Director of the Federal Bureau of Investigation.

I met with Mr. Wray prior to his hearing, and I have carefully reviewed his record and listened to his hearing testimony. I believe he is well qualified and that he is sensitive to the fact that the FBI Director needs to be independent from this President and this Administration.

We are at a perilous moment in our history. Director Comey was fired by President Trump after he refused to pledge his loyalty to President Trump and after he publicly acknowledged that the FBI was investigating links between the Trump campaign and Russia. In the 109-year history of the FBI, only one FBI Director had ever been fired before. That director, William Sessions, was dismissed for serious ethical violations—not because the FBI was investigating the administration. Not since Watergate and the Saturday Night Massacre of October 20, 1973, has a President dismissed the head of an ongoing investigation into his administration.

From his own statements to NBC News and to Russian officials in the Oval Office, we know that President Trump wanted FBI Director Comey gone because of the Russia investigation. Let's be clear—Russia attacked our democracy last year. Almost every day, there is a new revelation about Russian contacts with the Trump campaign and administration. We owe it to the American people to get to the bottom of what happened.

Fortunately, we now have a special counsel, Bob Mueller, who is investigating whether any crimes were committed. We also need to make sure no foreign adversary can interfere with our elections again. It is imperative that the next FBI Director allow Special Counsel Mueller to conduct his investigation without interference and that the FBI provide Mueller with access to the information and resources he needs.

It is also imperative that we have an FBI Director who will carry out the functions of the office with independence, integrity, and a firm commitment to the rule of law.

I appreciate that Mr. Wray shares my view that the FBI Director should avoid meeting with President Trump one-on-one and that the FBI Director would be well-advised to make contemporaneous written records of any substantive conversations with President Trump.

Mr. Wray also told me he has no reason to doubt the intelligence community's conclusion that Russia interfered in our election. I look forward to hearing more from Mr. Wray on this subject after he is confirmed and has reviewed the classified intelligence.

He also committed to work with me to address the scourge of illicit gun trafficking coming into the city of Chicago and to work with me on efforts to reduce youth exposure to violent trauma.

I asked Mr. Wray about the criminal division's involvement in a 2004 memo by the DOJ Office of Legal Counsel on torture. He said he was not involved in reviewing or approving this memo or any CIA interrogation techniques and that he agrees with former FBI Director Mueller that interrogation techniques such as painful stress positions and waterboarding are ''abusive under all circumstances.'' I appreciate his commitment to ensuring that FBI personnel never use or participate in abusive interrogation techniques. Mr. Wray also committed to me that, if confirmed, he would review the Senate Intelligence Committee's torture report, and I look forward to hearing his reflections on it.

Mr. Wray told me that he agrees with former Director Comey that Federal courts and Federal prosecutors are effective in prosecuting terrorists and obtaining valuable intelligence, which is clear when you compare our courts' record in convicting more than 500 terrorists since 9/11. In contrast, military commissions have only produced eight convictions, four of which have been overturned.

I appreciate Mr. Wray's commitment to ''seek to maintain and build trust with all Americans, including Muslim Americans.''

The next FBI Director will be under incredible scrutiny. We need an FBI Director who will face that pressure with integrity, independence, and a firm commitment to the rule of law. He may also have to stand up to this President if the interests of justice call for it. I believe Mr. Wray can do that, so I will support his nomination, and I hope I will be joined by my colleagues in closely monitoring the FBI to ensure Mr. Wray is effectively serving the American people and the rule of law.

Mr. LEAHY. Mr. President, I supported Christopher Wray's nomination in the Judiciary Committee to be the next Director of the Federal Bureau of Investigation. I did so because I believe he is qualified and—critically—I believe he will stand up for the independence of the FBI. Such independence has never been more at risk. We need a new FBI Director now because the President fired the last one, Director James Comey. The President's reason for doing so was disturbing: to take pressure off of the FBI's investigation into Russian interference in our democracy and connections between the Kremlin and the President's campaign and administration. This came after the President first sought Director Comey's loyalty, then pressured him to terminate the ongoing investigation into Michael Flynn, and then misled the Nation as to the reason for Director Comey's firing.

Time and again, this White House has shown it does not respect boundaries between politics and law enforcement or understand that an official's loyalty is to the Constitution, not the President. The President routinely attacks the Attorney General, Deputy Attorney General, special counsel, Acting FBI Director, former FBI Director, and countless others. Each attack seems more outrageous than the last. Attorney General Sessions was required by Justice Department regulations to recuse himself from the Russia investigation. It was not discretionary. The President launched a weeklong Twitter tirade against him anyway, stating he would have never hired the Attorney General had he known he would recuse himself. In other words, the President would not have hired our Nation's top law enforcement official had the President known he would actually follow the law.

Make no mistake, whether he asks for it or not, the President will demand loyalty from Mr. Wray. He has shown there are consequences for those who dare to maintain independence and follow the rules. Through Twitter attacks and firing top officials, the President is attempting to intimidate and improperly influence the behavior of our Nation's top law enforcement officials.

This is not normal. We should not treat it as such, nor should these officials be solely responsible for protecting the independence of our law enforcement institutions. All of us, Republican and Democrat, must stand up to a President who seems to only stand for himself and whose relentless attacks on the rule of law harm the entire Nation.

The next FBI Director will face many tests of integrity. He will be forced to make decisions, as Director Comey was, that will test his commitment to the rule of law. I believed Mr. Wray when he testified in response to my question that he would sooner resign than follow an unlawful or unethical order from the White House. While he served as the head of the Justice Department's criminal division in 2004, the White House attempted to authorize a warrantless surveillance program over the Attorney General's objections. Mr. Wray offered to resign in solidarity with then-FBI Director Robert Mueller and then-Deputy Attorney General Comey. He takes his integrity and the integrity of our Nation's law enforcement agencies seriously.

I expect Mr. Wray will tenaciously guard the independence of the FBI, and I will vote to confirm his nomination today.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I know that later this afternoon, we are going to vote on the nomination of Christopher Wray. I am proud to support him, as I was during the Judiciary Committee, voting for him, as did every other member of the Judiciary Committee. The reason is quite simply that he is a professional, as nonpolitically associated as anyone can be going into this position.

Like the FBI itself, he is known for his independence and integrity. There are two qualities needed today for the FBI and its Director, and those are independence and integrity. The FBI is

one of the most important law enforcement agencies and certainly one of the most important in the country.

The FBI Director doesn't serve the President. He serves the Constitution and the people of the United States. He must be independent of political interference, and his or her integrity must be unquestioned. The FBI deserves a leader with the integrity and strength necessary for that solemn mission, and Mr. Wray has shown himself to be that kind of leader. Those qualities are especially important because never before have the rule of law and our law enforcement been so threatened by political interference, and it begins at the very top.

The reason Christopher Wray has been nominated to serve as FBI Director is that the vacancy was created by the firing of Jim Comey for reasons that have led to an aspect of the ongoing investigation by the special counsel.

The reason that position is vacant is because 3 months ago Jim Comey was fired by the President because of ''the Russia thing.'' The Russia thing was very much on the President's mind, more so than any of the reasons given in the memos done by Attorney General Sessions and Deputy Attorney General Rod Rosenstein, according to the President himself.

''The Russia thing'' is the FBI and special counsel investigation into whether the Trump campaign colluded with the Russian Government to influence our election.

There is no question that there was a campaign of interference and meddling through cyber attacks, disinformation, propaganda, and other means, and there is no question that the Russians will do it again unless they are made to pay a price. Others may well collude or conspire with them—Americans—unless they are compelled to pay a price.

We have only to look at the morning headlines to see how far-reaching and significant this investigation may be. The news that the President himself wrote a statement to be issued in the name of his son about a meeting with the Russian who promised ''dirt'' on Hillary Clinton and directly misled about that meeting shows what is at stake.

The misleading words put into the President's son's mouth by Donald Trump himself are potential pieces of evidence relating to criminal intent fitting the mosaic that the special counsel has assembled. They add weight and color to that mosaic; they are not alone proof.

The report today is proof that certainly describes a pattern of conduct—pieces of a pattern that fit together into a mosaic providing evidence of intent concerning potential obstruction of justice.

So the likelihood of a threat is increasing—the threat of political interference, the threat of firing Bob Mueller, the threat that Attorney General Jeff Sessions may be used as a vehicle to lead to Bob Mueller's firing.

Even before Jim Comey's dismissal, I called for an independent special prosecutor at the Department of Justice. In fact, I was the only member of the Judiciary Committee to vote against Rod Rosenstein's nomination as Deputy Attorney General because he failed to commit to appoint a special prosecutor, and I believed a special prosecutor was necessary not only to determine the full extent of Russia's meddling in our democracy but also to protect that investigation from the President's efforts to shut it down. This belief was brought into stark relief by Jim Comey's firing, and it precipitated the appointment of Bob Mueller.

The firing of Special Counsel Mueller would precipitate a firestorm on both sides of the aisle. It would put the President over a precipice that likely could lead to the most drastic action possible in this democracy. That precipice can be avoided, and Congress must play a role in avoiding it. We are in talks across the aisle about action that can be taken to provide a check and a firewall against that kind of firing—drastic action that would put the President over that precipice politically and morally and legally. Also, my hope is that the new Chief of Staff, General Kelly, will add a voice of reason and wisdom, perhaps, to check some of the more rash and impulsive action that might otherwise be taken by the President.

The special counsel was given a clear mandate to follow the evidence wherever it may lead. I believe that Special Counsel Mueller has the guts and backbone, as well as the expertise, to uncover the truth, to follow that evidence, and to bring charges if they are appropriate and necessary, if he is assured the resources and independence to do the job.

That is why Christopher Wray's nomination is so critically important. He will be a key decision maker in providing those resources and investigative agents necessary to do the legwork and the review of documents and other hard work—challenging work—that is necessary so that the special counsel may have the facts and the evidence. The FBI Director is also going to be important in assuring the independence of that special counsel. As an ally and a source of support, the FBI Director will be critical.

The most important priority, in fact, for Christopher Wray will be to protect the independence and integrity of that special counsel investigation just as he must protect the FBI's, because they are intertwined and identified at the core. They involve the rule of law—the essence of our democracy—and the belief and trust that wrongdoing will be investigated and prosecuted no matter how powerful the target and no matter how wealthy or powerful the wrongdoer. That investigation has expanded appropriately to include financial dealings on the part of the President of the United States. Any attempt by the President to set limits on that investigation is inappropriate and potentially illegal and further evidence of criminal intent.

In short, the mandate for both Director Wray and Special Counsel Mueller must be unconditional. There must be no limits set by political interference. The nominee whom we vote to confirm today must sustain and secure that ongoing independent investigation from any interference no matter how powerful the source, including the President of the United States. No one can set limits, because no one is above the law, and the special counsel must have the freedom to decide where the investigation will lead because he will follow the facts where they lead.

The FBI Director has a broad and inclusive mandate. In addition to protecting the United States against corruption and wrongdoing involving misuse and abuse of power, he must also protect the United States against terrorism and foreign intelligence threats. He is charged with providing leadership services to State, Federal, and municipal agencies and partners, and he is responsible for protecting civil rights.

On Friday, July 28, 2017, President Trump gave a speech in Selden, NY, in effect encouraging law enforcement to use or misuse excessive force. More specifically, he directed law enforcement not to be ''too nice,'' and he described, graphically, how officers should potentially allow arrestees to be banged on the head or otherwise mistreated. With his comments, President Trump did a disservice to countless law enforcement officers who work hard to keep our neighborhoods safe while maintaining good relationships with the communities they serve.

I will be joining with colleagues and working with the very distinguished senior Senator of California, who has joined us on the floor, in asking that our law enforcement leadership take action to express its disapproval of that kind of misconduct, and my hope is that, specifically, the Department of Justice will express its disapproval of such misconduct.

The FBI has a special obligation to condemn such violations of standards and laws, and I hope that the new Director, Mr. Wray, will join dozens of law enforcement leaders across the country in making clear that the President's remarks have no place at the FBI. I believe that Christopher Wray has the experience and credibility and the expertise to lead the FBI in that effort, as well as in protecting the special counsel.

Based on his career and his testimony before the Judiciary Committee, I believe that he will bring that leadership to the FBI. I regret that he will be the FBI Director only because it is the result of an abusive and improper firing of James Comey. The special counsel's investigation of that firing as a potential obstruction of justice is well warranted, and I know that Mr. Wray will do everything possible to enable it to be fair and effective, comprehensive

and thorough, and to do justice. He will help the special counsel to do justice just as he will help prosecutors and law enforcement agencies across the country to do justice. The future of the FBI and our Nation are truly at stake.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Connecticut for his remarks, and I would like to make a few remarks with respect to my position as ranking member on the Judiciary Committee.

As has been well described, shortly, we will vote on the nomination of Christopher Wray to be the next Director of the Federal Bureau of Investigation. The Judiciary Committee has reviewed his record and held a full and complete hearing. His nomination was sent to the floor for consideration by a vote of 20 to 0—a very good vote. I am very satisfied that Mr. Wray has the qualifications and independence necessary to lead the FBI, so I will support Mr. Wray's nomination to be FBI Director.

I wish to begin by saying just a few words about what I think, after 24 years in this place, is necessary in going forward.

First, it is really important that we have a strong FBI Director. There can be no manipulation.

Second, Special Counsel Robert Mueller must be allowed to proceed with his investigation undisturbed.

Third, the FBI Director must manage and speak for the FBI on the basis of the Constitution and the laws of the United States, not at the dictates or requests or statements of any politically elected person in this country.

Fourth, the FBI Director must be independent from the White House and any political figure.

This is what the FBI and the American people need now.

As you and I know, the FBI is a critically important law enforcement agency. It must be able to move forward with its work and with its senior leadership in place. As I noted at Mr. Wray's hearing and just noted again, the FBI must be an independent law enforcement organization that is free from political influence.

During his hearing and in his written responses to followup questions, Mr. Wray stated that the FBI Director must maintain ''strict independence,'' and he committed to doing the job ''by the book'' and ''without regard to any partisan political influence.'' He also testified that his loyalty is to the Constitution and the rule of law, not to any ideology or any individual, including the President. He was believable to all of us in those statements.

Mr. Wray also testified that he would resist any efforts to interfere with FBI investigations and that he would not ''pull any punches.'' When asked what he would do if the President asked him to do something unlawful or unethical, Mr. Wray replied that he would first try to talk him out of it and that, if that failed, he would resign.

These commitments are important. Especially at this moment in history, we need an FBI Director who has the strength and fortitude to stand up and do what is right by the law when tested.

Mr. Wray has received bipartisan support from more than 100 former U.S. attorneys, who enthusiastically endorsed his nomination and stated their belief that Mr. Wray ''is a strong and effective leader with unassailable integrity, judgment and courage.'' According to this group, which included former Bush administration Justice Department officials like Larry Thompson and Ken Wainstein, as well as Eric Holder and Sally Yates, Mr. Wray will discharge the duties of FBI Director ''with honor, independence, and a tireless commitment to the rule of law.''

Earlier this year, when we considered other nominees for the Justice Department, I pointed out that we need leaders with steel spines, not weak knees. I believe that Mr. Wray will be such a leader.

The issue of torture is very important to me. On this issue, I was encouraged by Mr. Wray's acknowledgment that torture is wrong, unacceptable, illegal, and ineffective. He testified under oath that he did not participate in the drafting of the so-called torture memos that were issued by the Office of Legal Counsel some time ago. Mr. Wray has further testified that interrogation techniques, such as waterboarding, painful stress positions, threatening detainees with dogs, forced nudity, and mock execution, are ''abusive under all circumstances.''

Importantly, for me, he has committed that the FBI, under his leadership, will never engage in such techniques or other forms of torture and that it will adhere to the policy of using the Informed Interrogation Approach as outlined in the Army Field Manual, which, thanks to JOHN MCCAIN, was added as a new law to last year's military authorization bill. Mr. Wray also committed to me that he will read the Senate Intelligence Committee's report on the CIA's detention and interrogation program under a former administration.

On the issue of torture, as well as his independence and integrity, I take Mr. Wray at his word. As we discussed when Mr. Wray and I met in my office, I believe the next FBI Director's independence, integrity, and commitment to the rule of law, sadly, will likely be tested by this administration.

One early test may come in relation to the investigations being conducted by Special Counsel Mueller, this committee, and other committees in Congress. Mr. Wray has committed to supporting and protecting the investigation being conducted by Special Counsel Mueller, and I trust Mr. Wray will keep the Judiciary Committee of our House informed of any attempts to interfere with that investigation.

Now, he has a tough job ahead of him. The FBI is our premier law enforcement agency. It faces new criminal terrorism threats every day. I remember FBI Director Comey telling us the FBI had a counterterrorism investigation going on in virtually every State in the Union. That was last year, but I assume many are still going on. On top of that, his predecessor was, as we all know, suddenly fired by the President for reasons that are questionable, and that is the subject of ongoing investigations. Lately, we have seen the President attempt to bully his own Attorney General, but even in the light of these challenging circumstances, I believe Mr. Wray is up to the task.

Based on his testimony and the commitments he has made to me and other members of our Judiciary Committee, I believe we on the committee will all vote to support his nomination, and, if he is confirmed, I commit to working with him to support the FBI, its mission, and the some 30-plus thousand FBI agents and employees who work every day to help protect our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from California for her fine remarks on Mr. Wray. I am here for the same reason she is, and I thank her for also facilitating getting this through the committee in a very quick way.

Thank you.

Mrs. FEINSTEIN. Thank you.

Mr. GRASSLEY. Mr. President, I am pleased to support the nomination of Christopher Wray to be Director of the FBI. Mr. Wray possesses the skill, the character, and the unwavering commitment to impartial enforcement of the law we need in an FBI Director. Based on the unanimous vote Mr. Wray received from the Judiciary Committee, I am confident my colleagues believe this as well.

Mr. Wray has an accomplished record as a lawyer. He was a Federal prosecutor for a number of years and went on to serve in various senior roles at the Department of Justice, including leading the criminal division at the Department.

Mr. Wray earned the Department's highest award for public service and leadership. His prior record of service demonstrates his competence in leading within the Federal Government and demonstrates he will be able to lead effectively at the FBI. He has shown he has the expertise needed to address the wide range of policy issues currently facing the FBI.

Of course, my colleagues and I asked Mr. Wray about his positions on many such issues during his hearing. He answered those questions very well, but the most important thing we wanted to learn from him had to do with his view of the job and where his loyalties lie.

As all of us in this body know, when we take the oath of office, we affirm that we will support and defend the Constitution of the United States. We don't pledge support to any member of the government or even to a political party. We pledge our loyalty to the Constitution and to the rule of law.

Many Members asked Mr. Wray very pointed questions about loyalty during his hearing. I was impressed with his plainspoken, candid answers, and I take him at his word when he says that his ''loyalty is to the Constitution and the rule of law'' and when he says that he will ''never allow the FBI's work to be driven by anything other than the facts, the law, and the impartial pursuit of justice. Period—full stop.''

Now, if he is confirmed, Mr. Wray will step into this role at a crucial moment, not only in the history of the FBI but in the history of this Nation. As we know, multiple investigations are underway, including by this body, to clearly lay out Russia's activities that attempted to influence the 2016 election. These are important and sensitive investigations, and they cannot be inappropriately influenced by people in powerful positions in any way whatsoever. This applies to the FBI Director.

Mr. Wray was asked very directly what he would do if presented with the opportunity to influence these investigations in any way. He told the committee that he will not condone tampering with investigations and that he would resign rather than be unduly influenced in any manner.

Mr. Wray's record of service and his reputation give us no reason to doubt him. He was forthright when he was asked specific questions about the events leading up to his being offered the job of FBI Director by President Trump. He made no loyalty pledges then, and I expect him never to make such a pledge moving forward.

Mr. Wray will also face the challenge of running the FBI, motivating its staff, and ensuring that the FBI operates effectively and efficiently. My colleagues know I haven't been pleased with how the FBI has—or has not—replied to the Judiciary Committee's inquiries and requests for information, and this doesn't apply just to this Senator but all the Senators on the committee, and it doesn't matter whether Republican or Democratic. They are entitled to ask questions, and they ought to get answers. That is the constitutional responsibility of oversight that all 535 Members of Congress have.

Not being satisfied with the FBI in the past, I asked Mr. Wray directly about the FBI's responsiveness to Members of this body. He promised me, and in turn other Members of this body, that he will prioritize responsiveness and transparency to this body. This will allow us to do our vitally important job of oversight over the Nation's top law enforcement agency. I am glad Mr. Wray is ready to work in partnership with the Senate to help us perform our role very effectively.

I expect to see improved responsiveness from Mr. Wray to our letters and to see enhanced protection for whistleblowers within the FBI who come forward—and they do that at great risk to themselves—to let this body know where abuses of power are going unnoticed. We owe it to these brave people we call whistleblowers, but they are patriotic people, to give them the protection they deserve. The culture for giving this protection starts at the top with the new FBI Director, Mr. Wray.

As I mentioned before, Mr. Wray was voted out of our committee unanimously. The fact that all of my colleagues—Democratic and Republican—trusted Mr. Wray with their ''yea'' vote says what we need to know about Mr. Wray's ability to perform the important role of FBI Director and to do it with integrity, with competence, with professionalism, and the utmost respect for the Constitution and the rule of law. We can't ask for Mr. Wray to do anything more than that.

I urge my colleagues to join me in voting to confirm Christopher Wray as the next Director of the FBI.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I have a rare privilege and honor right now. A lot of times, the Presiding Officer and I come to the well to make speeches that we have to, that we ought to, or that somebody wanted us to. Rarely do we have the opportunity to come to the well of the Senate and speak about an individual from our own State whom we know personally who is impeccable in their reputation, has served America in many ways, and has now been appointed to a job that is essential to the health, safety, and welfare of the American people. I speak of Christopher Wray of Georgia.

Christopher Wray is my friend. Christopher Wray worked for the law firm of King & Spalding, the same one Griffin Bell, Larry Thompson, and Sam Nunn worked for—a great law firm with a tie to our government and our country.

At a time for an appointment to be the great one, this is the time. We know there have been issues from time to time with the FBI. We all know we are looking for somebody who can do the job and do it well, in a fair and impartial way, without any question of impropriety. Christopher Wray is exactly that type of person.

He is the person who helped convict Zacarias Moussaoui and coordinated with local law enforcement in the prosecution of the Washington, DC, snipers who terrorized our city for so long. He is a dedicated and committed prosecutor.

He has been selected many times to work for the Department of Justice. He went to the Department of Justice under Larry Thompson as an assistant. He worked there at the same time as Griffin Bell. He also worked during many of the investigations into the terrorists who attacked America. He is the right man at the right time in the right place.

So if ever there were a time——

Mr. SCHUMER. Mr. President, will my colleague yield for a brief moment?

Mr. ISAKSON. I am happy to yield to the minority leader.

Mr. SCHUMER. Mr. President, I will have a statement in support of Mr. Wray after the Senator from Georgia finishes speaking.

Mr. ISAKSON. Put an exclamation point after that.

Mr. SCHUMER. I am in full support of Mr. Wray, and I thank my colleague for the courtesy.

I yield the floor.

Mr. ISAKSON. Mr. President, I know when it is a good time for me to shut up. When the minority leader has come to the floor to endorse the guy I am talking about, the last thing I want to do is wear it out.

Let me end my remarks by saying that Christopher Wray is the type of person CHUCK SCHUMER wants, the type of person I want, and the type of person we are looking for as the chief law enforcement officer of our country. He will make himself proud, he will make our State proud, and he will do the right thing at the right time in all places for the people of the United States of America.

I urge every Member of the Senate to heartily vote in support of Christopher Wray to be Director of the Federal Bureau of Investigation for the United States of America.

I yield back.

Mr. SCHUMER. Mr. President, shortly we will take a vote on the nomination of Christopher Wray to be the next FBI Director.

The job of FBI Director has always been a crucial one. The responsibility is great and so are the expectations, and the demands facing our next FBI Director are perhaps greater than any time in our history.

This a serious time for the FBI, and for the Nation. The firing of Director Comey, the shifting explanations from the White House as to why Mr. Comey was fired, and the disdain this White House has shown for the rule of law mean that now, more than ever, the Senate has an obligation to critically evaluate any potential FBI Director.

Now more than ever, we need an FBI Director who is independent, impartial, fearless, and has the strength of will to occupy a job that has been put under enormous political strain by the White House.

No doubt, Christopher Wray has been put up for a tough job. In considering his nomination, it was important to me to take the measure of the man and determine whether he was up to the challenge. I met with him privately for an hour, and I closely studied his record and his performance in his hearings.

Based on his career in public service and the commitments he made to me in our meeting and to the Judiciary Committee in his confirmation hearing, I believe that Christopher Wray deserves the approval of the Senate.

He committed to informing the Judiciary Committee of any attempts to interfere with Special Counsel Mueller's Russia probe and said he would consider any attempted interference to be unacceptable and inappropriate.

He committed to impartiality and independence, pledging that the FBI will follow the facts, the laws, and the Constitution, without regard to partisan political influence.

After a sterling career at the Justice Department, and based on the recommendation of hundreds of U.S. Attorneys who have validated his integrity, there is no reason not to believe that Mr. Wray will live up to these commitments as Director of the FBI.

I will vote yes on his nomination, and I urge my colleagues to do the same.

Thank you.

Mr. ISAKSON. 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. 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.

Mr. ISAKSON. Mr. President, I yield back all time on our side and their side as well.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the Wray nomination?

Mr. ISAKSON. 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 North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

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

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 181 Ex.]

YEAS—92

Alexander	Cochran	Feinstein
Baldwin	Collins	Fischer
Barrasso	Coons	Flake
Bennet	Corker	Gardner
Blumenthal	Cornyn	Graham
Blunt	Cortez Masto	Grassley
Booker	Cotton	Harris
Boozman	Crapo	Hassan
Brown	Cruz	Hatch
Cantwell	Daines	Heinrich
Capito	Donnelly	Heitkamp
Cardin	Duckworth	Heller
Carper	Durbin	Hirono
Casey	Enzi	Hoeven
Cassidy	Ernst	Inhofe
Isakson	Murray	Shaheen
Johnson	Nelson	Shelby
Kaine	Paul	Stabenow
Kennedy	Perdue	Strange
King	Peters	Sullivan
Klobuchar	Portman	Tester
Lankford	Reed	Thune
Leahy	Risch	Tillis
Lee	Roberts	Toomey
Manchin	Rounds	Udall
McCaskill	Rubio	Van Hollen
McConnell	Sanders	Warner
Menendez	Sasse	Whitehouse
Moran	Schatz	Wicker
Murkowski	Schumer	Young
Murphy	Scott	

NAYS—5

Gillibrand	Merkley	Wyden
Markey	Warren	

NOT VOTING—3

Burr	Franken	McCain

The nomination was confirmed.

EXECUTIVE CALENDAR—Continued

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

Mr. WICKER. 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 North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 182 Ex.]

YEAS—66

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blumenthal	Grassley	Peters
Blunt	Hassan	Portman
Boozman	Hatch	Risch
Capito	Heitkamp	Roberts
Casey	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shaheen
Cornyn	Kennedy	Shelby
Cotton	Klobuchar	Stabenow
Crapo	Lankford	Strange
Cruz	Leahy	Sullivan
Daines	Lee	Tester
Donnelly	McCaskill	Thune
Enzi	McConnell	Tillis
Ernst	Moran	Toomey
Feinstein	Murkowski	Warner
Fischer	Murphy	Wicker
Flake	Nelson	Young

NAYS—31

Baldwin	Gillibrand	Reed
Bennet	Harris	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Udall
Cardin	King	Van Hollen
Carper	Manchin	Warren
Coons	Markey	Whitehouse
Cortez Masto	Menendez	Wyden
Duckworth	Merkley	
Durbin	Murray	

NOT VOTING—3

Burr	Franken	McCain

The nomination was confirmed.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I ask unanimous consent that with respect to the Wray and Newsom nominations, the motions to reconsider be considered made and laid upon the table en bloc and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

The Senator from Rhode Island.

ORDER OF BUSINESS

Mr. WHITEHOUSE. Mr. President, I think we are waiting for Senator GRASSLEY to come, and then we will be ready to proceed.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the indulgence of my colleagues from Iowa and Rhode Island.

(The remarks of Mr. PORTMAN pertaining to the introduction of S. 1693 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. PORTMAN. I thank my colleague from Iowa.

I yield back my time.

The PRESIDING OFFICER. The Senator from Iowa.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION REAUTHORIZAITON ACT OF 2017

Mr. GRASSLEY. Mr. President, I rise to speak about the Juvenile Justice and Delinquency Prevention Reauthorization Act.

I will make some short comments, and then I would like to defer to Senator WHITEHOUSE, and then I would propound a unanimous consent request.

I think we will soon be able to pass the Juvenile Justice and Delinquency Prevention Reauthorization Act. I reintroduced this measure this year with Senator WHITEHOUSE.

The bill before us is almost the same as the one the Judiciary Committee cleared by voice vote in the 114th Congress, and it is very similar to the one we hotlined last year. We hotlined it in April, and all the Members of this Chamber had several months to review it. We had one objection, and we cleared it earlier this week.

The bill would extend a Federal law known as the Juvenile Justice Delinquency Prevention Act for 5 more years. The centerpiece of this 1974 legislation, which Congress last extended 15 years ago, in 2002, is its core protections for youth. These core protections call for juveniles to be kept out of adult facilities, except in very rare instances. They ensure that juveniles will be kept separated from adult inmates whenever they are housed in adult facilities. They call for reducing disproportionate minority contact in State juvenile justice systems.

States adhering to these requirements receive yearly formula grants to support their juvenile justice systems.

This bill would promote greater accountability in government spending. The Judiciary Committee, which I chair, heard from multiple whistleblowers that reforms are urgently needed to restore the integrity of the formula grant programs that are the centerpiece of our current juvenile justice law. The Justice Department's Office of Juvenile Justice and Delinquency Prevention administers this formula grant program. This program would be continued for 5 more years under the bill, but the Justice Department would have to do more oversight if this bill is enacted.

This bill also calls for evidence-based programs to be accorded priority in funding. The goal is to ensure that scarce Federal resources for juvenile justice will be devoted mostly to the programs that research shows have the greatest merit and will yield the best results for these young people.

Finally, I want to take this opportunity to thank our many cosponsors. This bill is truly a bipartisan effort, and many Senators contributed provisions to strengthen this bill since we introduced it last April. The bill reflects the latest scientific research on what works best with at-risk adolescents.

At this point, I would ask that the Presiding Officer turn the floor over to Senator WHITEHOUSE. I want to thank Senator WHITEHOUSE for being so persistent in this effort, as well. I thank him for his great help.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you, Mr. President, and thank you, Mr. Chairman.

Chairman GRASSLEY has been a wonderful colleague in this effort. It is the culmination of years of work, including multiple committee hearings, briefings at home in Rhode Island and elsewhere, and really working the regular order of the Senate to get this done. Chairman GRASSLEY has been both patient and persistent, and I really appreciate his leadership.

I also thank our ranking member on the Judiciary Committee, Senator FEINSTEIN, for her work. I thank Senator RAND PAUL. He would have liked to have seen a stronger bill, but it simply—as would we have, by the way. He held on for a while, hoping we could strengthen it, but it turned out there was objection to that—and he was gracious about yielding—and now we are able to move forward bipartisanly and unanimously.

The history of the Juvenile Justice and Delinquency Prevention Act is a noble history. It is because of this law that children aren't locked up in adult prisons any longer. It is because of this law that children don't get placed in solitary confinement for extended periods or shackled when they are arrested for things like running away from home or not coming to school, but it had been a while since this bill was updated.

The last time it was reauthorized was 13 years ago, and we have learned a lot about adolescent development and the best practices for dealing with children in those 13 years. So we are moving forward today.

I look forward to working with my chairman on the broad-based criminal justice reform that he is championing in the committee, but there is no reason we shouldn't go forward with getting juvenile justice right while we move on to other areas.

I particularly want to thank him and recognize the groups involved for the patient work that was done over many years with all sorts of interested groups. We had to make this right. We wanted to minimize conflict. We wanted to maximize what we were able to accomplish, and the result is, we have over 150 organizations that have endorsed this legislation, from the ACLU to the national association that supports probation and parole officers, from Boys Town to the National Association of Counties and the National Center for Victims of Crime.

The bill focuses the way it should, on evidence-based and trauma-informed programs that have emerged in the last 13 years. It focuses on protecting juveniles who are held in adult facilities, making sure they are fully separated in sight and sound from adult inmates. It limits the narrow circumstances under which they may be confined in isolation, and it requires data-driven approaches to reduce ethnic and racial disparities.

We recognize that kids now are much more vulnerable to substance abuse issues and that they, too, face mental health challenges, and we try to bring this bill together so States have to provide appropriate treatment and recognition when the cause of what is going on in that child's life is substance abuse or a mental health challenge.

We make it a good deal harder to incarcerate for the status offenses. A status offense is an offense that wouldn't even be an offense if an adult did it. It is only because you are a child that it is even an offense at all—skipping school or running away from home and so forth. There are better ways to deal with those children than incarcerating them, and we steer in this direction, promoting the community-based alternatives to the tension.

For instance, we have community courts in Rhode Island that work really well, where the family is engaged, the child is engaged, and the community is engaged. They really learn a lesson from what they did. They have to do something helpful in order to kind of remediate themselves with their community. It has been very successful. So there are real things that can be done. Of course, separating a child from their family in order to try to improve their situation is usually something that backfires. You need to have the family engaged.

Consistent with Senator PORTMAN's remarks, we also recognize that very often some of the times that children get in trouble is because they have been traumatized. They have been either the victim of violence themselves or witnessed violence in ways that have created trauma and, in many cases, are sadly the victims of child sex trafficking.

So we focus on States identifying and responding to those particular children to make sure, if that is what is behind what is going on, that those needs are met—simple things. We banned the use of shackles on girls once they are pregnant. It shouldn't be asking too much, and it is about time we stopped shackling girls, particularly pregnant girls.

Last, something near and dear to my chairman's heart, it improves the accountability and the oversight of the Federal grants program. I know that has been a goal he has pursued for a long time. The chairman is one of the most determined Members of the Senate when it comes to transparency and accountability, and so I am very pleased to be his partner in that particular piece of the bill.

With that, I yield the floor back to Chairman GRASSLEY so he may take us through the formal steps of passing this law. It is a very happy moment for me, and I extend my appreciation to Chairman GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again, thanks to Senator WHITEHOUSE for his cooperation and working so hard over the course of the last two Congresses to get this done.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 860 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 860) to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Grassley amendment at the desk be considered and agreed to and the bill, as amended, be considered read a third time.

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

The amendment (No. 741) was agreed to, as follows:

(Purpose: To improve the bill)

Beginning on page 40, strike line 23 and all that follows through page 41, line 23.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GRASSLEY. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there any further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 860), as amended, was passed, as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

SEC. 101. PURPOSES.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended—

(1) in paragraph (1), by inserting '', tribal,'' after ''State'';

(2) in paragraph (2)—

(A) by inserting '', tribal,'' after ''State''; and

(B) by striking ''and'' at the end;

(3) by amending paragraph (3) to read as follows:

''(3) to assist State, tribal, and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of current and relevant information on effective and evidence-based programs and practices for combating juvenile delinquency; and''; and

(4) by adding at the end the following:

''(4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth and youth who come into contact with the justice system.''.

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (8)—

(A) in subparagraph (B)(ii), by adding ''or'' at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) by amending paragraph (18) to read as follows:

''(18) the term 'Indian tribe' means a federally recognized Indian tribe or an Alaskan Native organization that has a law enforcement function, as determined by the Secretary of the Interior in consultation with the Attorney General;''.

(3) by amending paragraph (22) to read as follows:

''(22) the term 'jail or lockup for adults' means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates;'';

(4) by amending paragraph (25) to read as follows:

''(25) the term 'sight or sound contact' means any physical, clear visual, or verbal contact that is not brief and inadvertent;'';

(5) by amending paragraph (26) to read as follows:

''(26) the term 'adult inmate'—

''(A) means an individual who—

''(i) has reached the age of full criminal responsibility under applicable State law; and

''(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

''(B) does not include an individual who—

''(i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

''(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law;'';

(6) in paragraph (28), by striking ''and'' at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

''(30) the term 'core requirements'—

''(A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a); and

''(B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 207(1);

''(31) the term 'chemical agent' means a spray or injection used to temporarily incapacitate a person, including oleoresin capsicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

''(32) the term 'isolation'—

''(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

''(B) does not include—

''(i) confinement during regularly scheduled sleeping hours;

''(ii) separation based on a treatment program approved by a licensed medical or mental health professional;

''(iii) confinement or separation that is requested by the youth; or

''(iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;

''(33) the term 'restraints' has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

''(34) the term 'evidence-based' means a program or practice that—

''(A) is demonstrated to be effective when implemented with fidelity;

''(B) is based on a clearly articulated and empirically supported theory;

''(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and

''(D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;

''(35) the term 'promising' means a program or practice that—

''(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from one or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and

''(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);

''(36) the term 'dangerous practice' means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

''(37) the term 'screening' means a brief process—

''(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and

''(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;

''(38) the term 'assessment' includes, at a minimum, an interview and review of available records and other pertinent information—

''(A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and

''(B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth's confinement;

''(39) for purposes of section 223(a)(15), the term 'contact' means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;

''(40) the term 'trauma-informed' means—

''(A) understanding the impact that exposure to violence and trauma have on a youth's physical, psychological, and psychosocial development;

''(B) recognizing when a youth has been exposed to violence and trauma and is in need

of help to recover from the adverse impacts of trauma; and

''(C) responding in ways that resist retraumatization;

''(41) the term 'racial and ethnic disparity' means minority youth populations are involved at a decision point in the juvenile justice system at higher rates, incrementally or cumulatively, than non-minority youth at that decision point;

''(42) the term 'status offender' means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult;

''(43) the term 'rural' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget;

''(44) the term 'internal controls' means a process implemented to provide reasonable assurance regarding the achievement of objectives in—

''(A) effectiveness and efficiency of operations, such as grant management practices;

''(B) reliability of reporting for internal and external use; and

''(C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office; and

''(45) the term 'tribal government' means the governing body of an Indian tribe.''.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence—

(i) by striking ''a long-term plan, and implement'' and inserting the following: ''a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement''; and

(ii) by striking ''research, and improvement of the juvenile justice system in the United States'' and inserting ''and research''; and

(B) in paragraph (2)(B), by striking ''Federal Register'' and all that follows and inserting ''Federal Register during the 30-day period ending on October 1 of each year.''; and

(2) in subsection (b)—

(A) by striking paragraph (7);

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (4), the following:

''(5) not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, in consultation with Indian tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention to collaborate with representatives of Indian tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian tribes;'';

(D) in paragraph (6), as so redesignated, by adding ''and'' at the end; and

(E) in paragraph (7), as so redesignated—

(i) by striking ''monitoring'';

(ii) by striking ''section 223(a)(15)'' and inserting ''section 223(a)(16)''; and

(iii) by striking ''to review the adequacy of such systems; and'' and inserting ''for monitoring compliance.''.

SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)

(A) in paragraph (1)—

(i) by inserting ''the Administrator of the Substance Abuse and Mental Health Services Administration, the Secretary of the Interior,'' after ''the Secretary of Health and Human Services,''; and

(ii) by striking ''Commissioner of Immigration and Naturalization'' and inserting ''Assistant Secretary for Immigration and Customs Enforcement''; and

(B) in paragraph (2), by striking ''United States'' and inserting ''Federal Government''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''paragraphs (12)(A), (13), and (14) of section 223(a) of this title'' and inserting ''the core requirements''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting '', on an annual basis'' after ''collectively''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate a report that—

''(i) contains the recommendations described in subparagraph (A);

''(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Council to conduct operations in accordance with this section;

''(iii) is published on the websites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and

''(iv) is in addition to the annual report required under section 207.''.

SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking ''a fiscal year'' and inserting ''each fiscal year'';

(2) in paragraph (1)—

(A) in subparagraph (B), by striking ''and gender'' and inserting '', gender, and ethnicity, as such term is defined by the Bureau of the Census,'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F)—

(i) by inserting ''and other'' before ''disabilities,''; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

''(H) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;

''(I) the number of juveniles released from custody and the type of living arrangement to which they are released;

''(J) the number of juveniles whose offense originated on school grounds, during school-sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and

''(K) the number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local government who report being pregnant.''; and

(3) by adding at the end the following:

''(5) A description of the criteria used to determine what programs qualify as evidence-based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria in both rural and urban areas.

''(6) A description of funding provided to Indian tribes under this Act or for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010 (Public Law 111–211; 124 Stat. 2261), including direct Federal grants and funding provided to Indian tribes through a State or unit of local government.

''(7) An analysis and evaluation of the internal controls at the Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of the Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action the Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances—

''(A) in which supporting documentation was not provided for cost reports;

''(B) where unauthorized expenditures occurred; or

''(C) where subrecipients of grant funds were not compliant with program requirements.

''(8) An analysis and evaluation of the total amount of payments made to grantees that the Office of Juvenile Justice and Delinquency Prevention recouped from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs, including—

''(A) the full name and location of the grantee;

''(B) the violation of the program found;

''(C) the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention; and

''(D) the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.''.

SEC. 204. ALLOCATION OF FUNDS.

(a) TECHNICAL ASSISTANCE.—Section 221(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631(b)(1)) is amended by striking ''2 percent'' and inserting ''5 percent''.

(b) OTHER ALLOCATIONS.—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''age eighteen'' and inserting ''18 years of age, based on the most recent data available from the Bureau of the Census''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2)(A) If the aggregate amount appropriated for a fiscal year to carry out this title is less than $75,000,000, then—

''(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than $400,000; and

''(ii) the amount allocated to the United States Virgin Islands, Guam, American

Samoa, and the Commonwealth of the Northern Mariana Islands for that fiscal year shall be not less than $75,000.

''(B) If the aggregate amount appropriated for a fiscal year to carry out this title is not less than $75,000,000, then—

''(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than $600,000; and

''(ii) the amount allocated to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for that fiscal year shall be not less than $100,000.'';

(2) in subsection (c), by striking ''efficient administration, including monitoring, evaluation, and one full-time staff position'' and inserting ''effective and efficient administration of funds, including the designation of not less than 1 individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the State is in compliance with such requirements''; and

(3) in subsection (d), by striking ''5 per centum of the minimum'' and inserting ''not more than 5 percent of the''.

SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''and shall describe the status of compliance with State plan requirements.'' and inserting ''and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website.'';

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting ''adolescent development,'' after ''concerning'';

(II) in clause (ii)—

(aa) in subclause (II), by striking ''counsel for children and youth'' and inserting ''publicly supported court-appointed legal counsel for juveniles charged with an act of juvenile delinquency or a status offense, consistent with other Federal law'';

(bb) in subclause (III), by striking ''mental health, education, special education'' and inserting ''child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities'';

(cc) in subclause (V), by striking ''delinquents or potential delinquents'' and inserting ''delinquent youth or youth at risk of delinquency'';

(dd) in subclause (VI), by striking ''youth workers involved with'' and inserting ''representatives of'';

(ee) in subclause (VII), by striking ''and'' at the end;

(ff) by striking subclause (VIII) and inserting the following:

''(VIII) persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in juvenile delinquents and those at-risk of delinquency;

''(IX) representatives of victim or witness advocacy groups, including at least 1 individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma; and

''(X) for a State in which one or more Indian tribes are located, an Indian tribal representative or, if such Indian tribal representative is unavailable, other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;'';

(III) in clause (iv), by striking ''24 at the time of appointment'' and inserting ''28 at the time of initial appointment''; and

(IV) in clause (v) by inserting ''or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system'' after ''juvenile justice system'';

(ii) in subparagraph (C), by striking ''30 days'' and inserting ''45 days''; and

(iii) in subparagraph (D)(ii), by striking ''at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13)'' and inserting ''at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements''; and

(iv) in subparagraph (E)—

(I) in clause (i), by adding ''and'' at the end; and

(II) in clause (ii), by striking the period at the end and inserting a semicolon;

(C) in paragraph (5)(C), by striking ''Indian tribes'' and all that follows through ''applicable to the detention and confinement of juveniles'' and inserting ''Indian tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles'';

(D) in paragraph (7)—

(i) in subparagraph (A), by striking ''performs law enforcement functions'' and inserting ''has jurisdiction''; and

(ii) in subparagraph (B)—

(I) in clause (iii), by striking ''and'' at the end; and

(II) by striking clause (iv) and inserting the following:

''(iv) a plan to provide alternatives to detention for status offenders, juveniles who have been induced to perform commercial sex acts, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

''(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

''(vi) a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement;

''(vii) a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

''(viii) a plan to promote evidence-based and trauma-informed programs and practices; and

''(ix) not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, a plan, which shall be implemented not later than 2 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, to—

''(I) eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

''(II) eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—

''(aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

''(bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method;'';

(E) in paragraph (8), by striking ''existing'' and inserting ''evidence-based and promising'';

(F) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by inserting '', with priority in funding given to entities meeting the criteria for evidence-based or promising programs'' after ''used for'';

(ii) in subparagraph (A)(i), by inserting ''status offenders and other'' before ''youth who need'';

(iii) in subparagraph (B)(i)—

(I) by striking ''parents and other family members'' and inserting ''status offenders, other youth, and the parents and other family members of such offenders and youth''; and

(II) by striking ''be retained'' and inserting ''remain'';

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''delinquent'' and inserting ''at-risk or delinquent youth''; and

(II) in clause (i), by inserting '', including for truancy prevention and reduction'' before the semicolon;

(v) by redesignating subparagraphs (G) through (S) as subparagraphs (H) through (T), respectively;

(vi) in subparagraph (F), in the matter preceding clause (i), by striking ''expanding'' and inserting ''programs to expand'';

(vii) by inserting after subparagraph (F), the following:

''(G) expanding access to publicly supported, court-appointed legal counsel and enhancing capacity for the competent representation of every child, consistent with other Federal law;'';

(viii) in subparagraph (H), as so redesignated, by striking ''State,'' each place the term appears and inserting ''State, tribal,'';

(ix) in subparagraph (M), as so redesignated—

(I) in clause (i)—

(aa) by inserting ''pre-adjudication and'' before ''post-adjudication'';

(bb) by striking ''restraints'' and inserting ''alternatives''; and

(cc) by inserting ''specialized or problem-solving courts,'' after ''(including''; and

(II) in clause (ii)—

(aa) by striking ''by the provision by the Administrator''; and

(bb) by striking ''to States'';

(x) in subparagraph (N), as redesignated—

(I) by inserting ''and reduce the risk of recidivism'' after ''families''; and

(II) by striking ''so that juveniles may be retained in their homes'';

(xi) in subparagraph (S), as so redesignated, by striking ''and'' at the end;

(xii) in subparagraph (T), as so redesignated—

(I) by inserting ''or co-occurring disorder'' after ''mental health'';

(II) by inserting ''court-involved or'' before ''incarcerated'';

(III) by striking ''suspected to be'';

(IV) by striking ''and discharge plans'' and inserting ''provision of treatment, and development of discharge plans''; and

(V) by striking the period at the end and inserting a semicolon; and

(xiii) by inserting after subparagraph (T) the following:

''(U) programs and projects designed to inform juveniles of the opportunity and process for expunging juvenile records and to assist juveniles in pursuing juvenile record expungements for both adjudications and arrests not followed by adjudications;

''(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian tribe; and

''(W) monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities;'';

(G) by striking paragraph (11) and inserting the following:

''(11)(A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

''(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

''(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

''(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and

''(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

''(ii) the juvenile—

''(I) is not charged with any offense; and

''(II)(aa) is an alien; or

''(bb) is alleged to be dependent, neglected, or abused; and

''(B) require that—

''(i) not later than 3 years after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

''(I) shall not have sight or sound contact with adult inmates; and

''(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

''(ii) in determining under subparagraph (A) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

''(I) the age of the juvenile;

''(II) the physical and mental maturity of the juvenile;

''(III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

''(IV) the nature and circumstances of the alleged offense;

''(V) the juvenile's history of prior delinquent acts;

''(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

''(VII) any other relevant factor; and

''(iii) if a court determines under subparagraph (A) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

''(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

''(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;''.

(H) in paragraph (12)(A), by striking ''contact'' and inserting ''sight or sound contact'';

(I) in paragraph (13), by striking ''contact'' each place it appears and inserting ''sight or sound contact'';

(J) by striking paragraphs (22) and (27);

(K) by redesignating paragraph (28) as paragraph (27);

(L) by redesignating paragraphs (15) through (21) as paragraphs (16) through (22), respectively;

(M) by inserting after paragraph (14) the following:

''(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

''(A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian tribes to reduce racial and ethnic disparities;

''(B) identifying and analyzing key decision points in State, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and

''(C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B);'';

(N) in paragraph (15), as so redesignated—

(i) by striking ''adequate system'' and inserting ''effective system'';

(ii) by inserting ''lock-ups,'' after ''monitoring jails,'';

(iii) by inserting ''and'' after ''detention facilities,'';

(iv) by striking '', and non-secure facilities'';

(v) by striking ''insure'' and inserting ''ensure'';

(vi) by striking ''requirements of paragraph (11),'' and all that follows through ''monitoring to the Administrator'' and inserting ''core requirements are met, and for annual reporting to the Administrator''; and

(vii) by striking '', in the opinion of the Administrator,'';

(O) in paragraph (16), as so redesignated, by inserting ''ethnicity,'' after ''race,'';

(P) in paragraph (21), as so redesignated, by striking ''local,'' each place the term appears and inserting ''local, tribal,'';

(Q) in paragraph (23)—

(i) in subparagraphs (A), (B), and (C), by striking ''juvenile'' each place it appears and inserting ''status offender'';

(ii) in subparagraph (B), by striking ''and'' at the end;

(iii) in subparagraph (C)—

(I) in clause (i), by striking ''and'' at the end;

(II) in clause (ii), by adding ''and'' at the end; and

(III) by adding at the end the following:

''(iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—

''(I) the court shall issue a written order that—

''(aa) identifies the valid court order that has been violated;

''(bb) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

''(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

''(dd) specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

''(ee) may not be renewed or extended; and

''(II) the court may not issue a second or subsequent order described in subclause (I) relating to a status offender, unless the status offender violates a valid court order after the date on which the court issues an order described in subclause (I);''; and

(iv) by adding at the end the following:

''(D) there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter; and''

(R) in paragraph (26)—

(i) by inserting ''and in accordance with confidentiality concerns,'' after ''maximum extent practicable,''; and

(ii) by striking the semicolon at the end and inserting the following: '', so as to provide for—

''(A) data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

''(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect;'';

(S) in paragraph (27), as so redesignated, by striking the period at the end and inserting a semicolon; and

(T) by adding at the end the following:

''(28) provide for the coordinated use of funds provided under this Act with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

''(29) describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

''(30) describe—

''(A) the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

''(i) request a screening;

''(ii) show signs of needing a screening; or

''(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and

''(B) how the State will seek, to the extent practicable, to provide or arrange for mental

health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

''(31) describe how reentry planning by the State for juveniles will include—

''(A) a written case plan based on an assessment of needs that includes—

''(i) the pre-release and post-release plans for the juveniles;

''(ii) the living arrangement to which the juveniles are to be discharged; and

''(iii) any other plans developed for the juveniles based on an individualized assessment; and

''(B) review processes;

''(32) provide that the agency of the State receiving funds under this Act collaborate with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

''(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

''(B) the credits of adjudicated juveniles are transferred; and

''(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

''(33) describe policies and procedures to—

''(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

''(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.'';

(2) in subsection (d)—

(A) by striking ''described in paragraphs (11), (12), (13), and (21) of subsection (a)'' and inserting ''described in the core requirements''; and

(B) by striking ''the requirements under paragraphs (11), (12), (13), and (21) of subsection (a)'' and inserting ''the core requirements'';

(3) in subsection (f)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) through (E) and subparagraphs (A) through (D), respectively; and

(4) by adding at the end the following:

''(g) COMPLIANCE DETERMINATION.—

''(1) IN GENERAL.—For each fiscal year, the Administrator shall make a determination regarding whether each State receiving a grant under this Act is in compliance or out of compliance with respect to each of the core requirements.

''(2) REPORTING.—The Administrator shall—

''(A) issue an annual public report—

''(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

''(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

''(B) make the report described in subparagraph (A) available on a publicly available website.

''(3) DETERMINATIONS REQUIRED.—The Administrator may not—

''(A) determine that a State is 'not out of compliance', or issue any other determination not described in paragraph (1), with respect to any core requirement; or

''(B) otherwise fail to make the compliance determinations required under paragraph (1).''.

SEC. 206. REALLOCATION OF GRANT FUNDS.

Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended to read as follows:

''(c)(1) If a State fails to comply with any of the core requirements in any fiscal year, then—

''(A) subject to subparagraph (B), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each core requirement with respect to which the failure occurs; and

''(B) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

''(i) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

''(ii) the Administrator determines that the State—

''(I) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

''(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

''(2) Of the total amount of funds not allocated for a fiscal year under paragraph (1)—

''(A) 50 percent of the unallocated funds shall be reallocated under section 222 to States that have not failed to comply with the core requirements; and

''(B) 50 percent of the unallocated funds shall be used by the Administrator to provide additional training and technical assistance to States for the purpose of promoting compliance with the core requirements.''.

SEC. 207. AUTHORITY TO MAKE GRANTS.

Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(a)) is amended—

(1) in paragraph (1), by inserting ''status offenders,'' before ''juvenile offenders, and juveniles'';

(2) in paragraph (2)(A), by inserting before the semicolon at the end the following: '', including for truancy prevention and reduction and social and independent living skills development'';

(3) in paragraph (4), by striking ''State,'' each place the term appears and inserting ''State, tribal,'';

(4) in paragraph (5), by striking ''juvenile offenders and juveniles'' and inserting ''status offenders, juvenile offenders, and juveniles''; and

(5) in paragraph (10), by inserting '', including juveniles with disabilities'' before the semicolon.

SEC. 208. ELIGIBILITY OF STATES.

Section 243(a)(1)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653(a)(1)(A)) is amended by striking ''5'' and inserting ''10''.

SEC. 209. GRANTS TO INDIAN TRIBES.

Section 246(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656(a)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(3) in subparagraph (B)(ii), as redesignated, by striking ''subparagraph (B)'' and inserting ''subparagraph (A)''.

SEC. 210. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter proceeding subparagraph (A), by striking ''may'' and inserting ''shall'';

(ii) in subparagraph (A), by striking ''plan and identify'' and inserting ''annually publish a plan to identify''; and

(iii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

''(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the juvenile justice and criminal justice systems;'';

(II) by striking clause (vii) and inserting the following:

''(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of secure detention and corrections facilities, including an examination of the effects of confinement;'';

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xv), (xvi), and (xvii), respectively; and

(IV) by inserting after clause (viii) the following:

''(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

''(x) methods to improve the recruitment, selection, training, and retention of professional personnel who are focused on the prevention, identification, and treatment of delinquency;

''(xi) methods to improve the identification and response to victims of domestic child sex trafficking within the juvenile justice system;

''(xii) identifying positive outcome measures, such as attainment of employment and educational degrees, that States and units of local government should use to evaluate the success of programs aimed at reducing recidivism of youth who have come in contact with the juvenile justice system or criminal justice system;

''(xiii) evaluating the impact and outcomes of the prosecution and sentencing of juveniles as adults;

''(xiv) successful and cost-effective efforts by States and units of local government to reduce recidivism through policies that provide for consideration of appropriate alternative sanctions to incarceration of youth facing nonviolent charges, while ensuring that public safety is preserved;''; and

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by striking ''date of enactment of this paragraph, the'' and inserting ''date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, the'';

(ii) in subparagraph (D), by inserting ''and Indian tribes'' after ''State'';

(iii) in subparagraph (F), by striking ''and'' at the end;

(iv) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(H) a description of the best practices in discharge planning; and

''(I) an assessment of living arrangements for juveniles who, upon release from confinement in a State correctional facility, cannot return to the residence they occupied prior to such confinement.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(3) by adding at the end the following:

''(f) NATIONAL RECIDIVISM MEASURE.—The Administrator, in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—

''(1) establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;

''(2) establish a common national juvenile recidivism measurement system; and

''(3) make cumulative juvenile recidivism data that is collected from States available to the public.

''(g) GAO REVIEW.—Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, the Comptroller General of the United States shall conduct a review of available research conducted by the Attorney General, the Secretary of the Interior, and other Federal entities relating to Indian youth who may come into contact with the juvenile justice system, which shall include—

''(1) an examination of the extent of Indian youth involvement in the juvenile justice system, including the number of Indian youth in Federal, State, or tribal custody or detention for offenses committed while under the age of 18;

''(2) a description of the unique barriers faced by Indian tribes in providing adequate services to rehabilitate youth who have been adjudicated as delinquent; and

''(3) recommendations to improve effectiveness of prevention and treatment services for Indian youth who may come into contact with the juvenile justice system.''.

SEC. 211. TRAINING AND TECHNICAL ASSISTANCE.

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''may'';

(B) in paragraph (1)—

(i) by inserting ''shall'' before ''develop and carry out projects''; and

(ii) by striking ''and'' after the semicolon;

(C) in paragraph (2)—

(i) by inserting ''may'' before ''make grants to and contracts with''; and

(ii) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(3) shall provide periodic training for States regarding implementation of the core requirements, current protocols and best practices for achieving and monitoring compliance, and information sharing regarding relevant Office resources on evidence-based and promising programs or practices that promote the purposes of this Act.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''may'';

(B) in paragraph (1)—

(i) by inserting ''shall'' before ''develop and implement projects'';

(ii) by inserting '', including compliance with the core requirements'' after ''this title''; and

(iii) by striking ''and'' at the end;

(C) in paragraph (2)—

(i) by inserting ''may'' before ''make grants to and contracts with''; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and

''(4) shall provide technical assistance to States in support of efforts to establish partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, the judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.'';

(3) in subsection (c)—

(A) by inserting ''prosecutors,'' after ''public defenders,''; and

(B) by inserting ''status offenders and'' after ''needs of''; and

(4) by adding at the end the following:

''(d) TECHNICAL ASSISTANCE TO STATES REGARDING LEGAL REPRESENTATION OF CHILDREN.—In consultation with experts in the field of juvenile defense, the Administrator shall—

''(1) develop and issue standards of practice for attorneys representing children; and

''(2) ensure that the standards issued under paragraph (1) are adapted for use in States.

''(e) TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to—

''(1) promote methods for improving conditions of juvenile confinement, including methods that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation; and

''(2) encourage alternative behavior management techniques based on positive youth development approaches.

''(f) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition and management of cases for youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

''(1) juvenile justice intake personnel;

''(2) probation officers;

''(3) juvenile court judges and court services personnel;

''(4) prosecutors and court-appointed counsel; and

''(5) family members of juveniles and family advocates.

''(g) GRANTS FOR JUVENILE COURT JUDGES AND PERSONNEL.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs, shall make grants to improve training, education, technical assistance, evaluation, and research to enhance the capacity of State and local courts, judges, and related judicial personnel to—

''(1) improve the lives of children currently involved in or at risk of being involved in the juvenile court system; and

''(2) carry out the requirements of this Act.

''(h) FREE AND REDUCED PRICE SCHOOL LUNCHES FOR INCARCERATED JUVENILES.—The Attorney General, in consultation with the Secretary of Agriculture, shall provide guidance to States relating to existing options for school food authorities in the States to apply for reimbursement for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) for juveniles who are incarcerated and would, if not incarcerated, be eligible for free or reduced price lunches under that Act.''.

SEC. 212. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''The Administrator'';

(B) by striking '', after appropriate consultation with representatives of States and units of local government,'';

(C) by inserting ''guidance,'' after ''regulations,''; and

(D) by adding at the end the following: ''In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this Act and compliance with the core requirements.

''(2) The Administrator shall ensure that—

''(A) reporting, compliance reporting, State plan requirements, and other similar documentation as may be required from States is requested in a manner that encourages efficiency and reduces the duplication of reporting efforts; and

''(B) States meeting all the core requirements are encouraged to experiment with offering innovative, data-driven programs designed to further improve the juvenile justice system.''; and

(2) in subsection (e), by striking ''requirements described in paragraphs (11), (12), and (13) of section 223(a)'' and inserting ''core requirements''.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. DEFINITIONS.

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5781) is amended—

(1) in the section heading, by striking ''DEFINITION'' and inserting ''DEFINITIONS''; and

(2) by striking ''this title, the term'' and inserting the following: ''this title—

''(1) the term 'mentoring' means matching 1 adult with one or more youths for the purpose of providing guidance, support, and encouragement through regularly scheduled meetings for not less than 9 months; and

''(2) the term''.

SEC. 302. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.

Section 504(a) of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) mentoring, parent training and support, or in-home family services programs, if such programs are evidence-based or promising.''.

SEC. 303. TECHNICAL AND CONFORMING AMENDMENT.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking

title V, as added by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415; 88 Stat. 1133) (relating to miscellaneous and conforming amendments).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as ''the agency''), its functions, its programs, and its grants;

(2) conduct a comprehensive audit and evaluation of a selected, sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the agency including a review of internal controls (as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603), as amended by this Act) to prevent fraud, waste, and abuse of funds by grantees; and

(3) submit a report in accordance with subsection (d).

(b) CONSIDERATIONS FOR EVALUATION.—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), the Comptroller General shall take into consideration—

(1) the outcome and results of the programs carried out by the agency and those programs administered through grants by the agency;

(2) the extent to which the agency has complied with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285);

(3) the extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies;

(4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating those programs;

(5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;

(6) the number and types of beneficiaries or persons served by programs carried out by the agency;

(7) the manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency;

(8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(9) whether greater oversight is needed of programs developed with grants made by the agency; and

(10) the extent to which changes are necessary in the authorizing statutes of the agency in order for the functions of the agency to be performed in a more efficient and effective manner.

(c) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under subsection (a)(2), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), the Comptroller General shall take into consideration—

(1) whether grantees timely file Financial Status Reports;

(2) whether grantees have sufficient internal controls to ensure adequate oversight of grant fund received;

(3) whether disbursements were accompanied with adequate supporting documentation (including invoices and receipts);

(4) whether expenditures were authorized;

(5) whether subrecipients of grant funds were complying with program requirements;

(6) whether salaries and fringe benefits of personnel were adequately supported by documentation;

(7) whether contracts were bid in accordance with program guidelines; and

(8) whether grant funds were spent in accordance with program goals and guidelines.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) submit a report regarding the evaluation conducted under subsection (a) and audit under subsection (b), to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

(B) make the report described in subparagraph (A) available to the public.

(2) CONTENTS.—The report submitted in accordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall include the name and location of any selected grantee as well as any findings required by subsection (a)(2).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

''TITLE VI—AUTHORIZATION OF APPROPRIATIONS; ACCOUNTABILITY AND OVERSIGHT

''SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

''(1) $160,000,000 for fiscal year 2017;

''(2) $162,400,000 for fiscal year 2018;

''(3) $164,836,000 for fiscal year 2019;

''(4) $167,308,540 for fiscal year 2020; and

''(5) $169,818,168 for fiscal year 2021.

''(b) MENTORING PROGRAMS.—Not more than 20 percent of the amount authorized to be appropriated under subsection (a) for a fiscal year may be used for mentoring programs.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking—

(1) section 299 (42 U.S.C. 5671);

(2) section 388 (42 U.S.C. 5751);

(3) section 408 (42 U.S.C. 5777); and

(4) section 505 (42 U.S.C. 5784).

SEC. 403. ACCOUNTABILITY AND OVERSIGHT.

(a) IN GENERAL.—Title VI of the Juvenile Justice and Delinquency Prevention Act of 1974, as added by this Act, is amended by adding at the end the following:

''SEC. 602. ACCOUNTABILITY AND OVERSIGHT.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that at-risk youth and youth who come into contact with the juvenile justice system or the criminal justice system are treated fairly and the outcome of that contact is beneficial to the Nation—

''(1) the Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention, must restore meaningful enforcement of the core requirements in this Act;

''(2) the Attorney General should, not later than 90 days after the date of enactment of this Act, issue a proposed rule to update existing Federal regulations used to make State compliance determinations and provide participating States with technical assistance to develop more effective and comprehensive data collection systems; and

''(3) States, which are entrusted with a fiscal stewardship role if they accept funds under this Act, must exercise vigilant oversight to ensure full compliance with the core requirements for juveniles provided for in this Act.

''(b) ACCOUNTABILITY.—

''(1) AGENCY PROGRAM REVIEW.—

''(A) PROGRAMMATIC AND FINANCIAL ASSESSMENT.—

''(i) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Director of the Office of Audit, Assessment, and Management of the Office of Justice Programs at the Department of Justice (referred to in this section as the 'Director') shall—

''(I) conduct a comprehensive analysis and evaluation of the internal controls of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as the 'agency') to determine if States and Indian tribes receiving grants are following the requirements of the agency grant programs and what remedial action the agency has taken to recover any grant funds that are expended in violation of grant programs, including instances where—

''(aa) supporting documentation was not provided for cost reports;

''(bb) unauthorized expenditures occurred; and

''(cc) subrecipients of grant funds were not compliance with program requirements;

''(II) conduct a comprehensive audit and evaluation of a selected statistically significant sample of States and Indian tribes (as determined by the Director) that have received Federal funds under this Act, including a review of internal controls to prevent fraud, waste, and abuse of funds by grantees;

''(III) submit a report in accordance with clause (iv).

''(ii) CONSIDERATIONS FOR EVALUATIONS.—In conducting the analysis and evaluation under clause (i)(I), and in order to document the efficiency and public benefit of this Act, excluding the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, the Director shall take into consideration the extent to which—

''(I) greater oversight is needed of programs developed with grants made by the agency;

''(II) changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner; and

''(III) the agency has implemented recommendations issued by the Comptroller General or Office of Inspector General relating to the grant making and grant monitoring responsibilities of the agency.

''(iii) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under clause (i)(II), and in order to document the efficiency and public benefit of this Act, excluding the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, the Director shall take into consideration—

''(I) whether grantees timely file Financial Status Reports;

''(II) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

''(III) whether grantees' assertions of compliance with the core requirements were accompanied with adequate supporting documentation;

''(IV) whether expenditures were authorized;

''(V) whether subrecipients of grant funds were complying with program requirements; and

''(VI) whether grant funds were spent in accordance with the program goals and guidelines.

''(iv) REPORT.—The Director shall submit to Congress a report outlining the results of the analysis, evaluation, and audit conducted under clause (i), including supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate and shall make such report available to the public online, not later than 1 year after the date of enactment of this section.

''(B) ANALYSIS OF INTERNAL CONTROLS.—

''(i) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian tribes that receive grants under this Act are following the requirements of the grant programs authorized under this Act.

''(ii) REPORT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to Congress a report containing—

''(I) the findings of the analysis and evaluation conducted under clause (i);

''(II) a description of remedial actions, if any, that will be taken by the Administrator to enhance the internal controls of the agency and recoup funds that may have been expended in violation of law, regulations, or program requirements issued under this Act; and

''(III) a description of—

''(aa) the analysis conducted under clause (i);

''(bb) whether the funds awarded under this Act have been used in accordance with law, regulations, program guidance, and applicable plans; and

''(cc) the extent to which funds awarded to States and Indian tribes under this Act enhanced the ability of grantees to fulfill the core requirements.

''(C) REPORT BY THE ATTORNEY GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall submit to the appropriate committees of Congress a report on the estimated amount of grant funds disbursed by the agency since fiscal year 2010 that did not meet the requirements for awards of formula grants to States under this Act.

''(2) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

''(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered under this Act and to prevent waste, fraud, and abuse of funds by grantees, the Inspector General of the Department of Justice each year shall periodically conduct audits of States and Indian tribes that receive grants under this Act.

''(B) DETERMINING SAMPLES.—The sample selected for audits under subparagraph (A) shall be—

''(i) of an appropriate size to—

''(I) assess the grant programs authorized under this Act; and

''(II) act as a deterrent to financial mismanagement; and

''(ii) selected based on—

''(I) the size of the grants awarded to the recipient;

''(II) the past grant management performance of the recipient;

''(III) concerns identified by the Administrator, including referrals from the Administrator; and

''(IV) such other factors as determined by the Inspector General of the Department of Justice.

''(C) PUBLIC AVAILABILITY ON WEBSITE.—The Attorney General shall make the summary of each review conducted under this section available on the website of the Department of Justice, subject to redaction as the Attorney General determines necessary to protect classified and other sensitive information.

''(D) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the first 2 fiscal years beginning after the 12-month period beginning on the date on which the audit report is issued.

''(E) PRIORITY.—In awarding grants under this Act, the Administrator shall give priority to a State or Indian tribe that did not have an unresolved audit finding during the 3 fiscal years prior to the date on which the eligible entity submits an application for a grant under this Act.

''(F) REIMBURSEMENT.—If a State or Indian tribe is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under subparagraph (I), the Attorney General shall—

''(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

''(ii) seek to recoup the costs of the repayment to the General Fund under clause (i) from the grantee that was erroneously awarded grant funds.

''(G) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General—

''(i) that the audited State or Indian tribe has used grant funds for an unauthorized expenditure or otherwise unallowable cost; and

''(ii) that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

''(3) NONPROFIT ORGANIZATION REQUIREMENTS.—

''(A) DEFINITION.—For purposes of this paragraph and the grant programs described in this Act, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

''(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

''(C) DISCLOSURE.—

''(i) IN GENERAL.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including—

''(I) the independent persons involved in reviewing and approving such compensation;

''(II) the comparability data used; and

''(III) contemporaneous substantiation of the deliberation and decision.

''(ii) PUBLIC INSPECTION UPON REQUEST.—Upon request, the Administrator shall make the information disclosed under clause (i) available for public inspection.

''(4) CONFERENCE EXPENDITURES.—

''(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

''(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and entertainment.

''(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

''(5) PROHIBITION ON LOBBYING ACTIVITY.—

''(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any recipient of a grant made using such amounts to—

''(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

''(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

''(B) PENALTY.—If the Attorney General determines that any recipient of a grant made using amounts authorized to be appropriated under this Act has violated subparagraph (A), the Attorney General shall—

''(i) require the grant recipient to repay the grant in full; and

''(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

''(6) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this section, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification that—

''(A) all audits issued by the Office of the Inspector General of the Department of Justice under paragraph (2) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

''(B) all mandatory exclusions required under paragraph (2)(I) have been issued;

''(C) all reimbursements required under paragraph (2)(K)(i) have been made; and

''(D) includes a list of any grant recipients excluded under paragraph (2)(I) during the preceding fiscal year.

''(c) PREVENTING DUPLICATIVE GRANTS.—

''(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

''(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

''(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

''(B) the reason the Attorney General awarded the duplicative grant.

''(d) COMPLIANCE WITH AUDITING STANDARDS.—The Administrator shall comply with the Generally Accepted Government Auditing Standards, published by the General Accountability Office (commonly known as the 'Yellow Book'), in the conduct of fiscal, compliance, and programmatic audits of States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

(1) IN GENERAL.—The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking section 407 (42 U.S.C. 5776a).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

(3) SAVINGS CLAUSE.—In the case of an entity that is barred from receiving grant funds under paragraph (2) or (7)(B)(ii) of section 407 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5776a), the amendment made by paragraph (1) of this subsection shall not affect the applicability to the entity, or to the Attorney General with respect to the entity, of paragraph (2), (3), or (7) of such section 407, as in effect on the day before the effective date under paragraph (2) of this subsection.

TITLE V—JUVENILE ACCOUNTABILITY BLOCK GRANTS

SEC. 501. GRANT ELIGIBILITY.

Section 1802(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee–2(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) assurances that the State agrees to comply with the core requirements, as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603), applicable to the detention and confinement of juveniles.''.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Rhode Island for his courtesy in allowing me to go next.

HEALTHCARE

Mr. ALEXANDER. Mr. President, this afternoon, Senator MURRAY, the Senator from Washington State who is the ranking member of the Senate Committee on Health, Education, Labor, and Pensions, and I, the chairman of the committee, made a joint bipartisan announcement that the Senate's HELP Committee will hold hearings beginning the week of September 4 on the actions Congress should take to stabilize and strengthen the individual health insurance market so Americans will be able to buy insurance at affordable prices in the year 2018. We will hear from State insurance commissioners, from patients, from Governors, from healthcare experts, and insurance companies. Committee staff will begin work this week, working with all committee members to prepare for these hearings and discussions. That was the announcement Senator MURRAY and I made today.

Now, in my own words, the reason for these hearings is that unless Congress acts by September 27, when insurance companies must sign contracts with the Federal Government to sell insurance on the Federal exchange next year, millions of Americans with government subsidies in up to half of our States may find themselves with zero options for buying health insurance on the exchanges next year, 2018. Many others without government subsidies will find themselves unable to afford health insurance because of rising premiums, copays, and deductibles.

There are a number of issues with the American healthcare system, but if your house is on fire, you want to put out the fire. The fire, in this case, is the individual health insurance market. Both Republicans and Democrats agree on this.

Our committee, the HELP Committee, had one hearing on the subject on February 1 and will work intensively between now and the end of September in order to finish our work in time to have an effect on health insurance policies next year, sold in 2018.

I am consulting with Senator MURRAY to try to make these hearings as bipartisan as possible and to involve as many committee members as possible. I will be consulting with Senator HATCH and Senator WYDEN so the Finance Committee is aware of any matters we discuss that might be within its jurisdiction. A number of Senators, both Democratic and Republican, have approached Senator MURRAY and me and said they would like to be involved. We are going to find a way for them to be involved and update them on our progress.

In these discussions—the ones I am describing—we are dealing with a small segment of the total health insurance market. Only about 6 percent of insured Americans buy their insurance in the individual market. Only about 4 percent of insured Americans buy their insurance on the Affordable Care Act exchanges. While these percentages are small, they represent large numbers of Americans, including many of our most vulnerable Americans. We are talking about roughly 18 million Americans in the individual market. About 11 million of them buy their insurance on the Affordable Care Act exchanges. About 9 million of these 11 million have Affordable Care Act subsidies, and unless we act, many of them may not have policies available to buy in 2018 because insurance companies will pull out of the collapsing markets. It would be like having a bus ticket and no bus coming through town.

Just as important, unless we act, costs could rise, once again, even making healthcare unaffordable for the additional 9 million Americans in the individual market who receive no government support to help buy insurance, roughly 2 million of them who buy their health insurance on the exchanges but who don't qualify for a subsidy, and roughly 7 million who buy their insurance outside of the exchanges. This means they have no government help paying for their premiums, their copays, and their deductibles.

As we prepare for these discussions, I have urged again that President Trump temporarily continue the cost-reduction payments through September so Congress can work on a short-term solution for stabilizing the individual markets in 2018. These cost-sharing reduction subsidies reduce copays, reduce deductibles, and reduce other out-of-pocket costs to help low-income Americans buy their health insurance on the exchanges. We are talking about those who make under 250 percent of the poverty level or roughly $30,000 for an individual or $60,000 for a family of four. Without payment of these cost-sharing reductions, Americans will be hurt. Up to half the States will likely have bare counties, with zero insurance providers offering insurance on the exchanges, and insurance premiums will increase by roughly 20 percent, according to the American Health Insurance Plans.

In my opinion, any solution that Congress passes for a 2018 stabilization package would need to be small, bipartisan, and balanced. It should include funding for the cost-sharing reductions, but it also should include greater flexibility for States in approving health insurance policies which should reduce costs.

Now, it is reasonable to expect that if the President were to approve continuation of cost-sharing subsidies for August and September and if Congress, in September, should pass a bipartisan stabilization bill that includes cost-sharing for 1 year—that is 2018—it is reasonable to expect that the insurance companies in 2018 would lower their rates. They have told us—in fact, Oliver Wyman, an independent observer of healthcare, has told us that lack of funding for cost-sharing reductions would add 11 to 20 percent to premiums in 2018.

So if the President, over the next 2 months, and the Congress, over the next year, take steps to provide certainty that there will be cost-sharing subsidies, that should allow insurance companies to lower the premiums they have projected they will charge in 2018. In fact, many insurance companies have priced their rates for 2018 at two different levels—one with cost-sharing and one without cost-sharing. So it is important not only that the President improve temporary cost-sharing for August and September but that we, the Congress, in a bipartisan way, find a way to approve it for at least 1 year so we can keep the premiums down.

Now, this is only one step in what we want to do about health insurance and about the larger question of healthcare

costs so we will proceed step by step. A subsequent step will be to try to find a way to create a long-term, more robust individual insurance market, but for the short-term, our proposal is that by mid-September, we will see if we can agree on a way to stabilize the individual insurance market to keep premiums down and make affordable insurance available to all Americans.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here to speak about something else, but let me take just a moment and thank my chairman for what he has done. I had the experience of serving on the HELP Committee with Chairman ALEXANDER and Ranking Member MURRAY when we did the Education bill last year.

Education is nearly as fraught a topic politically around here as healthcare is, and what we saw in a thoughtful, regular-order process that was developed under Chairman ALEXANDER's leadership was a very considerable piece of work with real effect.

Sometimes we agree on something on both sides of the aisle in this body because there is nothing to it. It is ''National Peaches Week'' or something, and everyone votes for that. But when it is something big and something consequential, that is where difficulties begin to emerge, and what the chairman was able to work in the committee was something big and something consequential on healthcare. To the end of my days in the Senate, I am going to remember that closing vote, when the clerk of the committee called the roll, and every single member of the HELP Committee voted in favor of the measure. It came out of the committee unanimously, and with that burst of energy, it came through the floor fine, and it passed the House without too many changes. It was just a remarkable piece of work. So I have seen what the HELP Committee can do under Chairman ALEXANDER and Ranking Member MURRAY, and I am filled with confidence that the process can be terrific there, and I am filled with goodwill toward a successful outcome.

I just think what the chairman has said is terrific, and I wanted to say a few words of appreciation.

Mr. President, I ask unanimous consent to speak for up to 17 minutes in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, what I would like to speak about is a new form of fossil fuel-funded climate denial spin that has just entered the climate debate. They are always up to something, and here is their latest. The Trump administration's two great scientists, Scott Pruitt and Rick Perry, the Frick and Frack of climate denial, have called for a science showdown, where climate denial and climate science can have it out for once and for all—red team versus blue team. ''Fossil fuel man'' Pruitt has even called for the showdown to be peer reviewed. Well, what is comical about that is that climate science has been peer reviewed all along. That is how it gets to be science—by going through and surviving the process of peer review by other scientists.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Administrator Pruitt from a wide range of scientific organizations pointing out to him this very fact, that climate science is called climate science because it has been through scientific peer review.

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

JULY 31, 2017.

Hon. SCOTT PRUITT,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR PRUITT: As leaders of professional scientific societies with our collective membership of hundreds of thousands of scientists, we are writing in response to reports that you are working to develop a ''red team/blue team'' process that challenges climate science.

We write to remind you of the ongoing research, testing, evaluations, and debates that happen on a regular basis in every scientific discipline. The peer review process itself is a constant means of scientists putting forth research results, getting challenged, and revising them based on evidence. Indeed, science is a multi-dimensional, competitive ''red team/blue team'' process whereby scientists and scientific teams are constantly challenging one another's findings for robustness. The current scientific understanding of climate change is based on decades of such work, along with overarching, carefully evaluated assessments within the United States and internationally.

As a reflection of that work, 31 scientific societies last year released a letter, updated from 2009, to reflect the current scientific consensus on climate change. We urge you to give its text consideration, along with America's Climate Choices, the work of our premier United States scientific body, the National Academy of Sciences.

Of course, climate science, like all sciences, is an ever-changing discipline: our knowledge is always advancing. Robust discussion about data interpretation, methodology, and findings are part of daily scientific discourse. That is how science progresses. However, the integrity of the scientific process cannot thrive when policymakers—regardless of party affiliation—use policy disagreements as a pretext to challenge scientific conclusions.

Given your interest in the state of climate science, we would welcome the opportunity to meet with you to better understand your perspective and rationale for the proposed activity; and to discuss climate science, including which areas are at the frontiers of scientific knowledge and which are well-established because of thousands of studies from multiple lines of evidence.

We look forward to hearing from you, and your office may contact Lexi Shultz, Kasey White, or Joanne Carney to coordinate a meeting.

Sincerely,

Rush D. Holt, Ph.D., Chief Executive Officer, American Association for the Advancement of Sciences; Robert Gropp, Ph.D., Co-Executive Director, American institute of Biological Sciences; Chris McEntee, Executive Director and CEO, American Geophysical Union; Ellen Bergfeld, Ph.D., Chief Executive Officer, American Society of Agronomy, Crop Science Society of America, Soil Science Society of America; Brian Crother, Ph.D., President Elect, American Society of Ichthyologists and Herpetologists; Crispin B. Taylor, Ph.D., Chief Executive Officer, American Society of Plant Biologists; Barry D. Nussbaum, Ph.D., President, American Statistical Association; Olin E. Rhodes, Jr., Ph.D., President, Association of Ecosystem Research Centers.

Linda Duguay, Ph.D., President, Association for the Sciences of Limnology and Oceanography; Robin L. Chazdon, Ph.D., Executive Director, Association for Tropical Biology and Conservation; Katherine S. McCarter, Executive Director, Ecological Society of America; David Gammel, Executive Director, Entomological Society of America; Vicki McConnell, Ph.D., Executive Director, Geological Society of America; Paul Foster, Ph.D., President, Organization of Biological Field Stations; Raymond Mejía, Society for Mathematical Biology; Luke Harmon, Ph.D., President, Society of Systematic Biologists.

Mr. WHITEHOUSE. Climate denial, on the other hand, avoids peer review as if it were Kryptonite, so this call for peer review of the contest between climate science and climate denial is almost comical, except for the evil intent behind it and, of course, the stakes. How very risky and dangerous continuing to get this climate issue wrong is for our country.

Mr. President, I ask unanimous consent to have printed in the RECORD an op-ed written by John Holdren, until recently the President's climate adviser, called ''The perversity of 'red-teaming' climate science.''

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

[From bostonglobe.com, July 25, 2017]

THE PERVERSITY OF 'RED-TEAMING' CLIMATE SCIENCE

(By John P. Holdren)

EPA administrator Scott Pruitt is reportedly giving serious consideration to investing the taxpayers' money in a ''red team-blue team'' effort to determine whether current scientific understandings about climate change are actually right. The idea is that a ''red team'' made up of officials from government agencies with responsibilities related to climate would try to poke holes in mainstream climate science, while a similarly constituted ''blue team'' would have the task of defending the mainstream consensus against this critique. Supposedly, this process would shed new light on what is known and what is not about human influence on the global climate. But the argument that such a process would be helpful is some combination of naive and disingenuous.

All of science works through the continuous application of the skeptical scrutiny of key findings by essentially everybody working in a given field. This happens in part

through the peer-review process that findings must survive before being published in a scientific journal. It happens far more widely through the scrutiny of the wider community of experts in any given field once the findings have been published. That scrutiny is intense, not least because scientists make their reputations in substantial part by providing corrections and refinements to the published findings of others. This is the essence of the cumulative and self-correcting nature of the scientific enterprise as a whole.

Precisely because climate science has policy implications that appear to challenge the status quo in global energy supply, moreover, the degree of professional skeptical scrutiny to which key climate-science findings have been subjected has far exceeded even the already pervasive and rigorous norm. Climate science has been repeatedly ''red-teamed,'' both by groups of avowed contrarians sponsored by right-wing groups and by the most qualified parts of the world's scientific community. The right wing's ''red team'' efforts have consistently been characterized by brazen cherry-picking, misrepresentation of the findings of others, recycling of long-discredited hypotheses, and invention of new ones destined to be discredited. Almost none of this material has survived peer review to be published in the respectable professional literature.

Of course, the Intergovernmental Panel on Climate Change itself, which works under the auspices of the UN Framework Convention on Climate Change, can be regarded as a ''red team-blue team'' operation, in which every conclusion must pass muster with a huge team of expert authors and reviewers from a wide variety of disciplines and nations (including from Saudi Arabia and other major oil producers inclined to be skeptical). The IPCC has produced five massive assessments of climate science (in 1990, 1995, 2001, 2007, and 2013–14), each more emphatic than the last in its conclusions that human-produced greenhouses gases are changing global climate with ongoing and growing impacts on human well-being.

Climate-change science has likewise been reviewed regularly by committees of the US National Academy of Sciences, the United Kingdom's Royal Society, the World Meteorological Organization, the American Geophysical Union, and many other reputable bodies, all of which have contributed to and confirmed the overwhelming consensus of knowledgeable scientists on the five key points that really matter for policy: (1) The Earth's climate is changing in ways not explainable by the known natural influences; (2) the dominant cause is the build-up of greenhouse gases in the atmosphere that has resulted from burning coal, oil, and natural gas, and from land-use change; (3) significant harm to humans and ecosystems from these changes is already occurring; (4) the harm will continue to grow for decades because of inertia in the climate system and society's energy system; and (5) the future harm will be much smaller if the world's nations take concerted, aggressive evasive action than if they do not.

What, then, could explain the interest in a new ''red team-blue team'' effort on climate science organized by the federal government? Some proponents may believe, naively, that such a rag-tag process could unearth flaws in mainstream climate science that the rigorous, decades-long scrutiny of the global climate-science community, through multiple layers of formal and informal expert peer review, has somehow missed. But I suspect that most of the advocates of the scheme are disingenuous, aiming to get hand-picked non-experts from federal agencies to dispute the key findings of mainstream climate science and then assert that the verdict of this kangaroo court has equal standing with the findings of the most competent bodies in the national and international scientific communities. The purpose of that, of course, would be to create a sense of continuing uncertainty about the science of climate change, as an underpinning of the Trump administration's case for not addressing it. Sad.

Mr. WHITEHOUSE. Mr. President, let's go back to the basics here. The basic fact is that the scientific truth of climate change threatens the business model of enormous industries that spew carbon dioxide, and it challenges the ideology of rightwing fanatics who spew hatred of government. That is what the background is to all of this, and there has been a scheme for years to protect the industry's business model and the ideology of its associated cohort of fanatics. That scheme from the industry and the rightwing fanatics has been to attack climate science. They have been at it for years.

If you are a huge polluting industry or a rightwing fanatic, how do you go about attacking science? Well, you can't win a real attack on the science, precisely because the polluter nonsense could not make it through peer review. Peer review is the most basic test to enter scientific debate, but they fail at peer review because their argument is bogus, phony, and it is a front. So the scheme has always been to avoid peer review because it is a test they would fail.

If you are going to fail the peer review test, what do you do? Instead of a direct attack through peer review journals, they attack science from the side. They create a phony parallel science, a simulacrum of science that doesn't have to face peer review. Their phony science doesn't even have to be true. In fact, they don't care whether it is true; indeed, I contend that some of them know it is not true and are engaged in deliberate, knowing fraud. But, in any event, getting to the truth is not the point of this phony parallel science. The goal is political, not scientific.

What they want is for government—us—to let them keep polluting. Polluting with their product makes them big, big money, and they don't want to stop. So the goal is not to enter the scientific debate on scientific terms. This is no quest for truth; this is a quest to influence public opinion. So the polluter nonsense doesn't have to be true; it just has to sound legitimate enough to influence an uninformed public. The goal is to fool the public and mess with politics. That is how they keep the political pressure off having to clean up their act. Their battlefield is the public mind, and their goal is to pollute the public mind with false doubts about the real science.

The climate denial apparatus that Pruitt and Perry serve just needs to create the illusion that there is still scientific doubt, and it just has to create that illusion in the minds of a non-scientific audience—the average voter, people who don't know any better and shouldn't be expected to. To do this, they have set up an elaborate con game to help them foment this illusion that there is a real contest here.

Their first trick, of course, is to hide the hand of the funders who back this scheme behind innocent or respectable-sounding names. If people saw the hand of ExxonMobil or Koch Industries behind this scheme, well, the jig would be up, so they have to back front groups—dozens, indeed, of front groups. The front groups take nice, cozy words like ''heritage'' and ''heartland'' and ''prosperity,'' and they stick them on the front of the front group.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled ''EPA is asking a climate denier think tank for help recruiting its 'red team' '' in this effort at the conclusion of my remarks.

This article points out that they are actually recruiting one of these phony front groups, the Heartland Institute, comparing climate scientists to the Unabomber, so you know that is going to be a fair contest between climate science and climate deniers when the group involved is a fossil-funded group that has compared climate scientists to the Unabomber. Of course you want them in the debate, don't you? It is laughable, except for the fact that it is really not.

The other thing these groups do is they go down the shelves of American history and they grab the names of heroes and they slap these great names onto other phony front groups. Even the great GEN George C. Marshall has had his name slapped on a front group.

I am a big fan of General Marshall. He is a hero of mine. Winston Churchill called him ''the organizer of victory'' in World War II. The Marshall plan saved Europe after that war. He won a Nobel Prize, deservedly. But in General Marshall's life of dedicated service to our country, he had his share of sorrows, and one of those sorrows was that he had no children. So today, there are no living children or grandchildren to defend his name. Any rascal can put General Marshall's name on a bogus enterprise, and these rascals did. It is beyond low.

So that is the first trick: Hide the polluters' hand behind an innocent or respectable-sounding name.

The second trick is camouflage. They ape real science by setting up groups with names that sound like scientific organizations. So when the United Nations convenes the real Intergovernmental Panel on Climate Change, they put up a Nongovernmental International Panel on Climate Change.

They ape scientific activities. If scientific organizations have conferences, they have conferences. If scientific organizations have colloquiums, they have colloquiums. If scientific organizations publish findings, they publish findings. The difference is, it is all phony. None of it is peer reviewed. It is not real science; it is a masquerade designed to give the appearance of science without any of the rigor of peer

review and the other attributes of real science.

They even ape the publications of real science. I don't have the chart with me, but there is a publication by the legitimate U.S. Global Change Research Program that is entitled ''Global Climate Change Impacts in the United States.'' That is for real. It is real science. Then there is a look-alike publication called ''Addendum: Global Climate Change Impacts in the United States,'' which was cooked up by the Koch brothers-backed CATO Institute—same print, same text, same color. It virtually is a masquerade of the real item.

The first thing is to hide industry's hand behind the front group, and the second is to mask propaganda activities in camouflage that resembles actual scientific activity without having to pass any tests of scientific activity.

The last thing is to run the operation like a marketing campaign, since, well, that is what it is. You wouldn't market soap in peer-reviewed scientific journals, would you? First of all, the journals wouldn't publish it. Secondly, that is not your audience anyway. It is the same here. It doesn't do these scoundrels any good to be publishing in peer-reviewed scientific journals, even if they could get their nonsense published there. The people who read scientific journals know better. That is not their audience, and they know that they will lose in front of a scientific audience. They would shrivel up like the Wicked Witch. So they want to go right to the public with Madison Avenue-quality salesmanship and glossy messaging, marketing their dressed-up climate denial nonsense like you would market a new soap or spaghetti sauce. Go straight to TV, straight to talk radio, straight into the political debate.

The notion that the climate denial crowd now wants a scientific showdown—some ''high noon'' for climate denial—is ridiculous. First, they do not. We know they do not. They have been dodging away from peer review for years. They want peer review like the Wicked Witch wanted water.

So what are they up to?

Their gambit is yet another climate denial rhetorical trick to misdirect people to the thought that maybe climate science has not been peer reviewed either.

Climate science is nothing but peer reviewed—that is how it gets to be science—but this bit of trickery sets up in the unknowing person's mind the thought that climate science might not be peer reviewed. If our Frick and Frack of climate denial, Pruitt and Perry, had said outright that climate science is not peer reviewed, that would be a flat lie, and they would be caught out. Instead, they performed this rhetorical bank shot just to lay that suggestion out there, knowing perfectly well that it is false. It is a little like the old ''when did you stop beating your wife?'' trick. It lays out a false predicate by insinuation where the fact, itself, could not be properly asserted.

The purpose here, like the purpose of all climate denial schemes, is to buy more time for the polluters. Think how long this imaginary process of preparing for climate denial ''high noon'' will take. Oh, they could spin this out for years.

One thing you can bet is that game day will never come, but in the meantime, they have the craftily embedded lie out there that climate denial and climate science stand on an equal footing and just await peer review to decide between them, and now that lie can just hang out there, leaking its poison into the public debate.

I have to ask: Who thinks this stuff up? They have made a new art form out of propaganda. Think what a schemer you have to be to think this stuff up. That is the kind of people we are dealing with here, and in this bizarro world, Frick and Frack hold high office.

The problem is that there actually is a judge here. A real ''high noon'' will actually come. As the old saying goes, time will tell. When it comes to climate change, the laws of physics and chemistry and biology are at work. The things that CO_2 concentrations do in the atmosphere are going to happen no matter what we say or believe about them. The laws of physics do not depend on political beliefs. The chemistry of what happens when seawater is exposed to more and more CO_2 is going to happen, and it will follow the laws of chemistry, not our opinions or beliefs.

What we humans say or what we believe or what we have been conned into believing by the climate denial scheme will not matter at all. Our views—our opinions—are not part of the equation. Fill one room with climate deniers and fill another room with climate scientists, and the same chemistry experiment will have the same results in both rooms. Chemistry does not care about our opinions.

The way trees and animals and fish and insects and viruses and bacteria react to new temperatures and new levels of acidity and new environments we have no say in. The fossil fuel industry can cow westerners into silence or even con them into believing the industry's climate denial nonsense, and the bark beetle will not care. It will not even know that the con game is being run. The bark beetle will just keep eating its way up the warming latitudes and altitudes and killing pine forests by the hundreds of square miles.

What science does for us is give us the ability, as humans, to understand the laws of science so that we can predict what will and will not happen. Science provides mankind with headlights so that we can look ahead and see what the future portends, but turning off those headlights by denying the science or trying to distract the driver so that we are not even looking out the windshield will not change what is ahead. Whatever is coming at us is still coming at us. We just will not see it in time to steer around it in order to minimize the collision or slow down and soften the impact. We will not have time because we will have given that time to the polluters. Time is what they want—more time for the polluters to make big money.

All of this lying, all of this science denial is actually, truly, an evil thing, and the cleverer it gets with these bank shot, faux ''high noon'' showdown, tricky lies, actually, the more evil it is. The people who are behind this are doing a very grievous wrong. They are dishonorable, dishonest, and disgraceful. Time will tell us just how wicked they are.

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

[From ThinkProgress, July 25, 2017]

EPA IS ASKING A CLIMATE DENIER THINK TANK FOR HELP RECRUITING ITS 'RED TEAM'

(By Erin Auel)

The Environmental Protection Agency has asked the Heartland Institute, a D.C.-based rightwing think tank that denies the human causes of climate change, to help identify scientists to join the agency's so-called red team-blue team effort to ''debate'' the science of climate change, according to the Washington Examiner.

The move is part of EPA Administrator Scott Pruitt's efforts to undercut established climate science within the agency. In an interview with Reuters earlier this month, Pruitt suggested the possibility of creating a red team to provide ''a robust discussion'' on climate science and determine whether humans ''are contributing to [warming].''

The Heartland Institute offers a model of what the EPA red team might look like. Their contrarian Nongovernmental International Panel on Climate Change—often referred to as a red team—publishes regular volumes of a report called ''Climate Change Reconsidered.''

Heartland communications director Jim Lakely told the Washington Examiner the red team exercises to critique climate science are necessary ''to critically examine what has become alarmist dogma rather than a sober evaluation of climate science for many years.'' But, as many scientists and experts have noted, the peer review process for scientific publications already requires and facilitates rigorous examination.

For years, the Heartland Institute has spread misinformation about climate change and attacked the credibility of climate scientists. In 2012, the group launched a billboard campaign with the photographs of Ted Kaczynski (the Unabomber), Charles Manson, and Osama bin Laden, saying those men ''still believe in global warming.'' Heartland's website at the time declared ''the most prominent advocates of global warming aren't scientists. They are murderers, tyrants, and madmen.''

More recently, the group announced plans to send a report titled ''Why Scientists Disagree About Global Warming'' to every K–12 teacher and college professor in America. The report incorrectly denies humans' contributions to rising global temperatures.

Pruitt has adopted much of the misinformation that Heartland promotes. Since being confirmed, Pruitt has continued to question the science behind climate change and repeated climate denier talking points claiming that humans are not the main contributors to a warming planet.

And Heartland experts have already had an active role in Trump's administration. Dan

Simmons, currently an assistant to Energy Secretary Rick Perry, is still listed as an author on Heartland's website. Myron Ebell, a noted climate denier, led Trump's EPA transition team and has written several pieces opposing climate policy for Heartland.

Heartland has received funding from several fossil fuel companies, though it no longer publicly discloses its funders. In 2012, leaked documents from the group showed the group received contributions from the Charles G. Koch Charitable Foundation and the U.S. Chamber of Commerce, among others. It has also received funding from ExxonMobil to support work to refute the human causes of climate change.

Last month, Heartland announced former Kansas congressman Tim Huelskamp will become president of the organization. During his political career, Huelskamp's top donor was Koch Industries, and he received more than $250,000 in campaign contributions from the oil and gas industry. Koch Industries and the Koch family foundations have been one of the biggest funders of organizations that deny humans' role in causing climate change and oppose policies to reduce greenhouse gas emissions.

It remains to be seen who will staff the EPA's red team. NYU professor Steve Koonin, a scientist who formerly worked with both BP and the Obama administration, is reportedly the top contender. In 2014, Koonin wrote a Wall Street Journal op-ed detailing the ways in which climate science is not settled, which included the extent to which humans are causing climate change, a now-frequent talking point among Trump administration officials.

In April, Koonin published another op-ed in the Wall Street Journal, suggesting that a Red Team/Blue Team would be ''a step toward resolving . . . differing perceptions of climate science.''

Mr. WHITEHOUSE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 174, H.R. 2430.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 174, H.R. 2430, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

CLOTURE MOTION

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

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

The 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 the motion to proceed to calendar No. 174, H.R. 2430, an act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

Mitch McConnell, Steve Daines, Mike Crapo, James M. Inhofe, Lamar Alexander, Pat Roberts, Thom Tillis, Orrin G. Hatch, John Cornyn, Cory Gardner, Roy Blunt, James E. Risch, Roger F. Wicker, Tim Scott, John Thune, Mike Rounds, John Hoeven.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived with respect to the cloture motion.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 61, 63, 162, 174, 194, 246, 248, and 249.

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

The clerk will report the nominations.

The legislative clerk read the nominations of Elaine McCusker, of Virginia, to be a Principal Deputy Under Secretary of Defense; Robert Daigle, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense; Robert R. Hood, of Georgia, to be an Assistant Secretary of Defense; Richard V. Spencer, of Wyoming, to be Secretary of the Navy; Ryan McCarthy, of Illinois, to be Under Secretary of the Army; Lucian Niemeyer, of Pennsylvania, to be an Assistant Secretary of Defense; Matthew P. Donovan, of Virginia, to be Under Secretary of the Air Force; and Ellen M. Lord, of Rhode Island, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the McCusker, Daigle, Hood, Spencer, McCarthy, Niemeyer, Donovan, and Lord nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, for the information of Senators, the Senate just confirmed eight nominees for the Defense Department.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

Mr. WHITEHOUSE. Mr. President, 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. MERKLEY. 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.

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED—Continued

CLIMATE DISRUPTION

Mr. MERKLEY. Mr. President, climate disruption is a seminal challenge of our generation. It affects everything from our farms to our forests to our fishing. We see the impact in disappearing glaciers, melting permafrost, shrinking ice sheets, raging forest fires, dying coral reefs, migrating animals and insects, and more powerful storms.

The world is changing right in front of us. It is appropriate to call this climate disruption because our climate is broken, and it is affecting so many things that we value. In response, communities across the globe are transforming their energy economies—from increasing the energy efficiency of buildings, vehicles, and appliances to replacing a carbon-polluting fossil-fuel-energy economy with a renewable and clean-energy economy.

How much do you know about the changes under way? Let's find out. Welcome to episode 4 of the Senate Climate Disruption Quiz.

Here we go. First question: Atmospheric carbon dioxide is at its highest level in at least how many years? Is it 88 years? Is it the highest level in the last 8,000 years? Is it the highest level in the last 800,000 years, or is it the highest level in the last 80 million years?

Think about your answer.

The correct answer is C, 800,000 years.

In September 2016, we reached a historic milestone. The carbon dioxide readings for the planet reached 400 parts per million. For perspective, before the industrial revolution, before we started burning fossil fuels in massive quantities, that number was about 280 parts per million.

Here is something that is even scarier. The rate is going up faster and faster. In 1965 and 1975, it was going up at about 1 part per million per year. Then, a couple of decades later, it was 2 parts per million per year, and the last 2 years, it has gone up at a rate of 3 parts per million per year.

As the human civilization, we have to turn this around. We have to not only slow it down, but we have to turn it around and lower those levels of carbon dioxide if we are going to save our blue-green planet.

Question No. 2, which Governor announced that he or she will hold a global climate summit here in America next year?

Is the answer Jerry Brown? Is the answer Governor Rick Snyder of Michigan, Governor Susana Martinez of New Mexico, or Governor Rick Scott of Florida?

The answer—now that you have decided which one you think is right—is A, Governor Jerry Brown of California. He announced on July 6 that he will bring together entrepreneurs, mathematicians, professors, climate experts, and others from around the world in September 2018 for a summit to ''combat the existential threat of climate change.''

This meeting is being viewed as a very significant undertaking to keep the conversation going forward, because in the absence of the United States being deeply involved in the Paris Agreement, the United States has to be involved in many other ways. This issue is too big, and the challenge is too great for us to be sitting it out.

Let's turn to question No. 3. The world's first floating wind farm is being constructed off the coast of which country? Is it Germany? Is it off the coast of the United States? Is it Scotland? Or is it France?

I might point out that, when we see a floating wind farm, we are talking about a wind farm in which the sea floor is deep enough that it can't be anchored; that is, the turbine cannot be anchored on the sea floor. There is a hint, a little clue.

Do you have your answer?

The correct answer is C, Scotland.

The Peterhead wind farm, off the coast of Scotland, is using revolutionary technology to harvest wind power in waters that are too deep for wind turbines to be anchored on the seabed.

The wind farm's first turbine was just towed into place. Once finished, it will include five 6-megawatt turbines. By the way, those are much larger turbines than the ones we have on land in the United States. The blades will be 246 feet long. Together, the group of turbines will be able to power 20,000 homes by the end of the installation.

Maybe we will see some of those appearing off the coast of the United States in the future.

Let's turn to question No. 4. Glacier National Park in 1910 had 150 glaciers. How many are there today? Are there 200? Are there 150? Are there 25? Or are there 10?

What is the answer?

The answer is C, 25.

Here we are in just a century, and we have gone from 150 glaciers in Glacier National Park to only 25 left. According to Dan Fagre, a USGS research ecologist, ''within 20 years, the bulk of the remaining glaciers will be too small to be considered active glaciers.''

When these glaciers are gone, it will have a significant impact on Montana and its economy. They typically put off a significant amount of water in late August and early September. They feed streams that would otherwise dry up. They provide cool water that plays a critical role in the life cycles of both insects and fish. If you are planning to see the glaciers in Glacier National Park, go soon.

Let's turn to question No. 5. Tesla, the electric car company, is set to install the world's largest grid-scale battery in which country? Are they going to install that battery in China, in Australia, in Mexico, or in Spain?

If you had time to ponder the question and develop your answer, the answer is not China, which you might expect because China is so large and is so engaged in renewable energy today, nor is it Mexico or Spain. It is Australia.

Australia has embraced renewable energy. In 2016, renewable sources produced more than 17 percent of the country's electricity. South Australia has raced ahead of the rest of the country in embracing renewables, particularly wind power.

Until now, it has not been able to adequately store the energy generated by the region's wind farms. Later this year, Tesla will install the world's largest lithium-ion grid-scale battery and pair it with one of the wind farms, in a major leap forward for large-scale renewable energy use.

The idea is that the 129-megawatt-hour battery, which is capable of putting out 100 megawatts of power at a time, will help stabilize South Australia's electrical grid and provide backup power if there is a shortfall.

More and more, as we have wind on the grid and as we have solar power on the grid, batteries are being turned to as a strategy to even out the flow of electricity.

There you have it, folks. Five questions in episode 4 of the Senate Climate Disruption Quiz. They are questions ripped right from the headlines. Facts on the ground are changing fast, as climate disruption increases and communities across the globe are responding. We are racing the clock. There is no time to spare.

Stay engaged in the fight to save our beautiful blue-green planet. In the near future, I will bring you episode 5 of the Senate Climate Disruption Quiz.

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

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

MORNING BUSINESS

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–29, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the Republic of Iraq for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER,
Acting Director.

Enclosures.

TRANSMITTAL NO. 17–29

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Republic of Iraq.

(ii) Total Estimated Value:
Major Defense Equipment* $0 million.
Other $150 million.
Total $150 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
Non-MDE:
Follow-On Technical Support (FOTS) for various U.S.-origin navy vessels and a ship repair facility in Iraq to include procurement of spare and repair parts, support and test equipment, publications and technical documentation, personnel training equipment, engineering and logistics support services and other related elements of logistics and program support.

(iv) Military Department: Navy (XX–P–GAS).

(v) Prior Related Cases, if any: GAL, 20 May 14; GAM, 20 May 14; GAO, 3 Nov 16.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: August 1, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Iraq—Follow-On Technical Support (FOTS) for U.S. Origin Navy Vessels and a Ship Repair Facility

The Government of Iraq has requested a possible sale of Follow-On Technical Support

(FOTS) for various U.S.-origin navy vessels and a ship repair facility in Iraq to include procurement of spare and repair parts, support and test equipment, publications and technical documentation, personnel training equipment, engineering and logistics support services, and other related elements of logistics and program support. The estimated total program value is $150 million.

The proposed sale will contribute to the foreign policy and national security of the United States by helping to provide for a stable, sovereign, and democratic Iraq, capable of combating terrorism and protecting its people and sovereignty.

Iraq intends to use this maintenance support to ensure the Navy is fully-operationally capable of providing coastal defense and security. The various vessels to be supported are: patrol boats, offshore support vessels, fast assault boats, and Rigid Hull Inflatable Boats. The proposed sale of Follow-On Technical Support will increase the Iraq Navy's material and operational readiness. Iraq will have no difficulty absorbing this support into its armed forces.

The proposed sale of this support will not alter the basic military balance in the region.

The prime contractor will be Swiftships, LLC, Morgan City, LA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require annual trips to Iraq and in-country presence involving U.S. Government and contractor representatives for technical reviews, support and oversight for approximately three years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

100TH ANNIVERSARY OF HALEY'S METAL SHOP, INC.

Mr. KING. Mr. President, today I wish to commemorate the 100th anniversary of Haley's Metal Shop, Inc., in Biddeford, ME. Spanning five generations, Haley's Metal Shop has successfully persisted through challenging economic swings and rapid technological advancements. In their 100 years of operation, Haley's Metal Shop has been an exemplary family-run small business. As such, I am proud to celebrate their 100 years of service in the Biddeford community and the State of Maine.

Haley's Metal Shop began in 1917 when Robert Jordan founded his tinsmith business in Biddeford. Jordan trained his son-in-law, Joe Haley, in the trade, and together, they formed Jordan and Haley. When Jordan retired in the 1950s, Joe Haley took on his son, Tom. Joe and Tom expanded the business's scope to incorporate new innovations, like air conditioning, and changed the company name to Haley's Metal Work, Inc. When Joe's children, Joyce and Brian, came of age, they elected to join the family business too. The brother and sister made advancements in both the technical and administrative branches of their business. Today Brian, and son Matthew continue the five-generation family tradition of running the business together.

Over the past 100 years, Haley's Metal Shop has grown and modernized to specialize in customized temperature regulation systems, including HVAC, central air, and geothermal heat and cooling, in addition to metal fabrication and sheet metal installations. In the State of Maine, where winter temperatures make home heating especially critical, Haley's Metal Shop's 24-hour emergency service helps keep the heat on in Maine homes.

I applaud Haley's Metal Shop for its emphasis on employee development and supporting local communities. Haley's Metal Shop employs over 40 people, including four father-son pairs. They support their staff by providing on-the-job training to help employees develop new and important skills in this technical field. Haley's Metal Shop has made it their commitment to give back to the community by contributing to various organizations over the years, such as the United Way of York County, Biddeford's Community Bike Center, the Maine Cancer Foundation, and the Biddeford Free Clinic, among others. These commendable efforts both in the shop and in the community help make Haley's Metal Shop a great part of Biddeford and of Maine.

I am pleased to join the Biddeford community in congratulating the Haley family and the dedicated employees of Haley's Metal Shop for this remarkable centennial achievement. I look forward to following their continued growth, and I thank them for their innovation, entrepreneurship, and hard work serving communities in the State of Maine.

TRIBUTE TO LIEUTENANT COLONEL DANIEL S. ARTINO

Mr. COCHRAN. Mr. President, I am pleased to commend LTC Daniel S. Artino for his dedication to duty and service as an Army legislative fellow and congressional budget liaison for the Assistant Secretary of the Army. Dan was recently selected to command an Apache battalion and will soon depart for Fort Bliss, TX.

A native of Stow, OH, Dan was commissioned as an aviation officer after his graduation from the U.S. Military Academy, where he earned a bachelor of science degree in international relations. He also earned a master's degree in legislative affairs from George Washington University.

Dan has served in a broad range of assignments during his Army career. He has led troops as an attack platoon leader, a headquarters company commander, and as the commander of an attack reconnaissance company flying Apache helicopters. He has served overseas in Germany and deployed several times into combat in support of operations in Iraq and Afghanistan. Dan's leadership has been felt from the platoon to the brigade level.

In 2015, Dan was selected to be an Army congressional fellow, and my office was fortunate to host him. For the next year, Dan served the State of Mississippi and the Nation admirably. In his subsequent role as congressional budget liaison, Dan ensured the Army's budget positions were well represented to the Senate and House Committees on Appropriations.

I have enjoyed the benefit of Dan's counsel over the past 3 years. It is a pleasure to recognize and commend Dan for his service to this country and to wish him and his wife, Cathy, all the best as they continue their journey in the U.S. Army.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID HOLLISTER

• Ms. STABENOW. Mr. President, today I wish to pay special tribute to my longtime friend and former legislative colleague, David Hollister. On August 14, 2017, the city of Lansing will be renaming their city hall the ''David C. Hollister City Hall,'' a very fitting tribute to this dedicated public servant.

Over the years, Dave Hollister has been a mentor, a colleague, and a friend to me. I first met Dave when I was a student at Michigan State University, working at the Cristo Rey Community Center in Lansing. As a teacher, he encouraged my first run for office: the Ingham County Board of Commissioners. I later served with him for over a decade in the Michigan House of Representatives and have worked closely with him over the years in his various public service roles.

In today's divisive political climate, Dave Hollister represents the very best of public service. He has selflessly served in State and local government. Without acclaim, he has worked tirelessly to do what is right for people. Able to bring people together to forge solutions on the most difficult problems, he is a community organizer in the truest sense of the word.

Naming the Lansing City Hall after Dave Hollister is not only a fitting tribute to him, but a tribute to the kind of public service his life represents.

After serving in the Michigan House of Representatives, Dave was elected mayor of the city of Lansing in 1993. While mayor, he inspired and led what is known as the ''Lansing Works! Keep GM!'' movement. Dave brought together community leaders in government, business, and labor and convinced General Motors to stay and invest over $1 billion in the Lansing area. This effort saved thousands of jobs and prevented a crisis in the region. Dave's leadership serves as a model of teamwork for leaders and communities across our country.

Keeping General Motors in Lansing is just one example of Dave's leadership. After serving as mayor, he was appointed director of the Michigan Department of Labor and Economic Growth in 2003. Subsequently, Dave served as president and CEO of Prima Civitas, a nonprofit economic and community development organization

based in East Lansing. Congratulations to my dear friend, David Hollister, on receiving this special distinction from the city of Lansing. It is my hope that the newly renamed city hall will serve as a lasting testament to your brand of public service to the people of the city of Lansing and the great State of Michigan.●

TRIBUTE TO TAYLIN ALBRECHT

● Mr. ROUNDS. Mr. President, today I recognize Taylin Albrecht, an intern in my Washington, DC, office, for all the hard work she has done for me, my staff, and the State of South Dakota.

Taylin is a graduate of DeSmet High School in DeSmet, SD. Currently, she is attending South Dakota State University in Brookings, SD, she studies human development and family studies. Taylin is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Taylin for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO GERALD FRAAS

● Mr. ROUNDS. Mr. President, today I recognize Gerald Fraas, an intern in my Washington, DC, office, for all the hard work he has done for me, my staff, and the State of South Dakota.

Gerald is a graduate of West Central High School in Hartford, SD. Currently, he is attending the University of Alabama in Tuscaloosa, AL, where he studies political science and economics. Gerald is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Gerald for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO MATTHEW KRALL

● Mr. ROUNDS. Mr. President, today I recognize Matthew Krall, an intern in my Washington, DC, office, for all the hard work he has done for me, my staff, and the State of South Dakota.

Matthew is a graduate of Mitchell High School in Mitchell, SD. Currently, he is attending Dakota Wesleyan University in Mitchell, SD, where he studies history and political science. Matthew is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Matthew for all of the fine work he has done and wish him continued success in the years to come.●

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3219. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2018, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–2443. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to compliance by the United States courts of appeals and district courts with the time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC–2444. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Miscellaneous Changes to Trademark Trial and Appeal Board Rules of Practice; Clarification'' (RIN0651–AD22) received during adjournment of the Senate in the Office of the President of the Senate on July 21, 2017; to the Committee on the Judiciary.

EC–2445. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''The Residential Substance Abuse Treatment (RSAT) Study''; to the Committee on the Judiciary.

EC–2446. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Third Quarter of Fiscal Year 2017''; to the Committee on Veterans' Affairs.

EC–2447. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''2017 Annual Report: The U.S. Department of Transportation's (DOT) Status of Actions Addressing the Safety Issue Areas on the National Transportation Safety Board's (NTSB) Most Wanted List''; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network'' ((PS Docket No. 16–269) (FCC 17–75)) received during adjournment of the Senate in the Office of the President of the Senate on July 21, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Structure and Practices of the Video Relay Service Program; and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities'' ((CG Docket No. 10–51 and CG Docket No. 03–123) (FCC 17–86)) received during adjournment of the Senate in the Office of the President of the Senate on July 21, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010'' ((MB Docket No. 11–43) (FCC 17–88)) received during adjournment of the Senate in the Office of the President of the Senate on July 21, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010'' ((MB Docket No. 11–43) (FCC 17–88)) received during adjournment of the Senate in the Office of the President of the Senate on July 21, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Acting Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Publication Requirements for Agricultural Products; and Rail Transportation of Grain, Rate Regulation Review'' (RIN2140–AB35 and RIN2140–AB16) received during adjournment of the Senate in the Office of the President of the Senate on July 21, 2017; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Deputy Chief of the Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Parts 0, 1, 2, 15 and 18 of the Commission's Rules regarding Authorization of Radiofrequency Equipment'' ((FCC 17–93) (ET Docket No. 15–170)) received in the Office of the President of the Senate on July 28, 2017; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–78. A joint resolution adopted by the Legislature of the State of Alaska making application to the United States Congress to call a convention of the state to propose a countermand amendment to the United States Constitution as provided under Article V; and urging the legislatures of the other 49 states to make the same application; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 14

Whereas the state's sovereignty has been infringed upon by the federal government, including by the federal government's recent denial of and refusal to work with state officials on the construction of a lifesaving road from King Cove to Cold Bay; and

Whereas the state's access to a fair permitting process for projects that will develop the state's natural resources and provide revenue streams to the state, including oil exploration in the Arctic National Wildlife Refuge and large-scale mining projects throughout the state, has been continually denied by the United States Environmental Protection Agency and other agencies of the federal government; and

Whereas the United States Congress has, at times, exceeded its delegated powers, the President of the United States has, at times,

exceeded the constitutional authority of the office of the President of the United States and the federal courts have, at times, exceeded their authority by issuing decisions on public policy matters reserved to the states in violation of the principles of federalism and separation of powers, all of which have, adversely affected the state and its people; and

Whereas under the authority of art. V, Constitution of the United States; the several states should apply to the United States Congress to call a convention of the states to amend the United States Constitution and adopt a countermand amendment to authorize the states, upon a vote of three-fifths of the state legislatures, to nullify and repeal a federal statute, executive order, judicial decision, regulatory decision by a federal government agency, or government mandate imposed on the states by law that adversely affects the interests of the states, in order to properly exercise the states' constitutional authority to check federal power, preserve state sovereignty, and protect the rights of the states and the people; and

Whereas the states have the authority to define and limit the agenda of a convention to a single-issue ''countermand amendment convention'' called for by the states as provided under art. V, Constitution of the United States; and

Whereas the delegates sent by the states to a countermand amendment convention shall have the limited authority to deliberate on and decide whether the countermand amendment, as preapproved by suite legislatures, should be sent back to the state legislatures for ratification; be it

Resolved, That, under art. V, Constitution of the United States, the Alaska State Legislature directs the United States Congress to call a single-issue convention of the states, called a ''countermand amendment convention,'' for the sole purpose of deciding whether the proposed countermand amendment should be sent back to the state legislatures for ratification; and be it further

Resolved, That this application constitutes a continuing application in accordance with art. V. Constitution of the United States, until at least two-thirds of the legislatures of the several states have applied for a similar convention of the states; and be it further

Resolved, That the Alaska State Legislature urges the legislatures of the other 49 states to apply to the United States Congress to call a single-issue countermand convention of the states under art. V, Constitution of the United States.

Copies of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and the presiding officers of the legislatures of each of the other 49 states.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 504. A bill to permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program (Rept. No. 115–140).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 81. A bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes (Rept. No. 115–141).

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1311. A bill to provide assistance in abolishing human trafficking in the United States.

S. 1312. A bill to prioritize the fight against human trafficking in the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GARDNER (for himself and Ms. HASSAN):

S. 1682. A bill to facilitate a national pipeline of spectrum for commercial use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DONNELLY:

S. 1683. A bill to amend the Federal Election Campaign Act of 1971 to reduce the number of members of the Federal Election Commission from 6 to 5, to revise the method of selection and terms of service of members of the Commission, to distribute the powers of the Commission between the Chair and the remaining members, and for other purposes; to the Committee on Rules and Administration.

By Ms. HIRONO:

S. 1684. A bill to establish a position of Science Laureate of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCOTT (for himself and Mr. WARNER):

S. 1685. A bill to require Fannie Mae and Freddie Mac to establish procedures for considering certain credit scores in making a determination whether to purchase a residential mortgage, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 1686. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for management of red snapper in the Gulf of Mexico, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY:

S. 1687. A bill to establish the Financing Energy Efficient Manufacturing Program at the Department of Energy to provide financial assistance to promote energy efficiency and onsite renewable technologies in manufacturing facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Ms. DUCKWORTH, Mr. FRANKEN, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Mr. LEAHY, Mr. MANCHIN, Mrs. MCCASKILL, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WYDEN, Mrs. GILLIBRAND, and Mr. WHITEHOUSE):

S. 1688. A bill to amend title XVIII of the Social Security Act to allow the Secretary of Health and Human Services to negotiate fair prescription drug prices under part D of the Medicare program; to the Committee on Finance.

By Mr. BOOKER:

S. 1689. A bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Mrs. MURRAY, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1690. A bill to amend the Higher Education Act of 1965 to provide greater support to students with dependents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. GARDNER, Mr. WYDEN, and Mr. DAINES):

S. 1691. A bill to provide minimal cybersecurity operational standards for Internet-connected devices purchased by Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS (for himself, Mrs. CAPITO, Mr. COTTON, Mr. CASSIDY, Mrs. SHAHEEN, and Ms. WARREN):

S. 1692. A bill to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself, Mr. BLUMENTHAL, Mr. MCCAIN, Mrs. MCCASKILL, Mr. CORNYN, Ms. HEITKAMP, Mr. BLUNT, Mrs. CAPITO, Mr. CASEY, Ms. COLLINS, Mr. CORKER, Mr. CRUZ, Mr. FLAKE, Mr. GRAHAM, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. NELSON, Mr. RUBIO, Mr. BROWN, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. HOEVEN, and Mr. COCHRAN):

S. 1693. A bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. CASEY, and Mr. COONS):

S. 1694. A bill to improve quality and accountability for educator preparation programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL (for himself and Mr. DURBIN):

S. 1695. A bill to establish centers of excellence for innovative stormwater control infrastructure, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL:

S. 1696. A bill to amend the Energy Policy Act of 2005 to provide for a smart energy and water efficiency management pilot program; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. MANCHIN, Mr. CORKER, Mr. BLUNT, Mr. COTTON, Mr. KENNEDY, Mr. RISCH, Mr. ROUNDS, Mr. RUBIO, Mr. YOUNG, Mr. CRAPO, Mr. SHELBY, and Mr. CRUZ):

S. 1697. A bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens and United States Citizens; to the Committee on Foreign Relations.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 1698. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of contributions to Alaska Native Settlement Trusts, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. UDALL, Mr. MERKLEY, and Mrs. MURRAY):

S. 1699. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. BLUNT, Mr. ISAKSON, Mr. RISCH, Mr. GRASSLEY, and Mr. RUBIO):

S.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 237. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 238. A resolution recognizing the 10th anniversary and honoring the victims of the collapse of the Interstate 35W Mississippi River bridge; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 239. A resolution congratulating the Pittsburgh Penguins for winning the 2017 Stanley Cup hockey championship; considered and agreed to .

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 240. A resolution congratulating the University of Florida baseball team for winning the 2017 National Collegiate Athletic Association College World Series; considered and agreed to.

By Ms. COLLINS (for herself, Mr. MANCHIN, Ms. MURKOWSKI, Mr. TESTER, Ms. WARREN, Mr. MARKEY, Ms. BALDWIN, Mr. COCHRAN, Mrs. SHAHEEN, Mr. PETERS, Mrs. CAPITO, Mr. BOOZMAN, Mr. FRANKEN, Mr. MERKLEY, Mr. HATCH, Mr. KENNEDY, Mrs. ERNST, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. DAINES, Mr. ROUNDS, Mr. ISAKSON, Mr. RUBIO, Mr. RISCH, Mr. BOOKER, Mr. YOUNG, Mr. VAN HOLLEN, Mr. HELLER, Mr. NELSON, Mr. DONNELLY, and Mrs. FEINSTEIN):

S. Res. 241. A resolution supporting the goals and ideals of National Purple Heart Recognition Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 104

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 104, a bill to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking.

S. 114

At the request of Mr. HELLER, the names of the Senator from Maine (Mr. KING) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 114, to authorize appropriations and to appropriate amounts for the Veterans Choice Program of the Department of Veterans Affairs, to improve hiring authorities of the Department, to authorize major medical facility leases, and for other purposes.

S. 194

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 194, a bill to amend the Public Health Service Act to establish a public health insurance option, and for other purposes.

S. 236

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

S. 256

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

S. 322

At the request of Mr. PETERS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 364

At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 364, a bill to amend the Food Security Act of 1985 to exempt certain recipients of Department of Agriculture conservation assistance from certain reporting requirements, and for other purposes.

S. 445

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

S. 690

At the request of Mr. CARDIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 690, a bill to extend the eligibility of redesignated areas as HUBZones from 3 years to 7 years.

S. 697

At the request of Mr. DAINES, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to lower the mileage threshold for deduction in determining adjusted gross income of certain expenses of members of reserve components of the Armed Forces, and for other purposes.

S. 705

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 705, a bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

S. 720

At the request of Mrs. GILLIBRAND, her name was withdrawn as a cosponsor of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 720, supra.

S. 796

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

S. 929

At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 929, a bill to improve the HUBZone program.

S. 1038

At the request of Mrs. ERNST, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1038, a bill to require the Administrator of the Small Business Administration to submit to Congress a report on the utilization of small businesses with respect to certain Federal contracts.

S. 1118

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1118, a bill to reauthorize the North Korea Human Rights Act of 2004, and for other purposes.

S. 1196

At the request of Mr. SULLIVAN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.

1196, a bill to expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

S. 1270

At the request of Ms. HIRONO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1270, a bill to direct the Director of the Office of Science and Technology Policy to carry out programs and activities to ensure that Federal science agencies and institutions of higher education receiving Federal research and development funding are fully engaging their entire talent pool, and for other purposes.

S. 1428

At the request of Mr. RISCH, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1428, a bill to amend section 21 of the Small Business Act to require cyber certification for small business development center counselors, and for other purposes.

S. 1522

At the request of Mr. HEINRICH, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1522, a bill to establish an Every Kid Outdoors program, and for other purposes.

S. 1586

At the request of Mr. PETERS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1586, a bill to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes.

S. 1595

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1595, a bill to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes.

S. 1598

At the request of Mr. TESTER, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1598, a bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1652

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1652, a bill to amend the Fair Labor Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes.

S. 1674

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1674, a bill to provide grants for the repair, renovation, and construction of public elementary schools and secondary schools, to establish a school infrastructure bond program, and for other purposes.

S. RES. 220

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. Res. 220, a resolution expressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and rights for adhering to their beliefs and practices and condemning the practice of non-consenting organ harvesting, and for other purposes.

S. RES. 233

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. Res. 233, a resolution designating August 16, 2017, as ''National Airborne Day''.

AMENDMENT NO. 436

At the request of Mr. ROUNDS, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of amendment No. 436 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 448

At the request of Mr. TESTER, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 448 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 681

At the request of Mr. JOHNSON, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 681 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOKER:

S. 1689. A bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marihuana, and for other purposes; to the Committee on the Judiciary.

Mr. BOOKER. Madam President, I rise to talk about the Marijuana Justice Act—a bill I introduced today that would end the Federal prohibition on marijuana and start to end the War on Drugs. For far too long we have approached drug use and addiction as something we can jail ourselves out of. It is beyond clear that approach has failed. It is time we start to address the persistent and systemic racial bias that has plagued our criminal justice system and adopt policies that will move us forward, not backward. It is time to de-schedule marijuana.

Since 2001, arrests for marijuana have increased across the Country and now account for over 50 percent of all drug arrests in the United States. The ACLU conducted a thorough study of over 8 million marijuana arrests between 2001 and 2010. It found that 88 percent of those were for marijuana possession. Alarmingly, the study also found that African Americans are 3.73 times more likely to be arrested for marijuana possession than their white peers, even though they use marijuana at similar rates.

Over the last five years, States have begun to legalize marijuana in an effort to push back on the failed War on Drugs and combat the illicit drug market. Currently, eight States and the District of Columbia have legalized marijuana and more States are taking up measures to follow suit. We know from the experiences of States that have already legalized marijuana that we will gain far more than we lose—these States have seen increased revenues and decreased rates of serious crime, and a reallocation of resources toward more productive uses. In Colorado, arrest rates have decreased and State revenues have increased. Washington saw a 10 percent decrease in violent crime over the three-year period following legalization.

However, the Federal government still treats marijuana as an illegal substance. It is time for the Federal government to end the Federal prohibition of marijuana.

Today, I introduced the Marijuana Justice Act, a bill that would remove marijuana from the list of controlled substances, thereby ending the Federal prohibition. The bill would also automatically expunge records for people who were convicted of Federal marijuana use and possession offenses. We must help people with criminal records get back up on their feet and obtain jobs, and expunging their records is an important step in that process.

The legislation would allow individuals currently serving time in Federal prison for marijuana offenses to petition a court for a resentencing. One of the greatest tragedies from the Fair Sentencing Act was that it did not provide retroactive relief to individuals serving time under the old crack and powder cocaine sentencing laws. The Marijuana Justice Act would allow people currently serving time for a marijuana offense to seek immediate relief.

The bill would also use Federal funds to encourage States where marijuana is illegal to legalize the drug if they disproportionately arrest or incarcerate low income individuals or people

of color. Too often drug laws are enforced disproportionately against minorities and the poor. This is unacceptable and belies our values.

Finally, the Marijuana Justice Act would establish a community reinvestment fund, which would invest money in communities most affected by the War on Drugs. Building new libraries, supporting job training, and investing in community centers will improve public safety and is the right thing to do after decades of failed drug policies.

The Marijuana Justice Act is a serious step in acknowledging, that after 40 years, it is time to end the War on Drugs. It is time to stop our backward thinking, which has only led to backward results. It is time to lead with our hearts, our heads, and with policy that actually works.

By Mr. PORTMAN (for himself, Mr. BLUMENTHAL, Mr. MCCAIN, Mrs. MCCASKILL, Mr. CORNYN, Ms. HEITKAMP, Mr. BLUNT, Mrs. CAPITO, Mr. CASEY, Ms. COLLINS, Mr. CORKER, Mr. CRUZ, Mr. FLAKE, Mr. GRAHAM, Mr. ISAKSON, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. NELSON, Mr. RUBIO, Mr. BROWN, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. HOEVEN, and Mr. COCHRAN):

S. 1693. A bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking; to the Committee on Commerce, Science, and Transportation.

Mr. PORTMAN. Mr. President, I would like to talk today about the criminal act of sex trafficking.

Today we introduced legislation that is incredibly important to combating sex trafficking. The Senate also passed a resolution today by unanimous consent to provide information to the Justice Department that comes out of an investigation that we did in the U.S. Senate regarding sex trafficking. This is an important day in pushing back.

Let me talk about this for a second in personal terms. Imagine, if you will, that your daughter is missing. You do everything you can do to find her. Finally, you see her picture on the internet, and she is being sold for sex. That may sound like a horror movie to you, but it is very real. Unfortunately, it is happening across our country.

Families in Ohio and in your State have experienced this nightmare situation. Let me tell you about Kubiiki Pride. Kubiiki Pride gave powerful testimony before the Permanent Subcommittee on Investigations in the Senate. Ms. Pride said her daughter had been missing for 9 months when she found her picture on the top website for commercial sex activity—backpage.com. She was actually glad to have found her daughter. So she called backpage.com and said: That is my daughter. She has been missing for 9 months. She is 14 years old. Thank you for taking down the ad.

Backpage.com said to her: Did you pay for the ad?

She said: No. It is my 14-year-old daughter.

They said: We are not going to take down the ad. You didn't pay for it.

Imagine if this were your daughter. Imagine how you would feel.

These traffickers are using the internet to sell girls and women. Congress has a responsibility to act. We have a responsibility to act because human trafficking is now becoming a national crisis.

Human trafficking, including sex trafficking, is a $150 billion-a-year industry. That makes it the second biggest criminal enterprise in the world, only behind the drug trade. And this ruthless, corrupt industry is growing significantly. Why? Because of the internet in the digital age. Victims of sex trafficking told me: ROB, this has gone from the street corner to the smart phone.

Since 2007, the Polaris Project—a leading anti-trafficking advocacy group—received 33,000 reports of human trafficking through its various hotlines.

By the way, Polaris endorsed our legislation, which I appreciate.

In 2016 alone, Polaris-operated hotlines received 8,000 reports of human trafficking. Almost 25 percent of trafficking incidents reported to Polaris in the past decade happened just last year. Human trafficking reports through these hotlines went up dramatically—35 percent—between 2015 and 2016. There is no reason to believe this trend will reverse unless we act.

This is a 21st-century epidemic. The National Center for Missing and Exploited Children noted an 846 percent increase in reports of suspected child sex trafficking through its CyberTipline from 2010 to 2015. In just 5 years, that is an increase of over 800 percent. They found this dramatic spike to be ''directly correlated to the increased use of the internet to sell children for sex.'' That is what is going on.

How is this happening? People are being bought and sold on public domains accessible from a simple search. And the majority of online sex trafficking can be traced to one website called backpage.com. The National Center for Missing and Exploited Children said 73 percent—three-quarters of all suspected sex trafficking it receives from the general public through its CyberTipline comes from this one website.

According to leading anti-traffic organizations, including Shared Hope International, service providers working with child sex trafficking victims have reported that between 80 percent and 100 percent of the victims they help were bought and sold on backpage.com.

My experience in Ohio is similar to that. I will tell you anecdotally, as I talked to women and girls who had been victims of sex trafficking, almost all of them tell me they have been sold on backpage. By the way, almost all of them tell me that they had become addicted in the process to an opioid, heroin, or prescription drugs and that is used to keep their dependency on their trafficker.

In January of this year, a nearly 2-year investigation by the Senate Permanent Subcommittee on Investigations produced a report finding backpage to be more deeply complicit in illegal online sex trafficking than anyone imagined. Everyone already knew sex trafficking was taking place on this website. It is there. But our report found that backpage actively and knowingly facilitated the criminal sex trafficking of women and children; then it covered up evidence of these crimes to increase its own profits. This is the information we have now provided to the Department of Justice.

We also know from a recent Washington Post report that, despite its claims, backpage aggressively solicited and created sex-related ads to lure customers to its website. It claims it ''leads the industry'' in its screening of illegal activity, including sex ads for children, but that isn't true. To the contrary, it appears the industry backpage leads is online sex trafficking, valuing its profits more than the rights of vulnerable women and young children. They have known their site has been used for illegal sex trafficking for years, but instead of putting a stop to it, the company has actively facilitated these crimes.

That is why Congress has to act. Last month, I, along with Senators MCCASKILL and CARPER, launched a criminal review of backpage.com. Today, the Senate passed a resolution releasing materials from our 18-month investigation to the Department. I hope the Department of Justice will join in this fight against backpage, but I believe achieving justice for these victims requires a legislative fix once and for all.

There is a recent documentary, and I would encourage you to look at it. It is powerful and tough, but it is important. It is called ''I am Jane Doe.'' It chronicles the cases of three young girls who were sex trafficking victims bought and sold on backpage. In 2014, these girls brought cases against backpage, accusing them of knowingly assisting in their trafficking. The ads on backpage for each of these girls explicitly promoted their youth. These were underage girls.

The court found that the victims made a strong case that backpage tailored its site to make underage sex trafficking easier, but the court ruled that third-party websites facilitating sex trafficking are immune from charges brought on by victims, no matter how complicit the website was in the crime, citing the blanket immunity granted by a 1996 law called the Communications Decency Act, or CDA.

Around the same time in Massachusetts, three young victims sued

backpage after they were bought and sold on their website for sex. They, too, argued that backpage made sex trafficking easier. This case reached the First Circuit Court of Appeals, but backpage was once again spared of any legal ramifications because of the Communications Decency Act, specifically section 230 of that law—the clause courts credit to giving third-party providers blanket immunity from crimes committed through their website.

Despite its ruling, the court recognized the immoral nature of backpage appearing to profit from online prostitution but maintained they couldn't do anything about it because the law protected these acts. The court opinion stated that in order to fix the problem, ''the remedy is through legislation, not litigation.'' That is who we are. We are the legislators. The court of appeals said: Congress, do your job.

Numerous judicial decisions have suggested that Congress must act, before the courts, to bring justice to the victims and families of online sex trafficking. That is my intention in introducing this legislation today.

I believe that we need to have free internet. All of us do. I believe that the Communications Decency Act is a well-intentioned law that has an important purpose. But the law was not intended to protect those who willingly facilitate illegal conduct, such as sex trafficking, and it wasn't intended to protect backpage.com. That is why today I, along with a number of my colleagues from both sides of the aisle, have introduced this bill called the Stop Enabling Sex Traffickers Act. It clarifies section 230 of the Communications Decency Act to ensure that websites that knowingly facilitate sex trafficking can be held liable and the victims can get justice. It is very narrow. You have to knowingly be involved in supporting, assisting, and facilitating sex trafficking. This will not be a broad net.

The Stop Enabling Sex Traffickers Act puts in place three narrowly crafted and commonsense reforms.

First, it allows victims to seek justice against websites that knowingly facilitate crimes against them.

Second, it eliminates the Federal liability protections for websites that assist, support, or facilitate a violation of Federal sex trafficking laws—laws already on the books.

Finally, it will enable State law enforcement—not just the Department of Justice—to take legal action if these businesses violate Federal sex trafficking laws. Forty-seven attorneys general asked for this.

The internet revolutionized illegal sex trafficking, and Federal law has not kept pace. It is time for this 21-year-old law to be brought into this century. The Stop Enabling Sex Traffickers Act is legislation our courts have been calling for, our attorneys general have been calling for, and most importantly, what victims and their families have been insisting that we do.

Again, this law was never intended to protect sex traffickers who prey on the most innocent and vulnerable among us. This narrowly crafted bill gives law enforcement the tools they need to go after criminals who traffic women and children online for sex.

There are some groups who have been critical of this effort to hold backpage accountable and stop this online exploitation. They have suggested that this bipartisan bill could impact mainstream websites and service providers—the good actors out there. That is false. Our bill does not amend, and thus preserves, the Communications Decency Act's Good Samaritan provision. This provision protects good actors who proactively block and screen for offensive material and thus shields them from any frivolous lawsuits. That is in the legislation and needs to be in there.

This bipartisan legislation preserves internet freedom, while holding those who actively facilitate online sex trafficking accountable.

I recently visited the Ranch of Opportunity in Washington Court House, OH. This is a place of hope for girls between ages 13 and 18 to find healing and recovery during a residential treatment program. Most of the girls at the ranch, I am told, have been victims of sex trafficking. As I heard heartbreaking stories from these girls who have had their most basic human rights stripped from them, backpage came up. As I said earlier, it almost always does. We can never take back the horrors they had to endure. What we can do and what this legislation will do is bring justice to these victims and their families.

I am proud to stand with my 20, now 25, bipartisan colleagues, as well as 18 anti-human trafficking advocacy groups and law enforcement organizations around this country, to support this legislation as we fight against this abhorrent evil.

In a letter of support, the president and CEO of the National Center for Missing and Exploited Children said: ''This bill will help ensure justice for child sex trafficking victims and clarify remedies available to civil attorneys and State attorneys general to assist victims in holding everyone responsible who participated in their trafficking.''

That is what it is about. It is about securing justice for those who have had their most basic human rights taken away, and it is about protecting vulnerable women and children. Victims of sex trafficking know evil far worse than many of us can ever imagine. The trauma they go through is unbelievable. We owe it to them to fix flaws in the justice system that allow people complicit in these crimes to profit from human misery and suffering. The Stop Enabling Sex Traffickers Act will do that.

Thank you, Mr. President.

By Mr. REED (for himself, Mr. CASEY, and Mr. COONS):

S. 1694. A bill to improve quality and accountability for educator preparation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, we know that the quality of teachers and principals are two of the most important in-school factors related to student achievement. Yet the pipeline into the profession has been neglected. If we want to improve our schools, it is essential that we invest in the professional preparation of teachers, principals, and other educators. As such, today, I am reintroducing the Educator Preparation Reform Act with my colleagues Senators CASEY and COONS to ensure that the Federal government continues to be a partner in addressing this critical national need.

Today, we are facing a crisis in education. According to a research brief from the Learning Policy Institute, we have seen dramatic declines in enrollment in teacher preparation programs—an estimated 35 percent decline between 2009 and 2014. We also continue to see high rates of attrition among educators. If these trends continue, there will be an estimated gap of more than 100,000 between the number of teaching positions open and the number of teachers available to be hired annually through 2025.

The impact of these shortages falls the hardest on our most vulnerable students in our highest need communities. Rhode Island is no exception. Providence, our largest school district, is facing an acute shortage of teachers certified to teach English language learners. My home State has also reported shortages in special education, science, math, and school nurses.

We cannot solve this problem without improving both teacher and principal preparation. We need to make sure that our educator preparation programs are worthy of the professionals entering the field and the students they will serve. That is why it is more urgent than ever that we enact the Educator Preparation Reform Act.

Our legislation builds on the success of the Teacher Quality Partnership Program, which I helped author in the 1998 reauthorization of the Higher Education Act. It continues the partnership between high need school districts, institutions of higher education, and educator preparation programs to reform pre-service programs based on the unique needs of the partners. Among the key changes are specific attention and emphasis on principals and the addition of a residency program for new principals. Improving instruction is a team effort, with principals at the helm. This bill better connects teacher preparation with principal preparation. The Educator Preparation Reform Act will also allow partnerships to develop preparation programs for other areas of instructional need, such as for school librarians, counselors, or other academic support professionals.

The bill streamlines the accountability and reporting requirements for

teacher preparation programs to provide greater transparency on key quality measures such as admissions standards, requirements for clinical practice, placement of graduates, retention in the field of teaching, and teacher performance, including student-learning outcomes. All programs—whether traditional or alternative routes to certification—will report on the same measures.

Under our legislation, States will be required to identify at-risk and low-performing programs and provide them with technical assistance and a timeline for improvement. States would be encouraged to close programs that do not improve.

We have been fortunate to work with many stakeholders on this legislation. Organizations that have endorsed the Educator Preparation Reform Act include: the American Association of Colleges for Teacher Education, American Association of State Colleges and Universities, Association of Jesuit Colleges and Universities, Council for Christian Colleges and Universities, Higher Education Consortium for Special Education, Hispanic Association of Colleges and Universities, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Disability Rights Network, National Network of State Teachers of the Year, Public Advocacy for Kids, Rural School and Community Trust, and the Teacher Education Division of the Council for Exceptional Children.

I look forward to working to incorporate this legislation into the upcoming reauthorization of the Higher Education Act. I urge my colleagues to join us in this effort and support this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

Mr. MCCONNELL. Mr. President, on behalf of myself and the distinguished Democratic leader, Mr. SCHUMER, I send to the desk a resolution on documentary production by the Permanent Subcommittee on Investigations, and ask for its immediate consideration.

Mr. President, earlier this year the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs completed an investigation into internet sex trafficking. After completing that investigation, the Subcommittee referred its staff reports and findings to the United States Department of Justice for additional investigation. The Subcommittee has received a request from the Department seeking access to records that the Subcommittee obtained during the investigation.

In keeping with the Senate's practice under its rules, this resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and requests from other Federal or State government entities and officials with a legitimate need for the records.

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

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

S. RES. 237

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into Internet sex trafficking;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal or state governments, records of the Subcommittee's investigation into Internet sex trafficking.

SENATE RESOLUTION 238—RECOGNIZING THE 10TH ANNIVERSARY AND HONORING THE VICTIMS OF THE COLLAPSE OF THE INTERSTATE 35W MISSISSIPPI RIVER BRIDGE

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 238

Whereas, on August 1, 2007, the Interstate 35W Mississippi River bridge (referred to in this preamble as the ''I–35W bridge'') collapsed, killing 13 people and injuring 145 people;

Whereas the I–35W bridge was one of the busiest bridges in the State of Minnesota, carrying more than 140,000 vehicles each day;

Whereas first responders and commuters collectively responded quickly and effectively to provide help and ensure safety;

Whereas, during the first 2 hours after the I–35W bridge collapsed, the Minneapolis Emergency Communications Center received and processed more than 500 calls, 51 of which came directly from the scene of the disaster;

Whereas, after the collapse, there was a bipartisan effort to pass legislation that provided emergency funding to replace the I–35W bridge;

Whereas construction of the Interstate 35W Saint Anthony Falls bridge (referred to in this preamble as the ''new I–35W bridge'') to replace the I–35W bridge began on November 1, 2007;

Whereas the new I–35W bridge opened to traffic on September 18, 2008, which was 3 months ahead of schedule;

Whereas residents, businesses, community members, and local government officials contributed to the design of the new I–35W bridge;

Whereas the new I–35W bridge—

(1) has a 100-year lifespan;

(2) is 189 feet wide; and

(3) accommodates 10 lanes of traffic;

Whereas the new I–35W bridge won the America's Transportation Awards Grand Prize on October 30, 2009; and

Whereas, on September 11, 2009, the new I–35W bridge was named one of the 10 best transportation projects in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 10th anniversary of the tragic Interstate 35W Mississippi River bridge collapse;

(2) honors the victims of the bridge collapse and their families;

(3) commemorates the bravery and commitment of the public safety personnel that effectively responded to the collapse; and

(4) acknowledges the successful community-wide effort to design, plan, and construct the Interstate 35W Saint Anthony Falls bridge.

SENATE RESOLUTION 239—CONGRATULATING THE PITTSBURGH PENGUINS FOR WINNING THE 2017 STANLEY CUP HOCKEY CHAMPIONSHIP

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 239

Whereas on June 11, 2017, the Pittsburgh Penguins won the 2017 Stanley Cup hockey championship;

Whereas the Penguins, in their 50th year playing in the National Hockey League (referred to in this preamble as ''NHL''), won their fifth Stanley Cup;

Whereas the Penguins defeated the Western Conference Champion Nashville Predators in the Stanley Cup Finals, clinching the series with 4 wins and 2 losses;

Whereas the Penguins are the only NHL team to win back-to-back Stanley Cup championships since the NHL instituted salary caps in 2005 and the first team to do so since 1998;

Whereas the Penguins endured 3 tough opponents en route to the championship, defeating the Columbus Blue Jackets, the Washington Capitals, and the Ottawa Senators to clinch the Eastern Conference title and win their sixth Prince of Wales Trophy;

Whereas the city of Pittsburgh is fittingly nicknamed ''The City of Champions'', highlighting the success of Pittsburgh professional sports teams, which have tallied 16 championships;

Whereas NHL Hall of Famer Mario Lemieux and Ron Burkle have jointly owned the team for 18 years, saving the Penguins from relocation and maintaining the team for the city of Pittsburgh;

Whereas longtime Penguins radio announcer Mike Lange is beloved by loyal fans of the team for such expressions as ''Lord Stanley, Lord Stanley, get me the brandy'';

Whereas Penguins Captain Sidney Crosby, who has shown immense leadership, commitment to the team, and unparalleled skill throughout his outstanding career, was awarded the Conn Smythe Trophy as the 2017 NHL Playoffs Most Valuable Player, his second Conn Smythe Trophy in 2 years;

Whereas goaltender Matt Murray dazzled throughout the playoffs, becoming the first goaltender to win 2 Stanley Cups as a rookie, shutting out the Nashville Predators for the final 126 minutes, 52 seconds, and setting a rookie record with 2 shutouts in the Final series;

Whereas goaltender Marc-Andre Fleury contributed to the defensive prowess of the team throughout the Stanley Cup Playoffs, playing in 15 games, including a memorable shutout performance in Game 7 of the Eastern Conference Second Round; and

Whereas the entire Penguins roster contributed to the Stanley Cup victory, including Josh Archibald, Nick Bonino, Sidney Crosby, Matt Cullen, Jean-Sebastien Dea, Jake Guentzel, Carl Hagelin, Patric Hornqvist, Phil Kessel, Tom Kuhnhackl, Chris Kunitz, Evgeni Malkin, Kevin Porter, Carter Rowney, Bryan Rust, Tom Sestito, Conor Sheary, Dominik Simon, Daniel Sprong, Oskar Sundqvist, Garrett Wilson, Scott Wilson, Ian Cole, Frank Corrado, Trevor Daley, Brian Dumoulin, Cameron Gaunce, Ron Hainsey, Kris Letang, Olli Maatta, Derrick Pouliot, Chad Ruhwedel, Justin Schultz, Mark Streit, David Warsofsky, Marc-Andre Fleury, Tristan Jarry, Sean Maguire, and Matt Murray: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pittsburgh Penguins and the loyal fans of the Penguins for becoming the 2017 National Hockey League Stanley Cup champions; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the co-owners of the Pittsburgh Penguins, Mario Lemieux and Ron Burkle; jointly

(B) the President of the Pittsburgh Penguins, David Morehouse; and

(C) the Head Coach of the Pittsburgh Penguins, Mike Sullivan.

SENATE RESOLUTION 240—CONGRATULATING THE UNIVERSITY OF FLORIDA BASEBALL TEAM FOR WINNING THE 2017 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION COLLEGE WORLD SERIES

Mr. RUBIO (for himself and Mr. NELSON) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas, on June 27, 2017, the University of Florida Gators won the 2017 National Collegiate Athletic Association College World Series after sweeping the Louisiana State University Tigers 2-0 in the series in Omaha, Nebraska;

Whereas the University of Florida baseball team has competed in 11 College World Series tournaments;

Whereas, in winning the 2017 College World Series, the University of Florida baseball team secured the first national championship in baseball and the 39th national championship in a team sport for the University of Florida since the founding of the institution in 1853;

Whereas Head Coach Kevin O'Sullivan won his first national title as Head Coach in his tenth season at the University of Florida;

Whereas pitcher Alex Faedo was named Most Outstanding Player of the 2017 College World Series;

Whereas outfielder Alex Langworthy, pitcher Alex Faedo, and pitcher Brady Singer were named to the 2017 College World Series All-Tournament Team; and

Whereas the University of Florida is only the sixth school to win a national championship in baseball, football, and basketball; and

Whereas the University of Florida Gators baseball team is the 2017 Division I National Champion: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida for winning the 2017 National Collegiate Athletic Association College World Series;

(2) recognizes the achievement and dedication of all players, coaches, and support staff who contributed to winning the national championship;

(3) congratulates the citizens of Florida, the University of Florida, and Florida Gators fans everywhere; and

(4) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Dr. W. Kent Fuchs, President of the University of Florida;

(B) Scott Stricklin, Director of Athletics at the University of Florida; and

(C) Kevin O'Sullivan, Head Coach of the University of Florida baseball team.

SENATE RESOLUTION 241—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Ms. COLLINS (for herself, Mr. MANCHIN, Ms. MURKOWSKI, Mr. TESTER, Ms. WARREN, Mr. MARKEY, Ms. BALDWIN, Mr. COCHRAN, Mrs. SHAHEEN, Mr. PETERS, Mrs. CAPITO, Mr. BOOZMAN, Mr. FRANKEN, Mr. MERKLEY, Mr. HATCH, Mr. KENNEDY, Mrs. ERNST, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. DAINES, Mr. ROUNDS, Mr. ISAKSON, Mr. RUBIO, Mr. RISCH, Mr. BOOKER, Mr. YOUNG, Mr. VAN HOLLEN, Mr. HELLER, Mr. NELSON, Mr. DONNELLY, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

Ms. COLLINS. Mr. President, I rise to introduce a resolution supporting the goals and ideals of National Purple Heart Recognition Day. I am pleased to have been joined in sponsoring this resolution by the senior Senator from West Virginia, Senator Manchin, and 25 of our Senate colleagues.

The Purple Heart's history goes as far back as the founding of our Nation. General George Washington established what is now known as the Purple Heart Medal when he issued an order establishing the Military Badge of Merit on August 7, 1782. General Washington wished for the award to be used to recognize meritorious action performed by members of the Continental Army, and it took the form of a purple heart.

The Military Badge of Merit was discontinued after the Revolution and was not revived until 1932, when the Purple Heart medal was authorized as its official successor decoration. On February 22, 1932, the 200th Anniversary of the birth of George Washington, then-Army Chief of Staff General Douglas MacArthur resurrected the award, and it was redesignated as the Purple Heart. Quite appropriately, this reestablished Purple Heart Medal exhibits the bust and profile of George Washington.

It is around this time that the Purple Heart became synonymous with those unfortunate heroes who were killed or wounded in combat. Since 1932, the U.S. Military has awarded more than 1.8 million Purple Hearts.

Mr. President, just as the Purple Heart Medal has held a special meaning to its millions of recipients and their families, it also has special significance to my family. My father is a World War II veteran who was wounded twice during the Battle of the Bulge in Europe. He earned two Purple Hearts and the Bronze Star, and it was from him that I first learned to honor and respect our veterans.

The Purple Heart is a reminder that freedom is a gift purchased at the greatest possible price, and it is for that reason that I introduce this resolution. It is vitally important for all Americans to learn the history of this important military award, and understand and honor the sacrifices of the many men and women in uniform who have earned the Purple Heart. I am grateful to all of my colleagues who joined me in supporting this resolution.

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

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

S. RES. 241

Whereas, on August 7, 1782, during the Revolutionary War, General George Washington established what is now known as the Purple Heart Medal when he issued an order establishing the Badge of Military Merit;

Whereas the Badge of Military Merit was designed in the shape of a heart in purple cloth or silk;

Whereas, while the award of the Badge of Military Merit ceased with the end of the Revolutionary War, the Purple Heart Medal was authorized in 1932 as the official successor decoration to the Badge of Military Merit;

Whereas the Purple Heart Medal is the oldest United States military decoration in present use;

Whereas the Purple Heart Medal is awarded in the name of the President of the United States to recognize members of the Armed Forces who are killed or wounded in action against an enemy of the United States or are killed or wounded while held as prisoners of war;

Whereas the Purple Heart Medal has been awarded to an estimated 1,800,000 recipients; and

Whereas August 7, 2017, is an appropriate day to celebrate as National Purple Heart Recognition Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Purple Heart Recognition Day; and

(2) encourages all people of the United States—

(A) to learn about the history of the Purple Heart Medal;

(B) to honor recipients of the Purple Heart Medal; and

(C) to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart Medal.

AMENDMENTS SUBMITTED AND PROPOSED

SA 741. Mr. GRASSLEY proposed an amendment to the bill S. 860, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

SA 742. Mr. PORTMAN (for Mr. GRASSLEY) proposed an amendment to the bill S. 178, to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

SA 743. Mr. PORTMAN (for Mr. RUBIO) proposed an amendment to the bill H.R. 601, to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes.

SA 744. Mr. PORTMAN (for Ms. MURKOWSKI (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 339, to amend Public Law 94–241 with respect to the Northern Mariana Islands.

SA 745. Mr. PORTMAN (for Mr. ISAKSON (for himself, Mr. BLUMENTHAL, Mr. TESTER, Mrs. MURRAY, Mr. HELLER, Ms. HASSAN, Mr. NELSON, Mr. KING, Mr. DURBIN, Mr. UDALL, Mr. HEINRICH, Mr. DONNELLY, Mrs. MCCASKILL, and Mr. BROWN)) proposed an amendment to the bill H.R. 2288, to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

SA 746. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill S. 582, to reauthorize the Office of Special Counsel, and for other purposes.

TEXT OF AMENDMENTS

SA 741. Mr. GRASSLEY proposed an amendment to the bill S. 860, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; as follows:

Beginning on page 40, strike line 23 and all that follows through page 41, line 23.

SA 742. Mr. PORTMAN (for Mr. GRASSLEY) proposed an amendment to the bill S. 178, to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases; as follows:

On page 12, line 3, strike ''individual'' and insert ''individually''.

Beginning on page 23, strike line 15 and all that follows through page 24, line 15 and insert the following:

(1) Federal Government efforts to monitor—

(A) the exploitation of older adults of the United States in global drug trafficking schemes and other international criminal enterprises;

(B) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in foreign countries; and

(C) the total annual number of elder abuse cases pending in the United States; and

(2) the results of intervention by the United States with foreign officials on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

SA 743. Mr. PORTMAN (for Mr. RUBIO) proposed an amendment to the bill H.R. 601, to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes; as follows:

On page 8, line 20, strike ''; and'' and insert a semicolon.

On page 8, line 23, strike the period at the end and insert ''; and''.

On page 8, between lines 23 and 24, insert the following:

''(E) promote United States values, especially respect for all persons and freedoms of religion, speech, and the press.

On page 12, line 14, strike ''; and'' and insert a semicolon.

On page 12, strike line 17 and insert ''educational systems; and''.

On page 12, between lines 17 and 18, insert the following:

''(C) there is the greatest opportunity to reduce childhood and adolescence exposure to or engagement in violent extremism or extremist ideologies.''.

SA 744. Mr. PORTMAN (for Ms. MURKOWSKI (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 339, to amend Public Law 94–241 with respect to the Northern Mariana Islands; as follows:

Beginning on page 2, strike line 19, and all that follows through the end and insert the following:

(B) by striking '' 'ending on December 31, 2019'.'' and inserting ''ending on December 31, 2019, except that for fiscal year 2017 an additional 350 permits shall be made available for extension of existing permits, expiring after the date of enactment of the Northern Mariana Islands Economic Expansion Act through September 30, 2017, of which no fewer than 60 shall be reserved for healthcare practitioners and technical operations (as that term is defined by the Department of Labor as Standard Occupational Classification Group 29–0000 or any successor provision), and no fewer than 10 shall be reserved for plant and system operators (as that term is defined by the Department of Labor as Standard Occupational Classification Group 51–8000 or any successor provision).''.

SA 745. Mr. PORTMAN (for Mr. ISAKSON (for himself, Mr. BLUMENTHAL, Mr. TESTER, Mrs. MURRAY, Mr. HELLER, Ms. HASSAN, Mr. NELSON, Mr. KING, Mr. DURBIN, Mr. UDALL, Mr. HEINRICH, Mr. DONNELLY, Mrs. MCCASKILL, and Mr. BROWN)) proposed an amendment to the bill H.R. 2288, to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Appeals Improvement and Modernization Act of 2017''.

SEC. 2. REFORM OF RIGHTS AND PROCESSES RELATING TO APPEALS OF DECISIONS REGARDING CLAIMS FOR BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

''(34) The term 'agency of original jurisdiction' means the activity which entered the original determination with regard to a claim for benefits under laws administered by the Secretary.

''(35) The term 'relevant evidence' means evidence that tends to prove or disprove a matter in issue.

''(36) The term 'supplemental claim' means a claim for benefits under laws administered by the Secretary filed by a claimant who had previously filed a claim for the same or similar benefits on the same or similar basis.''.

(b) NOTICE REGARDING CLAIMS.—Section 5103(a) of such title is amended—

(1) in paragraph (1), in the first sentence, by striking ''The'' and inserting ''Except as provided in paragraph (3), the'';

(2) in paragraph (2)(B)(i) by striking '', a claim for reopening a prior decision on a claim, or a claim for an increase in benefits;'' and inserting ''or a supplemental claim;''; and

(3) by adding at the end the following new paragraph:

''(3) The requirement to provide notice under paragraph (1) shall not apply with respect to a supplemental claim that is filed within the timeframe set forth in subparagraphs (B) and (D) of section 5110(a)(2) of this title.''.

(c) MODIFICATION OF RULE REGARDING DISALLOWED CLAIMS.—Section 5103A(f) of such title is amended—

(1) by striking ''reopen'' and inserting ''readjudicate''; and

(2) by striking ''material'' and inserting ''relevant''.

(d) MODIFICATION OF DUTY TO ASSIST CLAIMANTS.—Section 5103A of such title is amended—

(1) by redesignating subsections (e) through (g) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsections:

''(e) APPLICABILITY OF DUTY TO ASSIST.—(1) The Secretary's duty to assist under this section shall apply only to a claim, or supplemental claim, for a benefit under a law administered by the Secretary until the time that a claimant is provided notice of the agency of original jurisdiction's decision with respect to such claim, or supplemental claim, under section 5104 of this title.

''(2) The Secretary's duty to assist under this section shall not apply to higher-level review by the agency of original jurisdiction, pursuant to section 5104B of this title, or to review on appeal by the Board of Veterans' Appeals.

''(f) CORRECTION OF DUTY TO ASSIST ERRORS.—(1) If, during review of the agency of original jurisdiction decision under section 5104B of this title, the higher-level adjudicator identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original

jurisdiction decision being reviewed, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the higher-level adjudicator shall return the claim for correction of such error and readjudication.

''(2)(A) If the Board of Veterans' Appeals, during review on appeal of an agency of original jurisdiction decision, identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision on appeal, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the Board shall remand the claim to the agency of original jurisdiction for correction of such error and readjudication.

''(B) Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

''(3) Nothing in this subsection shall be construed to imply that the Secretary, during the consideration of a claim, does not have a duty to correct an error described in paragraph (1) or (2) that was erroneously not identified during higher-level review or during review on appeal with respect to the claim.''.

(e) DECISIONS AND NOTICES OF DECISIONS.—Subsection (b) of section 5104 of such title is amended to read as follows:

''(b) Each notice provided under subsection (a) shall also include all of the following:

''(1) Identification of the issues adjudicated.

''(2) A summary of the evidence considered by the Secretary.

''(3) A summary of the applicable laws and regulations.

''(4) Identification of findings favorable to the claimant.

''(5) In the case of a denial, identification of elements not satisfied leading to the denial.

''(6) An explanation of how to obtain or access evidence used in making the decision.

''(7) If applicable, identification of the criteria that must be satisfied to grant service connection or the next higher level of compensation.''.

(f) BINDING NATURE OF FAVORABLE FINDINGS.—

(1) IN GENERAL.—Chapter 51 of such title is amended by inserting after section 5104 the following new section:

''§ 5104A. Binding nature of favorable findings

''Any finding favorable to the claimant as described in section 5104(b)(4) of this title shall be binding on all subsequent adjudicators within the Department, unless clear and convincing evidence is shown to the contrary to rebut such favorable finding.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by inserting after the item relating to section 5104 the following new item:

''5104A. Binding nature of favorable findings.''.

(g) HIGHER-LEVEL REVIEW BY AGENCY OF ORIGINAL JURISDICTION.—

(1) IN GENERAL.—Chapter 51 of such title, as amended by subsection (f), is further amended by inserting after section 5104A, as added by such subsection, the following new section:

''§ 5104B. Higher-level review by the agency of original jurisdiction

''(a) IN GENERAL.—(1) A claimant may request a review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the agency of original jurisdiction.

''(2) The Secretary shall approve each request for review under paragraph (1).

''(b) TIME AND MANNER OF REQUEST.—(1) A request for higher-level review by the agency of original jurisdiction shall be—

''(A) in writing in such form as the Secretary may prescribe; and

''(B) made within one year of the notice of the agency of original jurisdiction's decision.

''(2) Such request may specifically indicate whether such review is requested by a higher-level adjudicator at the same office within the agency of original jurisdiction or by an adjudicator at a different office of the agency of original jurisdiction. The Secretary shall not deny such request for review by an adjudicator at a different office of the agency of original jurisdiction without good cause.

''(c) DECISION.—Notice of a higher-level review decision under this section shall be provided in writing and shall include a general statement—

''(1) reflecting whether evidence was not considered pursuant to subsection (d); and

''(2) noting the options available to the claimant to have the evidence described in paragraph (1), if any, considered by the Department.

''(d) EVIDENTIARY RECORD FOR REVIEW.—The evidentiary record before the higher-level adjudicator shall be limited to the evidence of record in the agency of original jurisdiction decision being reviewed.

''(e) DE NOVO REVIEW.—A review of the decision of the agency of original jurisdiction by a higher-level adjudicator within the agency of original jurisdiction shall be de novo.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (f), is further amended by inserting after the item relating to section 5104A, as added by such subsection, the following new item:

''5104B. Higher-level review by the agency of original jurisdiction.''.

(h) OPTIONS FOLLOWING DECISION BY AGENCY OF ORIGINAL JURISDICTION.—

(1) IN GENERAL.—Chapter 51 of such title, as amended by subsection (g), is further amended by inserting after section 5104B, as added by such subsection, the following new section:

''§ 5104C. Options following decision by agency of original jurisdiction

''(a) WITHIN ONE YEAR OF DECISION.—(1) Subject to paragraph (2), in any case in which the Secretary renders a decision on a claim, the claimant may take any of the following actions on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision with respect to that claim:

''(A) File a request for higher-level review under section 5104B of this title.

''(B) File a supplemental claim under section 5108 of this title.

''(C) File a notice of disagreement under section 7105 of this title.

''(2)(A) Once a claimant takes an action set forth in paragraph (1), the claimant may not take another action set forth in that paragraph with respect to the same claim or same issue contained within the claim until—

''(i) the higher-level review, supplemental claim, or notice of disagreement is adjudicated; or

''(ii) the request for higher-level review, supplemental claim, or notice of disagreement is withdrawn.

''(B) Nothing in this subsection shall prohibit a claimant from taking any of the actions set forth in paragraph (1) in succession with respect to a claim or an issue contained within the claim.

''(C) Nothing in this subsection shall prohibit a claimant from taking different actions set forth in paragraph (1) with respect to different claims or different issues contained within a claim.

''(D) The Secretary may, as the Secretary considers appropriate, develop and implement a policy for claimants who—

''(i) take an action under paragraph (1);

''(ii) wish to withdraw the action before the higher-level review, supplemental claim, or notice of disagreement is adjudicated; and

''(iii) in lieu of such action take a different action under paragraph (1).

''(b) MORE THAN ONE YEAR AFTER DECISION.—In any case in which the Secretary renders a decision on a claim and more than one year has passed since the date on which the agency of original jurisdiction issues a decision with respect to that claim, the claimant may file a supplemental claim under section 5108 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title, as amended by subsection (g), is further amended by inserting after the item relating to section 5104B, as added by such subsection, the following new item:

''5104C. Options following decision by agency of original jurisdiction.''.

(i) SUPPLEMENTAL CLAIMS.—

(1) IN GENERAL.—Section 5108 of such title is amended to read as follows:

''§ 5108. Supplemental claims

''(a) IN GENERAL.—If new and relevant evidence is presented or secured with respect to a supplemental claim, the Secretary shall readjudicate the claim taking into consideration all of the evidence of record.

''(b) DUTY TO ASSIST.—(1) If a claimant, in connection with a supplemental claim, reasonably identifies existing records, whether or not in the custody of a Federal department or agency, the Secretary shall assist the claimant in obtaining the records in accordance with section 5103A of this title.

''(2) Assistance under paragraph (1) shall not be predicated upon a finding that new and relevant evidence has been presented or secured.''.

(2) RULE OF CONSTRUCTION.—Section 5108 of such title, as amended by paragraph (1), shall not be construed to impose a higher evidentiary threshold than the new and material evidence standard that was in effect pursuant to such section on the day before the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by striking the item relating to section 5108 and inserting the following new item:

''5108. Supplemental claims.''.

(j) REMAND TO OBTAIN ADVISORY MEDICAL OPINION.—Section 5109 of such title is amended by adding at the end the following new subsection:

''(d)(1) The Board of Veterans' Appeals shall remand a claim to direct the agency of original jurisdiction to obtain an advisory medical opinion from an independent medical expert under this section if the Board finds that the Veterans Benefits Administration should have exercised its discretion to obtain such an opinion.

''(2) The Board's remand instructions shall include the questions to be posed to the independent medical expert providing the advisory medical opinion.''.

(k) RESTATEMENT OF REQUIREMENT FOR EXPEDITED TREATMENT OF RETURNED AND REMANDED CLAIMS.—

(1) IN GENERAL.—Section 5109B of such title is amended to read as follows:

''§ 5109B. Expedited treatment of returned and remanded claims

''The Secretary shall take such actions as may be necessary to provide for the expeditious treatment by the Veterans Benefits Administration of any claim that is returned by a higher-level adjudicator under section 5104B of this title or remanded by the Board of Veterans' Appeals.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of such title is amended by striking the item relating to section 5109B and inserting the following new item:

''5109B. Expedited treatment of returned and remanded claims.''.

(l) EFFECTIVE DATES OF AWARDS.—Section 5110 of title 38, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a)(1) Unless specifically provided otherwise in this chapter, the effective date of an award based on an initial claim, or a supplemental claim, of compensation, dependency and indemnity compensation, or pension, shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of application therefor.

''(2) For purposes of determining the effective date of an award under this section, the date of application shall be considered the date of the filing of the initial application for a benefit if the claim is continuously pursued by filing any of the following, either alone or in succession:

''(A) A request for higher-level review under section 5104B of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

''(B) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

''(C) A notice of disagreement on or before the date that is one year after the date on which the agency of original jurisdiction issues a decision.

''(D) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Board of Veterans' Appeals issues a decision.

''(E) A supplemental claim under section 5108 of this title on or before the date that is one year after the date on which the Court of Appeals for Veterans Claims issues a decision.

''(3) Except as otherwise provided in this section, for supplemental claims received more than one year after the date on which the agency of original jurisdiction issued a decision or the Board of Veterans' Appeals issued a decision, the effective date shall be fixed in accordance with the facts found, but shall not be earlier than the date of receipt of the supplemental claim.''; and

(2) in subsection (i), in the first sentence—

(A) by striking ''reopened'' and inserting ''readjudicated'';

(B) by striking ''material'' and inserting ''relevant''; and

(C) by striking ''reopening'' and inserting ''readjudication''.

(m) DEFINITION OF AWARD OR INCREASED AWARD FOR PURPOSES OF PROVISIONS RELATING TO COMMENCEMENT OF PERIOD OF PAYMENT.—Section 5111(d)(1) of such title is amended by striking ''or reopened award'' and inserting ''award or award based on a supplemental claim''.

(n) MODIFICATION OF LIMITATION ON FEES ALLOWABLE FOR REPRESENTATION.—Section 5904(c) of such title is amended, in paragraphs (1) and (2), by striking ''notice of disagreement is filed'' both places it appears and inserting ''claimant is provided notice of the agency of original jurisdiction's initial decision under section 5104 of this title''.

(o) CLARIFICATION OF BOARD OF VETERANS' APPEALS REFERRAL REQUIREMENTS AFTER ORDER FOR RECONSIDERATION OF DECISIONS.—Section 7103(b)(1) of title 38, United States Code, is amended by striking ''heard'' both places it appears and inserting ''decided''.

(p) CONFORMING AMENDMENT RELATING TO READJUDICATION.—Section 7104(b) of such title is amended by striking ''reopened'' and inserting ''readjudicated''.

(q) MODIFICATION OF PROCEDURES FOR APPEALS TO BOARD OF VETERANS' APPEALS.—

(1) IN GENERAL.—Section 7105 of title 38, United States Code, is amended—

(A) in subsection (a), by striking the first sentence and inserting ''Appellate review shall be initiated by the filing of a notice of disagreement in the form prescribed by the Secretary.'';

(B) by amending subsection (b) to read as follows:

''(b)(1)(A) Except in the case of simultaneously contested claims, a notice of disagreement shall be filed within one year from the date of the mailing of notice of the decision of the agency of original jurisdiction pursuant to section 5104, 5104B, or 5108 of this title.

''(B) A notice of disagreement postmarked before the expiration of the one-year period shall be accepted as timely filed.

''(C) A question as to timeliness or adequacy of the notice of disagreement shall be decided by the Board.

''(2)(A) Notices of disagreement shall be in writing, shall identify the specific determination with which the claimant disagrees, and may be filed by the claimant, the claimant's legal guardian, or such accredited representative, attorney, or authorized agent as may be selected by the claimant or legal guardian.

''(B) Not more than one recognized organization, attorney, or agent may be recognized at any one time in the prosecution of a claim.

''(C) Notices of disagreement shall be filed with the Board.

''(3) The notice of disagreement shall indicate whether the claimant requests—

''(A) a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(b) of this title;

''(B) an opportunity to submit additional evidence without a hearing before the Board, which shall include an opportunity to submit evidence in accordance with section 7113(c) of this title; or

''(C) a review by the Board without a hearing or the submittal of additional evidence.

''(4) The Secretary shall develop a policy to permit a claimant to modify the information identified in the notice of disagreement after the notice of disagreement has been filed under this section pursuant to such requirements as the Secretary may prescribe.'';

(C) by amending subsection (c) to read as follows:

''(c) If no notice of disagreement is filed in accordance with this chapter within the prescribed period, the action or decision of the agency of original jurisdiction shall become final and the claim shall not thereafter be readjudicated or allowed, except—

''(1) in the case of a readjudication or allowance pursuant to a higher-level review that was requested in accordance with section 5104B of this title;

''(2) as may otherwise be provided by section 5108 of this title; or

''(3) as may otherwise be provided in such regulations as are consistent with this title.'';

(D) by striking subsection (d) and inserting the following new subsection (d):

''(d) The Board may dismiss any appeal which fails to identify the specific determination with which the claimant disagrees.'';

(E) by striking subsection (e); and

(F) in the section heading, by striking ''**notice of disagreement and**''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7105 and inserting the following new item:

''7105. Filing of appeal.''.

(r) MODIFICATION OF PROCEDURES AND REQUIREMENTS FOR SIMULTANEOUSLY CONTESTED CLAIMS.—Subsection (b) of section 7105A of such title is amended to read as follows:

''(b)(1) The substance of the notice of disagreement shall be communicated to the other party or parties in interest and a period of thirty days shall be allowed for filing a brief or argument in response thereto.

''(2) Such notice shall be forwarded to the last known address of record of the parties concerned, and such action shall constitute sufficient evidence of notice.''.

(s) REPEAL OF PROCEDURES FOR ADMINISTRATIVE APPEALS.—

(1) IN GENERAL.—Chapter 71 of such title is amended by striking section 7106.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7106.

(t) MODIFICATIONS RELATING TO APPEALS: DOCKETS; HEARINGS.—Section 7107 of such title is amended to read as follows:

''§ 7107. Appeals: dockets; hearings

''(a) DOCKETS.—(1) Subject to paragraph (2), the Board shall maintain at least two separate dockets.

''(2) The Board may not maintain more than two separate dockets unless the Board notifies the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives of any additional docket, including a justification for maintaining such additional docket.

''(3)(A) The Board may assign to each docket maintained under paragraph (1) such cases as the Board considers appropriate, except that cases described in clause (i) of subparagraph (B) may not be assigned to any docket to which cases described in clause (ii) of such paragraph are assigned.

''(B) Cases described in this paragraph are the following:

''(i) Cases in which no Board hearing is requested.

''(ii) Cases in which a Board hearing is requested in the notice of disagreement.

''(4) Except as provided in subsection (b), each case before the Board will be decided in regular order according to its respective place on the docket to which it is assigned by the Board.

''(b) ADVANCEMENT ON THE DOCKET.—(1) A case on one of the dockets of the Board maintained under subsection (a) may, for cause shown, be advanced on motion for earlier consideration and determination.

''(2) Any such motion shall set forth succinctly the grounds upon which the motion is based.

''(3) Such a motion may be granted only—

''(A) if the case involves interpretation of law of general application affecting other claims;

''(B) if the appellant is seriously ill or is under severe financial hardship; or

''(C) for other sufficient cause shown.

''(c) MANNER AND SCHEDULING OF HEARINGS FOR CASES ON A DOCKET THAT MAY INCLUDE A HEARING.—(1) For cases on a docket maintained by the Board under subsection (a)

that may include a hearing, in which a hearing is requested in the notice of disagreement, the Board shall notify the appellant whether a Board hearing will be held—

''(A) at its principal location; or

''(B) by picture and voice transmission at a facility of the Department where the Secretary has provided suitable facilities and equipment to conduct such hearings.

''(2)(A) Upon notification of a Board hearing at the Board's principal location as described in subparagraph (A) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (B) of such paragraph. If so requested, the Board shall grant such request.

''(B) Upon notification of a Board hearing by picture and voice transmission as described in subparagraph (B) of paragraph (1), the appellant may alternatively request a hearing as described in subparagraph (A) of such paragraph. If so requested, the Board shall grant such request.

''(d) SCREENING OF CASES.—Nothing in this section shall be construed to preclude the screening of cases for purposes of—

''(1) determining the adequacy of the record for decisional purposes; or

''(2) the development, or attempted development, of a record found to be inadequate for decisional purposes.

''(e) POLICY ON CHANGING DOCKETS.—The Secretary shall develop and implement a policy allowing an appellant to move the appellant's case from one docket to another docket.''.

(u) REPEAL OF CERTAIN AUTHORITY FOR INDEPENDENT MEDICAL OPINIONS.—

(1) IN GENERAL.—Section 7109 of such title is repealed.

(2) CONFORMING AMENDMENT.—Section 5701(b)(1) of such title is amended by striking ''or 7109''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 7109.

(v) CLARIFICATION OF PROCEDURES FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR.—Section 7111(e) of such title is amended by striking '', without referral to any adjudicative or hearing official acting on behalf of the Secretary''.

(w) EVIDENTIARY RECORD BEFORE BOARD OF VETERANS' APPEALS.—

(1) IN GENERAL.—Chapter 71 of such title is amended by adding at the end the following new section:

''§ 7113. Evidentiary record before the Board of Veterans' Appeals

''(a) CASES WITH NO REQUEST FOR A HEARING OR ADDITIONAL EVIDENCE.—For cases in which a hearing before the Board of Veterans' Appeals is not requested in the notice of disagreement and no request was made to submit evidence, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

''(b) CASES WITH A REQUEST FOR A HEARING.—(1) Except as provided in paragraph (2), for cases in which a hearing is requested in the notice of disagreement, the evidentiary record before the Board shall be limited to the evidence of record at the time of the decision of the agency of original jurisdiction on appeal.

''(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

''(A) Evidence submitted by the appellant and his or her representative, if any, at the Board hearing.

''(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following the Board hearing.

''(c) CASES WITH NO REQUEST FOR A HEARING AND WITH A REQUEST FOR ADDITIONAL EVIDENCE.—(1) Except as provided in paragraph (2), for cases in which a hearing is not requested in the notice of disagreement but an opportunity to submit evidence is requested, the evidentiary record before the Board shall be limited to the evidence considered by the agency of original jurisdiction in the decision on appeal.

''(2) The evidentiary record before the Board for cases described in paragraph (1) shall include each of the following, which the Board shall consider in the first instance:

''(A) Evidence submitted by the appellant and his or her representative, if any, with the notice of disagreement.

''(B) Evidence submitted by the appellant and his or her representative, if any, within 90 days following receipt of the notice of disagreement.''.

(2) NOTIFICATION WHEN EVIDENCE NOT CONSIDERED.—Section 7104(d) of such title is amended—

(A) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) a general statement—

''(A) reflecting whether evidence was not considered in making the decision because the evidence was received at a time when not permitted under section 7113 of this title; and

''(B) noting such options as may be available for having the evidence considered by the Department; and''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 71 of such title is amended by inserting after the item relating to section 7112 the following new item:

''7113. Evidentiary record before the Board of Veterans' Appeals.''.

(x) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to all claims for which notice of a decision under section 5104 of title 38, United States Code, is provided by the Secretary of Veterans Affairs on or after the later of—

(A) the date that is 540 days after the date of the enactment of this Act; and

(B) the date that is 30 days after the date on which the Secretary of Veterans Affairs submits to the appropriate committees of Congress—

(i) a certification that the Secretary confirms, without delegation, that the Department of Veterans Affairs has the resources, personnel, office space, procedures, and information technology required—

(I) to carry out the new appeals system;

(II) to timely address appeals under the new appeals system; and

(III) to timely address appeals of decisions on legacy claims; and

(ii) a summary of the expectations for performance outcomes that the Secretary used in making the certification under clause (i)(III) and a comparison of such expected performance outcomes with actual performance outcomes with respect to appeals of legacy claims before the effective date of the new appeals system.

(2) COLLABORATION.—In determining whether and when to make a certification under paragraph (1)(B), the Secretary shall collaborate with, partner with, and give weight to the advice of veterans service organizations and such other stakeholders as the Secretary considers appropriate.

(3) EARLY APPLICABILITY.—The Secretary may apply the new appeals system to a claim with respect to which the claimant—

(A) receives a notice of a decision under section 5104 of such title after the date of the enactment of this Act and before the applicability date set forth in paragraph (1); and

(B) elects to subject the claim to the new appeals system.

(4) PHASED ROLLOUT.—The Secretary may begin implementation of the new appeals system in phases, with the first phase of such phased implementation beginning on the applicability date set forth in paragraph (1).

(5) TREATMENT OF LEGACY CLAIMS.—With respect to legacy claims, upon the issuance to a claimant of a statement of the case or supplemental statement of the case occurring on or after the applicability date specified in paragraph (1), a claimant may elect to participate in the new appeals system.

(6) PUBLICATION OF APPLICABILITY DATE.—Not later than the date on which the new appeals system goes into effect (or the first phase of the new appeals system goes into effect under paragraph (4), as the case may be), the Secretary shall publish in the Federal Register such date.

(7) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(i) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(ii) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(B) VETERANS SERVICE ORGANIZATION.—The term ''veterans service organization'' means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(y) RULE OF CONSTRUCTION.—Nothing in this section or any of the amendments made by this section shall be construed to limit the ability of a claimant to request a revision of a decision under section 5109A or 7111 of title 38, United States Code.

SEC. 3. COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND IMPLEMENTING NEW APPEALS SYSTEM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress and the Comptroller General of the United States a comprehensive plan for—

(1) the processing of appeals of decisions on legacy claims that the Secretary considers pending;

(2) implementing the new appeals system;

(3) timely processing, under the new appeals system, of—

(A) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i);

(B) requests for higher-level review under section 5104B of such title, as added by section 2(g); and

(C) appeals on any docket maintained under section 7107 of such title, as amended by section 2(t); and

(4) monitoring the implementation of the new appeals system, including metrics and goals—

(A) to track the progress of the implementation;

(B) to evaluate the efficiency and effectiveness of the implementation; and

(C) to identify potential issues relating to the implementation.

(b) ELEMENTS.—The plan required by subsection (a) shall include, at a minimum, the following:

(1) Delineation of the total resource requirements of the Veterans Benefits Administration and the Board of Veterans' Appeals,

disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.

(2) Delineation of the personnel requirements of the Administration and the Board, including staffing levels during the—

(A) period in which the Administration and the Board are concurrently processing—

(i) appeals of decisions on legacy claims; and

(ii) appeals of decisions on non-legacy claims under the new appeals system; and

(B) the period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(3) Identification of the legal authorities under which the Administration or the Board may—

(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and

(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(4) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (3)(A) once funding has been made available for such purpose, including a comparison of such estimate and the historical average time required by the Administration and the Board to hire additional employees.

(5) A description of the amount of training and experience that will be required of individuals conducting higher-level reviews under section 5104B of title 38, United States Code, as added by section 2(g).

(6) An estimate of the percentage of higher-level adjudicators who will be employees of the Department of Veterans Affairs who were Decision Review Officers on the day before the new appeals system takes effect or had experience, as of such date, comparable to that of one who was a Decision Review Officer.

(7) A description of the functions that will be performed after the date on which the new appeals system takes effect by Decision Review Officers who were Decision Review Officers on the day before the date the new appeals system takes effect.

(8) Identification of and a timeline for—

(A) any training that may be required as a result of hiring new employees to carry out the new appeals system or to process appeals of decisions on legacy claims; and

(B) any retraining of existing employees that may be required to carry out such system or to process such claims.

(9) Identification of the costs to the Department of Veterans Affairs of the training identified under paragraph (8) and any additional training staff and any additional training facilities that will be required to provide such training.

(10) A description of the modifications to the information technology systems of the Administration and the Board that the Administration and the Board require to carry out the new appeals system, including cost estimates and a timeline for making the modifications.

(11) An estimate of the office space the Administration and the Board will require during each of the periods described in paragraph (2), including—

(A) an estimate of the amount of time the Administration and the Board will require to acquire any additional office space to carry out processing of appeals of decisions on legacy claims and processing of appeals under the new appeals system;

(B) a comparison of the estimate under subparagraph (A) and the historical average time required by the Administration and the Board to acquire new office space; and

(C) a plan for using telework to accommodate staff exceeding available office space, including how the Administration and the Board will provide training and oversight with respect to such teleworking.

(12) Projections for the productivity of individual employees at the Administration and the Board in carrying out tasks relating to the processing of appeals of decisions on legacy claims and appeals under the new appeals system, taking into account the experience level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).

(13) An outline of the outreach the Secretary expects to conduct to inform veterans, families of veterans, survivors of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and such other stakeholders as the Secretary considers appropriate about the new appeals system, including—

(A) a description of the resources required to conduct such outreach; and

(B) timelines for conducting such outreach.

(14) Timelines for updating any policy guidance, Internet websites, and official forms that may be necessary to carry out the new appeals system, including—

(A) identification of which offices and entities will be involved in efforts relating to such updating; and

(B) historical information about how long similar update efforts have taken.

(15) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical averages for time required to promulgate regulations of similar complexity and scope.

(16) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the new appeals system.

(17) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of appeals, remands, and hearing requests at the Administration and the Board each year, beginning with the one year period beginning on the date of the enactment of this Act, until there are no longer any appeals pending before the Administration or the Board for a decision on a legacy claim.

(18) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.

(c) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—Not later than 90 days after the Comptroller General of the United States receives the plan required by subsection (a), the Comptroller General shall—

(A) assess such plan; and

(B) notify the appropriate committees of Congress of the findings of the Comptroller General with respect to the assessment conducted under subparagraph (A).

(2) ELEMENTS.—The assessment conducted under paragraph (1)(A) shall include the following:

(A) An assessment of whether the plan comports with sound planning practices.

(B) Identification of any gaps in the plan.

(C) Formulation of such recommendations as the Comptroller General considers appropriate.

(d) PERIODIC PROGRESS REPORTS.—Not later than 90 days after the date on which the Secretary submits the plan under subsection (a), not less frequently than once every 90 days thereafter until the applicability date set forth in section 2(x)(1), and not less frequently than once every 180 days thereafter for the seven-year period following such applicability date, the Secretary shall submit to the appropriate committees of Congress and the Comptroller General a report on the progress of the Secretary in carrying out the plan and what steps, if any, the Secretary has taken to address any recommendations formulated by the Comptroller General pursuant to subsection (c)(2)(C).

(e) PUBLICATION.—The Secretary shall make available to the public on an Internet website of the Department of Veterans Affairs—

(1) the plan required by subsection (a); and

(2) the periodic progress reports required by subsection (d).

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 4. PROGRAMS TO TEST ASSUMPTIONS RELIED ON IN DEVELOPMENT OF COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND SUPPORTING NEW APPEALS SYSTEM.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test the feasibility and advisability of any facet of the new appeals system.

(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such determination.

(b) DEPARTMENT OF VETERANS AFFAIRS PROGRAM ON FULLY DEVELOPED APPEALS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, under subsection (a)(1), carry out a program to provide the option of an alternative appeals process that shall more quickly determine such appeals in accordance with this subsection.

(2) ELECTION.—

(A) FILING.—In accordance with subparagraph (B), a claimant may elect to file a fully developed appeal under the program by filing with the Secretary all of the following:

(i) The notice of disagreement under chapter 71 of title 38, United States Code, along with the written election of the claimant to have the appeal determined under the program.

(ii) All evidence that the claimant believes is needed for the appeal as of the date of the filing.

(iii) A statement of the argument in support of the claim, if any.

(B) TIMING.—A claimant shall make an election under subparagraph (A) as part of the notice of disagreement filed by the claimant in accordance with subparagraph (A)(i).

(C) TRIAGE.—The Secretary shall, upon expiration of the period specified in paragraph (3)(C)(iii), ensure that an assessment is undertaken of whether an appeal filed under subparagraph (A) of this paragraph satisfies the requirements for appeal under the program and provide appropriate notification to

the claimant of the results of that assessment.

(D) REVERSION.—

(i) ELECTED REVERSION.—At any time, a claimant who makes an election under subparagraph (A) may elect to revert to the standard appeals process. Such a reversion shall be final.

(ii) AUTOMATIC REVERSION.—A claimant described in clause (i), or a claimant who makes an election under subparagraph (A) but is later determined to be ineligible for the program under paragraph (1), shall revert to the standard appeals process without any penalty to the claimant other than the loss of the docket number associated with the fully developed appeal.

(E) OUTREACH.—In providing claimants with notices of the determination of a claim during the period in which the program under paragraph (1) is carried out, the Secretary shall conduct outreach as follows:

(i) The Secretary shall provide to the claimant (and to the representative of record of the claimant, if any) information regarding—

(I) the program, including the advantages and disadvantages of the program;

(II) how to make an election under subparagraph (A);

(III) the limitation on the use of new evidence described in subparagraph (C) of paragraph (3) and the development of information under subparagraph (D) of such paragraph;

(IV) the ability of the claimant to seek advice and education regarding such process from veterans service organizations, attorneys, and claims agents recognized under chapter 59 of title 38, United States Code; and

(V) the circumstances under which the appeal will automatically revert to the standard appeals process, including by making a request for a hearing.

(ii) The Secretary shall collaborate, partner with, and give weight to the advice of the three veterans service organizations with the most members and such other stakeholders as the Secretary considers appropriate to publish on the Internet website of the Department of Veterans Affairs an online tutorial explaining the advantages and disadvantages of the program.

(3) TREATMENT BY DEPARTMENT AND BOARD.—

(A) PROCESS.—Upon the election of a claimant to file a fully developed appeal pursuant to paragraph (2)(A), the Secretary shall—

(i) not provide the claimant with a statement of the case nor require the claimant to file a substantive appeal; and

(ii) transfer jurisdiction over the fully developed appeal directly to the Board of Veterans' Appeals.

(B) DOCKET.—

(i) IN GENERAL.—The Board of Veterans' Appeals shall—

(I) maintain fully developed appeals on a separate docket than standard appeals;

(II) decide fully developed appeals in the order that the fully developed appeals are received on the fully developed appeal docket;

(III) except as provided by clause (ii), decide not more than one fully developed appeal for each four standard appeals decided; and

(IV) to the extent practicable, decide each fully developed appeal by the date that is one year following the date on which the claimant files the notice of disagreement.

(ii) ADJUSTMENT.—Beginning one year after the date on which the program commences, the Board may adjust the number of standard appeals decided for each fully developed appeal under clause (i)(III) if the Board determines that such adjustment is fair for both standard appeals and fully developed appeals.

(C) LIMITATION ON USE OF NEW EVIDENCE.—

(i) IN GENERAL.—Except as provided by clauses (ii) and (iii)—

(I) a claimant may not submit or identify to the Board of Veterans' Appeals any new evidence relating to a fully developed appeal after filing such appeal unless the claimant reverts to the standard appeals process pursuant to paragraph (2)(D); and

(II) if a claimant submits or identifies any such new evidence, such submission or identification shall be deemed to be an election to make such a reversion pursuant to paragraph (2)(D).

(ii) EVIDENCE GATHERED BY BOARD.—Clause (i) shall not apply to evidence developed pursuant to subparagraphs (D) and (E). The Board shall consider such evidence in the first instance without consideration by the Veterans Benefits Administration.

(iii) REPRESENTATIVE OF RECORD.—The representative of record of a claimant for appeals purposes, if any, shall be provided an opportunity to review the fully developed appeal of the claimant and submit any additional arguments or evidence that the representative determines necessary during a period specified by the Board for purposes of this subparagraph.

(D) PROHIBITION ON REMAND FOR ADDITIONAL DEVELOPMENT.—If the Board of Veterans' Appeals determines that a fully developed appeal requires Federal records, independent medical opinions, or new medical examinations, the Board shall—

(i) in accordance with subparagraph (E), take such actions as may be necessary to develop such records, opinions, or examinations in accordance with section 5103A of title 38, United States Code;

(ii) retain jurisdiction of the fully developed appeal without requiring a determination by the Veterans Benefits Administration based on such records, opinions, or examinations;

(iii) ensure the claimant, and the representative of record of a claimant, if any, receives a copy of such records, opinions, or examinations; and

(iv) provide the claimant a period of 90 days after the date of mailing such records, opinions, or examinations during which the claimant may provide the Board any additional evidence without requiring the claimant to make a reversion pursuant to paragraph (2)(D).

(E) DEVELOPMENT UNIT.—

(i) ESTABLISHMENT.—The Board of Veterans' Appeals shall establish an office to develop Federal records, independent medical opinions, and new medical examinations pursuant to subparagraph (D)(i) that the Board determines necessary to decide a fully developed appeal.

(ii) REQUIREMENTS.—The Secretary shall—

(I) ensure that the Veterans Benefits Administration cooperates with the Board of Veterans' Appeals in carrying out clause (i); and

(II) transfer employees of the Veterans Benefits Administration who, prior to the enactment of this Act, were responsible for processing claims remanded by the Board of Veterans' Appeals to positions within the office of the Board established under clause (i) in a number the Secretary determines sufficient to carry out such subparagraph.

(F) HEARINGS.—Notwithstanding section 7107 of title 38, United States Code, the Secretary may not provide hearings with respect to fully developed appeals under the program. If a claimant requests to hold a hearing pursuant to such section 7107, such request shall be deemed to be an election to revert to the standard appeals process pursuant to paragraph (2)(D).

(4) DURATION; APPLICABILITY.—

(A) DURATION.—Subject to subsection (c), the Secretary may carry out the program during such period as the Secretary considers appropriate.

(B) APPLICABILITY.—This section shall apply only to fully developed appeals that are filed during the period in which the program is carried out pursuant to subparagraph (A).

(5) DEFINITIONS.—In this subsection:

(A) COMPENSATION.—The term ''compensation'' has the meaning given that term in section 101 of title 38, United States Code.

(B) FULLY DEVELOPED APPEAL.—The term ''fully developed appeal'' means an appeal of a claim for disability compensation that is—

(i) filed by a claimant in accordance with paragraph (2)(A); and

(ii) considered in accordance with this subsection.

(C) STANDARD APPEAL.—The term ''standard appeal'' means an appeal of a claim for disability compensation that is not a fully developed appeal.

(c) TERMINATION OF AUTHORITY.—The Secretary of Veterans Affairs may not carry out a program under this section after the applicability date set forth in section 2(x)(1).

SEC. 5. PERIODIC PUBLICATION OF METRICS RELATING TO PROCESSING OF APPEALS BY DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall periodically publish on an Internet website of the Department of Veterans Affairs the following:

(1) With respect to the processing by the Secretary of appeals under the new appeals system of decisions regarding claims for benefits under laws administered by the Secretary, the following:

(A) For the Veterans Benefits Administration and, to the extent practicable, each regional office of the Department of Veterans Affairs, the number of—

(i) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i), that are pending; and

(ii) requests for higher-level review under section 5104B of such title, as added by section 2(g), that are pending.

(B) The number of appeals on any docket maintained under section 7107 of such title, as amended by section 2(t), that are pending.

(C) The average duration for processing claims and supplemental claims, disaggregated by regional office.

(D) The average duration for processing requests for higher-level review under section 5104B of such title, as added by section 2(g), disaggregated by regional office.

(E) The average number of days that appeals are pending on a docket of the Board of Veterans' Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), disaggregated by—

(i) appeals that include a request for a hearing;

(ii) appeals that do not include a request for a hearing and do include submittal of evidence; and

(iii) appeals that do not include a request for a hearing and do not include submittal of evidence.

(F) With respect to the policy developed and implemented under section 7107(e) of such title, as amended by section 2(t)—

(i) the number of cases moved from one docket to another pursuant to such policy;

(ii) the average time cases were pending prior to moving from one docket to another; and

(iii) the average time to adjudicate the cases after so moving.

(G) The total number of remands to obtain advisory medical opinions under section

5109(d) of title 38, United States Code, as added by section 2(j).

(H) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the advisory medical opinion is obtained.

(I) The average number of days between the date on which the Board remands a claim to obtain an advisory medical opinion under section 5109(d) of such title, as so added, and the date on which the agency of original jurisdiction issues a decision taking that advisory opinion into account.

(J) The number of appeals that are granted, the number of appeals that are remanded, and the number of appeals that are denied by the Board disaggregated by docket.

(K) The number of claimants each year that take action within the period set forth in section 5110(a)(2) of such title, as added by section 2(l), to protect their effective date under such section 5110(a)(2), disaggregated by the status of the claimants taking the actions, such as whether the claimant is represented by a veterans service organization, the claimant is represented by an attorney, or the claimant is taking such action pro se.

(L) The total number of times on average each claimant files under section 5110(a)(2) of such title, as so added, to protect their effective date under such section, disaggregated by the subparagraph of such section under which they file.

(M) The average duration, from the filing of an initial claim until the claim is resolved and claimants no longer take any action to protect their effective date under section 5110(a)(2) of such title, as so added—

(i) of claims under the new appeals system, excluding legacy claims that opt in to the new appeals system; and

(ii) of legacy claims that opt in to the new appeals system.

(N) How frequently an action taken within one year to protect an effective date under section 5110(a)(2) of such title, as so added, leads to additional grant of benefits, disaggregated by action taken.

(O) The average of how long it takes to complete each segment of the claims process while claimants are protecting the effective date under such section, disaggregated by the time waiting for the claimant to take an action and the time waiting for the Secretary to take an action.

(P) The number and the average amount of retroactive awards of benefits from the Secretary as a result of protected effective dates under such section, disaggregated by action taken.

(Q) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim and a supplemental claim.

(R) The number of cases each year in which a claimant inappropriately tried to take simultaneous actions, such as filing a supplemental claim while a higher-level review is pending, what actions the Secretary took in response, and how long it took on average to take those actions.

(S) In the case that the Secretary develops and implements a policy under section 5104C(a)(2)(D) of such title, as amended by section 2(h)(1), the number of actions withdrawn and new actions taken pursuant to such policy.

(T) The number of times the Secretary received evidence relating to an appeal or higher-level review at a time not authorized under the new appeals system, disaggregated by actions taken by the Secretary to deal with the evidence and how long on average it took to take those actions.

(U) The number of errors committed by the Secretary in carrying out the Secretary's duty to assist under section 5103A of title 38, United States Code, that were identified by higher-level review and by the Board, disaggregated by type of error, such as errors relating to private records and inadequate examinations, and a comparison with errors committed by the Secretary in carrying out such duty with respect to appeals of decisions on legacy claims.

(V) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(W) The percentage of cases that are decided within the goals established by the Secretary for deciding cases, disaggregated by cases that involve a supplemental claim, cases that involve higher-level review, and by docket maintained under section 7107(a) of such title, as amended by section 2(t), or in the case that the Secretary has not established goals for deciding cases, the percentage of cases which are decided within one year, two years, three years, and more than three years, disaggregated by docket.

(X) Of the cases that involve higher-level review, the percentage of decisions that are overturned in whole or in part by the higher-level adjudicator, that are upheld by the higher-level adjudicator, and that are returned for correction of an error.

(Y) The frequency by which the Secretary readjudicates a claim pursuant to section 5108 of such title, as amended by section 2(i), and the frequency by which readjudication pursuant to section 5108 of such title, as so amended, results in an award of benefits.

(Z) In any case in which the Board decides to screen cases for a purpose described in section 7107(d) of such title, as amended by section 2(t)(1)—

(i) a description of the way in which the cases are screened and the purposes for which they are screened;

(ii) a description of the effect such screening has had on—

(I) the timeliness of the issuance of decisions of the Board; and

(II) the inventory of cases before the Board; and

(iii) the type and frequency of development errors detected through such screening.

(2) With respect to the processing by the Secretary of appeals of decisions on legacy claims, the following:

(A) The average duration of each segment of the appeals process, disaggregated by periods in which the Secretary is waiting for a claimant to take an action and periods in which the claimant is waiting for the Secretary to take an action.

(B) The frequency by which appeals lead to additional grant of benefits by the Secretary, disaggregated by whether the additional benefits are a result of additional evidence added after the initial decision.

(C) The number and average amount of retroactive awards of benefits resulting from an appeal.

(D) The average duration from filing a legacy claim with the Secretary until all appeals and remands relating to such legacy claim are completed.

(E) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim, new and material evidence, or a claim for an increase in benefits.

(F) An assessment of the productivity of employees at the regional offices and at the Board, disaggregated by level of experience of the employees.

(G) The average number of days the duration of an appeal is extended because the Secretary secured or attempted to secure an advisory medical opinion under section 5109 of title 38, United States Code, or section 7109 of such title (as in effect on the day before the date of the enactment of this Act).

(H) The frequency by which claims are reopened pursuant to section 5108 of such title and the frequency by which such reopening results in an award of benefits.

(3) With respect to the processing by the Secretary of appeals of decisions on legacy claims that opt in to the new appeals system, the following:

(A) The cumulative number of such legacy claims.

(B) The portion of work in the new appeals system attributable to appeals of decisions on such legacy claims.

(C) The average period such legacy claims were pending before opting in to the new appeals system and the average period required to adjudicate such legacy claims on average after opting in—

(i) with respect to claims at a regional office of the Department of Veterans Affairs, disaggregated by—

(I) supplemental claims under section 5108 of title 38, United States Code, as amended by section 2(i); and

(II) requests for higher-level review under section 5104B of such title, as added by section 2(g); and

(ii) with respect to appeals, disaggregated by docket of the Board maintained under section 7107 of such title, as amended by section 2(t).

SEC. 6. DEFINITIONS.

In this Act:

(1) CLAIMANT.—The term ''claimant'' has the meaning given such term in section 5100 of title 38, United States Code.

(2) LEGACY CLAIMS.—The term ''legacy claim'' means a claim—

(A) that was submitted to the Secretary of Veterans Affairs for a benefit under a law administered by the Secretary; and

(B) for which notice of a decision under section 5104 of title 38, United States Code, was provided by the Secretary before the date set forth in section 2(x).

(3) OPT IN.—The term ''opt in'' means, with respect to a legacy claim of a claimant, that the claimant elects to subject the claim to the new appeals system pursuant to—

(A) section 2(x)(3); or

(B) such other mechanism as the Secretary may prescribe for purposes of carrying out this Act and the amendments made by this Act.

(4) NEW APPEALS SYSTEM.—The term ''new appeals system'' means the set of processes and mechanisms by which the Secretary processes, pursuant to the authorities and requirements modified by section 2, claims for benefits under laws administered by the Secretary.

SA 746. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill S. 582, to reauthorize the Office of Special Counsel, and for other purposes; as follows:

On page 3, strike lines 10 through 23 and insert the following:

''(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

''(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

''(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

''(bb) the material—

''(AA) may not be disclosed pursuant to a court order; or

''(BB) has been filed under seal under section 3730 of title 31; and

''(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

''(aa) the material being withheld; and

''(bb) the reason that the material is being withheld.

On page 33, after line 8, add the following:

SEC. 14. TECHNICAL AMENDMENT.

Section 1214(b)(1)(B)(ii) of title 5, United States Code, as amended by section 1 of the Act entitled ''An Act to amend section 1214 of title 5, United States Code, to provide for stays during a period that the Merit Systems Protection Board lacks a quorum.'' (S. 1083, 115th Congress, 1st Session), is amended by striking ''who was appointed, by and with the advice and consent of the Senate,''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BARRASSO. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet, during the session of the Senate, in order to conduct a hearing entitled ''Nomination Hearing'' on Tuesday, August 1, 2017, at 2:30 p.m., in room 430 of the Dirksen Senate Office Building.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, August 1, 2017, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''America's Affordable Housing Crisis: Challenges and Solutions.''

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, August 1, 2017 at 11 a.m., to hold a hearing entitled ''Nominations.''

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Tuesday, August 1, 2017, at 10 a.m. in room 253 of the Russell Senate Office Building. The Committee will hold Subcommittee Hearing on ''Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: NOAA and Council Perspectives.''

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

The Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on August 1, 2017, at 10 a.m. in room 406 of the Dirksen Senate office building, to conduct a hearing entitled, ''Oversight of the U.S. Environmental Protection Agency's Superfund Program.''

ORDER OF BUSINESS

Mr. PORTMAN. Mr. President, we have some work to do this evening.

POWER AND SECURITY SYSTEMS (PASS) ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 95, S. 190.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 190) to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 190) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Power And Security Systems (PASS) Act''.

SEC. 2. EXTENSION OF NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARD TO CERTAIN SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEMS.

(a) Section 325(u)(3)(D)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)(D)(ii)) is amended—

(1) by striking ''2015'' each place it appears and inserting ''2021''; and

(2) by striking ''2017'' and inserting ''2023''.

(b) Section 325(u)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)(E)) is amended—

(1) in clause (ii), by striking ''July 1, 2017,'' and inserting ''the effective date of the amendment under subparagraph (D)(ii)''; and

(2) by adding at the end the following:

''(iv) TREATMENT IN RULE.—In the rule under subparagraph (D)(ii) and subsequent amendments the Secretary may treat some or all external power supplies designed to be connected to a security or life safety alarm or surveillance system as a separate product class or may extend the nonapplication under clause (ii).''.

ELDER ABUSE PREVENTION AND PROSECUTION ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 23, S. 178.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 178) to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Grassley amendment at the desk be considered and agreed to, and the bill, as amended, be considered read a third time.

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

The amendment (No. 742) was agreed to, as follows:

(Purpose: To improve the bill)

On page 12, line 3, strike ''individual'' and insert ''individually''.

Beginning on page 23, strike line 15 and all that follows through page 24, line 15 and insert the following:

(1) Federal Government efforts to monitor—

(A) the exploitation of older adults of the United States in global drug trafficking schemes and other international criminal enterprises;

(B) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in foreign countries; and

(C) the total annual number of elder abuse cases pending in the United States; and

(2) the results of intervention by the United States with foreign officials on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. PORTMAN. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 178), as amended, was passed, as follows:

S. 178

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 ''Elder Abuse Prevention and Prosecution Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''abuse'', ''adult protective services'', ''elder'', ''elder justice'', ''exploitation'', ''law enforcement'', and ''neglect'' have the meanings given those terms in section 2011 of the Social Security Act (42 U.S.C. 1397j);

(2) the term ''elder abuse'' includes abuse, neglect, and exploitation of an elder; and

(3) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

TITLE I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

SEC. 101. SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE.

(a) SUPPORT AND ASSISTANCE.—

(1) ELDER JUSTICE COORDINATORS.—The Attorney General shall designate in each Federal judicial district not less than one Assistant United States Attorney to serve as the Elder Justice Coordinator for the district, who, in addition to any other responsibilities, shall be responsible for—

(A) serving as the legal counsel for the Federal judicial district on matters relating to elder abuse;

(B) prosecuting, or assisting in the prosecution of, elder abuse cases;

(C) conducting public outreach and awareness activities relating to elder abuse; and

(D) ensuring the collection of data required to be collected under section 202.

(2) INVESTIGATIVE SUPPORT.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes relating to elder abuse, ensure the implementation of a regular and comprehensive training program to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to elder abuse, which shall include—

(A) specialized strategies for communicating with and assisting elder abuse victims; and

(B) relevant forensic training relating to elder abuse.

(3) RESOURCE GROUP.—The Attorney General, through the Executive Office for United States Attorneys, shall ensure the operation of a resource group to facilitate the sharing of knowledge, experience, sample pleadings and other case documents, training materials, and any other resources to assist prosecutors throughout the United States in pursuing cases relating to elder abuse.

(4) DESIGNATED ELDER JUSTICE WORKING GROUP OR SUBCOMMITTEE TO THE ATTORNEY GENERAL'S ADVISORY COMMITTEE OF UNITED STATES ATTORNEYS.—Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Director of the Executive Office for United States Attorneys, shall establish a subcommittee or working group to the Attorney General's Advisory Committee of United States Attorneys, as established under section 0.10 of title 28, Code of Federal Regulations, or any successor thereto, for the purposes of advising the Attorney General on policies of the Department of Justice relating to elder abuse.

(b) DEPARTMENT OF JUSTICE ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall designate an Elder Justice Coordinator within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(1) coordinating and supporting the law enforcement efforts and policy activities for the Department of Justice on elder justice issues;

(2) evaluating training models to determine best practices and creating or compiling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(A) conduct investigations in elder abuse cases;

(B) address evidentiary issues and other legal issues; and

(C) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases, including in administrative, civil, and criminal judicial proceedings; and

(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, elder abuse.

(c) FEDERAL TRADE COMMISSION.—

(1) FEDERAL TRADE COMMISSION ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Chairman of the Federal Trade Commission shall designate within the Bureau of Consumer Protection of the Federal Trade Commission an Elder Justice Coordinator who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues; and

(B) serving as, or ensuring the availability of, a central point of contact for individuals, units of local government, States, and other Federal agencies on matters relating to the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues.

(2) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and once every year thereafter, the Chairman of the Federal Trade Commission and the Attorney General shall each submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the enforcement actions taken by the Federal Trade Commission and the Department of Justice, respectively, over the preceding year in each case in which not less than one victim was an elder or that involved a financial scheme or scam that was either targeted directly toward or largely affected elders, including—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the scheme or scam; and

(D) the outcome of the case.

(d) USE OF APPROPRIATED FUNDS.—No additional funds are authorized to be appropriated to carry out this section.

TITLE II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

SEC. 201. ESTABLISHMENT OF BEST PRACTICES FOR LOCAL, STATE, AND FEDERAL DATA COLLECTION.

(a) IN GENERAL.—The Attorney General, in consultation with Federal, State, and local law enforcement agencies, shall—

(1) establish best practices for data collection to focus on elder abuse; and

(2) provide technical assistance to State, local, and tribal governments in adopting the best practices established under paragraph (1).

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall publish the best practices established under subsection (a)(1) on the website of the Department of Justice in a publicly accessible manner.

(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

SEC. 202. EFFECTIVE INTERAGENCY COORDINATION AND FEDERAL DATA COLLECTION.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services shall, on an annual basis—

(1) collect from Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors' offices statistical data related to elder abuse cases, including cases or investigations where one or more victims were elders, or the case or investigation involved a financial scheme or scam that was either targeted directly toward or largely affected elders; and

(2) publish on the website of the Department of Justice in a publicly accessible manner—

(A) a summary of the data collected under paragraph (1); and

(B) recommendations for collecting additional data relating to elder abuse, including recommendations for ways to improve data reporting across Federal, State, and local agencies.

(b) REQUIREMENT.—The data collected under subsection (a)(1) shall include—

(1) the total number of investigations initiated by Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors' offices related to elder abuse;

(2) the total number and types of elder abuse cases filed in Federal courts; and

(3) for each case described in paragraph (2)—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the act or acts giving rise to the elder abuse;

(D) in the case of a scheme or scam, a description of such scheme or scam giving rise to the elder abuse;

(E) information about each alleged perpetrator of the elder abuse; and

(F) the outcome of the case.

(c) HHS REQUIREMENT.—The Secretary of Health and Human Services shall, on an annual basis, provide to the Attorney General statistical data collected by the Secretary relating to elder abuse cases investigated by adult protective services, which shall be included in the summary published under subsection (a)(2).

(d) PROHIBITION ON INDIVIDUAL DATA.—None of the information reported under this section shall include specific individually identifiable data.

TITLE III—ENHANCED VICTIM ASSISTANCE TO ELDER ABUSE SURVIVORS

SEC. 301. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) The vast majority of cases of abuse, neglect, and exploitation of older adults in the United States go unidentified and unreported.

(2) Not less than $2,900,000,000 is taken from older adults each year due to financial abuse and exploitation.

(3) Elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines.

(4) Older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused.

(5) Up to half of all older adults with dementia will experience abuse.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) elder abuse involves the exploitation of potentially vulnerable individuals with devastating physical, mental, emotional, and financial consequences to the victims and their loved ones;

(2) to combat this affront to America's older adults, we must do everything possible to both support victims of elder abuse and prevent the abuse from occurring in the first place; and

(3) the Senate supports a multipronged approach to prevent elder abuse and exploitation, protect the victims of elder abuse and exploitation from further harm, and bring the perpetrators of such crimes to justice.

SEC. 302. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date on which the collection of statistical data under section 202(a)(1) begins and once each year thereafter, the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) for victims of crime who are elders.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of victims' assistance, victims' compensation, and discretionary grants under which elder abuse victims (including elder victims of financial abuse, financial exploitation, and fraud) received assistance; and

(2) recommendations for improving services for victims of elder abuse.

TITLE IV—ROBERT MATAVA ELDER ABUSE PROSECUTION ACT OF 2017

SEC. 401. SHORT TITLE.

This title may be cited as the ''Robert Matava Elder Abuse Prosecution Act of 2017''.

SEC. 402. ENHANCED PENALTY FOR TELEMARKETING AND EMAIL MARKETING FRAUD DIRECTED AT ELDERS.

(a) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended—

(1) in the chapter heading, by inserting ''**AND EMAIL MARKETING**'' after ''**TELEMARKETING**'';

(2) by striking section 2325 and inserting the following:

''§ 2325. Definition

''In this chapter, the term 'telemarketing or email marketing'—

''(1) means a plan, program, promotion, or campaign that is conducted to induce—

''(A) purchases of goods or services;

''(B) participation in a contest or sweepstakes;

''(C) a charitable contribution, donation, or gift of money or any other thing of value;

''(D) investment for financial profit;

''(E) participation in a business opportunity;

''(F) commitment to a loan; or

''(G) participation in a fraudulent medical study, research study, or pilot study,

by use of one or more interstate telephone calls, emails, text messages, or electronic instant messages initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant or charitable contributor, donor, or investor; and

''(2) does not include the solicitation through the posting, publication, or mailing of a catalog or brochure that—

''(A) contains a written description or illustration of the goods, services, or other opportunities being offered;

''(B) includes the business address of the solicitor;

''(C) includes multiple pages of written material or illustration; and

''(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone, email, text message, or electronic instant message, but only receives interstate telephone calls, emails, text messages, or electronic instant messages initiated by customers in response to the written materials, whether in hard copy or digital format, and in response to those interstate telephone calls, emails, text messages, or electronic instant messages does not conduct further solicitation.'';

(3) in section 2326, in the matter preceding paragraph (1)—

(A) by striking ''or 1344'' and inserting ''1344, or 1347 or section 1128B of the Social Security Act (42 U.S.C. 1320a–7b)''; and

(B) by inserting ''or email marketing'' after ''telemarketing''; and

(4) by adding at the end the following:

''§ 2328. Mandatory forfeiture

''(a) IN GENERAL.—The court, in imposing sentence on a person who is convicted of any offense for which an enhanced penalty is provided under section 2326, shall order that the defendant forfeit to the United States—

''(1) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

''(2) any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense.

''(b) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

''113A. Telemarketing and email marketing fraud ..... 2325''.

(2) The table of sections for chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2327 the following:

''2328. Mandatory forfeiture.''.

SEC. 403. TRAINING AND TECHNICAL ASSISTANCE FOR STATES.

The Attorney General, in consultation with the Secretary of Health and Human Services and in coordination with the Elder Justice Coordinating Council (established under section 2021 of the Social Security Act (42 U.S.C. 1397k)), shall create, compile, evaluate, and disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—

(1) investigating, prosecuting, pursuing, preventing, understanding, and mitigating the impact of—

(A) physical, sexual, and psychological abuse of elders;

(B) exploitation of elders, including financial abuse and scams targeting elders; and

(C) neglect of elders; and

(2) assessing, addressing, and mitigating the physical and psychological trauma to victims of elder abuse.

SEC. 404. INTERSTATE INITIATIVES.

(a) INTERSTATE AGREEMENTS AND COMPACTS.—The consent of Congress is given to any two or more States (acting through State agencies with jurisdiction over adult protective services) to enter into agreements or compacts for cooperative effort and mutual assistance—

(1) in promoting the safety and well-being of elders; and

(2) in enforcing their respective laws and policies to promote such safety and well-being.

(b) RECOMMENDATIONS ON INTERSTATE COMMUNICATION.—The Executive Director of the State Justice Institute, in consultation with State or local adult protective services, aging, social, and human services and law enforcement agencies, nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in elder abuse cases, and the Secretary of Health and Human Services, shall submit to Congress legislative proposals relating to the facilitation of interstate agreements and compacts.

TITLE V—MISCELLANEOUS

SEC. 501. COURT-APPOINTED GUARDIANSHIP OVERSIGHT ACTIVITIES UNDER THE ELDER JUSTICE ACT OF 2009.

Section 2042(c) of the Social Security Act (42 U.S.C. 1397m–1(c)) is amended—

(1) in paragraph (1), by inserting ''(and, in the case of demonstration programs described in paragraph (2)(E), to the highest courts of States)'' after ''States'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''(and the highest courts of States, in the case of demonstration programs described in subparagraph (E))'' after ''local units of government'';

(B) in subparagraph (D), by striking ''or'' after the semicolon;

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D), the following new subparagraph:

''(E) subject to paragraph (3), programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons; or'';

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(4) by inserting after paragraph (2), the following new paragraph:

''(3) REQUIREMENTS FOR COURT-APPOINTED GUARDIANSHIP OVERSIGHT DEMONSTRATION PROGRAMS.—

''(A) AWARD OF GRANTS.—In awarding grants to the highest courts of States for demonstration programs described in paragraph (2)(E), the Secretary shall consider the recommendations of the Attorney General and the State Justice Institute, as established by section 203 of the State Justice Institute Act of 1984 (42 U.S.C. 10702).

''(B) COLLABORATION.—The highest court of a State awarded a grant to conduct a demonstration program described in paragraph (2)(E) shall collaborate with the State Unit on Aging for the State and the Adult Protective Services agency for the State in conducting the demonstration program.'';

(5) in paragraph (4) (as redesignated by paragraph (3) of this section), by inserting ''(and, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)'' after ''a State''; and

(6) in paragraph (5) (as so redesignated), by inserting ''(or, in the case of demonstration programs described in paragraph (2)(E), the highest court of a State)'' after ''State'' each place it appears.

SEC. 502. GAO REPORTS.

(a) ELDER JUSTICE RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall review existing Federal programs and initiatives in the Federal criminal justice system relevant to elder justice and shall submit to Congress—

(1) a report on such programs and initiatives; and

(2) any recommendations the Comptroller General determines are appropriate to improve elder justice in the United States.

(b) REPORT ON ELDER ABUSE AND INTERNATIONAL CRIMINAL ENTERPRISES.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) Federal Government efforts to monitor—

(A) the exploitation of older adults of the United States in global drug trafficking schemes and other international criminal enterprises;

(B) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in foreign countries; and

(C) the total annual number of elder abuse cases pending in the United States; and

(2) the results of intervention by the United States with foreign officials on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

SEC. 503. OUTREACH TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

The Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on efforts by the Department of Justice to conduct outreach to State and local law enforcement agencies on the process for collaborating with the Federal Government for the purpose of investigating and prosecuting interstate and international elder financial exploitation cases.

SEC. 504. MODEL POWER OF ATTORNEY LEGISLATION.

The Attorney General shall publish model power of attorney legislation for the purpose of preventing elder abuse.

SEC. 505. BEST PRACTICES AND MODEL LEGISLATION FOR GUARDIANSHIP PROCEEDINGS.

The Attorney General shall publish best practices for improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

Mr. PORTMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

REINFORCING EDUCATION ACCOUNTABILITY IN DEVELOPMENT ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 601.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 601) to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

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 ''Reinforcing Education Accountability in Development Act'' or the ''READ Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on Foreign Affairs of the House of Representatives.

(b) OTHER DEFINITIONS.—In this Act, the terms ''basic education'', ''marginalized children and vulnerable groups'', ''national education plan'', ''partner country'', and ''relevant Executive branch agencies and officials'' have the meanings given such terms in section 105(c) of the Foreign Assistance Act of 1961, as added by section 3.

SEC. 3. ASSISTANCE TO PROMOTE SUSTAINABLE, QUALITY BASIC EDUCATION.

Section 105 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c) is amended by adding at the end the following:

''(c) ASSISTANCE TO PROMOTE SUSTAINABLE, QUALITY BASIC EDUCATION.—

''(1) DEFINITIONS.—In this subsection:

''(A) BASIC EDUCATION.—The term 'basic education' includes—

''(i) measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

''(ii) workforce development, vocational training, and digital literacy informed by real market needs and opportunities and that results in measurable improvements in employment;

''(iii) programs and activities designed to demonstrably improve—

''(I) early childhood, preprimary education, primary education, and secondary education, which can be delivered in formal or nonformal education settings; and

''(II) learning for out-of-school youth and adults; and

''(iv) capacity building for teachers, administrators, counselors, and youth workers that results in measurable improvements in student literacy, numeracy, or employment.

''(B) COMMUNITIES OF LEARNING.—The term 'communities of learning' means a holistic approach to education and community engagement in which schools act as the primary resource center for delivery of a service to the community at large, leveraging and maximizing the impact of other development efforts and reducing duplication and waste.

''(C) GENDER PARITY IN BASIC EDUCATION.—The term 'gender parity in basic education' means that girls and boys have equal access to quality basic education.

''(D) MARGINALIZED CHILDREN AND VULNERABLE GROUPS.—The term 'marginalized children and vulnerable groups' includes girls, children affected by or emerging from armed conflict or humanitarian crises, children with disabilities, children in remote or rural areas (including those who lack access to safe water and sanitation), religious or ethnic minorities, indigenous peoples, orphans and children affected by HIV/AIDS, child laborers, married adolescents, and victims of trafficking.

''(E) NATIONAL EDUCATION PLAN.—The term 'national education plan' means a comprehensive national education plan developed by partner country governments in consultation with other stakeholders as a means for wide-scale improvement of the country's education system, including explicit, credible strategies informed by effective practices and standards to achieve quality universal basic education.

''(F) NONFORMAL EDUCATION.—The term 'nonformal education' means organized educational activities outside the established formal system, whether operating separately or as an important feature of a broader activity, that are intended to provide students with measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

''(G) PARTNER COUNTRY.—The term 'partner country' means a developing country that

participates in or benefits from basic education programs under this subsection pursuant to the prioritization criteria described in paragraph (4), including level of need, opportunity for impact, and the availability of resources.

''(H) RELEVANT EXECUTIVE BRANCH AGENCIES AND OFFICIALS.—The term 'relevant Executive branch agencies and officials' means the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Labor, the Department of Education, the Department of Agriculture, and the Department of Defense, the Chief Executive Officer of the Millennium Challenge Corporation, the National Security Advisor, and the Director of the Peace Corps.

''(I) SUSTAINABILITY.—The term 'sustainability' means, with respect to any basic education program that receives funding pursuant to this section, the ability of a service delivery system, community, partner, or beneficiary to maintain, over time, such basic education program without the use of foreign assistance.

''(2) POLICY.—In carrying out this section, it shall be the policy of the United States to work with partner countries, as appropriate, other donors, multilateral institutions, the private sector, and nongovernmental and civil society organizations, including faith-based organizations and organizations that represent teachers, students, and parents, to promote sustainable, quality basic education through programs and activities that—

''(A) take into consideration and help respond to the needs, capacities, and commitment of developing countries to achieve measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

''(B) strengthen educational systems, promote communities of learning, as appropriate, expand access to safe learning environments, including by breaking down specific barriers to basic education for women and girls, ensure continuity of education, including in conflict settings, measurably improve teacher skills and learning outcomes, and support the engagement of parents in the education of their children to help partner countries ensure that all children, including marginalized children and other vulnerable groups, have access to and benefit from quality basic education;

''(C) promote education as a foundation for sustained economic growth and development within a comprehensive assistance strategy that places partner countries on a trajectory toward graduation from assistance provided under this section with clearly defined benchmarks of success that are used as requirements for related procurement vehicles, such as grants, contracts, and cooperative agreements; and

''(D) monitor and evaluate the effectiveness and quality of basic education programs in partner countries.

''(3) PRINCIPLES.—In carrying out the policy referred to in paragraph (2), the United States shall be guided by the following principles of aid effectiveness:

''(A) ALIGNMENT.—Assistance provided under this section to support programs and activities under this subsection shall be aligned with and advance United States foreign policy and economic interests.

''(B) COUNTRY OWNERSHIP.—To the greatest extent practicable, assistance provided under this section to support programs and activities under this subsection should be aligned with and support the national education plans and country development strategies of partner countries, including activities that are appropriate for and meet the needs of local and indigenous cultures.

''(C) COORDINATION.—

''(i) IN GENERAL.—Assistance provided under this section to support programs and activities under this subsection should be coordinated with and leverage the unique capabilities and resources of local and national governments in partner countries, other donors, multilateral institutions, the private sector, and nongovernmental and civil society organizations, including faith-based organizations and organizations that represent teachers, students, and parents.

''(ii) MULTILATERAL PROGRAMS AND INITIATIVES.—Assistance provided under this section to support programs and activities under this subsection should be coordinated with and support proven multilateral education programs and financing mechanisms, which may include the Global Partnership for Education, that demonstrate commitment to efficiency, effectiveness, transparency, and accountability.

''(D) EFFICIENCY.—The President shall seek to improve the efficiency and effectiveness of assistance provided under this section to support programs and activities under this subsection by coordinating the related efforts of relevant Executive branch agencies and officials.

''(E) EFFECTIVENESS.—Programs and activities supported under this subsection—

''(i) shall be consistent with the policies and principles set forth in this subsection;

''(ii) shall be designed to achieve specific, measurable goals and objectives that are directly related to the provision of basic education (as defined in this section); and

''(iii) shall include appropriate targets, metrics, and indicators that—

''(I) move a country along the path to graduation from assistance provided under this subsection; and

''(II) can be applied with reasonable consistency across such programs and activities to measure progress and outcomes.

''(F) TRANSPARENCY AND ACCOUNTABILITY.—Programs and activities supported under this subsection shall be subject to rigorous monitoring and evaluation, which may include impact evaluations, the results of which shall be made publically available in a fully searchable, electronic format.

''(4) PRIORITY AND OTHER REQUIREMENTS.—The President shall ensure that assistance provided under this section to support programs and activities under this subsection is aligned with the foreign policy and economic interests of the United States and, subject to such alignment, priority is given to developing countries in which—

''(A) there is the greatest need and opportunity to expand access to basic education and to improve learning outcomes, including for marginalized and vulnerable groups, particularly women and girls to ensure gender parity in basic education, or populations affected by conflict or crisis; and

''(B) such assistance can produce a substantial, measurable impact on children and educational systems.''.

SEC. 4. COMPREHENSIVE INTEGRATED UNITED STATES STRATEGY TO PROMOTE BASIC EDUCATION.

(a) STRATEGY REQUIRED.—[Not later than October 1, 2017, the President shall submit to the appropriate congressional committees a comprehensive United States strategy to be carried out during fiscal years 2018 through 2022 to promote quality basic education in partner countries by—] *Not later than one year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a comprehensive United States strategy to be carried out during the following five fiscal years to promote quality basic education in partner countries by—*

(1) seeking to equitably expand access to basic education for all children, particularly marginalized children and vulnerable groups; and

(2) measurably improving the quality of basic education and learning outcomes.

(b) REQUIREMENT TO CONSULT.—In developing the strategy required under subsection (a), the President shall consult with—

(1) the appropriate congressional committees;

(2) relevant Executive branch agencies and officials;

(3) partner country governments; and

(4) local and international nongovernmental organizations, including faith-based organizations and organizations representing students, teachers, and parents, and other development partners engaged in basic education assistance programs in developing countries.

(c) PUBLIC COMMENT.—The President shall provide an opportunity for public comment on the strategy required under subsection (a).

(d) ELEMENTS.—The strategy required under subsection (a)—

(1) shall be developed and implemented consistent with the principles set forth in section 105(c) of the Foreign Assistance Act of 1961, as added by section 3; and

(2) shall seek—

(A) to prioritize assistance provided under this subsection to countries that are partners of the United States and whose populations are most in need of improved basic education, as determined by indicators such as literacy and numeracy rates;

(B) to build the capacity of relevant actors in partner countries, including in government and in civil society, to develop and implement national education plans that measurably improve basic education;

(C) to identify and replicate successful interventions that improve access to and quality of basic education in conflict settings and in partner countries;

(D) to project general levels of resources needed to achieve stated program objectives;

(E) to develop means to track implementation in partner countries and ensure that such countries are expending appropriate domestic resources and instituting any relevant legal, regulatory, or institutional reforms needed to achieve stated program objectives;

(F) to leverage United States capabilities, including through technical assistance, training, and research; and

(G) to improve coordination and reduce duplication among relevant Executive branch agencies and officials, other donors, multilateral institutions, nongovernmental organizations, and governments in partner countries.

SEC. 5. IMPROVING COORDINATION AND OVERSIGHT.

(a) SENIOR COORDINATOR OF UNITED STATES INTERNATIONAL BASIC EDUCATION ASSISTANCE.—There is established within the United States Agency for International Development a Senior Coordinator of United States International Basic Education Assistance (referred to in this section as the ''Senior Coordinator''). The Senior Coordinator shall be appointed by the President, shall be a current USAID employee serving in a career or noncareer position in the Senior Executive Service or at the level of a Deputy Assistant Administrator or higher, and shall serve concurrently as the Senior Coordinator.

(b) DUTIES.—

(1) IN GENERAL.—The Senior Coordinator shall have primary responsibility for the oversight and coordination of all resources

and activities of the United States Government relating to the promotion of international basic education programs and activities.

(2) SPECIFIC DUTIES.—The Senior Coordinator shall—

(A) facilitate program and policy coordination of international basic education programs and activities among relevant Executive branch agencies and officials, partner governments, multilateral institutions, the private sector, and nongovernmental and civil society organizations;

(B) develop and revise the strategy required under section 4;

(C) monitor, evaluate, and report on activities undertaken pursuant to the strategy required under section 4; and

(D) establish due diligence criteria for all recipients of funds provided by the United States to carry out activities under this Act and the amendments made by this Act.

(c) OFFSET.—In order to eliminate duplication of effort and activities and to offset any costs incurred by the United States Agency for International Development in appointing the Senior Coordinator under subsection (a), the President shall, after consulting with appropriate congressional committees, eliminate a position within the United States Agency for International Development (unless otherwise authorized or required by law) that the President determines to be necessary to fully offset such costs and eliminate duplication.

SEC. 6. MONITORING AND EVALUATION OF PROGRAMS.

The President shall seek to ensure that programs carried out under the strategy required under section 4 shall—

(1) apply rigorous monitoring and evaluation methodologies to determine if programs and activities provided under this subsection accomplish measurable improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

(2) include methodological guidance in the implementation plan and support systemic data collection using internationally comparable indicators, norms, and methodologies, to the extent practicable and appropriate;

(3) disaggregate all data collected and reported by age, gender, marital status, disability, and location, to the extent practicable and appropriate;

(4) include funding for both short- and long-term monitoring and evaluation to enable assessment of the sustainability and scalability of assistance programs; and

(5) support the increased use and public availability of education data for improved decision making, program effectiveness, and monitoring of global progress.

SEC. 7. TRANSPARENCY AND REPORTING TO CONGRESS.

(a) ANNUAL REPORT ON THE IMPLEMENTATION OF STRATEGY.—[Not later than each March 31 immediately following a fiscal year during which the strategy developed pursuant to section 4(a) was carried out, the President shall—] *Not later than 180 days after the end of each fiscal year during which the strategy developed pursuant to section 4(a) is carried out, the President shall—*

(1) submit a report to the appropriate congressional committees that describes the implementation of such strategy; and

(2) make the report described in paragraph (1) available to the public.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the efforts made by relevant Executive branch agencies and officials to implement the strategy developed pursuant to section 4, with a particular focus on the activities carried out under the strategy;

(2) a description of the extent to which each partner country selected to receive assistance for basic education meets the priority criteria specified in section 105(c) of the Foreign Assistance Act, as added by section 3; and

(3) a description of the progress achieved over the reporting period toward meeting the goals, objectives, benchmarks, and timeframes specified in the strategy developed pursuant to section 4 at the program level, as developed pursuant to monitoring and evaluation specified in section 6, with particular emphasis on whether there are demonstrable student improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Rubio amendment at the desk be agreed to, and the bill, as amended, be considered read a third time.

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

The committee-reported amendments were agreed to.

The amendment (No. 743) was agreed to, as follows:

(Purpose: To add provisions regarding the promotion of United States values and the reduction of childhood exposure to extremist ideologies)

On page 8, line 20, strike ''; and'' and insert a semicolon.

On page 8, line 23, strike the period at the end and insert ''; and''.

On page 8, between lines 23 and 24, insert the following:

''(E) promote United States values, especially respect for all persons and freedoms of religion, speech, and the press.

On page 12, line 14, strike ''; and'' and insert a semicolon.

On page 12, strike line 17 and insert ''educational systems; and''.

On page 12, between lines 17 and 18, insert the following:

''(C) there is the greatest opportunity to reduce childhood and adolescence exposure to or engagement in violent extremism or extremist ideologies.''.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. PORTMAN. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 601), as amended, was passed.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

DEPARTMENT OF VETERANS AFFAIRS BONUS TRANSPARENCY ACT

Mr. PORTMAN. Mr. President, I ask the Chair to lay before the Senate the message to accompany S. 114.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 114) entitled ''An Act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit an annual report regarding performance awards and bonuses awarded to certain high-level employees of the Department of Veterans Affairs.'', do pass with amendments.

Mr. PORTMAN. I move to concur in the House amendments, and I know of no further debate.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the motion to concur.

The motion was agreed to.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

NORTHERN MARIANA ISLANDS ECONOMIC EXPANSION ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 339 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

An bill (H.R. 339) to amend Public Law 94–241 with respect to the Northern Mariana Islands.

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the Murkowski-Cantwell amendment at the desk be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 744) was agreed to, as follows:

(Purpose: To permit the extension of 350 nonimmigrant permits for workers in the Commonwealth of the Northern Mariana Islands)

Beginning on page 2, strike line 19, and all that follows through the end and insert the following:

(B) by striking '' 'ending on December 31, 2019'.'' and inserting ''ending on December 31, 2019, except that for fiscal year 2017 an additional 350 permits shall be made available for extension of existing permits, expiring after the date of enactment of the Northern Mariana Islands Economic Expansion Act through September 30, 2017, of which no fewer than 60 shall be reserved for healthcare practitioners and technical operations (as that term is defined by the Department of Labor as Standard Occupational Classification Group 29–0000 or any successor provision), and no fewer than 10 shall be reserved for plant and system operators (as that term is defined by the Department of Labor as Standard Occupational Classification Group 51–8000 or any successor provision).''.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 339), as amended, was passed.

SERGEANT JOSEPH GEORGE KUSICK VA COMMUNITY LIVING CENTER

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2210, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2210) to designate the community living center of the Department of Veterans Affairs in Butler Township, Butler County, Pennsylvania, as the ''Sergeant Joseph George Kusick VA Community Living Center.''

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 2210) was ordered to a third reading, was read the third time, and passed.

VETERANS APPEALS IMPROVEMENT AND MODERNIZATION ACT OF 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 2288 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2288) to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Isakson substitute amendment at the desk be considered and agreed to; the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 745) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2288), as amended, was passed.

OFFICE OF SPECIAL COUNSEL REAUTHORIZATION ACT OF 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 93, S. 582.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 582) to reauthorize the Office of Special Counsel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Office of Special Counsel Reauthorization Act of 2017''.

SEC. 2. ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.

Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subchapter, is authorized to—

''(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38;

''(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

''(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38.

''(B)(i) The authorization of the Special Counsel under subparagraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

''(ii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

''(I) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; and

''(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

''(aa) the material being withheld; and

''(bb) the reason that the material is being withheld.

''(C)(i) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency.

''(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

''(iii) With respect to any record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information for a purpose that is in furtherance of any authority provided to the Special Counsel in this subchapter.

''(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of contumacy or failure to comply with a request submitted by the Special Counsel under paragraph (5)(A).''.

SEC. 3. INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

''(c)(1) In this subsection—

''(A) the term 'new employee' means an individual—

''(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

''(ii) who has not previously served as an employee; and

''(B) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b).

''(2) The head of each agency shall be responsible for—

''(A) preventing prohibited personnel practices;

''(B) complying with and enforcing applicable civil service laws, rules, and regulations, and other aspects of personnel management; and

''(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to the employees under this chapter and chapter 12, including—

''(i) information with respect to whistleblower protections available to new employees during a probationary period;

''(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

''(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, an employee may make a lawful disclosure of the information to—

''(I) the Special Counsel;

''(II) the Inspector General of an agency;

''(III) Congress; or

''(IV) another employee of the agency who is designated to receive such a disclosure.

''(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

''(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

''(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).''.

(b) TRAINING FOR SUPERVISORS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(B) the term ''whistleblower protections'' has the meaning given the term in section 2302(c)(1)(B) of title 5, United States Code, as amended by subsection (a).

(2) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency (or, in the case of an agency that does not have an Inspector General, the senior ethics official of that agency), shall provide the training described in paragraph (3).

(3) TRAINING DESCRIBED.—The training described in this paragraph shall—

(A) cover the manner in which the agency shall respond to a complaint alleging a violation of whistleblower protections that are available to employees of the agency; and

(B) be provided—

(i) to each employee of the agency who—

(I) is appointed to a supervisory position in the agency; and

(II) before the appointment described in subclause (I), had not served in a supervisory position in the agency; and

(ii) on an annual basis to all employees of the agency who serve in supervisory positions in the agency.

(c) INFORMATION ON APPEAL RIGHTS.—

(1) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(A) the right of the employee to appeal an action brought under the applicable section;

(B) the forums in which the employee may file an appeal described in subparagraph (A); and

(C) any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file an appeal.

(2) DEVELOPMENT OF INFORMATION.—The information described in paragraph (1) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

SEC. 4. ADDITIONAL WHISTLEBLOWER PROVISIONS.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (9)—

(i) in subparagraph (C), by inserting ''(or any other component responsible for internal investigation or review)'' after ''Inspector General''; and

(ii) in subparagraph (D), by inserting '', rule, or regulation'' after ''law'';

(B) in paragraph (12), by striking ''or'' at the end;

(C) in paragraph (13), by striking the period at the end and inserting ''; or''; and

(D) by inserting after paragraph (13) the following:

''(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''or'' at the end;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

''(F) the disclosure was made before the date on which the individual was appointed or applied for appointment to a position; or''; and

(B) by striking paragraph (2) and inserting the following:

''(2) If a disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (in this paragraph referred to as the 'disclosing employee'), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who has the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to the disclosing employee took, failed to take, or threatened to take or fail to take a personnel action with respect to the disclosing employee in reprisal for the disclosure made by the disclosing employee.''.

(b) EXPLANATIONS FOR FAILURE TO TAKE ACTION.—Section 1213 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''15 days'' and inserting ''45 days''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''Any such report'' and inserting ''Any report required under subsection (c) or paragraph (5) of this subsection'';

(B) by striking paragraph (2) and inserting the following:

''(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel shall review the report and determine whether—

''(A) the findings of the head of the agency appear reasonable; and

''(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of the agency collectively contain the information required under subsection (d).'';

(C) in paragraph (3), by striking ''agency report received pursuant to subsection (c) of this section'' and inserting ''report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection''; and

(D) by adding at the end the following:

''(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of an agency is reasonable and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report—

''(A) containing the additional information or documentation identified by the Special Counsel; and

''(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel.''.

(c) TRANSFER REQUESTS DURING STAYS.—

(1) PRIORITY GRANTED.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

''(E) If the Board grants a stay under subparagraph (A), the head of the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.''.

(2) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k) If the Board grants a stay under subsection (c) and the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.''.

(d) RETALIATORY INVESTIGATIONS.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel may petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(8) or subparagraph (A)(i), (B), (C), or (D) of section 2302(b)(9), [even if no] *without regard to whether a* personnel action, as defined in section 2302(a)(2)(A), is taken [or not taken.]''.

SEC. 5. SUICIDE BY EMPLOYEES.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(2) the term ''personnel action'' has the meaning given the term in section 2302(a)(2)(A) of title 5, United States Code.

(b) REFERRAL.—

(1) IN GENERAL.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in paragraph (2), any instance in which the head of the agency has information indicating that an employee of the agency committed suicide.

(2) INFORMATION.—The circumstances described in this paragraph are as follows:

(A) Before the death of an employee described in paragraph (1), the employee made a disclosure of information that reasonably evidences—

(i) a violation of a law, rule, or regulation;

(ii) gross mismanagement;

(iii) a gross waste of funds;

(iv) an abuse of authority; or

(v) a substantial and specific danger to public health or safety.

(B) After a disclosure described in subparagraph (A), a personnel action was taken with respect to the employee who made the disclosure.

(c) OFFICE OF SPECIAL COUNSEL REVIEW.—Upon receiving a referral under subsection (b)(1), the Special Counsel shall—

(1) examine whether a personnel action was taken with respect to an employee because of a disclosure described in subsection (b)(2)(A); and

(2) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

SEC. 6. PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.

(a) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall develop criteria that—

''(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

''(B) promote the protection of whistleblowers.

''(2) The criteria required under paragraph (1) shall include—

''(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

''(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b)(8);

''(ii) take responsible actions to resolve the disclosures described in clause (i); and

''(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in ⟦subparagraph (A)⟧ *clause (i)* to supervisory employees or other appropriate authorities; and

''(B) for each supervisory employee—

''(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

''(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

''(3) In this subsection—

''(A) the term 'agency' means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity;

''(B) the term 'prohibited personnel practice' has the meaning given the term in section 2302(a)(1);

''(C) the term 'supervisory employee' means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of chapter 71; and

''(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8).''.

(b) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4313 of title 5, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) protecting whistleblowers, as described in section 4302(b)(2).''.

(c) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(1) DEFINITIONS.—In this subsection, the terms ''agency'' and ''whistleblower'' have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by subsection (a).

(2) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(A) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by subsection (a);

(B) the reasons for the determinations described in subparagraph (A); and

(C) each performance-based or corrective action taken by the agency in response to a determination under subparagraph (A).

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking ''For the purpose of'' and inserting ''Except as otherwise expressly provided, for the purpose of''.

SEC. 7. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''§ 7515. Discipline of supervisors based on retaliation against whistleblowers

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

''(B) does not include any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) against an employee of an agency; and

''(3) the term 'supervisor' means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee was an agency.

''(b) PROPOSED DISCIPLINARY ACTIONS.—

''(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor is employed has determined that the supervisor committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures required under paragraph (2)—

''(A) for the first prohibited personnel action committed by the supervisor—

''(i) shall propose suspending the supervisor for a period that is not less than 3 days; and

''(ii) may propose an additional action determined appropriate by the head of the agency, including a reduction in grade or pay; and

''(B) for the second prohibited personnel action committed by the supervisor, shall propose removing the supervisor.

''(2) PROCEDURES.—

''(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice that—

''(i) states the specific reasons for the proposed action; and

''(ii) informs the supervisor about the right of the supervisor to review the material that constitutes the factual support on which the proposed action is based.

''(B) ANSWER AND EVIDENCE.—

''(i) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after receiving the notice, submit an answer and furnish evidence in support of that answer.

''(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1).

''(C) SCOPE OF PROCEDURES.—An action carried out under this section—

''(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

''(ii) shall not be subject to—

''(I) paragraphs (1) and (2) of section 7503(b);

''(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

''(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

''(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:

''7515. Discipline of supervisors based on retaliation against whistleblowers.''.

SEC. 8. TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.

Section 1214(a) of title 5, United States Code, is amended ⟦—⟧

⟦(1) in paragraph (1)(D), in the first sentence, by inserting '', other than a termination of an investigation described in paragraph (6)(A),'' after ''investigation of a prohibited personnel practice''; and

(2)⟧ by adding at the end the following:

''(6)(A) ⟦Not later⟧ *Notwithstanding any other provision of this section, not later* than 30 days after receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel may terminate an investigation of the allegation without further inquiry ⟦or an opportunity for the individual who submitted the allegation to respond⟧ if the Special Counsel determines that—

''(i) the same allegation, based on the same set of facts and circumstances had previously been—

''(I)(aa) made by the individual; and

''(bb) investigated by the Special Counsel; or

''(II) filed by the individual with the Merit Systems Protection Board;

''(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

''(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

''(B) Not later than 30 days after the date on which the Special Counsel terminates an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states the basis of the Special Counsel for terminating the investigation.''.

SEC. 9. ALLEGATIONS OF WRONGDOING WITHIN THE OFFICE OF SPECIAL COUNSEL.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel shall enter into at least one agreement with the Inspector General of an agency under which—

''(1) the Inspector General shall—

''(A) receive, review, and investigate allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

''(B) develop a method for an employee of the Office of Special Counsel to directly

communicate with the Inspector General; and

''(2) the Special Counsel—

''(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

''(B) may reimburse the Inspector General for services provided under the agreement.''.

SEC. 10. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

''§ 1218. Annual report

''The Special Counsel shall submit to Congress, on an annual basis, a report on the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

''(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

''(2) the number of investigations conducted by the Special Counsel;

''(3) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

''(4) the number of subpoenas issued by the Special Counsel;

''(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation;

''(6) the actions that resulted from reopening investigations, as described in paragraph (5);

''(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(i) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

''(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

''(9) the number of—

''(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints initiated; and

''(B) stays and extensions of stays obtained from the Merit Systems Protection Board;

''(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by actions in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints; and

''(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components, in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints;

''(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

''(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.''.

(b) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

''(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with—

''(A) a copy of the information transmitted to the head of the agency under section 1213(c)(1);

''(B) any report from the agency under section 1213(c)(1)(B) relating to the matter;

''(C) if appropriate, not otherwise prohibited by law, and consented to by the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

''(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);''.

(c) NOTICE OF COMPLAINT SETTLEMENTS.—Section 1217 of title 5, United States Code, is amended—

(1) by striking ''The Special Counsel'' and inserting:

''(a) IN GENERAL.—The Special Counsel''; and

(2) by adding at the end the following:

''(b) ADDITIONAL REPORT REQUIRED.—

''(1) IN GENERAL.—If an allegation submitted to the Special Counsel is resolved by an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

''(2) CONTENTS.—The report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

''(A) the agency that entered into the agreement;

''(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;

''(C) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

''(D) a description of the allegation described in subparagraph (B); and

''(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).''.

SEC. 11. ESTABLISHMENT OF SURVEY PILOT PROGRAM.

(a) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

(b) PURPOSE.—The survey under subsection (a) shall be designed for the purpose of collecting information and improving service at various stages of a review or investigation by the Office of Special Counsel.

(c) RESULTS.—The results of the survey under subsection (a) shall be published in the annual report of the Office of Special Counsel.

(d) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act entitled ''An Act to reauthorize the Office of Special Counsel, and for other purposes'', approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

SEC. 12. REGULATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

(1) the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and

(2) any functions of the Special Counsel that are required because of the amendments made by this Act.

(b) PUBLICATION.—Any regulations prescribed under subsection (a) shall be published in the Federal Register.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking ''2003, 2004, 2005, 2006, and 2007'' and inserting ''2017 through 2022''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on September 30, 2015.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported amendments be considered, the Johnson amendment at the desk be considered and agreed to, the committee-reported amendments, as amended, be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 746) was agreed to, as follows:

(Purpose: To permit an Inspector General to withhold certain material from the Office of Special Counsel if the material is derived from, or pertains to, intelligence activities)

On page 3, strike lines 10 through 23 and insert the following:

''(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

''(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

''(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

''(bb) the material—

''(AA) may not be disclosed pursuant to a court order; or

''(BB) has been filed under seal under section 3730 of title 31; and

''(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

''(aa) the material being withheld; and

''(bb) the reason that the material is being withheld.

On page 33, after line 8, add the following:

SEC. 14. TECHNICAL AMENDMENT.

Section 1214(b)(1)(B)(ii) of title 5, United States Code, as amended by section 1 of the Act entitled ''An Act to amend section 1214 of title 5, United States Code, to provide for stays during a period that the Merit Systems Protection Board lacks a quorum.'' (S. 1083, 115th Congress, 1st Session), is amended by striking ''who was appointed, by and with the advice and consent of the Senate,''.

The committee-reported amendments, as amended, were agreed to.

The bill (S. 582), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Office of Special Counsel Reauthorization Act of 2017''.

SEC. 2. ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.

Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subchapter, is authorized to—

''(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38;

''(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

''(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38.

''(B)(i) The authorization of the Special Counsel under subparagraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

''(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

''(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

''(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

''(bb) the material—

''(AA) may not be disclosed pursuant to a court order; or

''(BB) has been filed under seal under section 3730 of title 31; and

''(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

''(aa) the material being withheld; and

''(bb) the reason that the material is being withheld.

''(C)(i) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency.

''(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

''(iii) With respect to any record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information for a purpose that is in furtherance of any authority provided to the Special Counsel in this subchapter.

''(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of contumacy or failure to comply with a request submitted by the Special Counsel under paragraph (5)(A).''.

SEC. 3. INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

''(c)(1) In this subsection—

''(A) the term 'new employee' means an individual—

''(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

''(ii) who has not previously served as an employee; and

''(B) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b).

''(2) The head of each agency shall be responsible for—

''(A) preventing prohibited personnel practices;

''(B) complying with and enforcing applicable civil service laws, rules, and regulations, and other aspects of personnel management; and

''(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to the employees under this chapter and chapter 12, including—

''(i) information with respect to whistleblower protections available to new employees during a probationary period;

''(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

''(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, an employee may make a lawful disclosure of the information to—

''(I) the Special Counsel;

''(II) the Inspector General of an agency;

''(III) Congress; or

''(IV) another employee of the agency who is designated to receive such a disclosure.

''(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

''(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

''(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).''.

(b) TRAINING FOR SUPERVISORS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(B) the term ''whistleblower protections'' has the meaning given the term in section 2302(c)(1)(B) of title 5, United States Code, as amended by subsection (a).

(2) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency (or, in the case of an agency that does not have an Inspector General, the senior ethics official of that agency), shall provide the training described in paragraph (3).

(3) TRAINING DESCRIBED.—The training described in this paragraph shall—

(A) cover the manner in which the agency shall respond to a complaint alleging a violation of whistleblower protections that are available to employees of the agency; and

(B) be provided—

(i) to each employee of the agency who—

(I) is appointed to a supervisory position in the agency; and

(II) before the appointment described in subclause (I), had not served in a supervisory position in the agency; and

(ii) on an annual basis to all employees of the agency who serve in supervisory positions in the agency.

(c) INFORMATION ON APPEAL RIGHTS.—

(1) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(A) the right of the employee to appeal an action brought under the applicable section;

(B) the forums in which the employee may file an appeal described in subparagraph (A); and

(C) any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file an appeal.

(2) DEVELOPMENT OF INFORMATION.—The information described in paragraph (1) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

SEC. 4. ADDITIONAL WHISTLEBLOWER PROVISIONS.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (9)—

(i) in subparagraph (C), by inserting ''(or any other component responsible for internal investigation or review)'' after ''Inspector General''; and

(ii) in subparagraph (D), by inserting '', rule, or regulation'' after ''law'';

(B) in paragraph (12), by striking ''or'' at the end;

(C) in paragraph (13), by striking the period at the end and inserting ''; or''; and

(D) by inserting after paragraph (13) the following:

''(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).''; and

(2) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''or'' at the end;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

''(F) the disclosure was made before the date on which the individual was appointed

or applied for appointment to a position; or''; and

(B) by striking paragraph (2) and inserting the following:

''(2) If a disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (in this paragraph referred to as the 'disclosing employee'), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who has the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to the disclosing employee took, failed to take, or threatened to take or fail to take a personnel action with respect to the disclosing employee in reprisal for the disclosure made by the disclosing employee.''.

(b) EXPLANATIONS FOR FAILURE TO TAKE ACTION.—Section 1213 of title 5, United States Code, is amended—

(1) in subsection (b), by striking ''15 days'' and inserting ''45 days''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''Any such report'' and inserting ''Any report required under subsection (c) or paragraph (5) of this subsection'';

(B) by striking paragraph (2) and inserting the following:

''(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel shall review the report and determine whether—

''(A) the findings of the head of the agency appear reasonable; and

''(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of the agency collectively contain the information required under subsection (d).'';

(C) in paragraph (3), by striking ''agency report received pursuant to subsection (c) of this section'' and inserting ''report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection''; and

(D) by adding at the end the following:

''(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of an agency is reasonable and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report—

''(A) containing the additional information or documentation identified by the Special Counsel; and

''(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel.''.

(c) TRANSFER REQUESTS DURING STAYS.—

(1) PRIORITY GRANTED.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

''(E) If the Board grants a stay under subparagraph (A), the head of the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.''.

(2) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k) If the Board grants a stay under subsection (c) and the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.''.

(d) RETALIATORY INVESTIGATIONS.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel may petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(8) or subparagraph (A)(i), (B), (C), or (D) of section 2302(b)(9), without regard to whether a personnel action, as defined in section 2302(a)(2)(A), is taken.''.

SEC. 5. SUICIDE BY EMPLOYEES.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(2) the term ''personnel action'' has the meaning given the term in section 2302(a)(2)(A) of title 5, United States Code.

(b) REFERRAL.—

(1) IN GENERAL.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in paragraph (2), any instance in which the head of the agency has information indicating that an employee of the agency committed suicide.

(2) INFORMATION.—The circumstances described in this paragraph are as follows:

(A) Before the death of an employee described in paragraph (1), the employee made a disclosure of information that reasonably evidences—

(i) a violation of a law, rule, or regulation;

(ii) gross mismanagement;

(iii) a gross waste of funds;

(iv) an abuse of authority; or

(v) a substantial and specific danger to public health or safety.

(B) After a disclosure described in subparagraph (A), a personnel action was taken with respect to the employee who made the disclosure.

(c) OFFICE OF SPECIAL COUNSEL REVIEW.—Upon receiving a referral under subsection (b)(1), the Special Counsel shall—

(1) examine whether a personnel action was taken with respect to an employee because of a disclosure described in subsection (b)(2)(A); and

(2) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

SEC. 6. PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.

(a) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall develop criteria that—

''(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

''(B) promote the protection of whistleblowers.

''(2) The criteria required under paragraph (1) shall include—

''(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

''(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b)(8);

''(ii) take responsible actions to resolve the disclosures described in clause (i); and

''(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in clause (i) to supervisory employees or other appropriate authorities; and

''(B) for each supervisory employee—

''(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

''(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

''(3) In this subsection—

''(A) the term 'agency' means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity;

''(B) the term 'prohibited personnel practice' has the meaning given the term in section 2302(a)(1);

''(C) the term 'supervisory employee' means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of chapter 71; and

''(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8).''.

(b) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4313 of title 5, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) protecting whistleblowers, as described in section 4302(b)(2).''.

(c) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(1) DEFINITIONS.—In this subsection, the terms ''agency'' and ''whistleblower'' have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by subsection (a).

(2) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(A) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by subsection (a);

(B) the reasons for the determinations described in subparagraph (A); and

(C) each performance-based or corrective action taken by the agency in response to a determination under subparagraph (A).

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking ''For the purpose of'' and inserting ''Except as otherwise expressly provided, for the purpose of''.

SEC. 7. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''§ 7515. Discipline of supervisors based on retaliation against whistleblowers

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

''(B) does not include any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) against an employee of an agency; and

''(3) the term 'supervisor' means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee was an agency.

''(b) PROPOSED DISCIPLINARY ACTIONS.—

''(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor is employed has determined that the supervisor committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures required under paragraph (2)—

''(A) for the first prohibited personnel action committed by the supervisor—

''(i) shall propose suspending the supervisor for a period that is not less than 3 days; and

''(ii) may propose an additional action determined appropriate by the head of the agency, including a reduction in grade or pay; and

''(B) for the second prohibited personnel action committed by the supervisor, shall propose removing the supervisor.

''(2) PROCEDURES.—

''(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice that—

''(i) states the specific reasons for the proposed action; and

''(ii) informs the supervisor about the right of the supervisor to review the material that constitutes the factual support on which the proposed action is based.

''(B) ANSWER AND EVIDENCE.—

''(i) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after receiving the notice, submit an answer and furnish evidence in support of that answer.

''(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1).

''(C) SCOPE OF PROCEDURES.—An action carried out under this section—

''(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

''(ii) shall not be subject to—

''(I) paragraphs (1) and (2) of section 7503(b);

''(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

''(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

''(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:

''7515. Discipline of supervisors based on retaliation against whistleblowers.''.

SEC. 8. TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.

Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

''(6)(A) Notwithstanding any other provision of this section, not later than 30 days after receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel may terminate an investigation of the allegation without further inquiry if the Special Counsel determines that—

''(i) the same allegation, based on the same set of facts and circumstances had previously been—

''(I)(aa) made by the individual; and

''(bb) investigated by the Special Counsel; or

''(II) filed by the individual with the Merit Systems Protection Board;

''(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

''(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

''(B) Not later than 30 days after the date on which the Special Counsel terminates an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states the basis of the Special Counsel for terminating the investigation.''.

SEC. 9. ALLEGATIONS OF WRONGDOING WITHIN THE OFFICE OF SPECIAL COUNSEL.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel shall enter into at least one agreement with the Inspector General of an agency under which—

''(1) the Inspector General shall—

''(A) receive, review, and investigate allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

''(B) develop a method for an employee of the Office of Special Counsel to directly communicate with the Inspector General; and

''(2) the Special Counsel—

''(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

''(B) may reimburse the Inspector General for services provided under the agreement.''.

SEC. 10. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

''§ 1218. Annual report

''The Special Counsel shall submit to Congress, on an annual basis, a report on the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

''(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

''(2) the number of investigations conducted by the Special Counsel;

''(3) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

''(4) the number of subpoenas issued by the Special Counsel;

''(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation;

''(6) the actions that resulted from reopening investigations, as described in paragraph (5);

''(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(i) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

''(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

''(9) the number of—

''(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints initiated; and

''(B) stays and extensions of stays obtained from the Merit Systems Protection Board;

''(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by actions in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints; and

''(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components, in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints;

''(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

''(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.''.

(b) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

''(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with—

''(A) a copy of the information transmitted to the head of the agency under section 1213(c)(1);

''(B) any report from the agency under section 1213(c)(1)(B) relating to the matter;

''(C) if appropriate, not otherwise prohibited by law, and consented to by the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

''(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);''.

(c) NOTICE OF COMPLAINT SETTLEMENTS.—Section 1217 of title 5, United States Code, is amended—

(1) by striking ''The Special Counsel'' and inserting:

''(a) IN GENERAL.—The Special Counsel''; and

(2) by adding at the end the following:

''(b) ADDITIONAL REPORT REQUIRED.—

''(1) IN GENERAL.—If an allegation submitted to the Special Counsel is resolved by

an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

''(2) CONTENTS.—The report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

''(A) the agency that entered into the agreement;

''(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;

''(C) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

''(D) a description of the allegation described in subparagraph (B); and

''(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).''.

SEC. 11. ESTABLISHMENT OF SURVEY PILOT PROGRAM.

(a) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

(b) PURPOSE.—The survey under subsection (a) shall be designed for the purpose of collecting information and improving service at various stages of a review or investigation by the Office of Special Counsel.

(c) RESULTS.—The results of the survey under subsection (a) shall be published in the annual report of the Office of Special Counsel.

(d) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act entitled ''An Act to reauthorize the Office of Special Counsel, and for other purposes'', approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

SEC. 12. REGULATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

(1) the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and

(2) any functions of the Special Counsel that are required because of the amendments made by this Act.

(b) PUBLICATION.—Any regulations prescribed under subsection (a) shall be published in the Federal Register.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking ''2003, 2004, 2005, 2006, and 2007'' and inserting ''2017 through 2022''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on September 30, 2015.

SEC. 14. TECHNICAL AMENDMENT.

Section 1214(b)(1)(B)(ii) of title 5, United States Code, as amended by section 1 of the Act entitled ''An Act to amend section 1214 of title 5, United States Code, to provide for stays during a period that the Merit Systems Protection Board lacks a quorum.'' (S. 1083, 115th Congress, 1st Session), is amended by striking ''who was appointed, by and with the advice and consent of the Senate,''.

PRO BONO WORK TO EMPOWER AND REPRESENT ACT OF 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 717 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 717) to promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The bill (S. 717) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pro bono Work to Empower and Represent Act of 2017'' or the ''POWER Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Extremely high rates of domestic violence, dating violence, sexual assault, and stalking exist at the local, State, and national levels and such violence or behavior harms the most vulnerable members of our society.

(2) According to a study commissioned by the Department of Justice, nearly 25 percent of women suffer from domestic violence during their lifetime.

(3) Proactive efforts should be made available in all forums to provide pro bono legal services and eliminate the violence that destroys lives and shatters families.

(4) A variety of factors cause domestic violence, dating violence, sexual assault, and stalking, and a variety of solutions at the local, State, and national levels are necessary to combat such violence or behavior.

(5) According to the National Network to End Domestic Violence, which conducted a census including almost 1,700 assistance programs, over the course of 1 day in September 2014, more than 10,000 requests for services, including legal representation, were not met.

(6) Pro bono assistance can help fill this need by providing not only legal representation, but also access to emergency shelter, transportation, and childcare.

(7) Research and studies have demonstrated that the provision of legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking reduces the probability of such violence or behavior reoccurring in the future and can help survivors move forward.

(8) Legal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and his or her family, as demonstrated by a study that found that 83 percent of victims represented by an attorney were able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.

(9) The American Bar Association Model Rules include commentary stating that ''every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer''.

(10) As representatives of the Department of Justice, the duty of United States Attorneys is to present ''equal and impartial justice to all its citizens'', which should include, especially, survivors of domestic violence, dating violence, sexual assault, and stalking who might not otherwise know how to seek advice and protection.

(11) As Federal leaders who have knowledge of domestic violence, dating violence, sexual assault, and stalking in their localities, United States Attorneys should encourage lawyers to provide pro bono resources in an effort to help victims of such violence or behavior escape the cycle of abuse.

(12) A dedicated army of pro bono attorneys focused on this mission will inspire others to devote efforts to this cause and will raise awareness of the scourge of domestic violence, dating violence, sexual assault, and stalking throughout the country.

(13) Communities, by providing awareness of pro bono legal services and assistance to survivors of domestic violence, dating violence, sexual assault, and stalking, will empower those survivors to move forward with their lives.

SEC. 3. U.S. ATTORNEYS TO PROMOTE EMPOWERMENT EVENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less often than once each year thereafter, each United States Attorney, or his or her designee, for each judicial district shall lead not less than 1 public event, in partnership with a State, local, tribal, or territorial domestic violence service provider or coalition and a State or local volunteer lawyer project, promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking and engage citizens in assisting those survivors.

(b) DISTRICTS CONTAINING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—During each 3-year period, a United States Attorney, or his or her designee, for a judicial district that contains an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) shall lead not less than 1 public event promoting pro bono legal services under subsection (a) of this section in partnership with an Indian tribe or tribal organization with the intent of increasing the provision of pro bono legal services for Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, and stalking.

(c) REQUIREMENTS.—Each United States Attorney shall—

(1) have discretion as to the design, organization, and implementation of the public events required under subsection (a); and

(2) in conducting a public event under subsection (a), seek to maximize the local impact of the event and the provision of access to high-quality pro bono legal services by survivors of domestic violence, dating violence, sexual assault, and stalking.

SEC. 4. REPORTING REQUIREMENTS.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than October 30 of each year, each United States Attorney shall submit to the Attorney General a report detailing each public event conducted under section 3 during the previous fiscal year.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1 of each year, the Attorney General shall submit to Congress a compilation and summary

of each report received under subsection (a) for the previous fiscal year.

(2) REQUIREMENT.—Each comprehensive report submitted under paragraph (1) shall include an analysis of how each public event meets the goals set forth in this Act, as well as suggestions on how to improve future public events.

SEC. 5. FUNDING.

The Department of Justice shall use existing funds to carry out the requirements of this Act.

RESOLUTIONS DISCHARGED

Mr. PORTMAN. Mr. President, I ask unanimous consent that the applicable committees be discharged and the Senate proceed to the immediate consideration of the following resolutions, en bloc: S. Res. 203, S. Res. 194, S. Res. 214, S. Res. 215, S. Res. 231, S. Res. 213, S. Res. 233 and S. Res. 221.

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

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 26, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 15, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 29, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 29, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 25, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 29, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 26, 2017, under ''Submitted Resolutions.'')

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 19, 2017, under ''Submitted Resolutions.'')

RESOLUTIONS SUBMITTED TODAY

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 239, S. Res. 240, and S. Res. 241.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

RAPID DNA ACT OF 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 510 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 510) to establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog.

There being no objection, the Senate proceeded to consider the bill.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 510) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, AUGUST 2, 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, August 2; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Kaplan nomination, with the time until 11 a.m. equally divided between the two leaders or their designees.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PORTMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Wednesday, August 2, 2017, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 2017:

DEPARTMENT OF DEFENSE

ELAINE MCCUSKER, OF VIRGINIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE.

ROBERT DAIGLE, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE.

ROBERT R. HOOD, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE .

THE JUDICIARY

KEVIN CHRISTOPHER NEWSOM, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

DEPARTMENT OF DEFENSE

RICHARD V. SPENCER, OF WYOMING, TO BE SECRETARY OF THE NAVY.

DEPARTMENT OF JUSTICE

CHRISTOPHER A. WRAY, OF GEORGIA, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR A TERM OF TEN YEARS.

DEPARTMENT OF DEFENSE

RYAN MCCARTHY, OF ILLINOIS, TO BE UNDER SECRETARY OF THE ARMY.

LUCIAN NIEMEYER, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

MATTHEW P. DONOVAN, OF VIRGINIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

ELLEN M. LORD, OF RHODE ISLAND, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.