United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163 WASHINGTON, THURSDAY, AUGUST 3, 2017 No. 132

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, August 4, 2017, at 1 p.m.

Senate

THURSDAY, AUGUST 3, 2017

The Senate met at 10 a.m. and was called to order by the Honorable LUTHER STRANGE, a Senator from the State of Alabama.

PRAYER

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

Let us pray.

Almighty God, who is the same yesterday, today, and forever, we are transient creatures who long for a sense of permanence. Help us to find our permanence with a fixed and abiding faith in You.

Lord, strengthen our lawmakers for the challenges of these times. Keep them in the shadow of Your wings, protecting them from seen and unseen dangers. Use Your powerful arm to guide, protect, and sustain our Nation. Hasten the day when people everywhere will seek and find You.

Lord, let the tranquility of Your dominion increase in our Nation and world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 2017.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

Mr. STRANGE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

WORK BEFORE THE SENATE

Mr. MCCONNELL. Mr. President, earlier this week, I set out a number of items for the Senate to get done during this work period, both in terms of nominees and legislation.

First on nominees, we had to confirm an FBI Director, and we have done that. We needed to make progress on a number of other nominations that have been held up for entirely too long. Slowly but surely, we are. We confirmed a well-qualified judicial nominee. We confirmed several officials who will be critical to advancing administration policy in the Defense Department. Yesterday afternoon, we confirmed a nominee to the National Labor Relations Board who will help to return it—after 8 years of habitually siding with union bosses over workers—to its intended role as an impartial judge that calls balls and strikes in labor disputes.

All of this is progress, but we still have nominees to confirm for positions across many agencies in both security and nonsecurity roles. Many Cabinet members still await the No. 2 officials for their departments. So we have more to do.

The same is true of legislation. We had to pass the Veterans Choice legislation. We have. In fact, we passed some additional veterans legislation, as well.

Under the last administration, we learned of a shocking scandal that spread through Veterans Affairs facilities across the Nation. We all agreed that our veterans deserved far better than that. Ever since, Congress has continued to work on a number of initiatives designed to bring more justice to veterans and more reform to the VA. Senator ISAKSON, the chairman of the Veterans' Affairs Committee, has been a tireless advocate for our Nation's veterans and a driving force on seeing these bills through committee and through the Senate. We passed a number of good reforms into law already. We continue to build on that progress today.

Just a couple of months ago, we passed important VA reform legislation that is now law. The Department of Veterans Affairs Accountability and

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

Whistleblower Protection Act is helping to shore up accountability measures, improve transparency, and enhance the VA's ability to remove unsatisfactory employees, while also protecting those who speak up about wrongdoing within the VA.

Just this week we passed through more veterans bills. One heads back to the House for final passage. The Veterans Appeals Improvement and Modernization Act will help address the delays that many veterans have experienced by modernizing the VA's antiquated claims appeals process. The other two bills now await the President's signature. The VA Choice and Quality Employment Act we passed earlier this week will provide additional resources to shore up the critical Veterans Choice Program so that veterans who face long wait and travel times at VA facilities will have the option of accessing private care instead. The Harry W. Colmery Veterans Education Assistance Act we passed yesterday will expand access for veterans to GI bill benefits as they transition back to civilian life.

I want to thank the President and his administration for working with Congress to improve healthcare for our Nation's veterans. I also want to thank again Senator ISAKSON for his unwavering leadership on veterans issues and VA reforms. He has never stopped working to strengthen the VA system for those who rely on it and to overcome the systemic problems that have left many veterans frustrated and hurting. These veterans bills can make a real impact in the lives of the people we represent.

That is also true of the FDA legislation we need to pass during this work period as well. I am hopeful we will have the opportunity to do so today. This legislation, which was passed by the HELP Committee on a 21-to-2 bipartisan vote, is more important than ever in light of lifesaving developments in immunotherapy. It has never been more relevant, given that personalized medicine is just over the horizon. Passing this legislation will help speed up the drug approval process for patients in need. It will help address the time and cost of bringing lifesaving drugs to market. It will allow the important work of ensuring our drugs and devices are safe and effective to move forward.

I want to recognize the chairman of the HELP Committee, Senator ALEXANDER, for helping to make this critical legislation a top priority and for working with colleagues to move it in a timely manner.

We are making progress this week for the future of lifesaving medicine for our veterans and for the leadership of our country's most critical agencies. We know we still have more to do in all of these areas, but we are passing critical legislation. We are confirming nominees to important positions, and we are taking steps in the right direction.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2430, which the clerk will report.

The senior assistant 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.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

The Senator from Illinois.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Mr. President, I want to start this morning's presentation on the floor of the Senate with a question. What is the most heavily subsidized private business in America—the for-profit business that receives more Federal subsidies than any other? Is it a defense contractor? No. Is it some farming operation? No.

The most heavily subsidized for-profit, private business in America today is for-profit colleges and universities. Why? Because the revenue they receive from the Federal Government accounts for 85, 90, 95 percent or more of all of the revenue they take in. How can that possibly be? How could you run a private for-profit business and have a Federal subsidy of 98 percent? How is that possible?

Here is how it works. A student graduates from high school. The student applies to a for-profit college or university. The for-profit college or university accepts the student on the condition that the student sign over Pell grants—Federal money—and the student's Federal Government loan. The student signs over the Pell grant, signs over the loan, and is enrolled in the school.

This for-profit school now is home free. They admitted the student. They received all the money from the student, and the student is headed for classes. It works only if the student, at the end of the day, ends up with some value in their education—some experience that helps them go on to get a job to pay off their student loans.

It turns out that, in too many instances, for-profit colleges and universities entice these young people into signing up for classes that are worthless. They end up not preparing them for any job. Now they are in a terrible fix. If they finish the course, they have a heavy, large student debt and they end up in a position where they can't get a job and pay it off.

How often does this happen? Think of three numbers. So 9 percent of students graduating from high school today in America go to for-profit colleges and universities. What am I talking about—for-profit? There is the University of Phoenix, DeVry, Rasmussen, and the list goes on and on. So 9 percent of high school students go to these schools, and 20 percent or more of Federal aid to education goes to these schools. Why? Because the tuition they charge is so high. But here is the kicker: 35 percent, one out of three students in America who defaults on their student loans has attended these for-profit colleges and universities.

We decided under the previous administration, the Obama administration, to start asking some hard questions. How are these for-profit colleges and universities enticing these students in? What are they saying to them to bring them in to sign up for classes and for their student loans?

Secondly, if the students finish their degrees at these for-profit colleges and universities, how likely are they to end up with a job that is worth something—a job that allows them to pay back their student loan? Those are legitimate questions; aren't they? If you were the parent of a child who said: Dad, I just heard about the University of Phoenix, and I want to go to school there, you would obviously say: Well, what are you interested in taking? Is it a good course? How much does it cost? What will be your debt when you are finished? What is your likelihood of finding a job? Those are obvious questions. We put all those questions into something called the gainful employment rule. At the end of graduating from for-profit colleges and universities, will you be gainfully employed as a graduated student into a job that gives you a chance to pay off your student loan and really keeps the promise that the for-profit school made to you?

Just weeks ago, the new Secretary of Education, Betsy DeVos, announced that our U.S. Department of Education was going to rewrite the gainful employment rule. The rule, as I said, was written by the Obama administration after years of contentious debate with the industry. It was designed to ensure that career training programs that receive Federal student aid are meeting their statutory obligation to prepare the students for a job—for gainful employment.

Don't forget that a lot of young people applying for college are in families that have limited college experience. Mom and Dad may have never gone to college. So when you say DeVry or University of Phoenix, Mom and Dad may say: Is it any good, Son? Is it any good,

Daughter? The son or daughter can say: Dad, the Federal Government will loan me the money to go there. It must be a good school. They wouldn't loan me the money to go to a place that is bad. That is a natural reaction. We are, in fact, condoning, endorsing this industry by saying: If you go to these schools, you get taxpayer-funded student loans.

I don't think it is too much to ask the programs promising to train students for specific jobs that actually lead to students being able to get those jobs and, in the process, repay their loans.

The gainful employment rule cuts off Federal student aid if programs where graduates' ratio of student debt to earnings is too high during any 2 years of a 3-year period. We look at the jobs of the graduate of the for-profit schools, we look at the income of the students, and then ask: What is the likelihood that student can make their student loan repayment based on their employment? Is it, in fact, gainful employment?

So prior to leaving office, the Obama Department of Education released gainful employment data for the year 2016. It showed that graduates of public undergraduate certificate programs—now that is those who go to community colleges, different colleges altogether—earn $9,000 more than those who went to for-profit colleges and universities. Do you know what the difference is?

If you decide to go to a community college in my home State of Illinois, in my hometown of Springfield, and go to Lincoln Land Community College—a great community college like most of those in our State—you are going to get an education, a good one, and it will not cost you much. Let me give you the kicker. All of your hours can be transferred to upper level colleges and universities, but if you make a bad decision and go to a for-profit college, different things happen. You end up with a real debt for that first year out of high school and guess what. Virtually none of the credit hours you take at that for-profit school can be transferred to any other college or university. That is the reality of what students face.

Of the programs that saddled students with too much debt compared to the income students receive after the program—listen to this—when we looked at all of the student debt and all of the jobs of all of the graduates across the United States, it turns out, 98 percent of the students who couldn't pay off their student loans after graduating went to for-profit colleges and universities. That was the 2016 analysis. That is what led to the gainful employment rule.

This is cruel to take a young person who is doing just what they were told to do—go to college, get a degree, don't quit with high school—saddle them with debt, make an empty promise about what is going to happen after they graduate, and then they find themselves in a job they can't pay off their student loan. Let me give you a specific example so you can really understand what we have run into.

The digital photography program at the Illinois Institute of Art in Schaumburg, IL—now, let me quickly add, the folks who put this together were pretty smart. We have an outstanding college in Chicago called the Art Institute of Illinois. My daughter graduated from there. However, this bunch, the for-profit group, decided to call their operation the Illinois Institute of Art, instead of the Art Institute of Chicago.

They are owned by a for-profit giant, the Education Management Corporation. They failed the gainful employment rule in the year 2016. Listen to what it wrote on their website for students who wanted to enroll:

> There's a market for people who constantly find innovative ways to fill the world with their ideas, impressions, and insights. And Digital Photography can help you make a positive impression when you're ready to match your talents against the competition. From the very start, we'll guide your development, both creatively and technically . . . it's a step-by-step process that's all about preparing you for a future when you can do what you love.

That is what is on the website for the high school student who likes the idea of majoring in digital photography at the Illinois Institute of Art in Schaumburg. Boy, doesn't that sound good?

So let's contrast that with what the gainful employment rule found about that particular program. Get ready. Do you know what the total cost of the digital photography course was at the Illinois Institute of Art, the for-profit school—total cost of tuition, fees, books, and supplies to prepare you to be a digital photographer? It is $88,000—$88,000. It gets better. That is if you live off campus.

Do you want to live on campus? The company helps you find an apartment nearby. Over the 4 years, it is an additional $56,000.

Let's do the quick math here. That is $144,000 in debt, finishing 4 years, majoring in digital photography at the Illinois Institute of Art. How many students have to borrow money to do that? Eighty four percent of the students who went to that school and took digital photography had to borrow the money—84 percent.

Guess what the typical graduate of the Illinois Institute of Art in Schaumburg, IL, in the digital photography course earns after leaving the program. Do you remember that promise on their website? How much do they earn? On average, it is $20,493—$20,493.

Here is a quick calculation. What if I am being paid the minimum wage in America? In Illinois, it is $9.25 an hour. Well, I would be making right around $18,500 a year in a minimum-wage job. I have gone to the Illinois Institute of Art in Schaumburg to take the digital photography course and instead of making $18,500 a year, I am making $20,493. That is almost $2,000 more a year. Oh, I forget. I forgot $144,000 in debt that I also have. Let's do the math. How many years of an additional $2,000 to pay off $144,000? It is only 72 years, and you would be able to pay off your student debt. What a rip-off. These people ought to be ashamed of themselves, and we ought to be ashamed of ourselves that we are supporting this kind of fraudulent activity at the expense of students who were just trying to get a better education.

That is why we wrote this gainful employment rule, to say to the Illinois Institute of Art and those just like them: Stop it. Stop fleecing these kids, stop burying them in debt. Incidentally, many times parents and even grandparents sign on for that debt too.

You know something else you ought to remember? Of all the debts you could incur in life, there are only a handful of them that can never be discharged in bankruptcy. Student loans would happen to be in that category. Do you know what that means? No matter how bad it gets—and it could get to the point where you have no income whatsoever—no matter how bad it gets, you can't go to the courts and say: Please, turn me free. Discharge this debt in bankruptcy. Give me a chance to start all over again.

You can do it with your home mortgage. You can do it with an auto loan. You can do it if you have a loan for a boat but not with student loans. It is with you for a lifetime.

We have had cases where Grandma decided to help her granddaughter by cosigning the note at one of these miserable schools. The granddaughter couldn't pay back the student loan, and they went after Grandma's Social Security payments. That is what this is all about. That is how serious this can become.

There is no way students leaving that digital photography program at this for-profit college in Schaumburg will ever repay their loans making that money. Under the gainful employment rule, if the Illinois Institute of Art doesn't change its program or lower its price or help its students get better jobs, we would stop providing student loans to the students who are engaged in that program. We are not going to be complicit—we shouldn't be—in this fraud. The rule requires schools to post their gainful employment data online using a new, easy-to-read disclosure so students can read what happened to students who took the digital photography course. Did they get jobs? How much did they earn?

That is also one of the requirements of the gainful employment rule. It requires schools to provide warnings to students in advertising and marketing materials about failing programs so they know before they sign up—they know before they go in debt.

Think about what these disclosures and warnings might have meant to Ami Schneider from Hoffman Estates, IL. Ami went to this notorious art institute—the Illinois Institute of Art—

the Schaumburg digital photography program from 2007 to 2010. She wrote me a letter and told me her story.

Ami said she moved out of her parents' house at age 19, and after a few years, realized she couldn't have the life she wanted with the job she was working. She was getting 50-cent-an-hour raises every year. She said: I wanted to pursue a career, and I really was serious. I was passionate about it. She visited this Illinois Institute of Art campus in Schaumburg. ''I went into [the school],'' she wrote me, ''and they fed me all these success stories. They told me they had [an] excellent placement'' program.

What do you think would have happened if they would have told Ami that at the end of the day, she would have been making slightly more than minimum wage after taking all these courses and incurring all this debt? What if they had been required to tell Ami that employers wouldn't accept her degree and she would never pay off her student loan?

Well, Ami and tens of thousands of students like her across the country would have been spared from a hardship that can change their lives. Ami says her time at the Illinois Institute of Art ''ended up ruining my life.'' In her twenties, she made a decision to go to college, got so deeply in debt, and can't pay it back.

The program culminated in a portfolio show where the students displayed their best work. Do you know how many employers—after Ami finished the course and did her display—do you know how many employers showed up for Ami's class portfolio show at the Illinois Institute of Art? None. Not one.

Ami and her family who took out the loans to help her now hold more than $100,000 in student loan debt from her time at the Illinois Institute of Art. She is stuck with a degree which, as she said, she ''considered a joke.''

Using the questionable legal authority, which she claims she has, the new Secretary of Education, Betsy DeVos, has decided to delay for a year the requirement that schools warn students like Ami about these failing programs—delayed it for a year. That is another year that for-profit education companies will be able to hide the truth about their miserable results. It means students are going to be defrauded because Education Secretary Betsy DeVos has decided to let it happen.

It means more students like Ami and more Federal dollars in the pockets of these greedy, for-profit college executives. You wouldn't believe what these people pay themselves who head up these for-profit colleges and universities. Take the most successful basketball coach in the United States of America at the college level, take the most successful football coach in a State like Alabama, take a look at what they get paid—and I am sure in Alabama they would pay them even more if they could—and then compare it to what these CEOs pay themselves off these poor students. It is disgraceful. For the sake of the students and taxpayers who immediately would benefit from real warnings, it is time for us in Congress to speak up.

We also know Secretary DeVos intends to eventually rewrite the gainful employment rule, what she called a ''regulatory reset.'' What does that mean?

We hear a lot of speeches on the floor about too much government regulation. If you were Ami Schneider or her parents, would you consider a disclosure to students about the real results of their education, a disclosure to students about the debt they are going to incur and the income they are likely to earn overregulation by the Federal Government?

We are putting a lot of money on the line to give $100,000, at least, of the Federal taxpayers' dollars to Ami to go to school, but she has to promise to pay it back. If she defaults, that money isn't paid back into the Treasury. For the good of the taxpayers as well as for her family, we should have some basic regulations, some basic accountability.

While Secretary DeVos says the rule is unfair and arbitrary, the Department of Education Inspector General agreed with the assertion that it was a good rule in terms of protecting kids and protecting taxpayers. I am proud to say the rule is supported by many State Attorneys General, including Lisa Madigan in my home State of Illinois, veterans groups, and student advocates.

Secretary DeVos said the gainful employment rule has been ''repeatedly . . . overturned by the courts'' Wrong. In effect, since it went into effect in 2015, every Federal court it has been in front of has upheld the underlying rule. The Secretary is just plain wrong.

It is time for Secretary DeVos and the Trump administration to stop aiding and abetting for-profit colleges that defraud students and bilk taxpayers.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

NOMINATIONS

Mr. SCHUMER. Mr. President, as the Senate wraps up its work this week, I have been in multiple discussions with my friend the majority leader about clearing nominations with bipartisan support, and we have made significant progress. Now that we have moved past the terrible process used on healthcare, I hope we can get back to our normal way of legislating and clearing noncontroversial nominees. The two are tied together. They can't avoid regular order when they want to and say that Democrats should use regular order whenever they want us to.

Now that healthcare is done, I think we can tie the two together—the normal way of legislating, clearing noncontroversial nominees as we move forward in September. Of course, controversial nominees will still require the proper vetting, but I am committed to help move noncontroversial, bipartisan nominees forward.

I hope the fever is breaking. There is a real desire in this body to move past the acrimony of the healthcare debate and get to a place where we can work together to advance legislation that helps the American people. I am hopeful that the discussions between the Republican leader and me will produce a package of nominees we can confirm today.

TAX REFORM

Mr. President, the Republican leader has said that the next big issue this body will take up is taxes. Democrats were excluded from even participating in healthcare discussions from the very first day of Congress, a process that ultimately ended in failure. So we have made the first overture this time to show our Republican friends we are serious about a bipartisan process on tax reform. We sent them a letter outlining three very basic principles. This is a guideline for our Republican colleagues to come work with us. These are very simple principles that I think the vast majority of Americans would support. Let me say what they are.

First, the Republican leader has said that he would pursue reconciliation again, a process that purposefully excludes Democrats almost again on the first day we begin to talk about tax reform. The majority leader brought down the curtain on bipartisan tax reform before a discussion between our two parties could even begin. He says that Democrats don't want to have a bipartisan discussion. Of course we do. We have said this over and over again until we are blue in the face, but I guess the majority leader somehow didn't like the three principles we laid out, and I would like him to specifically answer what it was.

We know he probably agrees, so which of these three principles does the majority leader disagree with? Tell us. Which of the three? We know he probably agrees with the third. Surely he can't think that a blunt budget tool that excludes 48 Members of the Senate is a good way to write legislation. He has said so many times himself. I quoted him yesterday.

He warned the Senate about becoming ''an assembly line for one party's partisan legislative agenda.'' Those are Senator MCCONNELL's words. The Senate should not become ''an assembly line for one party's partisan legislative agenda.'' That is what he did on healthcare. Is he doing it again on tax reform? I hope not.

Well, we know he probably agrees with the second principle: no increase to the debt and deficit. We know he agrees because he has said so before. The Republican leader and Members of his party have spent decades assailing the debt and deficit. As recently as May 16, the Republican leader told

Bloomberg TV that tax reform will have to be revenue-neutral, so that one doesn't seem to be it. Again, I would like to hear what he has to say explicitly so that we can work together.

It leaves us with the first principle: no tax cuts for the top 1 percent. Here again, I understand why the majority leader and my Republican friends don't want to come out and say that this is the reason they have decided to pursue a tax bill on their own, but it almost certainly is.

Tax cuts for the wealthy are extremely unpopular with the American people—and for good reason. The top 1 percent of this country takes 20 percent of our income, a great percentage of its wealth. The wealthy are doing well. God bless them. Their incomes are going up at a faster rate than those of anybody else, but when we are talking about our Tax Code and rewriting it, we shouldn't be focused on giving the 1 percent another tax break while millions of working families struggle to afford the cost of college, prescription drugs, food, and healthcare.

I am afraid the majority is in the same boat as they were with healthcare. They don't want to say that their real reason for changing healthcare is wanting to slash Medicaid. A good number of courageous Members on the other side said: We won't do that. But that was the core of the Senate bill. They knew it was unpopular with the American people, so they didn't talk about it. They entered into a process that hid it from the American people.

I think, unfortunately, history is repeating itself. They know how unpopular cutting taxes on the top 1 percent is, but for the special interest, Koch brother wing of their party, that is their No. 1 goal. All they talk about is cutting taxes on the wealthy. So they are stuck. When will my colleagues have the courage to break free from the Koch brothers and special interests?

Don't give breaks to the top 1 percent. Everyone knows they don't need it. It is an old, discredited idea that has lost its steam except among the hard-right, Koch brother wing of the Republican Party. Most Americans—Democrats, Republicans, and Independents—don't go for it. So break free.

If our Republican colleagues' whole basis for doing tax reform is cutting taxes on the top 1 percent, we are going to send that message from one end of America to the other, and their ideas will certainly fail, as they did with healthcare.

In a related point, I saw this morning that President Trump has been bragging about the success of the stock market, which, by the way, was already going up. It went up more points under President Obama than under President Trump. It started going up years ago. It is just continuing. Most economists would give President Obama at least as much credit as President Trump. But that is not the point I wish to make.

The stock market is mainly owned by the wealthy. As of 2013, the top 20 percent own 92 percent of all stock shares. So when the stock market is going up, it is helping the 1 percent.

Average Americans are not looking for stocks to go up, not looking for corporate profits to hit record levels, as much as they are looking at how are their paychecks, how are their expenses. That is why we have a better deal for them. We want paychecks for average Americans to go up. We want expenses for average Americans to go down. We want them to have better tools, so they and their kids can make a better living in the 21st century.

The focus of the stock market is on people at the highest end. Many will dispute whether President Trump deserves credit for it, but whether you think so or you don't—I don't, by and large—it is not what the American people are looking for, and it is not a basis for bragging about the economy.

Well, going back to taxes—the American people will rebel against a tax cut for the wealthy, so the Republicans clearly will not talk about it in their plan. They will give a crumb to the middle class and try to hide a massive giveaway to the already fortunate. I can see no other reason why they object to these three very reasonable, very popular principles other than that, and we hope they will not try to sneak it through in the same partisan process.

IMMIGRATION

Finally, Mr. President, a word on immigration: Yesterday, I heard the President railing against migrant workers and wrapping his arms around the Cotton-Perdue bill. The bill goes after hard-working people who want to play by the rules, contribute to our economy, and earn citizenship, while doing nothing to address the unscrupulous practices of employers who abuse our visa programs to outsource jobs and displace American workers.

Here is what I would like to focus on. The President has this nice announcement that he is cutting back on immigration, but a month ago he actually increased the number of H–2B visas—a program the President knows well. Why? A lot of those with H–2B visas work in hotels. I don't know how many, but I bet a good number are in Trump Hotels. So when the President actually looks at immigration in his own businesses, he says: We need more immigrants. When asked before, he has said: Well, we couldn't get American workers. But when he comes up with his big immigration plan—I think not appealing to the higher instincts of Americans—he says: Slash it. Those two are complete contradictions. To hold both of those views is to hold hypocritical views.

The President wants to talk about immigration because he thinks the politics are to his advantage, but, in truth, his immigration policy has a stunning hypocrisy at the core of it. The President criticizes and seeks to limit almost every immigration program except the one that benefits his own business.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

I rise in support of the Food and Drug Administration Reauthorization Act that we are now considering. Let me begin by commending Chairman ALEXANDER and Ranking Member MURRAY of the Senate Health, Education, Labor, and Pensions Committee for their leadership in bringing this important legislation to the Senate floor. This bill is the product of bipartisan, bicameral work and is proof that we can make progress when we work together on the areas where we can find agreement.

FDA user fees, which are reauthorized under this bill, are critical to moving the most advanced research from a promise to a cure and ensuring that new treatments reach patients in need. User fees, where companies fund a portion of the premarket review of their products, account for more than one-quarter of all FDA funding. Yet the FDA's authority to collect these fees will expire at the end of next month unless Congress acts, thus the urgency of getting this bill across the finish line.

That is why it is imperative that we advance this bill now and ensure that work on these promising new pharmaceuticals continues uninterrupted.

In May, the HELP Committee, on which I am pleased to serve, overwhelmingly approved bipartisan legislation to extend and reauthorize the FDA fees in order to support the public health of our Nation. The bill before us also incorporates many provisions that were advanced by individual Committee Members. It is a great example of how a committee process should work. It was collaborative. We each brought ideas to the table, and during our markup, those ideas were offered as amendments and in many cases incorporated into the legislation.

I thank the chairman and the ranking member for including in this important legislation provisions that I authored with Senator CLAIRE MCCASKILL. Those provisions seek to accelerate the review process for prescription drugs in cases where there is limited or no competition. Our purpose is to lower or at least moderate the escalating prescription drug prices that are one of the key cost drivers in our healthcare system today.

During the last Congress, our Senate Aging Committee, which I chair—and at that time Senator MCCASKILL was the ranking member—had a bipartisan investigation into the causes, impacts, and potential solutions to the egregious price spikes for certain off-patent drugs for which there were no generic competitors.

Now, let me explain this situation a little more.

What we found was happening is that in cases in which the patent on the

original brand name pharmaceutical had expired, there were these companies that were not traditional pharmaceutical companies—they were not firms that had invested hundreds of millions in R&D in order to develop a new prescription drug. That is not what we are talking about. We are talking about these pharma companies—I call them hedge fund pharmas—that wait until the patent has expired, then buy the pharmaceutical drug and virtually overnight impose egregious price increases. One of the executives of these companies, when asked why he did so, answered simply ''because I can.''

Obviously, that has a very detrimental impact on patients, on healthcare providers, on insurers, and on Federal programs such as Medicaid and Medicare.

So building on our investigation, Senator MCCASKILL and I sponsored legislation, called the Making Pharmaceutical Markets More Competitive Act, to foster a more competitive generic marketplace and to improve access for affordable medicines. That is key. If we can have more competition in the prescription drug marketplace, that is what drives down costs, and that is what drives down prices. We know that from our experience when generic drugs come on the market.

The bill that we are considering today that is based on our legislation includes key provisions which were adopted unanimously as an amendment that I sponsored during the committee markup.

First, our provisions would require the FDA to prioritize the review of certain generic applications. It would set a clear timeframe of no more than 8 months for the FDA to act on such applications where there is inadequate generic competition. This would help to resolve situations in which there are drug shortages, as well as circumstances in which there are not more than three approved competitors on the market.

The Aging Committee's investigation into sudden price spikes found that older drugs with only one manufacturer and no generic competitor are particularly vulnerable to dramatic and sudden price increases.

One company that we investigated, Turing Pharmaceuticals, increased the price of a drug called Daraprim, which is a lifesaving drug for serious parasitic infections, from $13.50 a pill to $750 a pill—an increase of more than 5,000 percent—and they did so literally overnight. Now, keep in mind that this company, Turing Pharmaceuticals, had nothing to do with the costly research and development that brought about this lifesaving drug, known as Daraprim, but after they bought the drug—after the patent had expired and they saw that there was no generic competitor—they increased the price overnight by 5,000 percent. This price hike for a drug that has remained unchanged since 1953 is unacceptable and underscores the urgent need for legislation to prevent bad actors from taking advantage of a noncompetitive marketplace.

Second, the bill would improve communications between the FDA and the eligible sponsors prior to the submission of an application for the approval of a generic drug. That would improve the quality of applications from the beginning, increasing the chances of successful approval by the FDA.

Third, new reporting requirements would provide increased transparency into the backlog of applications for drug approvals and pending generic and priority review applications.

Fourth, this bill would provide the public with accurate information about drugs with limited competition. Drug manufacturers would be required to notify and provide rationale when removing a drug from the market, and the FDA would publish a list of off-patent brand name drugs that lack generic competitors, so that if you were a generic drug company, you would know that this would be an opportunity to develop a competitor drug.

I give the new FDA Commissioner a great deal of credit for his incorporating some of our provisions. He cares deeply about this issue.

Finally, this bill would streamline the regulatory process to address incidents in which the delayed re-inspection of manufacturing facilities becomes a barrier to generics entering the marketplace.

By taking these steps, we will enhance regulatory certainty for generic drug companies, help to prevent shortages, increase competition to lower prices and prevent monopolies, and deter practices that can lead to unjustifiable, exorbitant price hikes.

I am pleased that the legislation also includes another bill that resulted from our Aging Committee's investigation. This provision will help to prevent bad actors from receiving unwarranted vouchers under the Tropical Disease Voucher Program.

This program was intended to incentivize the development of medicines for neglected diseases, yet was exploited by the notorious Martin Shkreli, the founder of Turing. After spiking the price of Daraprim, he purchased another decades-old drug—one, once again, without a competitor—that is used to treat a life-threatening infection that is rare in the United States. Mr. Shkreli sought to use the Tropical Disease Voucher Program to gain exclusivity and hike the price for a drug that is not, in fact, a new drug.

Our legislation revises the program to better ensure that it achieves its intent, which is to spur the development of therapies that are truly new in order to treat and cure neglected diseases.

Drug companies should not be able to increase their prices dramatically by thousands of a percent overnight without any justification—without the development of modifications in the drug that improve its effectiveness, for example.

Our legislation will help to foster a much healthier and more competitive generic marketplace as the best defense against such exploitation. I am pleased that our bipartisan plan will increase generic competition, which is so important for American families and our seniors, particularly, who take a disproportionate number of the prescription drugs that are prescribed in this country.

Before closing, let me briefly mention another important provision in the bill before us, the Over-the-Counter Hearing Aid Act of 2017. Approximately 30 million Americans experience age-related hearing loss. Yet only about 14 percent of those with hearing loss use assistive hearing technology, often because they simply cannot afford the price of costly hearing aids.

We know from a hearing that we recently held in the Aging Committee that social isolation among our seniors can be exacerbated by hearing loss that is left untreated. That, in turn, increases that social isolation and increases the risk of serious mental and physical health outcomes. By making some types of hearing aids available over the counter, just as people buy readers to see with, which are over-the-counter eyeglasses, this legislation will help increase access to and lower the cost of the products for the consumers who need them.

The legislation we are considering today will help to bring lifesaving drugs to the marketplace and will ensure that the FDA continues to operate smoothly and, most importantly, that promising therapies make it to the American people.

Again, I commend Chairman ALEXANDER and Ranking Member MURRAY for their leadership, and I encourage all of our colleagues to join me in supporting this important legislation.

Thank you.

I yield the floor.

Mr. ENZI. Mr. President, I wish to express concern with section 709 of H.R. 2430, concerning over-the-counter, OTC, hearing aids.

I have a daughter who has worn hearing aids since she was a toddler. I have firsthand experience with the kind of expertise needed by providers to ensure that those who require a hearing aid have their specific and unique medical needs met.

I believe that everyone on all sides of this issue desire the same thing, and I appreciate Chairman ALEXANDER working with me to get a study relating to this matter. I believe that we are all working, in sincerity, towards a goal of providing those who would benefit from hearing aids with access to safe and effective products that will help them live the kinds of lives which they choose and desire. That being said, I am concerned about a policy which will create a division between a healthcare provider and a patient who needs that provider's expertise.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on 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.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2430, the FDA Reauthorization Act of 2017, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—96

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

NAYS—1

Sanders

NOT VOTING—3

Burr Inhofe McCain

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that after the disposition of the Brouillette nomination, the Senate resume consideration of the motion to proceed to H.R. 2430, that all postcloture time be expired, and the motion to proceed be agreed to; further, that there be no amendments in order to H.R. 2430, that there be 10 minutes of debate equally divided in the usual form, and that following the use or yielding back of that time, the bill be read a third time and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

JESSIE'S LAW

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 581 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. 581) to include information concerning a patient's opioid addiction in certain medical records.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Manchin-Capito substitute amendment 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. Is there objection?

Without objection, it is so ordered.

The amendment (No. 752) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Jessie's Law''.

SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient's history of opioid use disorder should, only at the patient's request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient's request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient's opioid use disorder history in a manner similar to other potentially lethal medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient's opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, to have access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

The bill (S. 581), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

BETTER EMPOWERMENT NOW TO ENHANCE FRAMEWORK AND IMPROVE TREATMENTS ACT OF 2017

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 1052 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. 1052) to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs.

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

Mr. ALEXANDER. 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. 1052) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1052

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 ''Better Empowerment Now to Enhance Framework and Improve Treatments Act of 2017'' or the ''BENEFIT Act of 2017''.

SEC. 2. STRENGTHENING THE USE PATIENT-EXPERIENCE DATA WITHIN BENEFIT-RISK FRAMEWORK.

Section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–8c) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) as part of the risk-benefit assessment framework in the new drug approval process described in section 505(d), considering relevant patient-focused drug development data, such as data from patient preference studies (benefit-risk), patient reported outcome data, or patient experience data, developed by the sponsor of an application or another party.''; and

(2) in subsection (b)(1). by inserting '', including a description of how such data and information were considered in the risk benefit assessment described in section 505(d)'' before the period.

The PRESIDING OFFICER. The Senator from Wisconsin.

TRICKETT WENDLER RIGHT TO TRY ACT OF 2017

Mr. JOHNSON. Mr. President, in about 5 minutes, I am going to be asking for consent to pass the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Belina Right to Try Act of 2017.

I wish to take a few moments, though, to tell the story of how that right-to-try bill, which has been passed by 37 States, obtained that name. I believe it was probably March of 2014 that I met Trickett Wendler, a young mom with three children, who came to Washington, DC, with a group of other individuals advocating for those patients and their families with people suffering from ALS, or Lou Gehrig's disease—an incurable and devastating disease.

A week before meeting Trickett, I met with the Goldwater Institute, which was talking about its right-to-try legislation. They were beginning to pass through State legislatures. Just mentioning the fact that I supported the right to try brought tears streaming down Trickett Wendler's face. Unfortunately, Trickett Wendler lost her battle to ALS on March 18, 2015. She has inspired something that I think is going to give so many thousands—maybe tens of thousands, maybe millions—of Americans hope when they face a similar type of disease, where there is no hope, where there are no further options, other than potentially an experimental drug that has been proven safe, according to the FDA.

In our press conference announcing the introduction of this bill, we had met Matthew Belina, a naval aviator and lieutenant commander—one of the finest among us—also stricken with ALS. We had little Jordan McLinn, a little boy with Duchenne muscular dystrophy, and his mother Laura was speaking at that press conference. Remarkably, a man also stricken with ALS, Frank Mongiello, his wife Marilyn, and their children asked to speak. He made such an impression on our gathering, which encapsulated that press conference, particularly his speech in a video that I showed to my colleagues, which resulted in so many cosponsorships of this bill.

These are real people facing their mortality with no hope. This right-to-try piece of legislation will give those individuals and their families hope.

I want to truly thank my lead cosponsor from across the aisle, Senator JOE DONNELLY, who is in the Chamber here today, and also Senator KING and Senator MANCHIN, who decided not to play any politics whatsoever and also were willing to cosponsor a bill offered by somebody who was in a tough reelection fight. I want to thank my 43 Republican cosponsors, particularly Senator MCCONNELL. As leader, he was one of the first cosponsors who helped me to get those other 42 cosponsors. I want to particularly thank Chairman ALEXANDER and Ranking Member MURRAY, who have worked so cooperatively with me and my staff to make this moment possible. I would like to thank Vice President PENCE, who also met Frank Mongiello and became a real advocate for this, and President Trump, who after meeting these types of victims—these individuals—also supported this piece of legislation.

I wish to thank the Goldwater Institute and Darcy Olson for their tireless efforts at promoting the right to try and the 37 States and the 97.7 percent of the legislators who, when given a chance to vote to give people the right to try and the right to hope, voted yes.

I would also like to thank a very special person, Dr. Delpassand, who really demonstrated why this is such an important piece of legislation. Dr. Delpassand is an oncologist from Houston, TX. He was engaged in an FDA trial on an aggressive form of endocrine cancer with 150 patients. It was working. The drug was working. He petitioned the FDA to allow another 78 patients to participate in the trial. The FDA said no, but Dr. Delpassand said yes, putting his career at risk.

It is that kind of courage that we want to reward today by passing this right-to-try bill.

In conclusion, I want to thank the thousands of patients and their families who have taken their wheelchairs and gone to their State capitals and have come here to Washington, DC, to advocate for their personal freedom, their personal liberty, for their right to try, for their right to hope, and for the right to hope of millions of other Americans faced with these incurable diseases.

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 204 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. 204) to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

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

Mr. JOHNSON. Mr. President, I ask unanimous consent that the Johnson-Donnelly amendment at the desk be considered and agreed to, and 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. 753) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017''.

SEC. 2. USE OF UNAPPROVED INVESTIGATIONAL DRUGS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561A (21 U.S.C. 360bbb–0) the following:

''SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'eligible patient' means a patient—

''(A) who has been diagnosed with a life-threatening disease or condition (as defined in section 312.81 of title 21, Code of Federal Regulations (or any successor regulations));

''(B) who has exhausted approved treatment options and is unable to participate in a clinical trial involving the eligible investigational drug, as certified by a physician, who—

''(i) is in good standing with the physician's licensing organization or board; and

''(ii) will not be compensated directly by the manufacturer for so certifying; and

''(C) who has provided to the treating physician written informed consent regarding the eligible investigational drug, or, as applicable, on whose behalf a legally authorized representative of the patient has provided such consent;

''(2) the term 'eligible investigational drug' means an investigational drug (as such term is used in section 561)—

''(A) for which a Phase 1 clinical trial has been completed;

''(B) that has not been approved or licensed for any use under section 505 of this Act or section 351 of the Public Health Service Act;

''(C)(i) for which an application has been filed under section 505(b) of this Act or section 351(a) of the Public Health Service Act; or

''(ii) that is under investigation in a clinical trial that—

''(I) is intended to form the primary basis of a claim of effectiveness in support of approval or licensure under section 505 of this Act or section 351 of the Public Health Service Act; and

''(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act, as applicable; and

''(D) the active development or production of which is ongoing and has not been discontinued by the manufacturer or placed on clinical hold under section 505(i); and

''(3) the term 'phase 1 trial' means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

''(b) EXEMPTIONS.—Eligible investigational drugs provided to eligible patients in compliance with this section are exempt from sections 502(f), 503(b)(4), 505(a), and 505(i) of this Act, section 351(a) of the Public Health Service Act, and parts 50, 56, and 312 of title 21, Code of Federal Regulations (or any successor regulations), provided that the sponsor of such eligible investigational drug or any person who manufactures, distributes, prescribes, dispenses, introduces or delivers for introduction into interstate commerce, or provides to an eligible patient an eligible investigational drug pursuant to this section is in compliance with the applicable requirements set forth in sections 312.6, 312.7, and 312.8(d)(1) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

''(c) USE OF CLINICAL OUTCOMES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Public Health Service Act, or any other provision of Federal law, the Secretary may not use a clinical outcome associated with the use of an eligible investigational drug pursuant to this section to delay or adversely affect the review or approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act unless—

''(A) the Secretary makes a determination, in accordance with paragraph (2), that use of such clinical outcome is critical to determining the safety of the eligible investigational drug; or

''(B) the sponsor requests use of such outcomes.

''(2) LIMITATION.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall not be delegated below the director of the agency center that is charged with the premarket review of the eligible investigational drug.

''(d) REPORTING.—

''(1) IN GENERAL.—The manufacturer or sponsor of an eligible investigational drug shall submit to the Secretary an annual summary of any use of such drug under this section. The summary shall include the number of doses supplied, the number of patients treated, the uses for which the drug was made available, and any known serious adverse events. The Secretary shall specify by regulation the deadline of submission of such annual summary and may amend section 312.33 of title 21, Code of Federal Regulations (or any successor regulations) to require the submission of such annual summary in conjunction with the annual report for an applicable investigational new drug application for such drug.

''(2) POSTING OF INFORMATION.—The Secretary shall post an annual summary report of the use of this section on the internet website of the Food and Drug Administration, including the number of drugs for which clinical outcomes associated with the use of an eligible investigational drug pursuant to this section was—

''(A) used in accordance with subsection (c)(1)(A);

''(B) used in accordance with subsection (c)(1)(B); and

''(C) not used in the review of an application under section 505 of this Act or section 351 of the Public Health Service Act.''.

(b) NO LIABILITY.—

(1) ALLEGED ACTS OR OMISSIONS.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to an eligible patient pursuant to section 561B of the Federal Food, Drug, and Cosmetic Act and in compliance with such section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

(B) a prescriber, dispenser, or other individual entity (other than a sponsor or manufacturer), unless the relevant conduct constitutes reckless or willful misconduct, gross negligence, or an intentional tort under any applicable State law.

(2) DETERMINATION NOT TO PROVIDE DRUG.—No liability shall lie against a sponsor manufacturer, prescriber, dispenser or other individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act.

(3) LIMITATION.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the right of any person to bring a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that section 561B of the Federal Food, Drug, and Cosmetic Act, as added by section 2—

(1) does not establish a new entitlement or modify an existing entitlement, or otherwise establish a positive right to any party or individual;

(2) does not establish any new mandates, directives, or additional regulations;

(3) only expands the scope of individual liberty and agency among patients, in limited circumstances;

(4) is consistent with, and will act as an alternative pathway alongside, existing expanded access policies of the Food and Drug Administration;

(5) will not, and cannot, create a cure or effective therapy where none exists;

(6) recognizes that the eligible terminally ill patient population often consists of those patients with the highest risk of mortality, and use of experimental treatments under the criteria and procedure described in such section 561A involves an informed assumption of risk; and

(7) establishes national standards and rules by which investigational drugs may be provided to terminally ill patients.

The bill (S. 204), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I want to talk about what a great moment this is. I want to thank Chairman ALEXANDER for all his help, Ranking Member PATTY MURRAY for all of her help, and to my colleague the Senator from Wisconsin, Mr. JOHNSON, for all he has done to spearhead this effort.

This gives folks a shot. It doesn't provide any guarantees, but it allows folks to be able to take their care into their own hands, to make judgments, and to decide: I want to take a shot at this.

For me, it was a wonderful family from Indiana who, by the way, this morning they are at Legoland down in Florida because their young boy is in good health, is getting along, but time is ticking. Young Jordan McLinn has Duchenne muscular dystrophy. His mom Laura and Jordan met with me and said: All we want is a shot. We don't want a guarantee. We want a chance to try to make Jordan better. That is what this Right to Try Act does. That is why I am so proud of all our colleagues coming together to support this, and to all the families Senator JOHNSON mentioned, we are so proud of you. We are so grateful to you for your advocacy because it was your words, your examples that have helped to get this done.

I want to say to everyone in Indiana and everyone in America how grateful we are that this Right to Try Act has passed, and to Chairman ALEXANDER and Ranking Member MURRAY, thank you for working together to make this happen.

I yield back.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Dan R. Brouillette, of Texas, to be Deputy Secretary of Energy.

The PRESIDING OFFICER. There will now be 15 minutes of debate equally divided in the usual form.

The Senator from Washington.

FDA REAUTHORIZATION BILL

Mrs. MURRAY. Mr. President, I want to say I am really pleased we are moving forward on the FDA Reauthorization Act today. This is really a great example about how Congress can actually work together on health issues and compromise and solve challenges by putting patients and families first.

As my colleagues well know, these so-called user fee agreements are essential to supporting FDA's operation and mission. They allow FDA to meet the complex challenges of the 21st century technology and the movement toward precision medicine, and they help ensure that FDA upholds the gold standard of approval while evaluating new drugs and devices efficiently. Put simply, passing the FDA Reauthorization Act is absolutely necessary if Congress wants to advance safe, effective

and innovative medical products for patients and families across the country.

I would add, when we pass this reauthorization today, more than 5,000 employees at FDA will be able to continue their critical work without worry of interruption, employees that worked every day to protect the health and families and advance medical innovations to patients.

So I am really pleased to have worked alongside the chairman of our HELP Committee, the Senior Senator from Tennessee, and all of our colleagues on and off the committee to bring to the floor these finalized agreements.

They truly reflect years of negotiations between FDA and the industry, incorporate input from patient and consumer groups, and support some of our most urgent priorities: restructuring the generic drug user fees, building up the Biosimilars Program, making sure patients' perspectives are considered in drug and device development, and advancing many of the policies we passed as part of the 21st Century Cures Act.

In addition to those agreements, the FDA Reauthorization Act includes priorities and provisions from Members across the political spectrum, so I again want to thank Chairman ALEXANDER and all my colleagues, in particular, Senators CASEY, FRANKEN, and WARREN, on their work to improve medical device safety; Senators HASSAN and YOUNG on their provision to get better information to providers about opioids; Senators MCCASKILL, FRANKEN, and COLLINS for their commitment to improving the generic drug market; and Senators BENNET, VAN HOLLEN, and RUBIO for their drive to get new medicine for kids with cancer.

I really want to thank my staff and Chairman ALEXANDER's staff who worked so well together over months of hard work to get this done.

Mr. President, this bill advances several significant bipartisan priorities I am proud to support. As many know, the HELP Committee has a strong tradition of bipartisan success in these user fee agreements, and I am very proud to say we have kept it this way. I think this bill not only improves FDA, but it also shows that when we work together with a common goal, we can get things done and make progress.

I thank the chair and my partner, Senator ALEXANDER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see Senators ISAKSON and TESTER are here. I think they want to make remarks before the vote.

Let me say a few words following up on Senator MURRAY, and then I will place the rest of my comments in the RECORD.

This is very important legislation. Last year, we passed the 21st Century Cures Act to move these modern medical miracles into medicine cabinets and doctors' offices more rapidly. This is funding that pays for one-quarter of the Food and Drug Administration, which has a critical role in approving the safety and effectiveness of drugs, treatments, and devices. As with most things in the Senate that actually are important and work well and get a result, a lot of hard work has gone into this.

It started 2 years ago with Republicans and Democrats; Senator MURRAY and I and our staffs working together with the House of Representatives at the same time, working with manufacturers, the FDA, many others, working out many differences of opinion. So now we are going to get to a result within a few minutes. We are probably going to adopt this by voice vote almost unanimously. Everyone will say that must have been easy. It wasn't that easy, but it is how work gets done in the U.S. Senate when we do it well.

I want to comment on our colleagues and the staff and the House of Representatives on what they have done. We will continue to focus our attention on the 21st Century Cures Act. A piece of legislation is not worth the paper it is printed on unless it is implemented properly, but this funding today, done in a timely way, says to the men and women who work at the Food and Drug Administration and to their leader, Dr. Gottlieb: We value what you do.

In the 21st Century Cures Act, we gave the Commissioner more authority to hire and pay talented people to work at FDA and approve these medical miracles that are coming. We are reauthorizing the user fees in a timely way so the FDA's work will not be interrupted.

I thank Senator MURRAY for the way she worked on this. This is typical of our committee when we work well, which we most always do.

I will make remarks in the RECORD concerning the staff. They are almost too numerous to mention. Senator MURRAY's staff, my staff, Chairman WALDEN's staff, Ranking Member PALLONE's staff, Food and Drug Administration staff, Congressional Budget Office legislative counsel, and Senator MCCONNELL's staff—they have all been critical to the success we are about to have today.

I would like to thank the staff who have been devoted to reauthorizing these important programs. Some of them have been working on this bill for over 2 years. I am deeply grateful to them. I have deep appreciation for their hard work, their ingenuity, and their skill in helping us come to this result. Without their hard work and tireless effort, we wouldn't have been able to pass this before the deadline, ensuring the FDA can continue its important mission.

On Senator MURRAY's exceptional staff, I would like to thank Evan Schatz, John Righter, Nick Bath, Andi Fristedt, and Remy Brim.

On my hard-working and dedicated staff, I would like to thank David Cleary, Lindsey Seidman, Allison Martin, Mary-Sumpter Lapinski, Grace Stuntz, Margaret Coulter, Curtis Vann, Lowell Schiller, Bobby McMillin, Liz Wolgemuth, Margaret Atkinson, Taylor Haulsee, Elizabeth Gibson, and Anthony Birch.

On Chairman WALDEN's staff, I would like to thank Ray Baum, Paul Edattel, and John Stone.

On Ranking Member PALLONE's staff, I would like to thank Jeff Carroll, Tiffany Guarascio, and Kimberlee Trzeciak. I would also like to thank much of the hard-working staff from the Food and Drug Administration who provided great help in getting this bill completed and working out the user fee agreements in a timely manner. From legislative counsel from the House and Senate, I would like to thank Warren Burke, Michelle Vanek, Kim Tamber, and Katie Bonander.

From the Congressional Budget Office, I would like to thank Darren Young, Andrea Noda, Chad Chirico, Holly Harvey, Ellen Werble, and Rebecca Yip.

On Senator MCCONNELL's staff, I would like to thank Scott Raab.

On Speaker RYAN's staff, I would like to thank Matt Hoffman.

Finally, I would like to thank all the patients, doctors, researchers, innovators, thought leaders, and experts who dedicated time and expertise to helping improve the legislation and supporting its approval.

To reiterate, today the Senate will take up and I expect it will pass the Food and Drug Administration Reauthorization Act of 2017 to speed cures and treatments into patients' medicine cabinets.

Last year, 94 Senators voted to pass 21st Century Cures and send $4.8–billion to spur medical research at the National Institutes of Health.

Leader MCCONNELL called it the ''most important piece of legislation'' that year.

Today's passage of the FDA user fees will help ensure advancements in research supported by 21st Century Cures actually make it to patients who are waiting.

The Food and Drug Administration is the agency responsible for making sure promising research supported by 21st Century Cures can turn into lifesaving treatments and cures.

This legislation we will vote on today includes four FDA user fee agreements—which are set to expire on September 30—and will speed the agency's ability to review new prescription drugs, generic drugs, biosimilar drugs, and medical devices and bring those treatments and cures to patients more quickly.

This legislation will reauthorize the authority for the FDA to accept user fees—paid by manufacturers of drugs and medical devices—that account for $8 to $9 billion over 5 years and is over a quarter of all FDA funding.

The reauthorizations are based on recommendations from industry and FDA after a thorough public process.

FDA posted meeting minutes after every negotiation and held public meetings before discussion began and to hear feedback on the draft recommendations last fall.

We began almost 2 years ago working in a bipartisan way to reauthorize and update the user fee agreements. We held 15 bipartisan Senate health committee briefings, including several with the House Energy and Commerce Committee.

In the Senate HELP Committee, we held two bipartisan hearings on these agreements—one in March and one in April of this year.

We heard from the FDA, witnesses representing the manufacturers of drugs and medical devices, and witnesses representing the patients who rely on the products they make.

Throughout this process, we have worked closely with the House. In April, the leaders of the Senate and House health committees released a discussion draft of bipartisan legislation to reauthorize and update the user-fee agreements and which reflected the recommendations sent to Congress by the FDA in January.

In May, the Senate HELP Committee overwhelmingly approved this legislation reauthorizing the user fees by a vote of 21 to 2. This also included over 20 provisions that were adopted in committee and were priorities for HELP members.

The bill includes provisions from Senators ISAKSON and BENNET to improve the medical device inspection process; Senators HASSAN and YOUNG to improve communication about abuse-deterrent opioid products; Senators ENZI and FRANKEN to encourage medical device development for children and make sure FDA has appropriate expertise to review devices for children; Senators ROBERTS, DONNELLY, and BURR to allow more appropriate classification of accessories used with medical devices; Senators COLLINS, FRANKEN, MCCASKILL, and COTTON to improve generic drug development and help lower prescription drug costs; Senators HATCH, BENNET, BURR, and CASEY to improve access to clinical trials for all patients; and Senators BENNET, RUBIO, VAN HOLLEN, and GARDNER to increase the development of new drugs to treat pediatric cancers and other diseases.

The House passed this user fee legislation on July 12 by voice vote.

Now it is our turn to pass this bipartisan legislation that is integral to helping patients and families who rely on the lifesaving medical innovation that FDA is responsible for reviewing.

The goal of getting this to the President's desk is an important one. If we do not pass this legislation before the end of September, FDA will begin sending layoff notices to more than 5,000 employees to notify them that they may lose their job in 60 days.

If we do not pass this bill, a FDA reviewer who gets started reviewing a cancer drug submitted to the agency in April could be laid off before the reviewer is able to finish his or her work.

A delay in reauthorizing the user fees would not only harm patients and families who rely on medical innovation, but it would threaten biomedical industry jobs and jeopardize America's global leadership in biomedical innovation.

I am glad the Senate is taking the step of voting on this legislation today. I look forward to supporting this important bipartisan bill and sending it to the President's desk. I urge my colleagues to support it as well.

The PRESIDING OFFICER. The Senator from Georgia.

VETERANS LEGISLATION

Mr. ISAKSON. Mr. President, I rise for a moment to reflect on what was a great night for the U.S. Senate, the U.S. Government, for the population of our country but most importantly for those who served as veterans in the military.

Last night, the Senate agreed to significant legislation on three fronts to make the VA better and more responsive to our veterans.

Ranking Member TESTER and I have spent the entire year working toward making sure we dealt with the needs the VA has so all these stories we see on the front page of papers, stories about there being unsafe conditions, stories about people being mistreated, stories of people having to wait so long for their appointments—we want to put an end to all this, and we have given the Secretary the tools to do exactly that.

I was telling the ranking member this is called ''no excuses day.'' Secretary Shulkin will have no excuses for any mistakes to be made. Every tool he needs in his toolbox to see that the Veterans' Administration is responsible to the veterans of the United States of America passed in this Senate, passed in the House. There were six major bills the first 7 months of this year, a remarkable achievement, a testimony to teamwork, to staff, and to the leadership of the Republican and the Democratic Parties. The majority and minority leaders of this Senate made it possible for that to happen last night. I am eternally grateful to both of them for their support and help.

I am not going to read all the names of the staff now because we are in limited time.

I ask unanimous consent that the names of every staff member who worked with the VA Committee to make it the best year ever be printed in the RECORD.

Credit is given to captains, Presidents, and people with titles. Senator TESTER and I have the titles, when it comes to the VA Committee, but the reason the VA Committee was successful in accomplishing every single goal, was because of every ranking file member, Republican or Democratic. We took our labels off, we put our armor on, and we plowed ahead. We didn't say no to problems that looked like they were too hard. We said yes to solutions that looked like they made sense.

Veterans of the United States of America have better healthcare, better educational benefits, and a modern VA to deal with in the years ahead. I am proud to have been a part of it. I want to commend Senator TESTER for his contribution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Staff on the Senate Committee on Veterans' Affairs:

Tom Bowman, staff director, soon-to-be Deputy Secretary of VA; Amanda Meredith, deputy staff director, soon-to-be judge on the U.S. Court of Appeals for Veterans Claims; Leslie Campbell; Gretchan Blum; Maureen O'Neill; Adam Reece; David Shearman; Jillian Workman; Kristen Hines; Thomas Coleman; John Ashley; Mitchell Sylvest; Joan Kirchner; Trey Kilpatrick; Jay Sulzmann; Ryan Evans; Salvador Ortega; and Amanda Maddox.

Mr. ISAKSON. I yield to Senator TESTER.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Thank you, Mr. President.

I want to thank Chairman ISAKSON for his work on the VA Committee. We have gotten a lot of work done the first part of this Congress because we communicated. We haven't put up artificial barriers. We sat down and all realized taking care of our veterans is the cost of war. We need to do it and live up to the promises of these folks when they signed up. We have done pretty good work.

It is not only JOHNNY. It is not only myself. It is also the people who have served on that committee, many in the Chamber right now. I want to thank them for their commitment to making sure we live up to the promises we made our veterans, but it is about working together. It is about talking to folks. It is about compromise. It is about not digging in but moving together. This is a great country, and it was built by people working together.

The VA Committee is a prime example of people working together. We set aside our differences. We listened to the veterans service organizations. We let them drive the bus, to an extent. We worked with Secretary Shulkin and other leaders within the VA. We have been transparent. We have been honest when we disagreed. We haven't embarrassed one another. Quite frankly, this is the way it can work in this body when we start from a point of agreement rather than disagreement.

We have two bills already signed into law: an accountability bill, which holds VA employees accountable to the veterans, fires bad employees, protects whistleblowers; and the Veterans Choice Improvement Act, which makes VA the prime payer and reduces out-of-pocket expenses for veterans. Then, the bills passed last night to take care of the disability appeals, some 470,000—we are going to expedite that process and bring it down from 3 years to 1 year.

The VA will do that. We will give them the tools to do that. It will simplify it and cut the redtape.

Veterans Choice funding is a fix to allow the private sector to fill in the gaps where the VA can't provide healthcare. It will help recruit and retain more doctors and nurses, critically important, and it expands the capacity in the VA, which is critically important.

Then there is the ''Forever'' GI bill which eliminates the 15-year limit. It breaks down educational barriers and helps veterans transition into civilian life.

We have done some good work. We have done some good work for this body. We have done some good work, more importantly, for the veterans, and we need to continue on that line as we continue to address healthcare and we continue to address important issues like tax reform. It is about working together. It is about finding common ground. It is about taking everybody's opinion into context and then drafting up bills.

Chairman ISAKSON and I have done that, and we are going to continue to do that. We have some more tough issues to deal with over the next year and a half, but we are going to work together to make sure we do it and we do it right. With help from the committee and help from the Senate, we could have more successes.

I thank the chairman of the committee and thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, we are considering the nomination of Dan Brouillette to be the Deputy Secretary for the Department of Energy. Mr. Brouillette has a long history of distinguished service to our Nation. He is a veteran. He has served in the Department of Energy. He has been the staff director for the House Energy and Commerce Committee. More recently, he has held high-level posts in the private sector—first, as vice president at Ford, currently as senior vice president at USAA.

He has strong experience and thorough knowledge of the Department he has chosen to return to. He understands the work that its thousands of scientists undertake and the importance of maximizing their research efforts, especially in a time of constrained Federal budgets.

He recognizes the importance of our 17 National Labs and the Department's responsibility for environmental management, including the cleanup of Cold War-era legacy sites. As second in command to Secretary Perry, Mr. Brouillette will oversee programs critical to our Nation's cyber security, energy innovation, and scientific discovery.

Based on his hearings before the Energy and Natural Resources Committee, I am confident he is up for the challenge and ready for this role. I would urge all of my colleagues to support the nomination of Dan Brouillette to be the Deputy Secretary of the Department of Energy.

Mr. President, I yield all time.

The PRESIDING OFFICER. All time is yielded back.

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

Mr. RUBIO. 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), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 79, nays 17, as follows:

[Rollcall Vote No. 186 Ex.]

YEAS—79

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

NAYS—17

Booker	Heller	Sanders
Cortez Masto	Hirono	Schatz
Duckworth	Markey	Van Hollen
Franken	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Harris	Reed	

NOT VOTING—4

Burr	Inhofe
Hoeven	McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session and consideration of the motion to proceed to H.R. 2430.

All postcloture time is expired.

The motion to proceed is agreed to.

FDA REAUTHORIZATION ACT OF 2017

The PRESIDING OFFICER. The clerk will report the bill.

The senior assistant legislative clerk read as follows:

A bill (H.R. 2430) 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.

The PRESIDING OFFICER. There will be 10 minutes of debate equally divided.

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank Senator MURRAY and the committee for 2 years of work to produce a bipartisan result. This bill funds the Food and Drug Administration and advances the 21st Century Cures legislation that Senator MCCONNELL called the most important bill of the last Congress. Senator MURRAY and I have already spoken to the bill and have thanked everybody involved. Senators have other appointments they would like to keep.

I yield back all time.

The PRESIDING OFFICER. All time is yielded back.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BARRASSO. Madam 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Georgia (Mr. ISAKSON) would have voted ''yea'' and the Senator from North Dakota (Mr. HOEVEN) would have voted ''yea.''

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—94

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

NAYS—1

Sanders

NOT VOTING—5

Burr	Inhofe	McCain
Hoeven	Isakson	

The bill (H.R. 2430) was passed.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, I ask unanimous consent that with respect to H.R. 2430, the motion to reconsider be considered made and laid upon the table.

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

MORNING BUSINESS

Mrs. FISCHER. 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 Colorado.

RACE FOR CHILDREN ACT

Mr. BENNET. Mr. President, I feel sorry for the Presiding Officer. This is the second time in a week he has had to listen to me talk on the floor.

I thank the Senator from Nebraska for her graciousness in letting me go first.

America, the Senate has passed the bill. We passed the bill. Today, the Senate passed the RACE for Children Act as part of the FDA user fee bill.

The RACE Act represents a breakthrough for kids fighting cancer. Each year, over 15,000 children will be diagnosed with the disease; 2,000 will lose their lives.

Across America, pediatric cancer is the leading cause of death for our children. Previously, companies with new treatments for adults studied their potential benefits for kids. Companies exploring medication for adult diabetes, for example, also researched its potential for use in children. This research is vital because it provides critical information to doctors for treating sick children. Specifically, it helps them ensure that the treatments and dosages they prescribe are safe for young bodies. But there was a gap in the law as it existed before we passed this law.

Drug companies with new, precision medicine for adult cancers did not have to study possible value for pediatric cancers. That meant our kids continued to receive older treatments—some from the 1960s—which often had harmful side effects and consequences that can last a lifetime.

At the same time, breakthrough treatments have become available for adults, with better results and fewer harmful effects. While these treatments have great promise for kids, we were not doing enough to explore that potential.

Over the last 20 years, the Food and Drug Administration has approved 190 new cancer treatments for adults but just 3 new treatments for children. The FDA saw that gap, and they asked us to close it. That is precisely what the RACE for Children Act will do. For the first time in the country's history, it would require drug companies to study the potential of promising adult cancer treatments for children, closing this gap in the law and opening the door to promising new treatments for children in need.

Before this bill, thousands of kids in America lacked access to cutting-edge treatments and precision medicine that could have made the difference in their struggle against cancer.

During my time in the Senate, I have seen the anguish of too many parents who learned not only that their child has cancer but that they have little or no options for treatment. This bill will give them more options. It will give them more hope.

For Delaney from Grand Junction, CO, this bill could have been lifesaving. She battled cancer for over 5 years but passed away a year ago when she was out of treatment options. I wish to dedicate our work on this bill to her and to all kids who are bravely battling cancer day in and day out around the world.

We also should dedicate it to everyone who called and wrote and shared their family stories over the past months. This bill would never have passed without their voices. For people interested in keeping the system the same way, it was the voices of these families—in many instances, people who faced horrible tragedies in their lives—who made this possible. Because they engaged in this process, we passed a bill that will give thousands of kids a better chance to beat cancer and reclaim their lives.

America leads the world when it comes to treating cancer. We pioneer the latest and safest treatments. Every American should have access to them, especially our kids, whose bright lives have just begun.

I want to recognize and acknowledge all of the pediatric cancer groups that came together to advance this bill, including pediatric advocates, cancer advocates, and hospitals in Colorado and around the country.

I also want to acknowledge, as always, the great leadership provided by Chairman ALEXANDER, Ranking Member MURRAY, and their staff for their work on this and the FDA user fee bill.

Finally, I wish to thank my partner in this work, Senator RUBIO, from Florida, for his leadership and passionate advocacy on behalf of our kids.

This bill is a reminder that, when we drop the political fights, we can focus on fights that truly matter, such as the fight against cancer, the fight for better healthcare in this country, and the fight for our kids and their future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NORTH KOREA

Mrs. FISCHER. Mr. President, I come to the floor today to discuss the growing threat from North Korea. Last month, the North Koreans conducted two intercontinental ballistic missile, or ICBM, tests. The first came as our Nation celebrated its Independence Day. The second test was conducted last week.

According to a number of reports, the second test demonstrated sufficient range to reach much of the United States. This increasing threat is a concern that I often hear about from Nebraskans.

For years, the United States has assessed North Korea to have an ICBM capability, but it was largely unproven. In his 5½ years in power, Kim Jong Un has conducted more missile tests than his father did during his 17-year reign. Under an aggressive testing program, North Korea has turned a theoretical ICBM capability into an undeniable reality.

Adding to the threat, they have made progress beyond ICBM technology. Over the past year, North Korea has conducted several tests of a submarine-launched ballistic missile. In February, the regime demonstrated a new solid-fueled, road-mobile ballistic missile.

Altogether, these developments reveal a dedicated, sophisticated development program that is relentlessly pursuing weapons designed for no other purpose than to threaten the United States and our allies. The rapid pace of development also indicates an increasingly capable scientific industrial base within North Korea.

Questions still remain about the regime's ability to miniaturize a nuclear warhead, deliver it accurately, and shield it from the stress associated with launch and then reentry. We should expect Kim Jong Un to overcome these obstacles if the status quo remains unchanged.

Admiral Harris, the commander of the U.S. Pacific Command, said in his testimony before the Senate Armed Services Committee earlier this year: ''It is clearly a matter of when.''

This sense confirms that a drastic change in our approach is required. Our current multilateral efforts have not yielded the results needed to keep the world safe.

The failure of the United Nations Security Council to issue a statement condemning North Korea's July 3 ICBM test was a step backward in the international effort to isolate and to punish the regime for its illegal behavior. With Russia and China preventing any substantive action at the United Nations, I believe we must aggressively implement unilateral sanctions to punish the companies and the countries underwriting Pyongyang's belligerence.

One thing is certain. The principal economic enablers of the Kim regime are China and Russia.

Beijing provides direct food and energy assistance to North Korea and is by far the largest market for North Korean exports, such as minerals. North Korean hackers reportedly conduct cyber crime operations from northern China, and almost all of North Korea's internet access is provided via a fiber-optic cable running between those two nations. North Korea has also used Chinese banks to conduct transactions associated with its illicit proliferation activities and its criminal operations.

Russia's economic ties are more limited, but the Russians have been known to import North Korean labor and provide energy supplies, including jet fuel, to Pyongyang.

These ties provide China and Russia with influence over North Korea. How have they used that influence? Instead of helping to restrain the regime, they appear to be rewarding its bad behavior. Reports indicate both nations are increasing their bilateral trade, with several claiming trade between Russia and North Korea increased by 85 percent in comparison to last year.

Some argue China is unwilling to impose harsh restrictions on trade with Pyongyang because it would risk the regime's collapse and send a wave of North Korean refugees across their border. This argument might explain providing minimal assistance, but it does not justify billions of dollars in cross-border trade, nor does it explain why North Korean ballistic missiles are photographed being hauled by Chinese-made trucks.

China and Russia must believe the Kim regime serves their strategic interests.

For our purposes, these economic relationships are avenues through which we can impose costs on facilitating North Korea's belligerent behavior. Congress gave President Trump broad authority to take action against the nations supporting the North Korean regime's illegal activities, particularly those fostering the regime's hostile cyber activities, weapons programs, abuse of human rights, and their criminal networks. It is time for the President to use his authority to show China and Russia that continued support of the North Koreans will harm their own interests.

The administration has already begun to implement such measures. In June, the United States announced sanctions against a Chinese bank, two Chinese individuals, and a Chinese entity for supporting the North Korean regime. It appears, though, that this warning shot has fallen on deaf ears, because there has been no change in their behavior.

Chinese officials are sticking to their talking points, and they are objecting to any measures so they don't have to bear the costs of their own behavior. Take China's reaction to South Korea's decision to deploy the THAAD system. South Korea deployed a THAAD battery to improve the defenses against North Korean missiles. This is a defensive system that poses no threat to China.

Yet how did China respond? They shut down South Korean-owned department stores. The South Korean conglomerate who owns the stores also owns the property where the THAAD system was deployed. Moreover, the conglomerate's websites were hit by cyber attacks, and unofficial restrictions appear to have been imposed on imports of South Korean cosmetics and South Korean tourism.

It is clear that the Chinese view North Korea through a narrow lens of immediate strategic interest. That is how we must target our actions. By rigorously applying sanctions, we can make clear to China and any other nation doing business with the North Korean regime that continued support for the DPRK will harm their interests.

Of course, sanctions are not a panacea, and aggressively applying them does carry risk. Indeed, if we could be totally confident that the secondary sanctions would solve this problem, I suspect that they would have been implemented long ago. Time is not on our side and 8 years of strategic patience has narrowed our options. If we want different results, we must change our strategy, and we must make these changes now.

While firmly applying additional sanctions, the United States must also increase its defenses. Of course, our nuclear deterrent remains our country's ultimate protection against nuclear attack. Wednesday's successful test of a Minuteman III ICBM by our military provides continued assurance that our deterrent remains reliable and ready. We cannot rely on deterrence alone, and we must ensure that our missile defense efforts stay ahead of North Korea's accelerating developments.

I am a longtime member, and now the chairman, of the Senate Armed Services Subcommittee on Strategic Forces, which oversees our missile defense programs. Through this role, I have had the benefit of working closely with the Directors of the Missile Defense Agency and the commanders of STRATCOM to improve our missile defenses.

Over the years, the Senate Armed Services Committee has authorized additional funding for the construction of a new missile defense radar, known as the Long Range Discrimination Radar, or the LRDR, to track potential threats from North Korea. The committee is also focused on improving the robustness of our homeland missile defense system, known as the Ground-based Midcourse Defense, or GMD, system as well.

This year in the fiscal year 2018 National Defense Authorization Act, our committee authorized over $200 million to meet unfunded requirements for that system.

The GMD System is our only defense against North Korea's ICBMs. It consists of silo-based interceptors, which are located in Alaska and California, supported by space-based and terrestrial-based sensors and a vast command and control network.

It provides an effective capability against North Korea's ICBMs, as was demonstrated in a successful intercept test on May 30 of this year. During that test, a single interceptor successfully destroyed an ICBM class target. It was the longest range test, and it was conducted at a greater altitude and closing speed than the system had ever faced before.

This successful test was an important milestone that visibly demonstrated the impressive capabilities of our GMD System. However, shortly after, then-Director of the Missile Defense Agency, Admiral Jim Syring, testified before the House Subcommittee on Strategic Forces that our defenses were not ''comfortably ahead of the threat.''

These comments came before North Korea's July ICBM tests. I strongly believe the rate of North Korea's technical progress demands a response. There are options before us. For example, additional ground-based radars and space-based sensors would improve our ability to track incoming threats, discriminate warheads from debris and decoys, and conduct kill assessments to confirm that the threats have been destroyed. The Redesigned Kill Vehicle Program, which will modernize the portion of the interceptor that impacts and destroys hostile warheads in space, promises to increase the capabilities of our current system. Deploying more interceptors, whether at the existing facility in Fort Greely, AK, or at a new installation, would add capacity and enable our defenses to better handle ICBM threats.

There are also advanced technology programs, such as the development of lasers mounted on unmanned systems, which hold significant promise for future missile defense. The Missile Defense Agency is pursuing these options, but the question remains: Are our current efforts enough? To help answer

this question, the administration is conducting a review of ballistic missile threats and our missile defense posture—the first of its kind since 2010. There is no doubt that the threat environment of today is far more sophisticated and challenging than it was during the last review.

Our missile defense posture has remained largely unchanged since 2013. When responding to North Korean missile developments, then-Secretary of Defense Chuck Hagel announced the Obama administration's decision to increase the number of deployed interceptors from 30 to 44. The final deployment of these interceptors is expected by the end of this year, which demonstrates another point that we must bear in mind when we consider our missile defenses: Decisions take years to implement.

The fact that we are ahead of the threat today is not good enough. We should be asking ourselves whether the steps we are taking today are adequate to defeat the threats we know are coming in the future. I expect the administration's review to confirm the growing threat and articulate a clear response. The review is expected to conclude in the fall, and I plan to hold hearings to examine whether it is a proposed way forward.

In closing, I would note that the phrase ''no good options'' is frequently repeated when it comes to confronting the threat that is posed by North Korea. This may be true, but the gravity of the situation demands action. Kim Jong Un has repeatedly threatened to attack U.S. cities with nuclear weapons. His capacity to carry this threat grows with every passing day. We must change our strategy to protect the American people. Strong secondary sanctions and enhanced missile defense should form the basis of that new approach.

Thank you, Mr. President.

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

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

TRIBUTE TO MARK BRAUDIS

Mr. SULLIVAN. Mr. President, every week, I have been coming to the floor to talk about the wonderful people in my State. A lot of people have visited Alaska. If you haven't and you are watching on TV, we really, really want to welcome you to come. It will be the trip of a lifetime; I guarantee it.

What we like to do when we talk about our Alaskan of the Week is talk about someone who has made a real impact, someone who doesn't get a lot of attention, someone who has made an impact on his community or country, and let people know we are thinking about them, let people know we are proud of them. Before recess, I want to do that for a couple of Alaskans today, and I would like to start by talking about a gentleman who has gotten a little press lately in Alaska, but I want the country to hear about it. It is really a remarkable story—Mr. Mark Braudis.

Let me tell you a little bit about Mark. Mark came to my attention through a recent column by Charles Wohlforth in the Alaska Dispatch News.

Mark is originally from Pennsylvania. When he was just 17 years old, he joined the Navy, like a lot of Alaskans. We have more vets per capita than any State in the country. He was deployed in 1972.

Mark said:

> When I was in high school, everyone had long hair and were anti-government. That's not the way I was. I was for God and country. If my brothers were over there in Vietnam, I wanted to stand with them.

So he went. When a lot of people were avoiding service, he went.

When Mark got out, he couldn't find a job, so he began to hitchhike across the country into Canada and other places, and he wound up in the magical place we call Alaska. Mark arrived in 1976. After leaving once and coming back, he got a job as a taxi driver—a good job. He met and fell in love with one of his passengers, a beautiful woman named Helen. They went on to have seven children—Stephen, David, Kelly, Jared, Michael, and Jenny. Helen was a great mother.

Then, unfortunately, as sometimes happens in families in certain circumstances, tragedy struck their family. In 2007, Helen was walking down a busy road and was hit and unfortunately killed by a car passing by.

Faced with unspeakable grief, Mark knew he couldn't fall apart. He had seven kids between the ages of 6 and 16, and he had to take care of them. One of them was in third grade at the time and couldn't stop crying over the loss of his mom. The school called often, and Mark—still a taxi driver—left work to pick him up. The hours of tending to his kids began to rack up. He couldn't pay the rent. His kids and he had to eventually live in a homeless shelter.

A social worker wanted to put the kids up for adoption, but Mark refused. They had lost their mother, they had lost their home, and they weren't going to lose their dad. The family needed him, and they were a team.

Eventually—and this is so great; it happens all across Alaska, all across America—with the help of the community, in this case, their local Catholic church, Saint Anthony's Parish, Mark was able to afford rent for a three-bedroom apartment with one bathroom where they still live today and to buy his own taxi license.

In the face of adversity, he raised his kids to be strong, proud, caring, responsible, and to do the right thing. They stuck together. They ran together, sometimes as many as 6 miles a day—the Navy veteran out with his children. They studied together. They were good kids. They didn't miss school or the bus. They never got in trouble. They were a team.

This is what is remarkable about this family: Six out of the seven Braudis children, whom I have been speaking about, have joined the Marines Corps. They have taken after their dad, serving their country—six out of seven. How many families in America can say that? The seventh couldn't because of a medical issue, and he is nearly finished with a degree in electrical engineering from the University of Alaska in Anchorage and tutors students in math at the university.

The youngest one, Jenny, a senior in high school, has already been sworn in to the Marines. She wants to drive tanks. The middle child, Jared, is the only one who joined the infantry. When they all get together, he kids them, telling them he is the tough one, but I am sure they are all tough. Jared said:

> When we were growing up, my dad just made things right. He still does.

What did Mark learn from these challenges? He said:

> When you're married, you become one. And when my wife passed away, she brought me to God with her. And then I brought my children to God. I didn't understand it then, but I do now. It's been one miracle after another.
>
> Also, what I learned? I'm a dad above everything else.

Well, Mark, thank you. Thanks to you, your children, and your family for this amazing example and for doing such a great job of raising your kids. You are a model for all of us. Thank you for being our Alaskan of the Week.

TRIBUTE TO KATHY HEINDL

Mr. SULLIVAN. Mr. President, as I mentioned earlier, I come to the floor every week to talk about my great State and to talk about the people of my great State—the people who make it a better place for all of us. We call these people the Alaskan of the Week. It is one of the most fulfilling parts of my job to come here and talk about people who make a difference, people who don't get a lot of press, people who don't get a lot of attention, but people who are doing the right thing for their country and for their community.

Right now in Alaska, we have tourists, people coming from all over, and one of the things happening in Alaska is salmon season. The biggest runs in the world—the bounty of our great State—are happening right now, and the fish are running. If you or anyone listening has ever had the opportunity to catch or eat wild Alaskan salmon, of course, it is the memory of a lifetime. There is nothing better; there is no better fish in the world.

There is great salmon fishing all across Alaska, but one of the most heavily fished areas in Alaska and the

world is on Alaska's Kenai Peninsula, about 45 minutes from Anchorage. Millions of salmon run up the rivers of the Kenai, drawing tens of thousands of Alaska sports, personal use, and commercial fishermen, as well as visitors from all over the country, all over the world to fish the amazing Kenai River.

The area can continue to support a lot of traffic, but when you have that many people on the Kenai, sometimes it does cause congestion. So let me talk about someone who works on these issues for Alaska—Kathy Heindl.

Kathy is an engineer with Homer Electric Association on the Kenai. Ten years ago, she visited Alaska as a tourist. She saw the Northern Lights dancing in the winter, the snow-covered mountains, and she knew she was home. She loves the Kenai. There is a sense of freedom there and all across Alaska. It is a place where there is room to pave your own path but support others and the community around you, and, of course, there are the salmon.

Since Kathy moved to Alaska, she has been working to give back to the community that she loves so much. She is an active member and past president of her local Rotary Club. She is a member of the Kenai Peninsula Borough Community Emergency Response Team. She is also a member of a group that operates ham radios in order to help if there is a disaster and shuts down cell service or other communication devices.

During the summer, right now, she spends much of her free time as a Kenai Peninsula Stream Watch volunteer with the Kenai Watershed Forum, helping to make sure that she will have a sustainable fishery—that we will have a sustainable fishery in the Kenai and throughout the State for generations to come. A few times a week, for as many as 6 hours at a time, she roams the fishing spots, picking up trash, helping others, speaking with anglers. She talks to them about how to protect themselves. She carries around safety goggles—you never want a hook in the eye. She talks about what happens when you run into a bear, which happens a lot in our great State, and the best way to avoid them, and importantly, she educates anglers on how to protect the vegetated banks on this great river to maintain the health of the river and the amazing salmon in it.

The vast majority of the people in Alaska and from out of State who fish the Kenai are responsible and want to help in any way they can, and they love Kathy's help, but, still, all the activity in the area has created erosion problems, which has the potential to hurt the fish.

The Kachemak Heritage Land Trust, a land stewardship and conservation trust based in Homer, recently recognized Kathy's efforts and presented her with the King Maker Award. ''It is your selfless actions that help protect the vital habitat needed for salmon to live and thrive,'' the land trust wrote to her. ''Great role models such as yourself can inspire others in our communities to take action by following your lead'' and your example.

Mr. President, I want to congratulate Kathy for all the work she is doing, especially in this busy summer in Alaska, and for being our Alaskan of the Week.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative 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.

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. 185, 186, 187, 188, 189, 190.

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

The clerk will report the nominations en bloc.

The bill clerk read the nominations of Brooks D. Tucker, of Maryland, to be an Assistant Secretary of Veterans Affairs (Congressional and Legislative Affairs); Michael P. Allen, of Florida, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years; Amanda L. Meredith, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years; Joseph L. Toth, of Wisconsin, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years; Thomas G. Bowman, of Florida, to be Deputy Secretary of Veterans Affairs; and James Byrne, of Virginia, to be General Counsel, Department of Veterans Affairs.

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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Tucker, Allen, Meredith, Toth, Bowman, and Byrne nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, the next set of nominations to the Treasury Department are critical for tax reform.

I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 111, 113, 114, 184, and 244.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The bill clerk read the nominations of David Malpass, of New York, to be an Under Secretary of the Treasury; Brent James McIntosh, of Michigan, to be General Counsel for the Department of the Treasury; Andrew K. Maloney, of Virginia, to be a Deputy Under Secretary of the Treasury; David J. Kautter, of Virginia, to be an Assistant Secretary of the Treasury; and Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements related to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Malpass, McIntosh, Maloney, Kautter, and Campbell nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 96, 240, 242, and 243.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The bill clerk read the nominations of Mira Radielovic Ricardel, of California, to be Under Secretary of Commerce for Export Administration; Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce; Neal J. Rackleff, of Texas, to be an Assistant Secretary of the Department of Housing and Urban Development; and Anna Maria Farias, of Texas, to be an Assistant Secretary of Housing and Urban Development.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Ricardel, Ashooh, Rackleff, and Farias nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 118, 160, 180, 181, 182, and 183.

The PRESIDING OFFICER. The clerk will report the nominations.

The bill clerk read the nominations of Vishal J. Amin, of Michigan, to be Intellectual Property Enforcement Coordinator, Executive Office of the President; Stephen Elliott Boyd, of Alabama, to be an Assistant Attorney General; Beth Ann Williams, of New Jersey, to be an Assistant Attorney General; John W. Huber, of Utah, to be United States Attorney for the District of Utah for the term of four years; Justin E. Herdman, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years; and John E. Town, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Amin, Boyd, Williams, Huber, Herdman, and Town nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. The next nominees are TSA Administrator and Under Secretary.

I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 163 and 177.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The bill clerk read the nominations of Claire M. Grady, of Pennsylvania, to be Under Secretary for Management, Department of Homeland Security; and David P. Pekoske, of Maryland, to be an Assistant Secretary of Homeland Security.

There being no objection, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. 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 the President be immediately notified of the Senate's action, that no further motions be in order; and that any statements related to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Grady and Pekoske nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 165 and 225.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The bill clerk read the nominations of David James Glawe, of Iowa, to be Under Secretary for Intelligence and Analysis, Department of Homeland Security; and Susan M. Gordon, of Virginia, to be Principal Deputy Director of National Intelligence.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Glawe and Gordon nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 166, 228, 229, 230, 231, 232, 233, 234, 236, 237, 238, 245, 289, 290, and 291.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The bill clerk read the nominations of Mark Andrew Green, of Wisconsin, to be Administrator of the United States Agency for International Development; Sharon Day, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica; Nathan Alexander Sales, of Ohio, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large; George Edward Glass, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic; Robert Wood Johnson IV, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland; Luis E. Arreaga, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala; Krishna R. Urs, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru; Kay Bailey Hutchison, of Texas, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary; Ray Washburne, of Texas, to be President of the Overseas Private Investment Corporation; Kelley Eckels Currie, of Georgia, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador; Kelley Eckels Currie, of Georgia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations; David Steele Bohigian, of Missouri, to be Executive Vice President of the Overseas Private Investment Corporation; Michael Arthur Raynor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia; Maria E. Brewer, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone; and John P. Desrocher, of New York, a Career Member of the Senior

Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Green, Day, Sales, Glass, Johnson, Arreaga, Urs, Hutchison, Washburne, Currie, Currie, Bohigian, Raynor, Brewer, and Desrocher nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 227, 235, and 239.

The PRESIDING OFFICER. The clerk will report the nominations.

The senior assistant legislative clerk read the nominations of Kelly Knight Craft, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada; Lewis M. Eisenberg, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of San Marino; and Carl C. Risch, of Pennsylvania, to be an Assistant Secretary of State (Consular Affairs).

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Craft, Eisenberg, and Risch nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 158, 252, 253, 256, 258, 257, and 279.

The PRESIDING OFFICER. The clerk will report the nominations.

The senior assistant legislative clerk read the nominations of Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2021; Karen Dunn Kelley, of Pennsylvania, to be Under Secretary of Commerce for Economic Affairs; Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service; Mark H. Buzby, of Virginia, to be Administrator of the Maritime Administration; Robert L. Sumwalt III, of South Carolina, to be Chairman of the National Transportation Safety Board for a term of two years; Peter B. Davidson, of Virginia, to be General Counsel of the Department of Commerce; and Michael Platt, Jr., of Arkansas, to be an Assistant Secretary of Commerce.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Sumwalt, Kelley, Walsh, Buzby, Sumwalt, Davidson, and Platt nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: PN 567, Executive Calendar Nos. 262, 264, 265, 266, 267, and 268.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Peter Louis Oppenheim, of Maryland, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education; James J. Sullivan, Jr., of Pennsylvania, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2021; Heather L. MacDougall, of Florida, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2023; Elinore F. McCance-Katz, of Rhode Island, to be Assistant Secretary for Mental Health and Substance Use, Department of Health and Human Services; Lance Allen Robertson, of Oklahoma, to be Assistant Secretary for Aging, Department of Health and Human Services; Jerome M. Adams, of Indiana, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years; and Robert P. Kadlec, of New York, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Oppenheim, Sullivan, MacDougall, McCance-Katz, Robertson, Adams, and Kadlec nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 255 and 259.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Jessica Rosenworcel, of Connecticut, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2015; and Brendan Carr, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2018.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, will the Senate advise and consent to the Rosenworcel and Carr nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 272 through 278 and all nominations placed on the Secretary's desk; that the nominations be confirmed and the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the Record; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Mark D. Camerer

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. DeWolfe H. Miller, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. John D. Alexander

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. John C. Aquilino

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert P. Ashley, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Darrell J. Guthrie

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Brian E. Miller

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN650 ARMY nomination of Damian R. Tong, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN842 ARMY nominations (14) beginning DENNIS ARROYO, and ending BRIAN P. WEBER, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN843 ARMY nominations (15) beginning MURRAY E. CARLOCK, and ending CARLOS V. SILVA, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN844 ARMY nominations (24) beginning ALON S. AHARON, and ending EDWIN A. WYMER, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN845 ARMY nominations (5) beginning JULIA R. PLEVNIA, and ending HAL E. VINEYARD, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN846 ARMY nominations (14) beginning TRESSA D. COCHRAN, and ending KAREN F. WIGGINS, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN847 ARMY nominations (6) beginning LOREN D. ADAMS, and ending PHILIP A. WENTZ, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN848 ARMY nominations (9) beginning JOANNE E. ARSENAULT, and ending FELISHA L. RHODES, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN849 ARMY nominations (24) beginning MICHAEL E. ALVIS, and ending JEFFREY P. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN850 ARMY nominations (59) beginning JOHN W. ALDRIDGE, and ending PHILIP E. ZAPANTA, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN851 ARMY nominations (17) beginning SCOTT R. CHEEVER, and ending DIANA E. ZSCHASCHEL, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN852 ARMY nominations (40) beginning EDWARD J. ALEXANDER, and ending BRIDGET C. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN853 ARMY nominations (8) beginning ROBIN CREAR, and ending NEIL P. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

PN854 ARMY nominations (2) beginning ERIC W. BULLOCK, and ending CRYSTAL R. ROMAY, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2017.

IN THE NAVY

PN801 NAVY nominations (71) beginning BETTY S. ALEXANDER, and ending JAMES S. ZMIJSKI, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN802 NAVY nominations (34) beginning DOMINIC J. ANTENUCCI, and ending MATTHEW J. WOOTEN, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN803 NAVY nominations (58) beginning CLEMIA ANDERSON, and ending MICHAEL A. ZUNDEL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN804 NAVY nominations (26) beginning ERIC F. BAUMAN, and ending EVAN R. WHITBECK, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN805 NAVY nominations (107) beginning THOMAS B. ABLEMAN, and ending BRUCE A. YEE, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN806 NAVY nominations (2) beginning ERIC W. HASS, and ending GAIL M. MULLEAVY, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN807 NAVY nominations (36) beginning CHRISTOPHER L. ALMOND, and ending DANIEL W. WALL, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN808 NAVY nominations (19) beginning ROBERT E. BRADSHAW, and ending LEROY C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN809 NAVY nominations (58) beginning THOMAS E. ARNOLD, and ending MICHAEL P. YUNKER, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2017.

PN821 NAVY nomination of Clair E. Smith, which was received by the Senate and appeared in the Congressional Record of July 25, 2017.

PN822 NAVY nomination of Morgan E. McClellan, which was received by the Senate and appeared in the Congressional Record of July 25, 2017.

PN823 NAVY nominations (2) beginning ANDREW B. BRIDGFORTH, and ending RONALD J. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2017.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Mr. President, I now ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 161, 269, and 271.

The PRESIDING OFFICER. The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of J. Christopher Giancarlo, of New Jersey, to be Chairman of the Commodity Futures Trading Commission; Brian D. Quintenz, of Ohio, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2020; and Rostin Behnam, of New Jersey, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring June 19, 2021.

There being no objection, 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 the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Giancarlo, Quintenz, and Behnam nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar No. 98, the nomination of Althea Coetzee to be Deputy Administrator at the SBA; that the nomination be confirmed and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

IN THE SMALL BUSINESS ADMINISTRATION

Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. on Tuesday, September 5, the Senate proceed to executive session for consideration of Calendar No. 171, the nomination of Timothy Kelly to be U.S. district judge for the District of Columbia. I further ask that there be 30 minutes 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 with no intervening action or debate; and that if confirmed, the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

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

The majority leader.

NOMINATIONS

Mr. MCCONNELL. Mr. President, the Senate has confirmed more executive branch nominees this week than all of the executive branch nominees confirmed this year—combined. This was an important step toward filling critical roles throughout the administration, including the Deputies of multiple Cabinet offices that had been lacking these key positions.

Moving forward, I hope this agreement represents the way forward on confirming nominees so our government can be fully staffed and working for the American people.

The PRESIDING OFFICER. The majority whip.

SENATE ACCOMPLISHMENTS AND THE BUILDING AMERICA'S TRUST ACT

Mr. CORNYN. Mr. President, I congratulate the majority leader for securing these important confirmations of nominees who have been waiting, for no good reason, simply to get an up-or-down vote and get confirmed. This is a big day, with roughly 65 nominations confirmed just here in the last few minutes—things that should have been handled but for the obstruction and foot-dragging of our colleagues across the aisle.

I want to focus for just a minute on things we have been able to do, notwithstanding the lack of cooperation of our colleagues across the aisle since this new administration came into office.

I know the focus of the press—and, frankly, some of our own focus—has been on the unfinished business, like healthcare reform. I can assure my colleagues that issue is not going away and gets more difficult to address as each day goes by.

Perhaps one of the most significant things we have done in the last few months is confirm Neil Gorsuch as a Justice on the Supreme Court. It is undeniable that Judge Gorsuch is a qualified, high-caliber nominee, and he is already serving our Nation well on our highest Court.

We have also worked together with the President to deliver legislation that is a priority for our veterans and police departments around the Nation. The American Law Enforcement Heroes Act, which I was proud to sponsor, will help our returning veterans continue to serve their country by creating incentives for police departments to hire them once they take off their military uniform and put on a new uniform as a member of local police departments. This legislation will help keep our communities safe while supporting those who have served our country. I am proud we were able to work together on a bipartisan basis to make it the law of the land.

On this side of the aisle, we are absolutely committed to helping businesses and job creators do what they do best—innovate, create more jobs, and employ more people—and not waste time dealing with onerous rules and regulations. With a friend in the White House—somebody sympathetic to the needs to grow the economy, create more opportunities, and let people pursue the American dream—we have been able to finally deliver some relief to the American people.

One of the ways we have done that is through one of the more obscure laws, perhaps—but one we have brought to life—the so-called Congressional Review Act. Until just this year, I think the Congressional Review Act had been used only one time to repeal the ergonomics rule years ago.

The Congressional Review Act was created to give Congress an opportunity to do away with or repeal regulations which were put in place as the Obama administration was headed out the door. Using these Congressional Review Acts, and with an ally in the White House, we undid some of the thousands of burdensome rules and regulations created by the Obama administration—rules and regulations which added up to a hefty pricetag for our country and which have strangled our economic recovery since 2008 and the great recession.

That is not all. We have also passed important bipartisan legislation imposing tough sanctions on Iran, Russia, and North Korea.

In the case of Iran, the overwhelming vote was a strong message that the United States will not tolerate Iran's complicity in terror and is a clear indicator of just how important this legislation is. Now, most people listening to me would be surprised we did this because, frankly, there wasn't a whole lot of coverage about it because it was done with such broad and overwhelming bipartisan support, but it is important, and it is an important signal to our adversaries in other countries that we will not sit idly by and leave our Nation undefended and their acts undeterred.

This week, we continue to build on these additional accomplishments for our veterans. I commend, in particular, the Senator from Georgia, Mr. ISAKSON, for his great work in getting these bills passed.

Over the last several years, we have heard about VA facilities across the State of Texas and across the country which have been plagued by inefficiency, unaccountability, and quality of care issues. The VA has been hindered by unnecessary bureaucratic hurdles which have been incredibly frustrating and costly for our veterans. The Veterans Choice Program was created to fix that by ensuring veterans can receive timely appointments close to home. The VA Choice and Quality Employment Act, which we passed earlier this week, continues that program and guarantees veterans that they will continue to have access to care without interruption.

Of course, we still have additional work to do before leaving for the August work period. There are still vacancies in the executive branch that need to be filled. In order for President Trump to do the job he was elected to do on November 8, he needs his team in place. While I am glad that today, just a few moments ago, roughly 65 of his Cabinet nominees and sub-Cabinet nominees were confirmed, I hope our

colleagues across the aisle will stop their stall tactics so we can confirm the rest of the nominees of this administration.

I congratulate the Senator from Tennessee, the chairman of the Health, Education, Labor, and Pensions Committee, for the work he did to see passage of the Food and Drug Administration User Fee Program. This is an incredibly important, although somewhat obscure, law that helps establish partnerships between the private and public sector which ensure patients have access to safe and effective drugs and medical devices, while also maintaining the position of the United States as a global leader in medical innovation.

It is simple. Faster approvals mean treatments and cures reach patients sooner, and increased competition leads to lower cost, and that, in turn, leads to more lives saved.

I also congratulate Senator JOHNSON from Wisconsin. He has been trying to get this bill called the Right to Try Act, which passed unanimously earlier today. This is designed to give dying individuals one last chance to try perhaps sometimes experimental medications to see if that will help them extend their quality of life and their longevity. I know he feels passionately about it, and I congratulate him for his leadership and perseverance.

With these remaining items, it is clear we have been able to accomplish a lot in a short time for the American people. Again, we focus on our unfinished work—like the healthcare bill. I assure my colleagues, once again, that remains broken, people remain hurting, and we should not rest or give up until we are able to give them some relief, and we are determined to do that.

Mr. President, I want to mention one other piece of legislation that was introduced today which we have been working on for a long time—years, literally, but since the Trump administration came into office, and particularly with Secretary of Homeland Security General Kelly, who has now become the Chief of Staff for the White House.

We have introduced something called the Building America's Trust Act, which is border security legislation that increases resources at our borders while boosting trade through ports of entry and strengthens enforcement of existing laws.

Earlier this year, several of my colleagues and I went to my home State to tour our southern border, including the Rio Grande Valley, Laredo, and Del Rio, TX. The reason I was so glad to welcome my colleagues to visit Texas with me and see the borders is because it is a unique part, not only of our State but a unique part of our Nation.

Each mile along the border presents its own challenge in terms of what is needed to protect it. On this trip, we spoke most notably with Manny Padilla, chief of the Rio Grande Patrol Sector and commander of the Joint Task Force of the West and South Texas Corridor. Chief Padilla presides over the busiest Border Patrol sector in the United States. He said something then which stuck with me. He pointed out that any border security plan must include a combination of three things, and the way those three things come together may well vary, and will vary, depending on the particular location:

The first is physical infrastructure.

Here is an example of some of the fencing that exists along the border where the Border Patrol believes it is necessary in order to control the flow of people across the border in a way they can be allowed to do their job.

The second is technology—things like this aerostat, with its radar capability. It is literally eyes in the sky, which can allow the Border Patrol to do their job better.

Here is another example of some of the ground-based radar which is available. You can imagine, with a 1,200-mile border between Texas and Mexico alone, it is a huge job and a very complex environment.

Of course, the third thing, in addition to physical infrastructure and technology, is things like personnel. Literally, we need to make sure we have an adequate number of Border Patrol available to deal with people who are coming across the border in violation of our immigration laws.

I believe, until we secure the border and enforce the law, we will never be able to regain the public's confidence, which allows us to do other things we need to do to fix our broken immigration system.

That is why we call this bill the Building America's Trust Act. It does these things—secures our borders with expanded resources, enhances ports of entry to increase trade—because it is important to separate the criminal activity from legitimate trade and commerce, which creates 5 million jobs in the United States alone. That is just by our national trade with Mexico. Of course, it strengthens enforcement of our immigration laws. That is why we have gotten support from the National Border Patrol Council, the Federal Law Enforcement Officers Association, the Southwestern Border Sheriff's Coalition, and the Texas Border Sheriff's Coalition as well, and we have had supportive statements by the Fraternal Order of Police and others.

I firmly believe that until we accomplish this goal—until we regain the public's confidence that we are actually serious about it and we have a plan to do it—we will not be permitted by our constituents to do the other things we know we need to do to fix our broken immigration system.

I know the Presiding Officer was at the White House yesterday with the President, talking about his plan to try to make our legal immigration system more merit-based. This is something we have been trying to do for years now, and I congratulate the Presiding Officer for helping restart that discussion because we need to focus not only on border security and enforcing our laws, we need to think about and talk about what a 21st century immigration system for our country should look like. Should it be based strictly on family relationships or should it be based on some of the attributes of the immigrant which would benefit the United States—people with advanced degrees and capability, people who can come here and help make our country better, not just come here to become dependent on our country.

The Building America's Trust Act is a chance for our Democratic colleagues who have said they actually believe in border security to demonstrate their support. In fact, we supported one of the toughest border security packages there is. I believe that is what this represents.

It is clear the President has made obvious from the beginning that border security would be a top priority for him. I think it is one of the reasons he was elected on November 8 of last year—because the American people sensed, even if maybe they didn't know the details, that things had gotten out of control, our borders were in chaos, and thousands of people were coming across the border who had no legal right to be here in disregard of our laws. They sensed, in their core, that something was fundamentally wrong—that, yes, we are a nation of immigrants, but we are also a nation of laws—and we have lost that. This is about regaining trust in government and keeping our commitment to the American people.

Over these last few months, I have been working with colleagues, not only in the Senate and the House but with General Kelly in the Department of Homeland Security—now Chief of Staff of the White House—to come up with a strategic plan which addresses various facets of border security and interior enforcement as well. We know about 40 percent of illegal immigration is people who enter the country legally but who overstay their visa and simply melt into the great American landscape.

For too long, those on the frontlines have not had the tools they need to get the job done. These are public servants, like our Border Patrol, who risk their lives to keep us safe, and we simply haven't lived up to our commitment to give them the tools and the political will necessary to support them.

We know the borders are also cause for our local, State, and Federal officials to have to work together, and it makes sense for us to do more to help them do their job at the State and local level as well.

Our bill authorizes additional resources for Border Patrol agents, Customs and Border Protection officers, for agricultural inspectors, and Immigration and Customs Enforcement, or ICE officers. We also provide for additional immigration judges and Federal prosecutors for State and local law enforcement to aggressively fight drug

trafficking, smuggling, and other crimes that, unfortunately, occur along our borders because the organizations—these transnational criminal organizations—really don't care about human life.

We saw that recently when a number of immigrants died in the back of a tractor trailer in a parking lot at Walmart in San Antonio, TX. They are a commodity, a way to make money in the eyes of these cartels who care nothing about human life. Drugs, weapons, and other threats to our country are also part of what they move across the border, and that is why border security is so important.

Our bill also focuses on criminals, gangs, and repeat offenders who return to the United States in defiance of our laws. We have zero tolerance for those criminals in this bill. We end catch-and-release, and we include Kate's Law, a bill recently passed by the House that increases penalties for those who repeatedly cross our borders illegally. The bill is named after Kate Steinle, who was so tragically murdered in San Francisco.

We hold sanctuary cities accountable because no city should be able to defy cooperation with Federal law enforcement officials. We are not asking them to do the Federal Government's job, but they do have an obligation, as we all do as American citizens, to cooperate and work with our law enforcement officials.

We impose tough penalties on Federal funds for jurisdictions that fail to comply with lawful Federal immigration enforcement requests. To curb the abuse of visas, our bill utilizes a biometric entry-exit system at ports of entry to identify visa overstays and cut off immigration benefits to those who exploit the system.

We also make sure to invest in our ports of entry. These are the ways that people come into our country legally and engage in commerce and trade, which is mutually beneficial. We can't neglect our trading partnerships with our neighbors to the south because we depend on that trade to create and sustain 5 million jobs in the United States alone.

The Building America's Trust Act will also help boost the flow of commerce through our ports so that legitimate trade can continue to flourish. This bill also includes a large investment of resources to improve our ports of entry, to help target and isolate illegal immigration and drug trafficking at ports while facilitating increased, legitimate trade and travel.

Perhaps most importantly, this bill also requires that the Department of Homeland Security and law enforcement officials consult with local officials every step of the way. The people who live in our border communities know best how to help control illegal traffic and illegal activity, but it is the Federal Government's responsibility to step up and help them. They understand the benefits of legitimate travel and trade and traffic, all of which are important parts of a successful border security effort.

Border security really is not a one-size-fits-all plan. As Chief Padilla said, it is always a combination of technology, personnel, and tactical infrastructure—wall systems, fences, and the like. We need an approach that will work for each unique area with input and stakeholder consultation at every step to ensure that the right solution is achieved for all involved.

As I have said, I am happy to have support for this legislation from several law enforcement organizations. I look forward to working with all of my colleagues in both Chambers, as well as the administration, toward our goal of protecting our Nation and securing our borders.

I firmly believe that border security, ultimately, is a matter of political will. This President has the political will, and this Congress should have the political will to get the job done. This was the commitment that he made and that we need to make to the American people and that, I think, informed their vote on November 8, 2016.

With this legislation as a guide, we aren't just securing our borders for tomorrow. We are looking ahead and locking in a framework that will exist long after President Trump leaves office.

With the Building America's Trust Act, I hope we can do just that and, again, finally regain the public's confidence by earning that confidence and restoring order and lawfulness to our broken immigration system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I agree with the distinguished Senator from Texas. I thought his remarks were very much on point and very good.

MODERN ANTITRUST LAW

Mr. HATCH. Mr. President, I rise today to speak on a policy matter that has been generating substantial attention recently, and that is modern antitrust law. This issue is critical. In the perennial debate over the proper role of government in economic affairs, it will grow all the more critical in the years to come.

New technologies, creating markets not even imaginable only a decade ago, are spurring fundamental shifts in the economic landscape. In the national news, mergers between corporate giants or new fines imposed by foreign regulators are becoming an acceptable thing almost every day. In the Senate, we increasingly see antitrust law dragged into larger economic arguments that are heavier in inflammatory rhetoric than in careful deliberation. Allow me, then, to offer a few thoughts on the matter, and to directly address the rising controversy.

America has always been—and, I haven't a doubt, will remain—the economic and technological marvel of the world. Cradled in the best traditions of the West and animated by a culture equal parts industrious, creative, and restless, our system has produced the most prosperous people in human history. It has shown its shortcomings, to be sure. But on the whole, the American economy is unrivaled by any other. Indeed, at times its blessings are so bountiful, its provisions for the creation of wealth so effective, that we tend to take it for granted in this country. We tend, at times, to forget what got us here.

A big part of what got us here is American antitrust law. You see, all throughout history, societies and governments have tended toward the central planning of economic activity.

America, however, chose a different path. We refused to yield to the false comforts of collectivism. We opted, instead, for an economy that was vibrant, tumultuous, competitive, and free. It is fortunate that we did, for we have found that in the impossible complexity and unsettling chaos of the market—wherein millions of consumers and producers make millions of individual and uncoordinated decisions each and every day—a spontaneous order arises that serves all of us far better than any central authority ever could. Of course, our markets work toward those ends only when they are genuinely free, fair, and competitive. That is where antitrust comes in.

In a very real sense, antitrust is the capitalist's answer to the siren song of the central planner. When antitrust doctrine is referred to as the Magna Carta of the free enterprise system, I suspect this is what we mean.

Let me be clear: Antitrust doctrine in this country has not always gotten it right. As we all know, early antitrust policy tended to confuse protection of market participants for protection of the market itself; it was quick to micromanage particular industries, to choose ad hoc intervention over predictable systems of incentives, and to cast suspicion on any market too concentrated or business too big.

Fortunately, antitrust doctrine grows and adapts. It develops in the same wonderful tradition and manner as the common law. Just as the common law historically gave us property, contract, and commercial rights, so too upon their basis does antitrust seek, year by year, to give us markets that are competitive and free. Thus, the modern era of antitrust has produced a fundamental improvement in our competitive doctrine.

We have steadily adopted the consumer welfare standard, which judges the conduct of firms and the arrangement of markets by what will maximize efficiency and therein serve consumers most completely.

There will always be market failures to account for and noneconomic concerns to keep in mind. But when it comes to the core, basic functioning of the market—how to deliver the most

goods to the most people at the highest quality and lowest cost—consumer welfare still works best.

In most industries, most of the time, we ought to think a little less about how best to regulate the market and a little more about how best to set the market upon regulating itself. The disciplining effects of competition and the limitless store of American ingenuity do far more for consumers than the well-intentioned intervention of government authorities.

The consumer welfare standard has, consistently over the years, proved an absolute boon to our economy and our society. Of course, a legal standard means little unless handled with care.

We have chosen the right standard; now we must keep choosing the right officials to implement it. You see, under the consumer welfare standard, good antitrust enforcement is a lot like good sports officiating. It harnesses, rather than stems, the flow of the action. It lays out limited, predictable, and reliably enforced rules. It gets the most out of the players and the competition itself, regardless of which team is in the lead. Most importantly, as any sports fan could tell you, when officiating is done right, we hardly notice the refs at all.

With the right antitrust officials cognizant of their role, we can expect a spirited contest in which American entrepreneurs keep putting points on the board and American consumers keep reaping the reward.

Federal judges, naturally, are critical. In disputes of consequence, they provide the ultimate backstop.

Also critical are our executive officials. Makan Delrahim, for instance, has been nominated to lead the Antitrust Division at the Department of Justice. He is eminently qualified, enjoys broad, bipartisan support, and is at the ready to start as soon as he receives our consent. I will urge my colleagues in the Senate, once again, to take up his nomination and confirm him to this important post. He has both Democrat and Republican support. He is well known. He ran the Judiciary Committee under my jurisdiction.

On the other side of the enforcement equation, we are still waiting on nominations to the Federal Trade Commission. The FTC is an important agency that will play a central role in the years ahead. Whoever is put in charge will face the monumental task of setting the agency on the right track. I have supreme confidence that the President will make the right choice on this one, and I look forward to supporting his nominees.

As these vacancies linger, however, uncertainty lingers as well. Critical merger and acquisition activity remains sidelined as innovation is chilled and expansions are put on hold. All of this comes at an unnecessary cost to our businesses and consumers.

I want this whole body to hear me clearly: There is no need for the same old partisan food fight over our antitrust officials. Let's get Makan Delrahim to work. FTC nominations will likely include two Republicans and a Democrat. There is no reason they can't be swiftly confirmed as a package. If delay on these important confirmations persists, I will be back on the floor to make sure everyone—from consumers to industry—knows it.

As I mentioned earlier, antitrust has been increasingly drawn into the broader public debate on economic and innovation policy, and not for the better. With each passing day, it seems the consumer welfare standard finds itself besieged from the left. Their rhetoric may not yet have made its way into traditional precedent, but it certainly has made itself known.

Some in academia insist that recent market concentration and technological progress compel a return to bold, persistent experimentation. Many in the media call for antitrust to pursue everything from industrial democracy to campaign finance reform to material leveling. Above all else, we hear again the old, lazy mantras that big is bad, disruption is suspect, and public utility designation is welcome.

Professor and former FTC Commissioner Joshua Wright has referred to this particular set of proposals as ''hipster antitrust.'' Well, as you might imagine, nobody would mistake me for a hipster. So for my part, and for ease, I will go ahead and call it the progressive standard. Truth be told, as a proposed replacement for the consumer welfare standard, the progressive standard leaves me deeply impressed. From what I can tell, it amounts to little more than pseudoeconomic demagoguery and anti-corporate paranoia. Nevertheless, it must not be dismissed out of hand.

Over the last 8 years, policymakers laid the groundwork for it by routinely disregarding some of the most basic elements of the consumer welfare standard. Now we see the same stirrings of this radical approach in many speeches on the other side of the aisle, as well as in the recently released platform curiously titled ''A Better Deal.''

As such, I believe a response is in order. In defense of the consumer welfare standard, we could, of course, run through the more technical deficiencies of the progressive standard. We can mention that as doctrine, it lacks manageable standards, dispensing with intellectual rigor and inviting political mischief. We can mention that as theory, it accounts for neither tradeoffs nor scarcity. We can mention that as aspiration, it subordinates the productive incentives of the entrepreneur to the fanciful designs of the bureaucrat.

Truth be told, the real trouble for the progressive standard is, it fails to grasp the bigger picture of our history, economy, and national character. It fails to appreciate that our time is not so distinct from times past and that our momentary insights are not so superior to the lessons learned over generations prior.

Of course, anyone can see that changes are afoot. As chairman of the Senate Republican High-Tech Task Force, I have seen it firsthand. The new technological age, having dawned in the late 20th century, continues to ripen into the 21st.

New innovation is relentlessly spurring transformation across the economy, and many markets are concentrating as a result. Yet supporters of the progressive standard seem to think this presents historically unique problems. They rely, as academics are wont to do, on sleek, new jargon to argue that today's antitrust challenges are not only tangibly but conceptually distinct of those of the past. They argue, in other words, that things really are different this time around. At the end of the day, terms like ''platform economics'' and ''network effects''—commonly used to attack the consumer welfare standard—do less to define new economic concepts than to explain how old economic concepts are manifesting themselves in modern markets.

Through history, we have seen this time and time again. As the saying goes, the more things change, the more they stay the same. Markets concentrate and then disperse; dominant firms rise and then fall; with innovation comes creation in one sector and destruction in another. Anxiety over this evolution is very real, and the strident calls we hear to do something about it—whatever that may be—are on some level understandable, but this lurch toward the progressive standard is not.

Change, sometimes furious change, is a constant in our system. For all its rancor, for all its chaos and uncertainty, it is, alas, what propels us forward. We hope, not fear, that each age looks better than the last.

Now, in anticipation of an objection from my friends across the aisle, nobody is suggesting that no enforcement is necessary. Genuinely anti-competitive conduct must be stopped, and mergers prone to abet such conduct must be heavily scrutinized. That is all a part of keeping markets fair and free in the best tradition of American capitalism.

Again, as I mentioned earlier, we should aim to regulate markets such that in their basic core functioning they regulate themselves. Market discipline imposed by competition and driven by innovation should be our aim. To that end, nobody doubts that new developments in the market will require a fresh look at doctrine. Nobody questions that the consumer welfare standard will have to adapt. For example, categories of anti-competitive conduct may need to be tweaked, refastened or even expanded in light of technical advancement and market evolution. Merger review, never an exact science, will seize upon new econometric tools for measuring ancient

economic concepts like quality, preference, and efficiency. The rule of reason, I am sure, will continue to bedevil judges, practitioners, and law students alike, but that is just fine.

Antitrust, as I keep saying, is ultimately a common law exercise. I am here to argue merely that the consumer welfare standard, when handled prudently, is a far better steward of our economy than the progressive standard, which is deeply misguided and potentially quite destructive.

Take, for instance, the proposed Amazon-Whole Foods merger, which has generated so much interest lately. It would, of course, be inappropriate for me on the floor of the Senate to pass judgment. I would caution my colleagues the same. There is an established process for review, but the question should be asked: Upon what basis should antitrust authorities evaluate a proposed merger like this? What we need is the consumer welfare standard. It carefully examines the basic and critical question of whether such a deal helps consumers or whether it hurts consumers. It relies on a coherent doctrine to strike a balance. It is a balance between the merger's pro-competitive effects, such as integrative efficiencies and innovation, and the antitrust competitive potential, such as market domination by one firm or facilitated price coordination by the few that remain. What we absolutely do not need, on the other hand, is the progressive standard.

Under no doctrinal limitations to cabin discretion, antitrust officials would gladly follow vague institutions in shifting intuitions. With a broad mandate to pursue aims far grander than mere market efficiency, officials would be free to engage in ad hoc theorizing about whether corporate consolidation, writ large, can be squared with universal justice, common fairness, and community values, or of whatever else their creativity recommends. To take another example, across the Atlantic, our friends in the European Union have leveled a massive fine against Google for anti-competitive conduct. Again, it is not for me to say on the floor whether those fines are justified. I don't think they are, but it is not for me to say.

Once more, what we need is the framework provided by the consumer welfare standard. We must weigh the pro-competitive aspects of Google's conduct with its anti-competitive potential. The ultimate inquiry should be whether consumers are better off as a result of Google's actions. Under the progressive standard, however, instead of asking what lowers prices and increases quality—instead of considering actual proof of harm to consumers—we would be asking what best serves the social goals in vogue at the moment. The result would be an open invitation to market intervention that is more politically motivated than economically sound.

In conclusion, for all the past rhetoric, for all the claims that a new age requires a new doctrine, the ideas behind the progressive standard are not new. They are terribly old. They may be adorned with original terminology or aimed at novel markets, but it is the same old collectivist impulse it has always been. In that sense, these ideas are not unique to Americans. Every day we receive concerning reports from around the world that foreign governments are increasingly turning to antitrust for industrial policy. Whether domestically or abroad, the stakes are simply too high, the consequences too grievous for the consumer welfare standard to be swept away in an instant, merely because a new breed of central planners—falsely conceiving themselves different from their predecessors—imagine they know best.

In America, we have always opted for the invisible hand of the free market over the heavy hand of government intervention. Let's keep it that way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

BOB DOLE CONGRESSIONAL GOLD MEDAL ACT

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1616 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1616) to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the bill be considered read a third time.

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

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

Mr. ROBERTS. 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 (S. 1616) was passed, as follows:

S. 1616

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 ''Bob Dole Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Bob Dole was born on July 22, 1923 in Russell, Kansas.

(2) Growing up during the Great Depression, Bob Dole learned the values of hard-work and discipline, and worked at a local drug store.

(3) In 1941, Bob Dole enrolled at the University of Kansas as a pre-medical student. During his time at KU he played for the basketball, football, and track teams, and joined the Kappa Sigma Fraternity, from which he would receive the ''Man of the Year'' award in 1970.

(4) Bob Dole's collegiate studies were interrupted by WWII, and he enlisted in the United States Army. During a military offensive in Italy, he was seriously wounded while trying to save a fellow soldier. Despite his grave injuries, Dole recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Cluster for his service. He also received an American Campaign Medal, a European-African-Middle Eastern Campaign Medal, and a World War II Victory Medal.

(5) While working on his law degree from Washburn University, Bob Dole was elected into the Kansas House of Representatives, serving from 1951-1953.

(6) Bob Dole was elected into the U.S. House of Representatives and served two Kansas districts from 1961-1969.

(7) In 1969, Bob Dole was elected into the U.S. Senate and served until 1996. Over the course of this period, he served as Chairman of the Republican National Committee, Chairman of the Finance Committee, Senate Minority Leader, and Senate Majority Leader.

(8) Bob Dole was known for his ability work across the aisle and embrace practical bipartisanship on issues such as social security.

(9) Bob Dole has been a life-long advocate for the disabled and was a key figure in the passing of the Americans with Disabilities Act in 1990.

(10) After his appointment as Majority Leader, Bob Dole set the record as the nation's longest-serving Republican Leader in the Senate.

(11) Several Presidents of the United States have specially honored Bob Dole for his hard-work and leadership in the public sector. This recognition is exemplified by the following:

(A) President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989 stating, ''Whether on the battlefield or Capitol Hill, Senator Dole has served America heroically. Senate Majority Leader during one of the most productive Congresses of recent time, he has also been a friend to veterans, farmers, and Americans from every walk of life. Bob Dole has stood for integrity, straight talk and achievement throughout his years of distinguished public service.''.

(B) Upon awarding Bob Dole with the Presidential Medal of Freedom in 1997, President Clinton made the following comments, ''Son of the soil, citizen, soldier and legislator, Bob Dole understands the American people, their struggles, their triumphs and their dreams. . . In times of conflict and crisis, he has worked to keep America united and strong. . . our country is better for his courage, his determination, and his willingness to go the long course to lead America.''.

(12) After his career in public office, Bob Dole became an active advocate for the public good. He served as National Chairman of the World War II Memorial Campaign, helping raise over $197 million dollars to construct the National WWII Memorial, and as Co-Chair of the Families of Freedom Scholarship Fund, raising over $120 million for the educational needs of the families of victims of 9-11.

(13) From 1997-2001, Bob Dole served as chairman of the International Commission

on Missing Persons in the Former Yugoslavia.

(14) In 2003, Bob Dole established The Robert J. Dole Institute of Politics at the University of Kansas to encourage bipartisanship in politics.

(15) Bob Dole is a strong proponent of international justice and, in 2004, received the Golden Medal of Freedom from the president of Kosovo for his support of democracy and freedom in Kosovo.

(16) In 2007, President George W. Bush appointed Bob Dole to co-chair the President's Commission on Care for America's Returning Wounded Warriors, which inspected the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

(17) Bob Dole was the co-creator of the McGovern-Dole International Food for Education and Child Nutrition Program, helping combat child hunger and poverty. In 2008, he was co-awarded the World Food Prize for his work with this organization.

(18) Bob Dole is co-founder of the Bipartisan Policy Center which works to develop policies suitable for bipartisan support.

(19) Bob Dole is a strong advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the Honor Flight Network.

(20) Bob Dole serves as Finance Chairman of the Campaign for the National Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight D. Eisenhower in Washington, DC.

(21) Bob Dole was acknowledged by many organizations for his achievements both inside and outside of politics, including being awarded the ''U.S. Senator John Heinz Award for Outstanding Public Service By An Elected Official'', the Gold Good Citizenship Award, the American Patriot Award, the Survivor's Gratitude Award, the U.S. Association of Former Member of Congress Distinguished Service Award, a Distinguished Service Medal, the French Legion of Honor medal, the Horatio Alger Award, the U.S. Defense Department's Distinguished Public Service Award, the National Collegiate Athletic Association's Teddy Roosevelt Award, the Albert Schweitzer Medal ''for outstanding contributions to animal welfare'', the 2004 Sylvanus Thayer Award, and honorary degrees from the University of Kansas, Fort Hays State University, and the University of New Hampshire School of Law.

(22) Throughout his life-long service to our country, Bob Dole has embodied the American spirit of leadership and determination, and serves as one of the most prolific role models both in and outside of politics.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a gold medal of appropriate design to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

Mr. ROBERTS. 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. ROBERTS. Mr. President, I rise also to talk about my dear friend and mentor, Bob Dole. Senator Dole just celebrated his 94th birthday, and I think it is obviously right and proper to honor his contributions to our Nation.

Let me tell you a little bit about Bob Dole. He comes from Russell, KS. You can't get any more Kansas than Russell. Growing up during the Great Depression, Bob Dole learned the values of hard work and discipline, which is the mark of a Kansas upbringing and the heart of what I call Kansas values.

In 1941, Bob Dole enrolled at the University of Kansas as a premed student. During his time at KU, he played for the basketball, football, and track teams. Being a K-State alum, I don't always hold that against him, but his collegiate studies were interrupted by World War II. And when he answered the call to duty, he joined the U.S. Army. During a military offensive in Italy, he was very seriously wounded while trying to save a fellow soldier. Despite his grave injuries, Bob recovered and was awarded two Purple Hearts and a Bronze Star with an Oak Leaf Cluster for his service. He is indeed a warrior and a hero.

After the war, Bob returned to Kansas, studied the law, and was elected to the Kansas House of Representatives. He soon moved to the U.S. House of Representatives and served two Kansas districts from 1961 to 1969, including my old district, if I can refer to it in that way, ''The Big First.''

In 1969, Bob Dole was elected to the U.S. Senate and served until 1996. Now, over the course of this period, he served as chairman of the Republican National Committee, chairman of the Finance Committee, Senate minority leader, and then Senate majority leader.

During his time in Washington, Senator Dole was known for his ability to work across the aisle and embrace practical bipartisanship on the issues, such as tax reform, Social Security, and many other pressing issues. I would call this the Kansas approach to legislating. He has been a lifelong advocate for the disabled and was a key figure in the passing of the Americans with Disabilities Act back in 1990.

After his appointment as majority leader, Bob Dole set the record as the Nation's longest serving Republican leader in the Senate of the United States. Several Presidents of the United States have especially honored Bob for his hard work and leadership in the public sector. For example, President Reagan awarded Bob Dole the Presidential Citizens Medal in 1989.

President Reagan stated:

> Whether on the battlefield or Capitol Hill, Senator Dole has served America heroically. Serving as Senate Majority Leader during one of the most productive Congresses of recent time, he has also been a friend to veterans, farmers, and Americans from every walk of life. Bob Dole has stood for integrity, straight talk and achievement throughout his years of distinguished public service.

So said our former President, Ronald Reagan.

As I said, they are Kansas values.

Likewise, in 1997, President Clinton awarded Senator Dole with the Presidential Medal of Freedom saying:

> Son of the soil, citizen, soldier and legislator, Bob Dole understands the American people, their struggles, their triumphs and their dreams. . . . In times of conflict and crisis, he has worked to keep America united and strong. . . . Our country is better for his courage, his determination, and his willingness to go the long course to lead America.

So said our former President, Bill Clinton.

Senator Dole remains active today, serving as the national chairman of the World War II Memorial Campaign, a memorial that simply would not be in existence today had it not been for his perseverance, leadership, and cochair of the Families of Freedom Scholarship Fund.

In 2007 President George W. Bush appointed Bob to cochair the President's Commission on Care for America's Returning Wounded Warriors, which inspected and reformed the system of medical care received by U.S. soldiers returning from Iraq and Afghanistan.

He remains the strongest advocate for veterans, having volunteered on a weekly basis for more than a decade on behalf of the national Honor Flight Network.

As a person who has gone to the World War II Memorial, along with Bob Dole, I know I greet the veterans at the bus. They immediately get off the bus. Whether they are from Kansas or any other State, they are very proud to come to see their memorial. The first question they ask is this: Where is Bob? Is Bob here? Then, they flock to him like a mother hen. Maybe, that is not the best example, but it certainly shows the pride and the desire of our veterans to meet the man who did so much for their memorial.

I am also proud that he serves today as the finance chairman of the campaign for the national Dwight D. Eisenhower Memorial, leading the private fundraising effort to memorialize President Dwight David Eisenhower, our favorite son in Kansas, here in Washington, something near and dear to both of us. I am privileged to be the chairman of the Eisenhower Memorial Commission.

It is abundantly clear that throughout his long service to our country, Bob Dole has embodied the American spirit of leadership and determination, and he serves as one of the most prolific role models both in and outside of politics.

I am reminded of the time when I was stationed at Quantico as a young marine and my dad, Wes Roberts, who was

a friend and adviser to Bob, said: I want to take you up to the Hill to meet Congressman Bob Dole. I consider him to have the highest potential to be whatever he wants with regard to public service.

So I went up to the Hill, and I met this handsome young man. He didn't sit on his hands very long in terms of what he wanted to accomplish. I first met him then, and, then, as a staffer for my predecessor, the Honorable Keith Sebelius, a congressman from ''The Big First'' and, then, as a Member of the House for 16 years.

I tell the story that most people in the House thought that whatever I proposed or whatever I was for, Bob Dole was for me. Well, about 50 percent of that was true, but I never told them about the other 50 percent. So I was really able to get a lot done.

Bob, thank you for that.

I am so proud—so proud—to call him friend. I am proud to serve his State. I am equally proud today that each Senator—each and every Senator and colleagues on both sides of the aisle—have joined me in honoring Senator Bob Dole with a Congressional Gold Medal—all 100. It didn't take very long.

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

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

PRIVATE CORRADO PICCOLI PURPLE HEART PRESERVATION ACT

Mr. PERDUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 765 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. 765) to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces.

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

Mr. PERDUE. Mr. President, I ask unanimous consent that the Perdue substitute amendment be considered and 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. Is there objection?

Without objection, it is so ordered.

The amendment (No. 767) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Private Corrado Piccoli Purple Heart Preservation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Purple Heart medal solemnly recognizes the great and sometimes ultimate sacrifice of American servicemembers like Private Corrado Piccoli.

(2) The Purple Heart medal holds a place of honor as the national symbol of this sacrifice and deserves special protections.

SEC. 3. PENALTY FOR SALE OF PURPLE HEARTS AWARDED TO MEMBERS OF THE ARMED FORCES.

Section 704 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''Whoever'' and inserting ''Except as provided in subsection (e), whoever''; and

(2) by adding at the end the following:

''(e) PURPLE HEART.—

''(1) PENALTY.—Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 6 months, or both.

''(2) LIMITATION ON REGULATIONS.—Regulations described in paragraph (1) may not authorize the sale of any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, unless the sale is conducted by the member or former member to whom the Purple Heart was awarded.

''(3) DEFINITION.—In this subsection, the term 'willfully' means the voluntary, intentional violation of a known legal duty.''.

The bill (S. 765), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. PERDUE. Mr. President, this legislation is important because it will offer the Purple Heart the same types of legal protections currently in place for the Medal of Honor and help put an end to profiteering off of the sacrifice of our great American heroes.

I would like to thank those Senators who have cosponsored this bill, as well, and the chairman and ranking member of the Judiciary Committee for persisting to get this bill on the floor.

There is no higher honor that we have in the Senate than to honor our veterans and the people who put their lives on the line every day for their country.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 76

Mr. PERDUE. Mr. President, I ask unanimous consent that if the Senate receives H.J. Res. 76 from the House, and if the text of H.J. Res. 76 is identical to the text at the desk, that the joint resolution be considered passed, the preamble be considered agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Delaware.

HEALTHCARE

Mr. CARPER. Good afternoon, Mr. President. It is good to see the Presiding Officer and to hear my colleague Senator PERDUE, as he prepares to probably head for home for the next several weeks.

A number of our Senators are heading for their home States this afternoon and tomorrow to begin what is traditionally called the August recess. I am fortunate to live in Delaware, and I can go home every night. Some people see it as a blessing, others as a curse. I see it as a blessing to go home and stay a while. I am looking forward to that.

We have three Senate office buildings here on Capitol Hill that Senators share and where they have their office space. The oldest is Russell. The next oldest is Dirksen. The newest is a building they call the Hart Senate Office Building. For 16 or 17 years, my staff and I have been in the Hart Building—and by choice. Every 2 years we can change offices, but we always want to stay in the same office, which is sort of unusual when you have been here for 16 or 17 years.

Sometimes a lot of people say the names Russell or Dirksen or Hart. Russell and Dirksen are pretty famous folks, even now. Hart is less well known. I will not take a lot of time to give a deep history of who Philip Hart was, but he was a Senator from Michigan and he was a Democrat. His time here preceded my time.

I was elected State treasurer for Delaware in 1976, a Congressman in 1982, and Governor in 1992. Then, I came to the Senate in 2001. But for Philip Hart and me, as far as I know, our service never crossed. If we did, I am not aware.

I don't know a lot of the things he was famous for. There are some of his famous quotes, but one of my all-time favorite quotations are the words I believe he said when he left this place. He left the Senate and retired. Some say he left too soon, but when he retired, he said these words: ''I leave as I arrived, understanding clearly the complexity of the world into which we were born and optimistic that if we give it our best shot, we will come close to achieving the goals set for us 200 years ago.''

That is what he said. Aren't those wonderful words? At a time when we could actually use a little bit of encouragement, I hope that, maybe, his words provide at least a small measure. For me, they always provided a large measure.

If you go back to the beginning of this Congress, January 3, and the inauguration of the President on January 20 of this year, there were high hopes

on both sides to immediately get to work on comprehensive tax reform; on transportation and infrastructure policy for roads, highways, bridges, rails, ports, broadband, and maybe our electric grid. There was the idea of doing something for our Republican friends to repeal the Affordable Care Act.

As it turns out, we have in some cases disappointed, and in other cases we probably have pleased the folks who elected us to serve them, in developing and creating some of the policy for our country.

I spent a fair amount of time on healthcare. I know the Presiding Officer, the Senator from Wisconsin, has as well. I spent a fair amount of time thinking and working on healthcare before, as a Governor and even as a Congressman. I am not a doctor. I have never pretended to be and have never wanted to be, but I think one of the credos for the folks in the medical field and physicians is ''do no harm.'' I hope that, at least on the healthcare front, in these 7 months here of this legislative session, we have not done a great deal of harm. I don't think we have.

We had a robust debate on whether the Affordable Care Act should be repealed, with a special focus on the section called ObamaCare, and not much of a debate on how we get better healthcare results for less money, although it is a goal we all share, as Democrats and Republicans, in the executive branch and in the legislative branch. I think that we all share the goal of trying to figure out how to provide better healthcare for less money to everybody so everybody has coverage. I think that is a shared goal.

LAMAR ALEXANDER, my Senate colleague from Tennessee, likes to say: A pilot wouldn't take off in an airplane without knowing what his or her destination is. Think about that. With respect to our destination on healthcare, I think we know what the destination is; that is, as I said earlier, to make sure we provide better coverage for less money and cover everybody. That is the destination.

Just as a guy who spent a lot of time as a naval flight officer in airplanes for about 23 years, I know there are different ways to get to places. Sometimes it is a straight line; sometimes it is not. Sometimes you have to go around turbulence, around storms, or under them. You may run short on fuel, and there may be mechanical malfunctions. It is not always a straight line to get to where we want to go in an airplane. It turns out that it is not a straight line—that destination that we want to get to with respect to healthcare, for better results, less money, and covering everyone.

One of the efforts to reach that destination has its roots in 1993. In fact, here in Washington there were two ideas for reaching that destination in terms of healthcare. Our shared goals go back to 1993, where you had here in Washington two different ideas that were put on the table.

One idea was from our First Lady, Hillary Rodham Clinton. She worked with really smart people to come up with a healthcare plan called HillaryCare, to essentially try to achieve those three goals I mentioned. Our friends in the Republican Party were not always kind in characterizing her proposal. I think, when they called it ''HillaryCare,'' it was not meant to be a compliment. Even now, in television commercials, I remember seeing them kind of denigrating her efforts.

One of the responses from the folks who supported it—at least, something that First Lady Hillary Clinton proposed—or one of the things that the Democratic side said to the Republicans was this: What is your idea? At least we have an idea.

Then, some really smart people over at the Heritage Foundation went to work and they came up with what turns out to be a good idea—several very good ideas—to draw on market forces in order to try to meet those three goals I stated earlier on healthcare.

The first great idea of the five ideas was to create exchanges in every State for people who don't have coverage under Medicaid or Medicare or they don't work for an employer that provides healthcare for them. These are large purchasing pools in every State where people can get healthcare coverage and be part of a large group plan and realize the benefits of being a part of that large group plan.

The second aspect or pillar of their five ideas was the idea of a sliding-scale tax credit for people whose income was low. They would get a tax credit to lower the cost of a premium in the exchange in their State. As that person came up and up, at least to a certain level, the tax credit would go away. It is a sliding-scale tax credit. That was a Heritage Foundation idea.

Their third idea was something called an individual mandate, which said that, if you don't have coverage, you have to get it. Particularly, you have to sign up for it in the exchange. If you don't want to sign up, you are going to be fined. You can't actually make people sign up and get coverage, but the idea behind Heritage was that we would incentivize people to get coverage, because, eventually, people who don't have coverage will have to get care. Unfortunately, it is really expensive if they go to the emergency room. A lot of times they are so sick that they end up getting admitted. That costs a bundle, and the rest of us end up paying for it. So the third pillar was the individual mandate.

The fourth pillar was the employer mandate, because we want employers to cover their employees. That may not be absolute full coverage or Cadillac coverage. You don't have to necessarily cover their family, but we want you to offer coverage to your employees—hopefully, decent coverage.

The last part dealt with preexisting conditions. The Heritage folks said that there should be a prohibition against insurance companies being able to say to people who are sick or have some kind of preexisting conditions: We are not going to insure you because you have a preexisting condition. Heritage said that should be verboten. You shouldn't get away with that if you are an insurance company.

Those were the five ideas. Our friends here on the Republican side of the aisle said: We want to take those ideas.

They did. The lead sponsor was John Chafee. I think he had 22 Republican sponsors in 1993, including Senator HATCH, who was the senior Republican on the Finance Committee and chaired the Finance Committee, and CHUCK GRASSLEY, a senior Republican on Finance who was also the chairman of the Judiciary Committee. They were some of the 22 cosponsors of the Republican bill, which really reflected the Heritage Foundation's ideas. Neither HillaryCare nor the Chafee legislation went forward and was adopted.

But about 13 years later, in 2006, a fellow Governor of Massachusetts was thinking about what were some things he could do to really differentiate himself in the field for running for President in 2008. His advisers came up with this idea: Why don't we try to cover everybody in Massachusetts and be the first State with everyone having healthcare coverage? They dusted off the Heritage Foundation's five ideas and introduced the legislation in Massachusetts. They amended it and changed it a little bit, but, in the end, they passed the legislation. They implemented legislation in 2006, I believe, that reflected Heritage's ideas from 1993 and reflected the legislation that was written in this Chamber by John Chafee in 1993. It worked. It worked in Massachusetts.

They fairly quickly were able to cover a lot of extra people in their State who hadn't been covered before. One of the things they wrestled with early on was portability. As it turns out, the folks who are young and invincible, like our pages here with us—I think this may be the last day or two before they head back for home.

The Presiding Officer may not know this, but the pages are here on overtime. Most of the pages returned to their home States across the country, but there are a half dozen or so volunteers that are still sticking with us to the bitter end. Hopefully, it is not too bitter an end. We hope that someday you will come back here as interns or maybe staff Members, and, who knows, maybe even as Presiding Officers or just mortals—mere mortals like me. Thank you again for your service.

Anyway, the Romney folks found out that they had this fine setup. So if people didn't get coverage in Massachusetts, they would have to pay a fine. It went up over time. It was later that they decided that if they had to do this over again, they would have had the fine start higher and escalate faster in order to send a clear message to the

young invincibles and others who didn't have coverage that you have to get serious about getting coverage. They wanted a mix of people in their exchanges so that insurance companies would be able to insure them and not lose their shirts—to make money off of it.

Anyway, when we were working on the Affordable Care Act in 2009, my first year on the Finance Committee, we were trying to figure out what to do. We proposed a lot of ideas to sort of keep our eye on the ACA. The Affordable Care Act was a way to just sort of pivot away from sick care, where we just spend money on people when they are sick, and do more to invest on how we help people stay healthy through prevention and wellness, by doing screenings for colorectal cancer, breast cancer, and prostate cancer, in ways that, if you take away the copays for people and they can go ahead and get the screenings, they save themselves a lot of money and a lot of pain and maybe from dying, which otherwise wouldn't be the case.

There are a lot of aspects of the Affordable Care Act. We raised the eligibility for folks for Medicaid.

When I came back from Southeast Asia in 1993, I went to business school in Delaware and got an MBA. The next year, I became State treasurer. I was 29. At that time, I thought of Medicaid as healthcare coverage for poor women with children. At the time, that was pretty much what it was, but not today.

Almost two-thirds of the money we spend on Medicaid is for people who are in nursing homes—our parents, our grandparents, our aunts, our uncles. A lot of them are veterans. I think 2 million are veterans. We spend a lot of money on Medicaid today to treat addiction for heroin and opioids, and we spend money on poor families, including women and children, but the nature of the coverage has changed a whole lot.

For many years, it has been a 50–50 yield. Largely, States pay 50 percent, and the Federal Government pays 50 percent. We changed that in the Affordable Care Act because we wanted the States to cover more than just the people up to 100 percent of poverty. The Federal Government stepped in and said to the States: If you would go along with this, we would like to cover people from 100 percent to 135 percent of poverty. The Federal Government, at least for a while, would pay for that marginal increase in coverage up to 135 percent of poverty. It is a pretty good deal for the States, and about 31 States have signed up to do that. So a lot of people have coverage today who did not have it before through Medicaid.

The other thing we did in writing the Affordable Care Act was to take the idea that they have sort of glommed onto in Massachusetts with RomneyCare—which has its roots back to the 1993 proposal from Heritage and that was proposed here in the Senate by Senator Chafee—and put that into the Affordable Care Act. I know that there are some people who wanted to have a single-payer system in that their idea of healthcare reform was to cover everyone under Medicare who did not have coverage. We were just not ready to go there, so we said: Let's try something that has been put in place in one of our States, maybe with the idea that Massachusetts could be the laboratory of democracy—to find out what works and do more of that—and that was what we did.

We passed legislation that created exchanges in all 50 States, and we had an individual mandate to encourage people to get coverage and incentivize them but fine them if they did not. A lot of people say that we started too slowly, as Massachusetts did not implement it fast enough to get people signed up in the exchanges, but we learned, maybe, from our mistakes. We had the employer mandate, and we had the sliding sales tax credit in the Affordable Care Act.

Then we had the prohibitions against insurance companies that refused to cover people because they had some kind of preexisting condition. That was the part of the Affordable Care Act that had its roots, really, in Heritage and Republican Senators—really good ones. Some of them are still here. Somehow, this has turned out to be that part of the Affordable Care Act with the exchanges and so forth. It ended up being called ObamaCare, which is really ironic because he did not have anything to do with creating it. It was not his idea, but, somehow, it has been deemed to be ObamaCare. It is the part of the Affordable Care Act that has been most attacked by our Republican friends. It was their creation, their suggestion, and now they want to get rid of it.

We have had some tough debate here in recent weeks, and the Senate has decided not to repeal that part of the Affordable Care Act. I think that we are smart not to repeal it, but the idea is to help make it work. One of the best ways is to sort of calm down the exchanges—quit disrupting and destabilizing the exchanges. When the President says that we do not know if we are going to enforce the individual mandate or the subsidies that we provide for low-income people, who get their coverage in the exchanges, to help cover their co-pays or deductibles—they do not know if they are going to keep doing that. They are basically saying of the ObamaCare exchanges to just put them in a death spiral. Let them just die. Then, maybe, the Democrats will come to the table.

I think all of that would be a huge mistake. Most of the people would suffer. As a matter of fact, a lot of the folks who voted for them are in rural States, and a lot of them are in red States around the country. I think it is cruel, and I do not think it is very smart.

Last Friday morning at 2 a.m., three Republicans—LISA MURKOWSKI, of Alaska; SUSAN COLLINS, of Maine; and JOHN MCCAIN, of Arizona—joined 48 Democrats in saying: Let's hit the pause button on degrading, further bringing down, the Affordable Care Act. Let's hit the pause button. It is not because the Affordable Care Act is perfect, because we know there are things in it that need to be fixed, but there are portions that need to be preserved as well.

We said: Let's see if we can't hit the pause button—kind of pivot—and stabilize the exchanges, first of all, then do the fix, and do the repair that needs done in the ACA. We would keep the stuff that is really good and that everyone says is good and move on. Let's not just do it as Republicans by themselves or Democrats by themselves. We have tried that. Let's try working together.

Now we have a chance to do that, and people, like the Presiding Officer, who have very good ideas will have a chance to present those ideas in hearings that will be held by Senators LAMAR ALEXANDER and PATTY MURRAY right after we come back here, just after the Labor Day holiday.

I learned in our Finance Committee today that Chairman ORRIN HATCH and Senator RON WYDEN, who is the senior Democrat on the committee, will also be holding a hearing or hearings on how do we stabilize the exchanges and how do we, maybe, find some ways to improve on what we have done in the Affordable Care Act. I can think of any number. I am sure that the Presiding Officer can as well.

I do not leave here discouraged. This is a country about which people say: You must be miserable serving in the U.S. Senate.

I say: Oh, no, not at all. I am sort of energized by what has been going on, not discouraged.

A long time ago, we fought the Civil War. One hundred fifty years ago, we fought the Civil War. My friend here from Mississippi remembers that. I grew up in the last capital of the Confederacy—Danville, VA. I remember that. One hundred fifty years ago, hundreds of thousands of people were killed, maimed, or wounded. When it was over, our President was assassinated, and his successor was impeached.

Somehow, we got through that and made it to the 20th century and fought, not one, but two World Wars. We won them both and led them both. We fought the Cold War—won it, led it. We led the world out of the Great Depression and into the 21st century.

The 21st century emerged, and the Sun came up that January day in 2001. America had the strongest economy on Earth and the most productive workforce on Earth. We are a nation of peace. We had four balanced budgets in a row. We had not balanced a budget since 1968. Then we figured out how to do that four times in a row during the last 4 years of the Clinton administration. In 2001, we were the most admired Nation on Earth and the most admired force for justice on Earth.

I like to remind people that if we can get through the 150 years after the Civil War and end up where we were on January 1, 2001, we will get through this as well.

The last thing I would say is this: When we come back, there is plenty to do. One of the things we have to do is deal with our financial plan, our budget, and figure out what to do with respect to the debt ceiling. We will be coming back and holding the hearings that I described on the Affordable Care Act and trying to stabilize the exchanges. We will begin to figure out what we ought to do beyond stabilizing the exchanges and do it as Democrats and Republicans working together.

When we passed Social Security, Medicare, the Civil Rights Act, and the GI bill, those were not all Democratic ideas or all Republican ideas. Some of the best work we do is when we work together.

We will also have the opportunity to tackle our Tax Code. We have a tax code that, in some cases, discourages companies, especially larger companies, from staying in the United States and continuing to do business here and employing people here. In some cases, we encourage them to look for other places around the world in which to locate their businesses. We need to make sure we have a tax code that encourages innovation and that encourages companies to expand and grow here. My hope is that we can, especially on the Finance Committee, really focus on that and work with our colleagues, work with the House, and work with the administration.

I am a really optimistic person about most things, but the last time we did comprehensive tax reform in this country was in 1986. At that time, we had Republican President Reagan, who was for it. He had a great Treasury Secretary, Jim Baker, who was for it. Dan Rostenkowski, the chairman of the Ways and Means Committee in the House, was for it. Tip O'Neill, the Democratic Speaker of the House, was for it. We had Bob Packwood and Bill Bradley, a Democrat and a Republican—brilliant people on the Finance Committee. They were for it, and it still took 5 years to do it—really hard stuff.

We need to get serious about it, and we need to get going. My hope is that we will end up being revenue-neutral. We could use some revenues, but I hope it will be revenue-neutral. At the end of the day, I hope that what we do will answer these four questions: Is it fair? Does it foster economic growth? Does it make the Tax Code less complex or more complex? Finally, how does it affect our fiscal situation—our budget situation? My hope is that we can keep those questions in our minds as we formulate tax reform and answer them in an appropriate way.

I see my colleague here with whom I serve on the Finance Committee and on the Environment and Public Works Committee. He is waiting his turn, and I have talked long enough.

I will close where I started, with the words of the late Senator Philip Hart, of Michigan, who was admired by a lot of people here in this body before we came here. He said these words:

> I leave as I arrived, understanding clearly the complexity of the world into which we were born and optimistic that if we give it our best shot, we will come close to achieving the goals set for us 200 years ago.

Boy, those words ring true today, don't they?

As we are about to leave, unlike our friend Philip Hart, who left the Senate, those who serve today in the Senate are going to come back in 4 weeks. My hope is that when we come back, we will come back determined to work together. That is what people want us to do. They want us to work together because, if we do, we will get a lot more things done.

My wife and I went to Africa and actually met up there with one of our sons and a friend of his two summers ago in August—2 years ago this August. I learned more about Africa in, actually, a week to 10 days than I had learned in all of my life. One of the things I learned was an African proverb that some of you already know. It goes something like this: If you want to go fast, travel alone. If you want to go far, travel together.

Think about that: If you want to go fast, travel alone. If you want to go far, travel together.

We have tried going it alone, and we have not gotten that far. My hope is that when we come back, we will travel together, and we will go a long, long way and make everyone proud of us.

I say again to my colleagues and the pages and our staffs, thank you for the good work that you have done. It is a pleasure serving with all of you.

I bid you adieu. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

BENEFIT ACT

Mr. WICKER. Mr. President, my esteemed colleague from Delaware says that we have plenty to do when we get back, and he is, certainly, correct. I would join many of my colleagues today, though, in pointing out that in the last 3 days, we have actually gotten substantial work done. Perhaps we have crammed into 3 days what using the regular order and the filibuster and the motions to proceed might have taken 3 weeks otherwise. So the leadership on both sides of the aisle are to be commended for this burst of progress we have made, and I hope we can continue that when we get back.

Earlier today, this Congress passed a significant piece of legislation offered by the Senator who occupies the Chair, my good friend, Senator JOHNSON of Wisconsin. It is the Right to Try Act, which seeks to streamline the way people who are willing to take a bit of a chance on a drug in order to save their lives—streamline the way they can have access to perhaps life-enhancing and lifesaving drugs. It is a real achievement. I congratulate my colleague from Wisconsin and congratulate the leadership facilitating this breakthrough.

Moments later, the Senate passed a companion bill authored by Senator KLOBUCHAR and me known as the Better Empowerment Now to Enhance Framework and Improve Treatments Act or the BENEFIT Act. This is another win for patients—patients who deserve to have a voice in the drug approval process. This bill, which is a companion bill to the very important Right to Try Act, will do that.

The BENEFIT Act calls for a simple amendment to the Food, Drug, and Cosmetic Act—one that could make a big difference to patients whose lives may depend on a new therapy or drug. Specifically, the Wicker-Klobuchar bill would require the use of patient experience and patient-focused drug development and related data in assessing the risk versus the benefit of these particular therapies.

The bill also includes information from patient advocacy groups and academic institutions. This is a small but important step forward.

If signed into law—and I certainly hope the House passes it and I hope the President will sign it into law—this bill would greatly enhance the data and information available to FDA when reviewing drugs, when reviewing medical products, and when reviewing therapies. It would also add to the progress Congress has made in recent years, reaffirming the importance of patients' perspectives in drug decisions—decisions that can have a profound and lasting impact on the lives of these patients. Ask any American who suffers from a disease or who is watching a loved one suffer, and they will tell us that all information should be on the table when a breakthrough or a cure is at stake.

Last year, Senator KLOBUCHAR and I joined together to make the FDA's use of patient perspectives more transparent with what we call the Patient-Focused Impact Assessment Act. This was passed and was signed into law as part of the 21st Century Cures Act.

The BENEFIT Act, passed by the Senate today, would keep that momentum going, building on the progress we have made.

Now, what progress have we made? Let me tell my colleagues this. For years, I have sought to find a cure for the devastating, fatal disease known as Duchenne muscular dystrophy. I have worked on this issue since my early years in the House of Representatives. Young boys—almost all males—is whom this affects. These young boys face this fatal disease, and they know better than anyone what a drug can do to improve the quality of their lives.

Since the Congress passed and the President signed the MD-CARE Act dealing with Duchenne muscular dystrophy more than 15 years ago, research has led to innovative therapies

that have added a decade to the lives of these young boys. What an achievement by scientists in America. What an achievement for the government to have unleashed cures and research in this area.

We need their voices heard, we need their stories heard, and we need the voices of patients with other diseases heard.

I thank my colleagues in the Senate for joining with us on a unanimous consent request to pass this legislation. I thank the leadership on this side of the aisle and our Democratic counterparts on the other side.

Particular appreciation goes to Senator ALEXANDER, the chairman of the HELP Committee, and to Senator MURRAY, the ranking Democrat on the HELP Committee, for their valuable help. Appreciation goes to perhaps a new attitude for the rest of the year in the Senate to join together with unanimous consent and move bills and nominations forward that have widespread support and consensus around the country.

I congratulate the Presiding Officer, the Senator from Wisconsin, on an outstanding achievement, and I congratulate the Senate for joining with Senator KLOBUCHAR and me to help out in another way.

Thank you.

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

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

MAKING OPPORTUNITIES FOR BROADBAND INVESTMENT AND LIMITING EXCESSIVE AND NEEDLESS OBSTACLES TO WIRELESS ACT

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 17, S. 19.

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

The senior assistant legislative clerk read as follows:

A bill (S. 19) to provide opportunities for broadband investment, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Making Opportunities for Broadband Investment and Limiting Excessive and Needless Obstacles to Wireless Act'' or the ''MOBILE NOW Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) each committee of the Senate or of the House of Representatives with jurisdiction over a Federal entity affected by the applicable section in which the term appears.

(2) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(3) FEDERAL ENTITY.—The term ''Federal entity'' has the meaning given the term in section 113(l) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(l)).

(4) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration of the Department of Commerce.

(5) OMB.—The term ''OMB'' means the Office of Management and Budget.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 3. MAKING 500 MEGAHERTZ AVAILABLE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Consistent with the Presidential Memorandum of June 28, 2010, entitled ''Unleashing the Wireless Broadband Revolution'' and establishing a goal of making a total of 500 megahertz of Federal and non-Federal spectrum available on a licensed or unlicensed basis for wireless broadband use by 2020, not later than December 31, 2020, the Secretary, working through the NTIA, and the Commission shall make available a total of at least 255 megahertz of Federal and non-Federal spectrum below the frequency of 6000 megahertz for mobile and fixed wireless broadband use.

(2) UNLICENSED AND LICENSED USE.—Of the spectrum made available under paragraph (1), not less than—

(A) 100 megahertz shall be made available on an unlicensed basis; and

(B) 100 megahertz shall be made available on an exclusive, licensed basis for commercial mobile use, pursuant to the Commission's authority to implement such licensing in a flexible manner, and subject to potential continued use of such spectrum by incumbent Federal entities in designated geographic areas indefinitely or for such length of time stipulated in transition plans approved by the Technical Panel under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) for those incumbent entities to be relocated to alternate spectrum.

(3) NON-ELIGIBLE SPECTRUM.—For purposes of satisfying the requirement under paragraph (1), the following spectrum shall not be counted:

(A) The frequencies between 1695 and 1710 megahertz.

(B) The frequencies between 1755 and 1780 megahertz.

(C) The frequencies between 2155 and 2180 megahertz.

(D) The frequencies between 3550 and 3700 megahertz.

(E) Spectrum that the Commission determines had more than de minimis mobile or fixed wireless broadband operations within the band on the day before the date of enactment of this Act.

(4) RELOCATION PRIORITIZED OVER SHARING.—This section shall be carried out in accordance with section 113(j) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(j)).

(5) CONSIDERATIONS.—In making spectrum available under this section, the Secretary and Commission shall consider—

(A) the need to preserve critical existing and planned Federal Government capabilities;

(B) the impact on existing State, local, and tribal government capabilities;

(C) the international implications;

(D) the need for appropriate enforcement mechanisms and authorities; and

(E) the importance of the deployment of wireless broadband services in rural areas of the United States.

(b) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to impair or otherwise affect the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals;

(2) to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security; or

(3) to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000, or any other relevant statutory requirement applicable to the reallocation of Federal spectrum.

SEC. 4. MILLIMETER WAVE SPECTRUM.

(a) FEASIBILITY ASSESSMENT.—Not later than 18 months after the date of enactment of this Act, the NTIA, in consultation with the Commission, shall conduct a feasibility assessment regarding the impact, on Federal entities and operations in any of the following bands, of authorizing mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the following bands:

(1) The band between 31800 and 33400 megahertz.

(2) The band between 71000 and 76000 megahertz.

(3) The band between 81000 and 86000 megahertz.

(b) REQUIREMENTS.—In conducting the feasibility assessment under subsection (a), the NTIA shall—

(1) consult directly with Federal entities with respect to frequencies allocated to Federal use by such entities in the bands identified in that subsection;

(2) consider what, if any, impact authorizing mobile or fixed terrestrial wireless operations, including advanced mobile services operations, in any of such frequencies would have on an affected Federal entity; and

(3) identify any such frequencies in the bands described in that subsection that the NTIA assessment determines are feasible for authorizing for mobile or fixed terrestrial wireless operations, including any advanced mobile service operations.

(c) REPORT TO CONGRESS AND THE COMMISSION.—Not later than 30 days after the date the feasibility assessment under subsection (a) is complete, the NTIA shall submit to the appropriate committees of Congress a report on the feasibility assessment and provide a copy to the Commission.

(d) FCC PROCEEDING.—Not later than 2 years after the date of enactment of this Act or 90 days after the date it receives the feasibility assessment under subsection (c), whichever is earlier, the Commission, in consultation with the NTIA, shall publish a notice of proposed rulemaking to consider service rules to authorize mobile or fixed terrestrial wireless operations, including for advanced mobile service operations, in the following radio frequency bands:

(1) The band between 24250 and 24450 megahertz.

(2) The band between 25050 and 25250 megahertz.

(3) The band between 31800 and 33400 megahertz, except for any frequencies with Federal allocations.

(4) The band between 42000 and 42500 megahertz.

(5) The band between 71000 and 76000 megahertz, except for any frequencies with Federal allocations.

(6) The band between 81000 and 86000 megahertz, except for any frequencies with Federal allocations.

(7) Any frequencies with Federal allocations identified as feasible under subsection (b)(3).

(e) CONSIDERATIONS.—In conducting a rulemaking under subsection (d), the Commission shall—

(1) consult with Federal entities via the NTIA regarding the frequencies described in subsection (d)(7);

(2) consider how the bands described in subsection (d) may be used to provide commercial wireless broadband service, including whether—

(A) such spectrum may be best used for licensed or unlicensed services, or some combination thereof; and

(B) to permit additional licensed operations in such bands on a shared basis; and

(3) include technical characteristics under which the bands described in subsection (d) may be employed for mobile or fixed terrestrial wireless operations, including any appropriate coexistence requirements.

SEC. 5. 3 GIGAHERTZ SPECTRUM.

(a) BETWEEN 3100 MEGAHERTZ AND 3550 MEGAHERTZ.—Not later than 18 months after the date of enactment of this Act, and in consultation with the Commission and the head of each affected Federal agency (or a designee thereof), the Secretary shall submit to the Commission and the appropriate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to share use of the frequencies between 3100 megahertz and 3550 megahertz.

(b) BETWEEN 3700 MEGAHERTZ AND 4200 MEGAHERTZ.—Not later than 18 months after the date of enactment of this Act, after notice and an opportunity for public comment, and in consultation with the Secretary and the head of each affected Federal agency (or a designee thereof), the Commission shall submit to the Secretary and the appropriate committees of Congress a report evaluating the feasibility of allowing commercial wireless services, licensed or unlicensed, to share use of the frequencies between 3700 megahertz and 4200 megahertz.

(c) REQUIREMENTS.—A report under subsection (a) or (b) shall include the following:

(1) An assessment of the operations of Federal entities that operate Federal Government stations authorized to use the frequencies described in that subsection.

(2) An assessment of the possible impacts of such sharing on Federal and non-Federal users already operating on the frequencies described in that subsection.

(3) The criteria that may be necessary to ensure shared licensed or unlicensed services would not cause harmful interference to Federal or non-Federal users already operating in the frequencies described in that subsection.

(4) If such sharing is feasible, an identification of which of the frequencies described in that subsection are most suitable for sharing with commercial wireless services through the assignment of new licenses by competitive bidding, for sharing with unlicensed operations, or through a combination of licensing and unlicensed operations.

(d) COMMISSION ACTION.—The Commission, in consultation with the NTIA, shall seek public comment on the reports required under subsections (a) and (b), including regarding the bands identified in such reports as feasible pursuant to subsection (c)(4).

SEC. 6. COMMUNICATIONS FACILITIES DEPLOYMENT ON FEDERAL PROPERTY.

(a) IN GENERAL.—Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b) FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND LEASES.—

''(1) GRANT.—If an executive agency, a State, a political subdivision or agency of a State, or a person, firm, or organization applies for the grant of an easement, right-of-way, or lease to, in, over, or on a building or other property owned by the Federal Government for the right to install, construct, modify, or maintain a communications facility installation, the executive agency having control of the building or other property may grant to the applicant, on behalf of the Federal Government, subject to paragraph (5), an easement, right-of-way, or lease to perform such installation, construction, modification, or maintenance.

''(2) APPLICATION.—

''(A) IN GENERAL.—The Administrator of General Services shall develop a common form for applications for easements, rights-of-way, and leases under paragraph (1) for all executive agencies that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings or other property of each such agency.

''(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form developed by the Administrator of General Services shall not apply to an executive agency if the head of an executive agency notifies the Administrator that the executive agency uses a substantially similar application.

''(3) FEE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall establish a fee for the grant of an easement, right-of-way, or lease pursuant to paragraph (1) that is based on direct cost recovery.

''(B) EXCEPTIONS.—The Administrator of General Services may establish exceptions to the fee amount required under subparagraph (A)—

''(i) in consideration of the public benefit provided by a grant of an easement, right-of-way, or lease; and

''(ii) in the interest of expanding wireless and broadband coverage.

''(4) USE OF FEES COLLECTED.—Any fee amounts collected by an executive agency pursuant to paragraph (3) may be made available, as provided in appropriations Acts, to such agency to cover the costs of granting the easement, right-of-way, or lease.

''(5) TIMELY CONSIDERATION OF APPLICATIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date on which an executive agency receives a duly filed application for an easement, right-of-way, or lease under this subsection, the executive agency shall—

''(i) grant or deny, on behalf of the Federal Government, the application; and

''(ii) notify the applicant of the grant or denial.

''(B) EXPLANATION OF DENIAL.—If an executive agency denies an application under subparagraph (A), the executive agency shall notify the applicant in writing, including a clear statement of the reasons for the denial.

''(C) APPLICABILITY OF ENVIRONMENTAL LAWS.—Nothing in this paragraph shall be construed to relieve an executive agency of the requirements of division A of subtitle III of title 54, United States Code, or the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(D) POINT OF CONTACT.—Upon receiving an application under subparagraph (A), an executive agency shall designate one or more appropriate individuals within the executive agency to act as a point of contact with the applicant.

''(c) MASTER CONTRACTS FOR COMMUNICATIONS FACILITY INSTALLATION SITINGS.—

''(1) IN GENERAL.—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 151) or any other provision of law, the Administrator of General Services shall—

''(A) develop one or more master contracts that shall govern the placement of communications facility installations on buildings and other property owned by the Federal Government; and

''(B) in developing the master contract or contracts, standardize the treatment of the placement of communications facility installations on building rooftops or facades, the placement of communications facility installations on rooftops or inside buildings, the technology used in connection with communications facility installations placed on Federal buildings and other property, and any other key issues the Administrator of General Services considers appropriate.

''(2) APPLICABILITY.—The master contract or contracts developed by the Administrator of General Services under paragraph (1) shall apply to all publicly accessible buildings and other property owned by the Federal Government, unless the Administrator of General Services decides that issues with respect to the siting of a communications facility installation on a specific building or other property warrant nonstandard treatment of such building or other property.

''(3) APPLICATION.—

''(A) IN GENERAL.—The Administrator of General Services shall develop a common form or set of forms for communications facility installation siting applications that, except as provided in subparagraph (B), shall be used by all executive agencies and applicants with respect to the buildings and other property of each such agency.

''(B) EXCEPTION.—The requirement under subparagraph (A) for an executive agency to use the common form or set of forms developed by the Administrator of General Services shall not apply to an executive agency if the head of the executive agency notifies the Administrator that the executive agency uses a substantially similar application.

''(d) DEFINITIONS.—In this section:

''(1) COMMUNICATIONS FACILITY INSTALLATION.—The term 'communications facility installation' includes—

''(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

''(B) any antenna or apparatus that—

''(i) is designed for the purpose of emitting radio frequency;

''(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Commission or is using duly authorized devices that do not require individual licenses; and

''(iii) is added to a tower, building, or other structure.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given such term in section 102 of title 40, United States Code.''.

(b) SAVINGS PROVISION.—An application for an easement, right-of-way, or lease that was made or granted under section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455) before the date of enactment of this Act shall continue, subject to that section as in effect on the day before such date of enactment.

(c) STREAMLINING BROADBAND FACILITY APPLICATIONS.—

(1) DEFINITION OF COMMUNICATIONS FACILITY INSTALLATION.—In this subsection, the term ''communications facility installation'' has the meaning given the term in section 6409(d) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(d)), as amended by subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the NTIA, in coordination with the Department of the Interior, the Department of Agriculture, the Department of Defense, the Department of Transportation, OMB, and the General Services Administration, shall develop recommendations to streamline the process for considering applications by those agencies under section 6409(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1455(b)), as amended by subsection (a).

(B) REQUIREMENTS FOR RECOMMENDATIONS.—The recommendations developed under subparagraph (A) shall include—

(i) procedures for the tracking of applications described in subparagraph (A);

(ii) methods by which to reduce the amount of time between the receipt of an application and the issuance of a final decision on an application;

(iii) policies to expedite renewals of an easement, license, or other authorization to locate communications facility installations on land managed by the agencies described in subparagraph (A); and

(iv) policies that would prioritize or streamline a permit for construction in a previously-disturbed right-of-way.

(C) REPORT TO CONGRESS.—Not later than 2 years after the date on which the recommendations required under subparagraph (A) are developed, the NTIA shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

(i) the status of the implementation of the recommendations developed under subparagraph (A); and

(ii) any improvements to the process for considering applications described in subparagraph (A) that have resulted from those recommendations, including in particular the speed at which such applications are reviewed and a final determination is issued.

SEC. 7. BROADBAND INFRASTRUCTURE DEPLOYMENT.

(a) FINDING REGARDING FEDERAL AND STATE DEPARTMENTS OF TRANSPORTATION.—Congress finds that it is the policy of the United States for the Department of Transportation and State departments of transportation—

(1) to adjust or otherwise develop right-of-way policies for Federal-aid highways to effectively accommodate broadband infrastructure;

(2) to allow for the safe and efficient accommodation of broadband infrastructure in the public right-of-way; and

(3) to the extent applicable, to coordinate with other statewide telecommunication and broadband plans when developing a statewide transportation improvement program.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE STATE AGENCY.—The term ''appropriate State agency'' means a State governmental agency that is recognized by the executive branch of the State as having the experience necessary to evaluate and carry out projects relating to the proper and effective installation and operation of broadband infrastructure.

(2) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.

(3) BROADBAND INFRASTRUCTURE ENTITY.—The term ''broadband infrastructure entity'' means any entity that—

(A) installs, owns, or operates broadband infrastructure; and

(B) provides broadband services in a manner consistent with the public interest, convenience, and necessity, as determined by the State.

(4) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia; and

(C) the Commonwealth of Puerto Rico.

(c) BROADBAND INFRASTRUCTURE DEPLOYMENT.—To facilitate the installation of broadband infrastructure and achieve the policy described in subsection (a), the Secretary of Transportation shall ensure that each State that receives funds under chapter 1 of title 23, United States Code, meets the following requirements:

(1) BROADBAND CONSULTATION.—The State department of transportation, in consultation with appropriate State agencies, shall—

(A) identify a broadband utility coordinator, that may have additional responsibilities, whether in the State department of transportation or in another State agency, that is responsible for facilitating the broadband infrastructure right-of-way efforts within the State;

(B) establish a process for the registration of broadband infrastructure entities that seek to be included in those broadband infrastructure right-of-way facilitation efforts within the State;

(C) establish a process to electronically notify broadband infrastructure entities identified under subparagraph (B) of the State transportation improvement program on an annual basis and provide additional notifications as necessary to achieve the goals of this section; and

(D) coordinate initiatives carried out under this section with other statewide telecommunication and broadband plans and State and local transportation and land use plans, including strategies to minimize repeated excavations that involve the installation of broadband infrastructure in a right-of-way.

(2) PRIORITY.—If a State chooses to provide for the installation of broadband infrastructure in the right-of-way of an applicable Federal-aid highway project under this subsection, the State department of transportation shall carry out any appropriate measures to ensure that any existing broadband infrastructure entities are not disadvantaged, as compared to other broadband infrastructure entities, with respect to the program under this subsection.

(d) EFFECT OF SECTION.—This section applies only to activities for which obligations or expenditures are initially approved on or after the date of enactment of this Act. Nothing in this section establishes a mandate or requirement that a State install broadband infrastructure in a highway right-of-way.

SEC. 8. NATIONAL BROADBAND FACILITIES ASSET DATABASE.

(a) DEFINITIONS.—In this section:

(1) COMMUNICATIONS FACILITY INSTALLATION.—The term ''communications facility installation'' includes—

(A) any infrastructure, including any transmitting device, tower, or support structure, and any equipment, switches, wiring, cabling, power sources, shelters, or cabinets, associated with the licensed or permitted unlicensed wireless or wireline transmission of writings, signs, signals, data, images, pictures, and sounds of all kinds; and

(B) any antenna or apparatus that—

(i) is designed for the purpose of emitting radio frequency;

(ii) is designed to be operated, or is operating, from a fixed location pursuant to authorization by the Commission or is using duly authorized devices that do not require individual licenses; and

(iii) is added to a tower, building, or other structure.

(2) COVERED PROPERTY.—The term ''covered property''—

(A) means any real property capable of supporting a communications facility installation; and

(B) includes any interest in real property described in subparagraph (A).

(3) DATABASE.—The term ''database'' means the database established under subsection (b).

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(b) DATABASE ESTABLISHED.—Not later than June 30, 2018, the Director of the Office of Science and Technology Policy, in consultation with the Chairman of the Commission, Assistant Secretary of Commerce for Communications and Information, Under Secretary of Commerce for Standards and Technology, Administrator of General Services, and Director of OMB, shall—

(1) establish and operate a single database of any covered property that is owned, leased, or otherwise managed by an Executive agency;

(2) make the database available to—

(A) any entity that—

(i) constructs or operates communications facility installations; or

(ii) provides communications service; and

(B) any other entity that the Director of the Office of Science and Technology Policy determines is appropriate; and

(3) establish a process for withholding data from the database for national security, public safety, or other national strategic concerns in accordance with existing statutory authority and Executive order mandates with respect to handling and protection of such information.

(c) PUBLIC COMMENT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall seek public comment to inform the establishment and operation of the database.

(2) CONTENTS.—In seeking public comment under paragraph (1), the Director shall include a request for recommendations on—

(A) criteria that make real property capable of supporting communications facility installations;

(B) types of information related to covered property that should be included in the database;

(C) an interface by which accessibility to the database for all users will be appropriately efficient and secure; and

(D) other information the Director determines necessary to establish and operate the database.

(d) FEDERAL AGENCIES.—

(1) INITIAL PROVISION OF INFORMATION.—Not later than 90 days after the date on which the database is established under subsection (b), the head of an Executive agency shall provide to the Director of the Office of Science and Technology Policy, in a manner and format to be determined by the Director, such information as the Director determines appropriate with respect to covered property owned, leased, or otherwise managed by the Executive agency.

(2) CHANGE TO INFORMATION PREVIOUSLY PROVIDED.—In the case of any change to information provided to the Director of the Office of Science and Technology Policy by the head of an Executive agency under paragraph (1), the head of the Executive agency shall provide updated information to the Director not later than 30 days after the date of the change.

(3) SUBSEQUENTLY ACQUIRED PROPERTY.—If an Executive agency acquires covered property after the date on which the database is established under subsection (b), the head of the Executive agency shall provide to the Director of the Office of Science and Technology Policy the information required under paragraph (1) with respect to the covered property not later than 30 days after the date of the acquisition.

(e) STATE AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy (referred to in this subsection as the ''Director'') shall make the database available to State and local governments so that such governments may provide to the Director for inclusion in the database similar information to the information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments.

(2) REPORT ON INCENTIVIZING PARTICIPATION BY STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Chairman of the Commission, the Assistant Secretary of Commerce for Communications and Information, the Under Secretary of Commerce for Standards and Technology, the Administrator of General Services, and the Director of OMB, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on potential ways to incentivize State and local governments to provide to the Director for inclusion in the database similar information to the information required under subsection (d)(1) regarding covered property owned, leased, or otherwise managed by such governments pursuant to paragraph (1) of this subsection or through other means.

(B) CONSIDERATIONS.—The Director, in preparing the report under subparagraph (A), shall—

(i) consult with State and local governments, or their representatives, to identify for inclusion in the report the most cost-effective options for State and local governments to collect and provide the information described in subparagraph (A), including utilizing and leveraging State broadband initiatives and programs; and

(ii) make recommendations on ways the Federal Government can assist State and local governments in collecting and providing the information described in subparagraph (A).

(C) REPORT UPDATE.—Not later than 2 years after the date on which the database is established under this section, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives an update to the report required under subparagraph (A) that identifies State and local governments that have contributed to the database and recommends ways to further incentivize participation by State and local governments pursuant to paragraph (1) of this subsection or through other means.

(f) DATABASE UPDATES.—

(1) TIMELY INCLUSION.—After the establishment of the database, the Director of the Office of Science and Technology Policy shall ensure that information provided under subsection (d) or (e) is included in the database not later than 7 days after the date on which the Director receives the information.

(2) DATE OF ADDITION OR UPDATE.—Information in the database relating to covered property shall include the date on which the information was added or most recently updated.

(g) REPORT.—Not later than 180 days after the date the Director of the Office of Science and Technology Policy seeks public comment under subsection (c)(1), the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the progress in establishing the database under this section. The Director shall update the report annually until the date that the database is fully operational. After the database is fully operational and for the next 5 years thereafter, the Director shall provide annual reports regarding the use of the database, recommendations of how the database may provide additional utility to the entities described in subsection (b)(2), if any recommendations are warranted, and how previous recommendations have been implemented.

SEC. 9. REALLOCATION INCENTIVES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the Commission, the Director of OMB, and the head of each affected Federal agency (or a designee thereof), after notice and an opportunity for public comment, shall submit to the appropriate committees of Congress a report that includes legislative or regulatory recommendations to incentivize a Federal entity to relinquish, or share with Federal or non-Federal users, Federal spectrum for the purpose of allowing commercial wireless broadband services to operate on that Federal spectrum.

(b) POST-AUCTION PAYMENTS.—

(1) REPORT.—In preparing the report under subsection (a), the Secretary shall—

(A) consider whether permitting eligible Federal entities that are implementing a transition plan submitted under section 113(h) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(h)) to accept payments could result in access to the eligible frequencies that are being reallocated for exclusive non-Federal use or shared use sooner than would otherwise occur without such payments; and

(B) include the findings under subparagraph (A), including the analysis under paragraph (2) and any recommendations for legislation, in the report.

(2) ANALYSIS.—In considering payments under paragraph (1)(A), the Secretary shall conduct an analysis of whether and how such payments would affect—

(A) bidding in auctions conducted under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of such eligible frequencies; and

(B) receipts collected from the auctions described in subparagraph (A).

(3) DEFINITIONS.—In this subsection:

(A) PAYMENT.—The term ''payment'' means a payment in cash or in-kind by any auction winner, or any person affiliated with an auction winner, of eligible frequencies during the period after eligible frequencies have been reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) but prior to the completion of relocation or sharing transition of such eligible frequencies per transition plans approved by the Technical Panel.

(B) ELIGIBLE FREQUENCIES.—The term ''eligible frequencies'' has the meaning given the term in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)).

SEC. 10. BIDIRECTIONAL SHARING STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, including an opportunity for public comment, the Commission, in collaboration with the NTIA, shall—

(1) conduct a bidirectional sharing study to determine the best means of providing Federal entities flexible access to non-Federal spectrum on a shared basis across a range of short-, mid-, and long-range timeframes, including for intermittent purposes like emergency use; and

(2) submit to Congress a report on the study under paragraph (1), including any recommendations for legislation or proposed regulations.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Commission shall—

(1) consider the regulatory certainty that commercial spectrum users and Federal entities need to make longer-term investment decisions for shared access to be viable; and

(2) evaluate any barriers to voluntary commercial arrangements in which non-Federal users could provide access to Federal entities.

SEC. 11. UNLICENSED SERVICES IN GUARD BANDS.

(a) IN GENERAL.—After public notice and comment, and in consultation with the Secretary and the head of each affected Federal agency (or a designee thereof), with respect to frequencies allocated for Federal use, the Commission shall adopt rules that permit unlicensed services where feasible to use any frequencies that are designated as guard bands to protect frequencies allocated after the date of enactment of this Act by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), including spectrum that acts as a duplex gap between transmit and receive frequencies.

(b) LIMITATION.—The Commission may not permit any use of a guard band under this section that would cause harmful interference to a licensed service or a Federal service operating in the guard band or in an adjacent band.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the Commission or the Secretary from otherwise making spectrum available for licensed or unlicensed use in any frequency band in addition to guard bands, including under section 3, consistent with their statutory jurisdictions.

SEC. 12. PRE-AUCTION FUNDING.

Section 118(d)(3)(B)(i)(II) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(d)(3)(B)(i)(II)) is amended by striking ''5 years'' and inserting ''8 years''.

SEC. 13. IMMEDIATE TRANSFER OF FUNDS.

Section 118(e)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)) is amended by adding at the end the following:

''(D) At the request of an eligible Federal entity, the Director of the Office of Management and Budget (in this subsection referred to as 'OMB') may transfer the amount under subparagraph (A) immediately—

''(i) after the frequencies are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)); or

''(ii) in the case of an incumbent Federal entity that is incurring relocation or sharing costs to accommodate sharing spectrum frequencies with another Federal entity, after the frequencies from which the other eligible Federal entity is relocating are reallocated by competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), without regard to the availability of such sums in the Fund.

''(E) Prior to the deposit of proceeds into the Fund from an auction, the Director of OMB may borrow from the Treasury the amount under subparagraph (A) for a transfer under subparagraph (D). The Treasury shall immediately be reimbursed, without interest, from funds deposited into the Fund.''.

SEC. 14. AMENDMENTS TO THE SPECTRUM PIPELINE ACT OF 2015.

Section 1008 of the Spectrum Pipeline Act of 2015 (Public Law 114–74; 129 Stat. 584) is amended in the matter preceding paragraph (1) by inserting '', after notice and an opportunity for public comment,'' after ''the Commission''.

SEC. 15. GAO ASSESSMENT OF UNLICENSED SPECTRUM AND WI-FI USE IN LOW-INCOME NEIGHBORHOODS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to evaluate the availability of broadband Internet access using unlicensed spectrum and wireless networks in low-income neighborhoods.

(2) REQUIREMENTS.—In conducting the study under paragraph (1), the Comptroller General shall consider and evaluate—

(A) the availability of wireless Internet hot spots and access to unlicensed spectrum in low-income neighborhoods, particularly for elementary and secondary school-aged children in such neighborhoods;

(B) any barriers preventing or limiting the deployment and use of wireless networks in low-income neighborhoods;

(C) how to overcome any barriers described in subparagraph (B), including through incentives, policies, or requirements that would increase the availability of unlicensed spectrum and related technologies in low-income neighborhoods; and

(D) how to encourage home broadband adoption by households with elementary and secondary school-age children that are in low-income neighborhoods.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) summarizes the findings of the study conducted under subsection (a); and

(2) makes recommendations with respect to potential incentives, policies, and requirements that could help achieve the goals described in subparagraphs (C) and (D) of subsection (a)(2).

SEC. 16. RULEMAKING RELATED TO PARTITIONING OR DISAGGREGATING LICENSES.

(a) DEFINITIONS.—In this section—

(1) COVERED SMALL CARRIER.—The term ''covered small carrier'' means a carrier (as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153)) that—

(A) has not more than 1,500 employees (as determined under section 121.106 of title 13, Code of Federal Regulations, or any successor thereto); and

(B) offers services using the facilities of the carrier.

(2) RURAL AREA.—The term ''rural area'' means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town that has a population of more than 50,000 inhabitants.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to assess whether to establish a program, or modify existing programs, under which a licensee that receives a license for the exclusive use of spectrum in a specific geographic area under section 301 of the Communications Act of 1934 (47 U.S.C. 301) may partition or disaggregate the license by sale or long-term lease—

(A) in order to—

(i) provide services consistent with the license; and

(ii) make unused spectrum available to—

(I) an unaffiliated covered small carrier; or

(II) an unaffiliated carrier to serve a rural area; and

(B) if the Commission finds that such a program would promote—

(i) the availability of advanced telecommunications services in rural areas; or

(ii) spectrum availability for covered small carriers.

(2) CONSIDERATIONS.—In conducting the rulemaking proceeding under paragraph (1), the Commission shall consider, with respect to the program proposed to be established under that paragraph—

(A) whether reduced performance requirements with respect to spectrum obtained through the program would facilitate deployment of advanced telecommunications services in the areas covered by the program;

(B) what conditions may be needed on transfers of spectrum under the program to allow covered small carriers that obtain spectrum under the program to build out the spectrum in a reasonable period of time;

(C) what incentives may be appropriate to encourage licensees to lease or sell spectrum, including—

(i) extending the term of a license granted under section 301 of the Communications Act of 1934 (47 U.S.C. 301); or

(ii) modifying performance requirements of the license relating to the leased or sold spectrum; and

(D) the administrative feasibility of—

(i) the incentives described in subparagraph (C); and

(ii) other incentives considered by the Commission that further the goals of this section.

(3) FORFEITURE OF SPECTRUM.—If a party fails to meet any build out requirements set by the Commission for any spectrum sold or leased under this section, the right to the spectrum shall be forfeited to the Commission unless the Commission finds that there is good cause for the failure of the party.

(4) REQUIREMENT.—The Commission may offer a licensee incentives or reduced performance requirements under this section only if the Commission finds that doing so would likely result in increased availability of advanced telecommunications services in a rural area.

SEC. 17. UNLICENSED SPECTRUM POLICY.

(a) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to maximize the benefit to the people of the United States of the spectrum resources of the United States;

(2) to advance innovation and investment in wireless broadband services; and

(3) to promote spectrum policy that makes available on an unlicensed basis radio frequency bands sufficient to meet consumer demand for unlicensed wireless broadband operations.

(b) COMMISSION RESPONSIBILITIES.—The Commission shall ensure that the efforts of the Commission related to spectrum allocation and assignment make available on an unlicensed basis radio frequency bands sufficient to meet demand for unlicensed wireless broadband operations if doing so is, after taking into account the future needs of other spectrum users—

(1) reasonable; and

(2) in the public interest.

(c) COMMISSION ACTION.—Not later than 18 months after the date of enactment of this Act, the Commission shall take action to implement subsection (b).

SEC. 18. NATIONAL PLAN FOR UNLICENSED SPECTRUM.

(a) DEFINITIONS.—In this section:

(1) SPECTRUM RELOCATION FUND.—The term ''Spectrum Relocation Fund'' means the Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(2) UNLICENSED OPERATIONS.—The term ''unlicensed operations'' means the use of spectrum on a non-exclusive basis under—

(A) part 15 of title 47, Code of Federal Regulations; or

(B) licensing by rule under part 96 of title 47, Code of Federal Regulations.

(b) NATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Commission, in consultation with the NTIA, shall develop a national plan for making additional radio frequency bands available for unlicensed operations.

(c) REQUIREMENTS.—The plan developed under this section shall—

(1) identify an approach that ensures that consumers have access to additional spectrum to conduct unlicensed operations in a range of radio frequencies to meet consumer demand;

(2) recommend specific actions by the Commission and the NTIA to permit unlicensed operations in additional radio frequency ranges that the Commission finds—

(A) are consistent with the statement of policy under section 18(a);

(B) will—

(i) expand opportunities for unlicensed operations in a spectrum band; or

(ii) otherwise improve spectrum utilization and intensity of use of bands where unlicensed operations are already permitted;

(C) will not cause harmful interference to Federal or non-Federal users of such bands; and

(D) will not significantly impact homeland security or national security communications systems; and

(3) examine additional ways, with respect to existing and planned databases or spectrum access systems designed to promote spectrum sharing and access to spectrum for unlicensed operations—

(A) to improve accuracy and efficacy;

(B) to reduce burdens on consumers, manufacturers, and service providers; and

(C) to protect sensitive Government information.

(d) SPECTRUM RELOCATION FUND.—To be included as part of the plan developed under this section, the NTIA shall share with the Commission recommendations about how to reform the Spectrum Relocation Fund—

(1) to address costs incurred by Federal entities related to sharing radio frequency bands with radio technologies conducting unlicensed operations; and

(2) to ensure the Spectrum Relocation Fund has sufficient funds to cover—

(A) the costs described in paragraph (1); and

(B) other expenditures allowed of the Spectrum Relocation Fund under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report that describes the plan developed under this section, including any recommendations for legislative change.

(2) PUBLICATION ON COMMISSION WEBSITE.—Not later than the date on which the Commission submits the report under paragraph (1), the Commission shall make the report publicly available on the website of the Commission.

SEC. 19. SPECTRUM CHALLENGE PRIZE.

(a) SHORT TITLE.—This section may be cited as the ''Spectrum Challenge Prize Act''.

(b) DEFINITION OF PRIZE COMPETITION.—In this section, the term ''prize competition'' means a prize competition conducted by the Secretary under subsection (c)(1).

(c) SPECTRUM CHALLENGE PRIZE.—

(1) IN GENERAL.—The Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Under Secretary of Commerce for Standards and Technology, shall, subject to the availability of funds for prize competitions under this section—

(A) conduct prize competitions to dramatically accelerate the development and commercialization of technology that improves spectrum efficiency and is capable of cost-effective deployment; and

(B) define a measurable set of performance goals for participants in the prize competitions to demonstrate their solutions on a level playing field while making a significant advancement over the current state of the art.

(2) AUTHORITY OF SECRETARY.—In carrying out paragraph (1), the Secretary may—

(A) enter into a grant, contract, cooperative agreement, or other agreement with a private sector for-profit or nonprofit entity to administer the prize competitions;

(B) invite the Defense Advanced Research Projects Agency, the Commission, the National Aeronautics and Space Administration, the National Science Foundation, or any other Federal agency to provide advice and assistance in the

design or administration of the prize competitions; and

(C) award not more than $5,000,000, in the aggregate, to the winner or winners of the prize competitions.

(d) CRITERIA.—Not later than 180 days after the date on which funds for prize competitions are made available pursuant to this section, the Commission shall publish a technical paper on spectrum efficiency providing criteria that may be used for the design of the prize competitions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 20. WIRELESS TELECOMMUNICATIONS TAX AND FEE COLLECTION FAIRNESS.

(a) SHORT TITLE.—This section may be cited as the ''Wireless Telecommunications Tax and Fee Collection Fairness Act''.

(b) DEFINITIONS.—In this section:

(1) FINANCIAL TRANSACTION.—The term ''financial transaction'' means a transaction in which the purchaser or user of a wireless telecommunications service upon whom a tax, fee, or surcharge is imposed gives cash, credit, or any other exchange of monetary value or consideration to the person who is required to collect or remit the tax, fee, or surcharge.

(2) LOCAL JURISDICTION.—The term ''local jurisdiction'' means a political subdivision of a State.

(3) STATE.—The term ''State'' means any of the several States, the District of Columbia, and any territory or possession of the United States.

(4) STATE OR LOCAL JURISDICTION.—The term ''State or local jurisdiction'' includes any governmental entity or person acting on behalf of a State or local jurisdiction that has the authority to assess, impose, levy, or collect taxes or fees.

(5) WIRELESS TELECOMMUNICATIONS SERVICE.—The term ''wireless telecommunications service'' means a commercial mobile radio service, as defined in section 20.3 of title 47, Code of Federal Regulations, or any successor thereto.

(c) FINANCIAL TRANSACTION REQUIREMENT.—

(1) IN GENERAL.—A State, or a local jurisdiction of a State, may not require a person to collect from, or remit on behalf of, any other person a State or local tax, fee, or surcharge imposed on a purchaser or user with respect to the purchase or use of any wireless telecommunications service within the State unless the collection or remittance is in connection with a financial transaction.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the right of a State or local jurisdiction to require the collection of any tax, fee, or surcharge in connection with a financial transaction.

(d) ENFORCEMENT.—

(1) PRIVATE RIGHT OF ACTION.—Any person aggrieved by a violation of subsection (c) may bring a civil action in an appropriate district court of the United States for equitable relief in accordance with paragraph (2) of this subsection.

(2) JURISDICTION OF DISTRICT COURTS.—Notwithstanding section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to the amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of subsection (c).

SEC. 21. RULES OF CONSTRUCTION.

(a) RANGES OF FREQUENCIES.—Each range of frequencies described in this Act shall be construed to be inclusive of the upper and lower frequencies in the range.

(b) ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.—Nothing in this Act shall be construed to affect any requirement under section 156 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 921 note), as added by section 1062(a) of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 22. RELATIONSHIP TO MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.

Nothing in this Act shall be construed to limit, restrict, or circumvent in any way the implementation of the nationwide public safety broadband network defined in section 6001 of title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1401) or any rules implementing that network under title VI of that Act (47 U.S.C. 1401 et seq.).

Mr. WICKER. Mr. President, I ask unanimous consent that the committee-reported substitute amendment 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 committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 19), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

IMPROVING RURAL CALL QUALITY AND RELIABILITY ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 19, S. 96.

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

The senior assistant legislative clerk read as follows:

A bill (S. 96) to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

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

Mr. WICKER. 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. 96) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 96

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 ''Improving Rural Call Quality and Reliability Act of 2017''.

SEC. 2. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

Part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) is amended by adding at the end the following:

''SEC. 262. ENSURING THE INTEGRITY OF VOICE COMMUNICATIONS.

''(a) REGISTRATION AND COMPLIANCE BY INTERMEDIATE PROVIDERS.—An intermediate provider that offers or holds itself out as offering the capability to transmit covered voice communications from one destination to another and that charges any rate to any other entity (including an affiliated entity) for the transmission shall—

''(1) register with the Commission; and

''(2) comply with the service quality standards for such transmission to be established by the Commission under subsection (c)(1)(B).

''(b) REQUIRED USE OF REGISTERED INTERMEDIATE PROVIDERS.—A covered provider may not use an intermediate provider to transmit covered voice communications unless such intermediate provider is registered under subsection (a)(1).

''(c) COMMISSION RULES.—

''(1) IN GENERAL.—

''(A) REGISTRY.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate rules to establish a registry to record registrations under subsection (a)(1).

''(B) SERVICE QUALITY STANDARDS.—Not later than 1 year after the date of enactment of this section, the Commission shall promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers.

''(2) REQUIREMENTS.—In promulgating the rules required by paragraph (1), the Commission shall—

''(A) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and

''(B) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

''(d) PUBLIC AVAILABILITY OF REGISTRY.—The Commission shall make the registry established under subsection (c)(1)(A) publicly available on the website of the Commission.

''(e) SCOPE OF APPLICATION.—The requirements of this section shall apply regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulatory classification of any communication or service.

''(g) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to preempt or expand the authority of a State public utility commission or other relevant State agency to collect data, or investigate and enforce State law and regulations, regarding the completion of intrastate voice communications, regardless of the format by which any communication or service is provided, the protocol or format by which the transmission of such communication or service is achieved, or the regulatory classification of such communication or service.

''(h) EXCEPTION.—The requirement under subsection (a)(2) to comply with the service quality standards established under subsection (c)(1)(B) shall not apply to a covered provider that—

''(1) on or before the date that is 1 year after the date of enactment of this section, has certified as a Safe Harbor provider under section 64.2107(a) of title 47, Code of Federal Regulations, or any successor regulation; and

''(2) continues to meet the requirements under such section 64.2107(a).

''(i) DEFINITIONS.—In this section:

''(1) COVERED PROVIDER.—The term 'covered provider' has the meaning given the term in section 64.2101 of title 47, Code of Federal Regulations, or any successor thereto.

''(2) COVERED VOICE COMMUNICATION.—The term 'covered voice communication' means a

voice communication (including any related signaling information) that is generated—

''(A) from the placement of a call from a connection using a North American Numbering Plan resource or a call placed to a connection using such a numbering resource; and

''(B) through any service provided by a covered provider.

''(3) INTERMEDIATE PROVIDER.—The term 'intermediate provider' means any entity that—

''(A) enters into a business arrangement with a covered provider or other intermediate provider for the specific purpose of carrying, routing, or transmitting voice traffic that is generated from the placement of a call placed—

''(i) from an end user connection using a North American Numbering Plan resource; or

''(ii) to an end user connection using such a numbering resource; and

''(B) does not itself, either directly or in conjunction with an affiliate, serve as a covered provider in the context of originating or terminating a given call.''.

FEDERAL COMMUNICATIONS COMMISSION CONSOLIDATED REPORTING ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 77, S. 174.

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

The senior assistant legislative clerk read as follows:

A bill (S. 174) to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens.

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

Mr. WICKER. 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. 174) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 174

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 ''Federal Communications Commission Consolidated Reporting Act of 2017''.

SEC. 2. COMMUNICATIONS MARKETPLACE REPORT.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

''SEC. 13. COMMUNICATIONS MARKETPLACE REPORT.

''(a) IN GENERAL.—In the last quarter of every even-numbered year, the Commission shall publish on its website and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the state of the communications marketplace.

''(b) CONTENTS.—Each report required under subsection (a) shall—

''(1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services among providers of telecommunications, providers of commercial mobile service (as defined in section 332), multichannel video programming distributors (as defined in section 602), broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services;

''(2) assess the state of deployment of communications capabilities, including advanced telecommunications capability (as defined in section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302)), regardless of the technology used for such deployment;

''(3) assess whether laws, regulations, regulatory practices, or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; and

''(4) describe the agenda of the Commission for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments under paragraphs (1) through (3).

''(c) EXTENSION.—If the Senate confirms the Chairman of the Commission during the third or fourth quarter of an even-numbered year, the report required under subsection (a) may be published on the website of the Commission and submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by March 1 of the following odd-numbered year.

''(d) SPECIAL REQUIREMENTS.—

''(1) ASSESSING COMPETITION.—In assessing the state of competition under subsection (b)(1), the Commission shall consider all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services, including the provision of content and communications using the Internet.

''(2) ASSESSING DEPLOYMENT.—In assessing the state of deployment under subsection (b)(2), the Commission shall include a list of geographical areas that are not served by any provider of advanced telecommunications capability.

''(3) CONSIDERING SMALL BUSINESSES.—In assessing the state of competition under subsection (b)(1) and barriers under subsection (b)(3), the Commission shall consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace in accordance with the national policy under section 257(b).

''(e) NOTIFICATION OF DELAY IN REPORT.—If the Commission fails to publish a report by the applicable deadline under subsection (a) or (c), the Commission shall, not later than 7 days after the deadline and every 60 days thereafter until the publication of the report—

''(1) provide notification of the delay by letter to the chairperson and ranking member of—

''(A) the Committee on Energy and Commerce of the House of Representatives; and

''(B) the Committee on Commerce, Science, and Transportation of the Senate;

''(2) indicate in the letter the date on which the Commission anticipates the report will be published; and

''(3) publish the letter on the website of the Commission.''.

SEC. 3. CONSOLIDATION OF REDUNDANT REPORTS; CONFORMING AMENDMENTS.

(a) ORBIT ACT REPORT.—Section 646 of the Communications Satellite Act of 1962 (47 U.S.C. 765e) is repealed.

(b) SATELLITE COMPETITION REPORT.—Section 4 of Public Law 109–34 (47 U.S.C. 703) is repealed.

(c) INTERNATIONAL BROADBAND DATA REPORT.—Section 103(b)(1) of the Broadband Data Improvement Act (47 U.S.C. 1303(b)(1)) is amended by striking ''the assessment and report'' and all that follows through ''the Federal Communications Commission'' and inserting ''its report under section 13 of the Communications Act of 1934, the Federal Communications Commission''.

(d) STATUS OF COMPETITION IN THE MARKET FOR THE DELIVERY OF VIDEO PROGRAMMING REPORT.—Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by striking subsection (g);

(2) by redesignating subsection (j) as subsection (g); and

(3) by transferring subsection (g) (as redesignated) so that it appears after subsection (f).

(e) REPORT ON CABLE INDUSTRY PRICES.—Section 623(k) of the Communications Act of 1934 (47 U.S.C. 543(k)) is amended—

(1) in paragraph (1), by striking ''annually publish'' and inserting ''publish with its report under section 13 of the Communications Act of 1934''; and

(2) in paragraph (2), in the heading, by striking ''ANNUAL''.

(f) TRIENNIAL REPORT IDENTIFYING AND ELIMINATING MARKET ENTRY BARRIERS FOR ENTREPRENEURS AND OTHER SMALL BUSINESSES.—Section 257 of the Communications Act of 1934 (47 U.S.C. 257) is amended by striking subsection (c).

(g) STATE OF COMPETITIVE MARKET CONDITIONS WITH RESPECT TO COMMERCIAL MOBILE RADIO SERVICES.—Section 332(c)(1)(C) of the Communications Act of 1934 (47 U.S.C. 332(c)(1)(C)) is amended by striking the first and second sentences.

(h) PREVIOUSLY ELIMINATED ANNUAL REPORT.—

(1) IN GENERAL.—Section 4 of the Communications Act of 1934 (47 U.S.C. 154) is amended—

(A) by striking subsection (k); and

(B) by redesignating subsections (l) through (o) as subsections (k) through (n), respectively.

(2) CONFORMING AMENDMENTS.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 9(i), by striking ''In the Commission's annual report, the Commission shall prepare an analysis of its progress in developing such systems and'' and inserting ''The Commission''; and

(B) in section 309(j)(8)(B), by striking the last sentence.

(i) ADDITIONAL OUTDATED REPORTS.—

(1) IN GENERAL.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 4—

(i) in subsection (b)(2)(B)(ii), by striking ''and shall furnish notice of such action'' and all that follows through ''subject of the waiver''; and

(ii) in subsection (g)—

(I) by striking paragraph (2); and

(II) by redesignating paragraph (3) as paragraph (2);

(B) in section 215—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b);

(C) in section 227(e)—

(i) by striking paragraph (4); and

(ii) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively;

(D) in section 303(u)(1)(B), by striking ''section 713(f)'' and inserting ''section 713(e)'';

(E) in section 309(j)—

(i) by striking paragraph (12);

(ii) by redesignating paragraphs (13) through (17) as paragraphs (12) through (16), respectively; and

(iii) in paragraph (14)(C), as redesignated—

(I) by striking clause (iv);

(II) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(III) in clause (v), as redesignated, in the matter preceding subclause (I)—

(aa) by striking ''clause (v)'' and inserting ''clause (iv)''; and

(bb) by striking ''paragraph (14)'' and inserting ''paragraph (13)'';

(F) in section 331(b), by striking the last sentence;

(G) in section 336(e), by striking paragraph (4) and inserting the following:

''(4) REPORT.—The Commission shall annually advise the Congress on the amounts collected pursuant to the program required by this subsection.'';

(H) in section 338(k)(6)(B), by striking ''section 396(k)(6)(B)'' and inserting ''section 396(j)(6)(B)'';

(I) in section 339(c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(iii) in paragraph (3)(A), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (1)''; and

(iv) in paragraph (4), as redesignated, by striking ''paragraphs (2) and (4)'' and inserting ''paragraphs (1) and (3)'';

(J) in section 396—

(i) by striking subsections (i) and (m);

(ii) by redesignating subsections (j) through (l) as subsections (i) through (k), respectively;

(iii) in subsection (j), as redesignated—

(I) in paragraph (1), by striking subparagraph (F);

(II) in paragraph (3)(B)(iii)—

(aa) by striking subclause (V);

(bb) by redesignating subclause (VI) as subclause (V); and

(cc) by subclause (V), as redesignated, by striking ''subsection (l)(4)(B)'' and inserting ''subsection (k)(4)(B)''; and

(III) in paragraph (5), by striking ''subsection (1)(3)(B)'' and inserting ''subsection (k)(3)(B)''; and

(iv) in subsection (k), as redesignated—

(I) in paragraph (1)(B), by striking ''shall be included'' and all that follows through ''The audit report''; and

(II) in paragraph (4)—

(aa) in subparagraph (B), by striking ''subsection (k)(3)(A) (ii)(II) or (iii)(II)'' and inserting ''clause (ii)(II) or (iii)(II) of subsection (j)(3)(A)'';

(bb) in subparagraph (C), by striking ''subsection (k)(3)(A)(iii)(III)'' and inserting ''subsection (j)(3)(A)(iii)(III)''; and

(cc) in subparagraph (D), by striking ''subsection (k)(3)(A) (ii)(III) or (iii)(II)'' and inserting ''clause (ii)(II) or (iii)(II) of subsection (j)(3)(A)'';

(K) in section 398(b)(4), by striking the third sentence;

(L) in section 399B(c), by striking ''section 396(k)'' and inserting ''section 396(j)'';

(M) in section 615(l)(1)(A)(ii), by striking ''section 396(k)(6)(B)'' and inserting ''section 396(j)(6)(B)'';

(N) in section 624A(b)(1)—

(i) by striking ''REPORT; REGULATIONS'' and inserting ''REGULATIONS'';

(ii) by striking ''Within 1 year after'' and all that follows through ''on means of assuring'' and inserting ''The Commission shall issue such regulations as are necessary to assure''; and

(iii) by striking ''Within 180 days after'' and all that follows through ''to assure such compatibility.''; and

(O) in section 713—

(i) by striking subsection (a);

(ii) by redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (j) as subsections (a), (b), (c), (d), (e), (f), (g), and (h), respectively;

(iii) in subsection (a), as redesignated—

(I) in the matter preceding paragraph (1), by striking ''such date of enactment'' and inserting ''the date of enactment of the Telecommunications Act of 1996''; and

(II) by striking ''subsection (d)'' each place that term appears and inserting ''subsection (c)'';

(iv) in subsection (b), as redesignated, by striking ''subsection (b)'' each place that term appears and inserting ''subsection (a)'';

(v) in subsection (c), as redesignated, by striking ''subsection (b)'' and inserting ''subsection (a)'';

(vi) in subsection (e)(2)(A), as redesignated, by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(vii) in subsection (f), as redesignated, by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

(2) CONFORMING AMENDMENTS.—

(A) MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012.—Section 6401(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1451(b)) is amended—

(i) in paragraph (1), by striking ''(15)(A)'' and inserting ''(14)(A)''; and

(ii) in paragraph (3), by striking ''section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B))'' and inserting ''section 309(j)(15)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(B))''.

(B) TITLE 17.—Chapter 1 of title 17, United States Code, is amended—

(i) in section 114(d)(1)(B)(iv), by striking ''section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k))'' and inserting ''section 396(j) of the Communications Act of 1934 (47 U.S.C. 396(j))''; and

(ii) in section 119(a)—

(I) in paragraph (2)(B)(ii)—

(aa) in subclause (I), by striking ''section 339(c)(3)'' and inserting ''section 339(c)(2)'';

(bb) in subclause (II), by striking ''section 339(c)(4)'' and inserting ''section 339(c)(3)''; and

(cc) in subclause (III), by striking ''section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3))'' and inserting ''section 339(c)(2) of the Communications Act of 1934 (47 U.S.C. 339(c)(2))'';

(II) in paragraph (3)(E), by striking ''section 339(c)(2)'' and inserting ''section 339(c)(1)''; and

(III) in paragraph (13), by striking ''section 339(c)(2)'' and inserting ''section 339(c)(1)''.

SEC. 4. EFFECT ON AUTHORITY.

Nothing in this Act or the amendments made by this Act shall be construed to expand or contract the authority of the Federal Communications Commission.

SEC. 5. OTHER REPORTS.

Nothing in this Act or the amendments made by this Act shall be construed to prohibit or otherwise prevent the Federal Communications Commission from producing any additional reports otherwise within the authority of the Federal Communications Commission.

SPOOFING PREVENTION ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, S. 134.

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

The senior assistant legislative clerk read as follows:

A bill (S. 134) to expand the prohibition on misleading or inaccurate caller identification information, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spoofing Prevention Act of 2017''.

SEC. 2. DEFINITION.

In this Act, the term ''Commission'' means the Federal Communications Commission.

SEC. 3. SPOOFING PREVENTION.

(a) EXPANDING AND CLARIFYING PROHIBITION ON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) COMMUNICATIONS FROM OUTSIDE THE UNITED STATES.—Section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) is amended by striking ''in connection with any telecommunications service or IP-enabled voice service'' and inserting ''or any person outside the United States if the recipient of the call is within the United States, in connection with any voice service or text messaging service''.

(2) COVERAGE OF TEXT MESSAGES AND VOICE SERVICES.—Section 227(e)(8) of the Communications Act of 1934 (47 U.S.C. 227(e)(8)) is amended—

(A) in subparagraph (A), by striking ''telecommunications service or IP-enabled voice service'' and inserting ''voice service or a text message sent using a text messaging service'';

(B) in the first sentence of subparagraph (B), by striking ''telecommunications service or IP-enabled voice service'' and inserting ''voice service or a text message sent using a text messaging service''; and

(C) by striking subparagraph (C) and inserting the following:

''(C) TEXT MESSAGE.—The term 'text message'—

''(i) means a message consisting of text, images, sounds, or other information that is transmitted from or received by a device that is identified as the transmitting or receiving device by means of a 10-digit telephone number;

''(ii) includes a short message service (commonly referred to as 'SMS') message, and a multimedia message service (commonly referred to as 'MMS') message; and

''(iii) does not include—

''(I) a real-time, two-way voice or video communication; or

''(II) a message sent over an IP-enabled messaging service to another user of the same messaging service, except a message described in clause (ii).

''(D) TEXT MESSAGING SERVICE.—The term 'text messaging service' means a service that enables the transmission or receipt of a text message, including a service provided as part of or in connection with a voice service.

''(E) VOICE SERVICE.—The term 'voice service'—

''(i) means any service that furnishes voice communications to an end user using resources from the North American Numbering Plan or any successor to the North American Numbering Plan adopted by the Commission under section 251(e)(1); and

''(ii) includes transmissions from a telephone facsimile machine, computer, or other device to a telephone facsimile machine.''.

(3) TECHNICAL AMENDMENT.—Section 227(e) of the Communications Act of 1934 (47 U.S.C. 227(e)) is amended in the heading by inserting ''MISLEADING OR'' before ''INACCURATE''.

(4) REGULATIONS.—

(A) IN GENERAL.—Section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) is amended by striking ''Not later

than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission'' and inserting ''The Commission''.

(B) DEADLINE.—The Commission shall prescribe regulations to implement the amendments made by this subsection not later than 18 months after the date of enactment of this Act.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date on which the Commission prescribes regulations under paragraph (4).

(b) CONSUMER EDUCATION MATERIALS ON HOW TO AVOID SCAMS THAT RELY UPON MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) DEVELOPMENT OF MATERIALS.—Not later than 1 year after the date of enactment of this Act, the Commission, in collaboration with the Federal Trade Commission, shall develop consumer education materials that provide information about—

(A) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and

(B) existing technologies, if any, that a consumer can use to protect against such scams and other fraudulent activity.

(2) CONTENTS.—In developing the consumer education materials under paragraph (1), the Commission shall—

(A) identify existing technologies, if any, that can help consumers guard themselves against scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information, including—

(i) descriptions of how a consumer can use the technologies to protect against such scams and other fraudulent activity; and

(ii) details on how consumers can access and use the technologies; and

(B) provide other information that may help consumers identify and avoid scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information.

(3) UPDATES.—The Commission shall ensure that the consumer education materials required under paragraph (1) are updated on a regular basis.

(4) WEBSITE.—The Commission shall include the consumer education materials developed under paragraph (1) on its website.

(c) GAO REPORT ON COMBATING THE FRAUDULENT PROVISION OF MISLEADING OR INACCURATE CALLER IDENTIFICATION INFORMATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the actions the Commission and the Federal Trade Commission have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

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

(A) trends in the types of scams that rely on misleading or inaccurate caller identification information;

(B) previous and current enforcement actions by the Commission and the Federal Trade Commission to combat the practices prohibited by section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1));

(C) current efforts by industry groups and other entities to develop technical standards to deter or prevent the fraudulent provision of misleading or inaccurate caller identification information, and how such standards may help combat the current and future provision of misleading or inaccurate caller identification information; and

(D) whether there are additional actions the Commission, the Federal Trade Commission, and Congress should take to combat the fraudulent provision of misleading or inaccurate caller identification information.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study conducted under paragraph (1), including any recommendations regarding combating the fraudulent provision of misleading or inaccurate caller identification information.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to modify, limit, or otherwise affect any rule or order adopted by the Commission in connection with—

(1) the Telephone Consumer Protection Act of 1991 (Public Law 102–243; 105 Stat. 2394) or the amendments made by that Act; or

(2) the CAN–SPAM Act of 2003 (15 U.S.C. 7701 et seq.).

Mr. WICKER. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered and 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 committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 134), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

KARI'S LAW ACT OF 2017

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 164, S. 123.

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

The senior assistant legislative clerk read as follows:

A bill (S. 123) to amend the Communications Act of 1934 to require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9–1-1 without dialing any additional digit, code, prefix, or post-fix, and for other purposes.

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

Mr. WICKER. 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. 123) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 123

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 ''Kari's Law Act of 2017''.

SEC. 2. DEFAULT CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

(a) IN GENERAL.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 721. DEFAULT CONFIGURATION OF MULTI-LINE TELEPHONE SYSTEMS FOR DIRECT DIALING OF 9–1–1.

''(a) DEFINITIONS.—In this section—

''(1) the term 'multi-line telephone system' has the meaning given the term in section 6502 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. 1471); and

''(2) the term 'public safety answering point' has the meaning given the term in section 222(h).

''(b) MULTI-LINE TELEPHONE SYSTEM FUNCTIONALITY.—A person engaged in the business of manufacturing, importing, selling, or leasing multi-line telephone systems may not manufacture or import for use in the United States or sell or lease or offer to sell or lease in the United States a multi-line telephone system unless the technology of the system has the capabilities described in subsections (c) and (e).

''(c) MULTI-LINE TELEPHONE SYSTEM INSTALLATION.—A person engaged in the business of installing multi-line telephone systems serving locations in the United States may not install such a system in the United States unless, upon installation, the system allows a call that is initiated when a user dials 9–1–1 from any station equipped with dialing facilities to be transmitted to the appropriate public safety answering point—

''(1) without requiring the user to dial any additional digit, code, prefix, or post-fix, including any trunk-access code (such as the digit 9); and

''(2) regardless of whether the user is required to dial a digit, code, prefix, or post-fix described in paragraph (1) for other calls.

''(d) OTHER 9–1–1 EMERGENCY DIALING PATTERNS.—Nothing in this section shall prohibit the configuration of a multi-line telephone system so that other 9–1–1 emergency dialing patterns will also initiate a call to a public safety answering point, provided that the dialing pattern 9–1–1 remains available to users.

''(e) ON-SITE NOTIFICATION.—

''(1) IN GENERAL.—A person engaged in the business of installing multi-line telephone systems serving locations in the United States, in installing a system described in paragraph (2) in the United States, shall configure the system so that when a person at the facility where the system is installed initiates a call to 9–1–1 using the system, the system provides a notification to—

''(A) a central location at the facility; or

''(B) a person or organization with responsibility for safety or security for the location as designated by the manager or operator of the system.

''(2) APPLICATION.—A system described in this paragraph is a multi-line telephone system that is able to be configured to provide the notification described in paragraph (1) without any improvement to the system.

''(f) REGULATIONS.—

''(1) AUTHORITY.—The Commission may prescribe regulations to carry out this section.

''(2) TECHNOLOGICALLY NEUTRAL.—Regulations prescribed under paragraph (1) shall, to the extent practicable, promote the purposes of this section in a technologically neutral manner.

''(g) ENFORCEMENT.—This section shall be enforced under title V, except that section 501 applies only to the extent that the section provides for the imposition of a fine.

''(h) EFFECT ON STATE LAW.—Nothing in this section or in regulations prescribed under this section shall be construed to prevent any State from enforcing any State law that is not inconsistent with this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a multi-line telephone system that is manufactured, imported, offered for first

sale or lease, first sold or leased, or installed after the date that is 2 years after the date of the enactment of this Act.

DEVELOPING INNOVATION AND GROWING THE INTERNET OF THINGS ACT

Mr. WICKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 113, S. 88.

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

The senior assistant legislative clerk read as follows:

A bill (S. 88) to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things.

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

Mr. WICKER. Mr. President, I ask unanimous consent that the Fischer substitute 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. 769) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

Mr. WICKER. 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. 88), as amended, was passed.

Mr. WICKER. 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. WICKER. Mr. President, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. MURKOWSKI. 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. 101 and 102.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The legislative clerk read the nominations of Neil Chatterjee, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2021; and Robert F. Powelson, of Pennsylvania, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2020.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Ms. MURKOWSKI. 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 the President be immediately notified of the Senate's action; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; and that 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 Chatterjee and Powelson nominations en bloc?

The nominations were confirmed en bloc.

Ms. MURKOWSKI. Mr. President, I want to take just a moment and thank those who have worked so hard to make sure that the Federal Energy Regulatory Commission will have a functioning quorum—and more than just having a functioning quorum, the quality of individuals we are sending to the FERC as Commissioners is truly impressive to see.

Neil Chatterjee, whom, without doubt, almost all of us on this floor know, has been working here in the Senate, working in the leader's office for years, and has been an invaluable asset to me and my staff on the Energy and Natural Resources Committee. He is extremely knowledgeable, extremely committed and dedicated, and it has been a real pleasure to work with him.

I don't know Mr. Powelson as well, but having had an opportunity to advance his name before the Energy and Natural Resources Committee for confirmation, too, I know that the expertise and the credentials he will bring to the Commission are greatly appreciated.

I think we recognize that there is much we are anxious to see happen throughout the country in a new administration where we are talking a lot about infrastructure—when we are talking about our energy assets and what we can do to help facilitate the build-out of an aging infrastructure and the add-on of new infrastructure. But in order to proceed with much of this, you have to have the FERC actually operating, working to review the permits, working through the ratemaking cases. It is substantive work, it is challenging work, and it is work that has now been stacked up for months and months. So knowing that the FERC will be able to commence its operations again with a quorum is really good news today.

I think it is also important to note that the White House sent just this week two additional names—those of Mr. Glick and Mr. McIntyre. The Energy and Natural Resources Committee will be considering those in early September when we return so that, hopefully, we can get a full complement to this very important Commission.

Mr. MCCONNELL. Mr. President, Richard Glick and Kevin McIntyre have been nominated by the President for positions on the Federal Energy Regulatory Commission. I understand they will be heard and marked up in tandem in September and I have told the Democratic leader that they will move as a pair across the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Ms. MURKOWSKI. 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.

FDA REAUTHORIZATION BILL

Mr. HATCH. Mr. President, I wish to speak on the importance of maintaining a strong Food and Drug Administration. Today we approved the user fee reauthorizations for the FDA. We have done the important work of passing these essential user fee agreements out of the committee and have now debated and passed them on the Senate floor.

The HELP Committee is filled with strong personalities. These personalities reflect the passion and diversity of opinion of millions across our nation today. While we may disagree on certain policies, most of us can agree that funding the drug, device, and biologic centers of the FDA is essential.

Our future scientific endeavors require a strong FDA that communicates openly with the industry that it regulates, and this agreement sets up protocols to achieve that goal. A strong FDA also requires clear steps for product review, and only through such deliberative actions can we bring more competition and clarity to our drugs, devices, and biologic products.

I have championed multiple provisions in this bill, but there are two I would like to highlight today. First, there is the counterfeit and diverted drug language. This language makes importation neither harder nor easier. In fact, it doesn't change importation laws at all. Rather, it protects and strengthens the drug supply chain by

simply increasing penalties for criminals that choose to divert drugs into the United States or sell counterfeit drugs.

Current penalties for illegally diverting drugs in the United States change arbitrarily based on the location where the drugs are manufactured. Our bill addresses this disparity by enforcing the same penalties for diverting drugs made outside the United States as for those made inside the United States. To ensure public health and to enhance consumer confidence, it is critical that Congress eliminate these differing penalties for certain types of diversion and counterfeiting.

The second provision I wish to call attention to is a bipartisan proposal from Senators BENNET, BURR, and CASEY. These fine Senators have joined together to address how clinical trials are designed early on in their development. By offering guidance on how to include the intended patient population, especially those with rare diseases, drug sponsors can craft trials that generate useful data for health professionals and patients to review.

This bill builds upon the success of other expanded access provisions that put the patient at the heart of the healthcare system. FDA does consummate work when reviewing products for market, but including a wider patient mix, when appropriate, will enable phase I, II, and III trials to be more complex. I strongly believe that accurately portraying the intended patient population in a clinical trial is key to ensuring that drugs are both safe and effective.

I support this bill, but I also feel compelled to speak for a moment on the OPEN ACT. While not included in the package being debated today, the provisions of the Orphan Product Extension Now Accelerating Cures and Treatments Act—a bill I introduced this Congress with Senator MENENDEZ and last Congress with Senator KLOBUCHAR—would promote new therapies for rare diseases.

New therapies are essential to help the nearly 30 million Americans suffering from a rare disease or condition. Because complex rare diseases with small patient populations have limited market potential, there are few economic incentives to develop new drugs targeting those diseases. While there are 7,000 rare diseases that impact millions of Americans, 95 percent of these diseases have no treatment. All too often, misconceptions about the dangers of exclusivities keep bipartisan measures from being introduced. We must remain focused, however, and remember that, each day we delay in getting treatments to the rare disease community, patients and their families suffer.

Drug companies possess considerable scientific knowledge on drugs that have already been approved for common diseases. Some of these drugs could be repurposed for the treatment of rare diseases. Repurposing drugs is faster, less expensive, and generally less risky than traditional drug development.

The OPEN ACT would encourage such repurposing by providing an additional 6 months of market exclusivity to drugs that are repurposed and approved by FDA for a rare disease or condition.

Finding legislative ways help medical innovators treat rare diseases has been among my top priorities for over 30 years, since I first championed the bipartisan, bicameral Orphan rug Act in 1983. The OPEN ACT is a natural next step in expanding that effort to close the gap for rare diseases for which we have yet to develop treatments. In addition to increasing the number of rare disease therapies, this legislation will boost innovation and provide safer options for rare disease patients using drugs off-label. My bill enjoys enormous support with the backing of over 225 rare disease organizations and patient advocacy groups, not to mention overwhelming support from academic medical and research centers.

Although this provision is not in the bill before us, I have had assurances from Chairman Alexander that he will continue working with me and the cosponsors of this bill to see it become law. I have spoken to Ranking Member MURRAY in the past about it, and I remain optimistic that my colleagues share my concern for the rare disease community and are willing to advance this legislation in the future. I would like to thank the chairman and ranking member for their dedication to children and families in need.

I wish to conclude by reminding my colleagues that many of the debates that have led to the bill before us today are the culmination of years of experience. When I led the effort to pass what became Hatch-Waxman, the true impact of that law dwarfed even our loftiest hopes. Hatch-Waxman was a resounding success because Senators and Congressmen worked together to improve our country's situation and reduce barriers to market entry. This bill is vital to continuing that goal, and I am pleased to see where the negotiations have landed.

TAX REFORM

Mr. HATCH. Mr. President, last week, I joined the Senate majority leader, the Speaker of the House, the chairman of the House Ways and Means Committee, the Treasury Secretary, and the Director of the National Economic Council in issuing a joint statement on tax reform.

I ask unanimous consent that the text of the joint statement be printed in the RECORD at the conclusion of my remarks.

Since the statement's release, critics and naysayers have said quite a bit, some even going so far as to declare their opposition to the statement. That is a little odd, given that the statement is not a bill or a tax plan; it is simply a statement of agreed upon principles for tax reform.

That is not to say it was insignificant. Quite the opposite, in fact. The joint statement is an important development in the overall tax reform effort for several reasons.

For example, over the past several months, the favored tax reform narrative among some in the pundit class has been that Republicans are deeply divided. According to this narrative, Republicans in the Senate, the House, and the administration all have such fundamentally different views on tax reform that it will be impossible for us all to get on the same page.

Some of that was, to use an outdated description, pure poppycock.

When the administration puts out a framework that calls for a 15 percent corporate tax rate while the House blueprint has a 20 percent rate target, that is not really a disagreement. Both sides want to lower the corporate rate significantly, and the general idea in both cases is to reduce the rate as much as is reasonably possible.

Admittedly, there were some key differences of opinion. At the outset of this Congress, with a newly elected Republican President, it was fair to say that the House, Senate, and White House were on different pages when it came to some aspects of tax reform.

However, with last week's release of the joint statement, the leaders in this effort—in both congressional chambers and in the executive branch—have declared that, as of now, we are singing off the same song sheet. There are, of course, details that will need to be worked out, but all parties are in agreement on the key principles and have enough confidence that the process can move forward in Congress without the fear that the House, Senate, or administration will take drastically different approaches in crafting a tax reform package.

That is very significant. I have been working on tax reform for more than 6 years now, and this is the first time that we have had anything approaching this level of unity across the various Chambers and branches of government.

Another significant marker in the joint statement is the agreement that the tax-writing committees will do the lion's share of the work in producing the actual tax reform legislation and that the leaders are committed to moving through regular order, by which I mean committee markup processes prior to floor consideration.

This is key because one of the criticisms I have heard about Republicans' tax reform efforts is that the bill is being drafted behind closed doors I have even been scolded, sometimes pointedly, over why I have not held a Finance Committee hearing on ''the bill,'' even though there is no complete bill in place at this time.

Outside groups, some overtly aligned with the Democrats, have already put forward budget scores for the House

blueprint and the President's tax framework, even though there are not enough specifics in place to score anything yet. Those scores, generated by whatever is in the imagination of the outside groups, and not based on any facts, tell tall tales. They say there will be tax cuts for the rich, big businesses and a parade of horrors. Democrats here in the Senate, as well, have spoken of the horrors of the Republican ''tax plan,'' even though there is not a detailed plan in place. Again, the horrors represent pure fiction.

It is simply not the case that a bill is being drafted behind closed doors. It was never going to be the case. I have stated several times in recent months that I intended to have a robust and transparent process for tax reform in the Senate. The joint statement confirms that both chambers of Congress will take that kind of approach.

The Finance Committee is already hard at work. We have been talking about specific reform proposals for months now, and every member on the majority side of the committee is ready to do the work. More broadly, the committee has been at work in a bipartisan way on tax reform for many years now.

We have a number of great members on the Finance Committee, all of whom—at least on the Republican side—are committed to working toward this effort. I will continue to gather their input with an eye toward crafting a tax reform bill and moving it through the committee this fall. Once again, the committee process is going to be robust; I intend to hold multiple hearings and full markup.

The joint statement also noted that Republican leaders hoped that our Democratic colleagues would be willing to participate in this effort.

That should be no surprise. I have been calling on my Democrat friends to work with us on tax reform for months, even years.

For months now, I have been come to the floor on multiple occasions to ask my Democratic friends to come to the table.

I held a bipartisan hearing on tax reform in the Finance Committee just a few weeks ago, where we heard from experts on both sides of the aisle.

Earlier this week, the committee had another bipartisan hearing, this one on affordable housing. Of course, most of the Federal affordable housing incentives are found in the Tax Code, meaning that issue will undoubtedly be part of the larger discussion.

These hearings are just the latest in very long line of bipartisan, tax-related hearings in the Finance Committee.

So there really shouldn't be any doubt that, when I sign onto a statement that includes a call for bipartisanship, the call is both serious and sincere.

In addition, there is quite a bit of bipartisan agreement over the policy principles noted in joint statement.

As I said here on the floor just a few weeks ago, a number of Democrats—including a number of our Senate colleagues and the two most recent Democratic Presidents—have expressed support for lowering the U.S. corporate tax rate, which is the highest in the industrialized world.

Prominent Democrats, including the distinguished minority leader, have publicly supported reforms to our international tax system in order to make American businesses more competitive and prevent erosion of our tax base.

Both of these concepts are prominently mentioned in our joint statement.

The statement also talks about tax relief for middle-class families and reduced burdens on small businesses. Democrats, last time I checked, were largely in favor of this as well.

So long story short, there is nothing in the statement, either in terms of process or policy, that should discourage a number of Democrats from getting on board with this effort.

Yet, earlier this week, every member of the Senate Democratic Caucus—except three—signed onto a letter they purported to be a call for compromise and bipartisanship. However, if you read the details of the letter, it was really a set of up-front demands peppered in between political attacks.

First and foremost, my colleagues demanded in their letter that Republicans not use budget reconciliation to move a tax reform bill.

That has been a precondition for Democratic involvement in this effort for months now, among other demands unrelated to tax reform, and, as I have said many times, it is preposterous. The demand that Republicans agree upfront to a particular process is really unprecedented and, not to put too fine a point on it, a little nonsensical.

If Democrats are willing to engage in good faith on tax reform, why would they first demand that we ensure their ability to block it from ever even coming to the floor before they would be willing to engage on the substance? The logic is a little dizzying, to say the least.

On top of that, if reconciliation remains on the table, why would that stop Democrats from agreeing on the substance?

Obviously, budget reconciliation gives the majority the tools it needs to move legislation—under specified rules and conditions—without the threat of a filibuster, but nothing in the rules requires reconciliation to be partisan. In fact, historically speaking, tax bills moved through reconciliation tend to get bipartisan support. For example, the so-called Bush Tax Cuts of 2001 and 2003 were passed through reconciliation; yet there were both Republicans and Democrats voting in favor of the package.

Recent history shows that working together on the substance of policy is not precluded by the existence of a reconciliation instruction.

In 2009, with a reconciliation instruction in place, Senate Republicans in the Finance Committee participated in the healthcare reform process, with hearings, roundtables, and bipartisan discussion groups, before we were shut out of the final ObamaCare bill. Republicans did not operate as though there was a prerequisite of no reconciliation before discussion could occur.

In 2013, with a $1 trillion tax-hike reconciliation instruction in place, Senate Republicans in the Finance Committee participated in discussions that produced 10 bipartisan tax option papers; we participated in what was called a blank slate approach to tax reform; and we participated in discussion draft conversations. Republicans did not operate as though there was a prerequisite of no reconciliation before discussion could occur.

Now, our friends on the other side are critical of us when we follow the path they, themselves, took. They are insisting that we do what they would not do when similarly situated. They are not participating on the same constructive basis we did when we were in their place. From their leader on down, they act as if the past does not exist or that we are ignorant of it. Before applying too clever a rhetorical lash to those on this side, my friends on the other side should heed the advice of Lord Byron: ''Keep thy smooth words and juggling homilies for those who know thee not.''

If Democrats will work with us to reach agreement on the substance of tax reform, the process by which it moves through the Senate shouldn't really be a concern. Any implication that the process will necessarily dictate the substance is misleading.

Ideally, the tax reform process would be bipartisan, particularly here in the Senate. That would be the best-case scenario for the effort.

In a perfect world, reconciliation would not be necessary.

For that to happen, the Democrats would have to be willing to engage in a reasonable manner. In my view, opening the discussion with a demand that Republicans unilaterally disarm and commit to not using the tools we have under the rules of the Senate—the very tools that have been used by both sides in the past—smacks of disingenuousness. If they are truly willing to engage constructively on these efforts—and I hope they are—we should begin by talking about the substance, not dealing with process demands.

I hope that what we are seeing is posturing. I hope that my Democratic colleagues will recognize the significance of the unity expressed in last week's joint statement and get on board for what will hopefully be a historic effort.

If they do not, Republicans should be willing to use the tools at our disposal to move tax reform without Democratic support. That would include reconciliation.

The majority leader has indicated that he is willing to go that way. I am willing to go that way as well.

However, to get us to the point, a number of things have to happen, not

the least of which is the passage of budget resolution. For now, I am focusing on the substantive policies and proposals, and I will keep working with my colleagues on the Finance Committee to deliver on the tasks we were charged in the joint statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[July 27, 2017]

JOINT STATEMENT ON TAX REFORM

WASHINGTON.—Today, House Speaker Paul Ryan (R–WI), Senate Majority Leader Mitch McConnell (R–KY), Treasury Secretary Steven Mnuchin, National Economic Council Director Gary Cohn, Senate Finance Committee Chairman Orrin Hatch (R–UT), and House Ways and Means Committee Chairman Kevin Brady (R–TX) issued the following joint statement on tax reform:

''For the first time in many years, the American people have elected a President and Congress that are fully committed to ensuring that ordinary Americans keep more of their hard-earned money and that our tax policies encourage employers to invest, hire, and grow. And under the leadership of President Trump, the White House and Treasury have met with over 200 members of the House and Senate and hundreds of grassroots and business groups to talk and listen to ideas about tax reform.

''We are all united in the belief that the single most important action we can take to grow our economy and help the middle class get ahead is to fix our broken tax code for families, small business, and American job creators competing at home and around the globe. Our shared commitment to fixing America's broken tax code represents a once-in-a-generation opportunity, and so for three months we have been meeting regularly to develop a shared template for tax reform.

''Over many years, the members of the House Ways and Means Committee and the Senate Finance Committee have examined various options for tax reform. During our meetings, the Chairmen of those committees have brought to the table the views and priorities of their committee members. Building on this work, as well as on the efforts of the Administration and input from other stakeholders, we are confident that a shared vision for tax reform exists, and are prepared for the two committees to take the lead and begin producing legislation for the President to sign.

''Above all, the mission of the committees is to protect American jobs and make taxes simpler, fairer, and lower for hard-working American families. We have always been in agreement that tax relief for American families should be at the heart of our plan. We also believe there should be a lower tax rate for small businesses so they can compete with larger ones, and lower rates for all American businesses so they can compete with foreign ones. The goal is a plan that reduces tax rates as much as possible, allows unprecedented capital expensing, places a priority on permanence, and creates a system that encourages American companies to bring back jobs and profits trapped overseas. And we are now confident that, without transitioning to a new domestic consumption-based tax system, there is a viable approach for ensuring a level playing field between American and foreign companies and workers, while protecting American jobs and the U.S. tax base. While we have debated the pro-growth benefits of border adjustability, we appreciate that there are many unknowns associated with it and have decided to set this policy aside in order to advance tax reform.

''Given our shared sense of purpose, the time has arrived for the two tax-writing committees to develop and draft legislation that will result in the first comprehensive tax reform in a generation. It will be the responsibility of the members of those committees to produce legislation that achieves the goals shared broadly within Congress, the Administration, and by citizens who have been burdened for too long by an outdated tax system. Our expectation is for this legislation to move through the committees this fall, under regular order, followed by consideration on the House and Senate floors. As the committees work toward this end, our hope is that our friends on the other side of the aisle will participate in this effort. The President fully supports these principles and is committed to this approach. American families are counting on us to deliver historic tax reform. And we will.''

FDA REAUTHORIZATION BILL

Mr. REED. Mr. President, today, the Senate passed the Food and Drug Administration Reauthorization Act of 2017, FDARA, to reauthorize user fees and other programs at the FDA to ensure that new, safe, and effective treatments get to patients in need as quickly as possible to save lives and greatly increase quality of life. While I have long preferred that Congress appropriate funding to the FDA for this purpose to avoid any conflicts of interest, I have supported user fee bills and will do so again today, as it represents a bipartisan pathway for timely drug approvals. I am pleased that this legislation increases the amount of funding that drug and device companies will contribute to the approval process. However, I am disappointed that this legislation does not address drug pricing in a comprehensive way, as I have long advocated. I will continue to work with my colleagues to press for Senate action on this critical issue.

FDARA includes a number of key provisions I worked on to improve the pipeline for new pediatric drugs and devices. In particular, this legislation will reauthorize funding for critical pediatric programs such as pediatric clinical trials at the National Institutes of Health and the Pediatric Device Consortia grants under the FDA. In addition, this legislation will spur more pediatric drug development because of critical reforms to require drug companies to begin consideration of pediatric studies earlier in the drug development process. FDARA also takes important steps to spur drug development for and better consideration of the needs of neonates, recognizing that treatments for infants must be considered differently than for teenagers.

Having worked for many years to improve access to care for children with cancer and childhood cancer survivors, I am also pleased to support the bill's new requirements for more pediatric studies on treatments for cancer. These provisions are designed to spur new and better treatments for children suffering from cancer. However, I believe that we should be making these changes to support new treatments for all diseases impacting children, not just those with cancer. While we were unable to go that far in this bill, we were able to add a study of this issue. I look forward to seeing the results and working with my colleagues to expand these requirements in subsequent legislation. I am also concerned that this legislation does nothing to limit the ability of drug companies to benefit from exemptions from current pediatric study requirements. I filed an amendment to FDARA to close the most egregious of these loopholes in which a drug company can technically be exempted from pediatric study requirements because the treatment would only be used for a rare pediatric condition. I would hope that my colleagues on both sides of the aisle could agree that this loophole must be closed.

FDARA is an important step forward and an example of strong bipartisan health legislation in this Congress. I hope that we can continue this work, and not return to the partisan efforts to repeal the Affordable Care Act that occupied this body for much of the year.

Mr. MENENDEZ. Mr. President, I am pleased the Senate advanced H.R. 2430, the FDA Reauthorization Act. This bipartisan, bicameral legislation ensures Americans will continue to have access to safe medications and the FDA has the tools they need to continue our Nation's approval process remains the gold standard. I am also pleased to see tropical disease priority review voucher state that a sponsor qualifies for a neglected tropical disease priority review voucher under existing law until September 30, 2017, so long as they submit at least one portion of a human drug application by that date.

I would like to ask Senator ISAKSON if it is our intention to allow for sponsors who have been working in good faith with the Food and Drug Administration on a human drug application for a product that addresses a neglected tropical disease to qualify for a priority review voucher, as long as they begin a rolling submission to the agency by September 30, 2017?

Mr. ISAKSON. Mr. President, as my colleague Senator MENENDEZ indicated, the intent of the language in the FDA Reauthorization Act is this: so long as the submission process for a given product is begun by the sponsor on or before September 30, 2017, the product would qualify for a priority review voucher under the neglected tropical disease priority review voucher program.

Mr. MENENDEZ. Mr. President, I thank my colleague, Senator ISAKSON, for clarifying the language. It is important to provide this clarity to ensure products, for which at least one portion of the application is submitted in accordance with Section 506(d) of the Food, Drug & Cosmetic Act by September 30, 2017, qualify for the vouchers under current law.

CONFIRMATION OF MARVIN KAPLAN

Mr. VAN HOLLEN. Mr. President, I voted in opposition to the nomination of Marvin Kaplan to the National Labor Relations Board, NLRB. The NLRB has an important responsibility to resolve labor disputes, protect worker rights, and ensure fair access to collective bargaining. Mr. Kaplan does not have experience arguing the law before the NLRB; rather, he has a history of working to erode its authority to protect the workforce.

As a staffer on the House Committee on Education and the Workforce, Mr. Kaplan has worked on legislation to overturn key NLRB decisions and delay and distort the union election process. He has provided no assurance that he would recuse himself from issues pertaining to his prior work that might lead to bias. Throughout his career, he has pursued policies that would undermine worker protections. He should not be appointed to a board that is charged with safeguarding them.

President Trump has repeatedly promised to put the American worker first. The NLRB has a key role to ensure a fair deal for workers. It is unfortunate that the President's nominees for the Board have not demonstrated a commitment to that mission.

227TH ANNIVERSARY OF THE UNITED STATES COAST GUARD

Mr. NELSON. Mr. President, on August 4, the U.S. Coast Guard will celebrate its 227th anniversary. On this special occasion, I want to commend the men and women of the Coast Guard for their valiant service on, under, and over our Nation's high seas and waters.

They have a proud history.

Most Americans know the Coast Guard for its orange and white helicopters, fast small boats, cutters, and rescue swimmers, but they probably don't know that the Coast Guard is one of our country's oldest institutions of the U.S. Government.

On August 4, 1790, President George Washington signed the Tariff Act, authorizing construction of the first 10 cutters of what would eventually become the Coast Guard. They were known as the revenue cutters, and their original mission was to enforce tariffs and trade laws and to prevent smuggling. For more than a hundred years, the cutters and their crew operated under the names Revenue Marine Service and the Revenue Cutter Service. Not until 1915, when Congress merged the Revenue Cutter Service and the U.S. Life-Saving Service, did the Coast Guard gets its name.

Over time, the Coast Guard has become synonymous with saving those in peril on the sea. Their wide red bar and narrow blue bar, canted at 64 degrees, will always be a sign of assistance to mariners in danger.

Today, in times of peace, the Coast Guard operates as a part of the Department of Homeland Security, performing its 11 critical, statutory missions.

Right now, there are courageous young men and women aboard buoy tenders and icebreakers, ensuring our waterways remain open for commerce. Fast response cutters patrol the seas, enforcing the law and conducting search-and-rescue missions. Small boat stations enforce our laws while educating the public on safe-boating practices. As a ready and capable partner to a multitude of Federal, State, and local agencies, the Coast Guard does so much more, from responding to oil spills to combating drug trafficking.

In times of war or at the direction of the President, the Coast Guard valiantly serves as part of the Navy Department.

As you can see, the Coast Guard is a small but mighty organization. As ranking member of the Commerce Committee, I have had the privilege to meet many of the men and women of our Coast Guard and see their valuable work firsthand.

Through all the passing decades, some things about the Coast Guard have always been the same: the service's proud tradition and the skill and professionalism of its men and women whose sacrifices contribute to protecting our national security. The Coast Guard's core values of honor, respect, and devotion to duty are evident in everything it does. As the Coast Guard motto says, Semper Paratus, it is always ready for the call.

I want to congratulate and express our sincere gratitude to the men and women of the Coast Guard on 227 outstanding years of exemplary service to our Nation.

100TH ANNIVERSARY OF THE 88TH REGIONAL SUPPORT COMMAND

Ms. BALDWIN. Mr. President, today I wish to honor the 100th anniversary of the 88th Regional Support Command. I am humbled to recognize the men and women who are bravely fighting for our country's freedom.

The 88th Regional Support Command, RSC, began as the 88th Infantry Division, ID. Organized in August 1917 at Camp Dodge, IA, the members of the ''Cloverleaf Division'' fought among the Allied Forces in the Alsace Campaign. They returned home following the war, and the Army demobilized the unit in June 1919.

Three years later, the 88th reformed within the Organized Reserve, with headquarters in Minneapolis and subordinate units elsewhere in Minnesota, Iowa, and North Dakota. The 88th ID mobilized in 1942 to serve the United States in World War II. It was one of the first units comprised solely of drafted soldiers. Despite a lack of experience, the 88th quickly gained a reputation as an effective unit of well-trained soldiers, which the Germans referred to as the ''Blue Devils.''

The 88th ID fought on the front lines during the 1944 Italian campaign. Its arrival provided much-needed relief to the allied soldiers fighting on the Italian front. Led by Major General John E. Sloan, the 88th was the first division to enter the newly liberated Rome. After 100 straight days of activation, the Blue Devils were finally scheduled to receive a much-needed respite from the war. However, MG Sloan quickly instituted a training regimen that kept his soldiers in fighting condition, and they were ordered to head north to combat the Germans and provide support for American soldiers in Northern Italy.

For 344 days, the 88th Infantry fought to protect our American values during World War II. At the beginning of the war, MG Sloan promised, ''the glory of the colors will never be sullied, as long as one man of the 88th still lives.'' Although many lives were lost, the 88th Infantry Division was deactivated in October 1947, having fulfilled MG Sloan's promise.

In April 1996, the 88th ID was redesignated as the 88th RSC. Headquartered in Fort McCoy, WI, the 88th RSC provides logistical and administrative support for Army Reserve soldiers. Whether they are providing training logistics, equipment maintenance or medical support, the members of the 88th RSC are making a difference for servicemen and servicewomen from Wisconsin all the way to the Pacific Coast.

Today the 88th ID lives on through the 88th Regional Support Command. Having fought in the Vietnam war, Operation Desert Shield/Storm, Bosnia, Kosovo, Operation Enduring Freedom, and Operation Iraqi Freedom, the soldiers of the 88th RSC continue to support the more than 55,000 U.S. Army Reserve soldiers, families, and civilians across the United States. I am proud to recognize 100 years of their remarkable service and accomplishments.

REMEMBERING RICHARD DUDMAN

Ms. COLLINS. Mr. President, Richard Dudman, one of our Nation's most esteemed journalists, passed away at his Maine home last night. I rise today in tribute to a great American reporter and engaged citizen.

After serving in the Merchant Marine and U.S. Navy Reserve during World War II, Mr. Dudman began his journalism career at the Denver Post in 1945 and joined the St. Louis Post-Dispatch 4 years later. In his more than three decades at the Post-Dispatch, he covered Fidel Castro's Cuban revolution, the assassination of President John F. Kennedy, the Bay of Pigs invasion, the Watergate and Iran-Contra scandals, as well as armed conflicts from the Middle East and Asia to Central and South America.

In 1970, while covering the Vietnam war, Mr. Dudman was captured by the Viet Cong and held prisoner in Cambodia, a harrowing experience he wrote about in his acclaimed book, ''Forty Days With the Enemy.'' In 1981, on his last day as Washington bureau chief for

the Post-Dispatch, he ran up Connecticut Avenue to cover the attempted assassination of President Ronald Reagan. For some of the most momentous events of the second half of the 20th Century, Richard Dudman wrote the first draft of history.

After retiring and moving to Ellsworth and Little Cranberry Island in Maine, Mr. Dudman continued to contribute to the Post-Dispatch and wrote more than 1,000 editorials for the Bangor Daily News. Among his many accolades are the prestigious George Polk Career Award in Journalism and induction into the Maine Press Association Hall of Fame.

Mr. Dudman combined his journalistic professionalism with a spirit of serving others. In 2014, he and his wife, Helen, were presented with the Golden Eagle Award from the Boy Scouts of America for their commitment to community service, a quality that ran through their remarkable 69 years of marriage.

In this time of sorrow, I offer my deep condolences to Helen and their family. I hope they will find comfort in Richard's inspiring legacy and in a life well-lived. It has been said that we all have a birth date and a death date, with a dash in between. It is what we do with our dash that counts. Richard Dudman's dash was extraordinarily long, and he made it count. He filled it with passion, professionalism, and dedication. May his memory inspire us all to do the same.

TRIBUTE TO CHIEF MASTER SERGEANT ROBERT ''TREY'' WALKER

Mr. BOOZMAN. Mr. President, today I wish to recognize and congratulate a tremendous airman, CMSgt Robert ''Trey'' Walker, on his recent promotion to the highest enlisted rank within the U.S. Air Force, effective August 1, 2017. Selection for chief master sergeant is extremely competitive, as only 1 percent of the Air Force's entire enlisted population may hold the pay grade of E–9 at any time. Chief Walker clearly epitomizes the finest qualities of a military leader, as evidenced by his distinguished career and elevation to the highest enlisted level of leadership within the Air Force.

Chief Master Sergeant Walker entered the U.S. Air Force on September 11, 1996, as a voice network systems specialist and was later selected for retraining into the field of imagery intelligence. Chief Walker's honorable service has spanned numerous overseas and stateside assignments including four European countries, two States, and the Nation's Capital. He has also completed several deployments in support of Operations Desert Fox, Northern Watch, and Enduring Freedom. Chief Walker currently serves as the deputy chief of strategic basing and force structure in the Office of the Secretary of the Air Force's legislative liaison directorate.

Chief Master Sergeant Walker has chosen to repeatedly lead his airmen by example. Despite years of challenging work schedules and countless military obligations, Chief Walker elected to make his education a priority. Since 2005, he has earned two associate degrees, a bachelor's degree, two master's degrees, and a graduate-level certificate. Furthermore, Chief Walker's outstanding performance has garnered numerous accolades, including the 548th ISR Group's Lance P. Sijan Leadership Award, the Noncommissioned Officer Academy's Distinguished Graduate Award, the Senior Noncommissioned Officer Academy's Distinguished Graduate Award and Academic Achievement Award.

As a true testament to Chief Master Sergeant Walker's exceptional career, he was selected to represent the U.S. Air Force on Capitol Hill as its sole enlisted legislative fellow in 2016. I was fortunate to have Chief Walker spend the year in my office as an integral part of Team BOOZMAN and was pleased with his professionalism, character, and devotion to duty. His tireless efforts were critical to the passage and implementation of Public Law 144–292, the Combat-Injured Veterans Tax Fairness Act of 2016. Moreover, Chief Walker led a bipartisan effort to protect the Defense Department's basic allowance for housing by educating 18 Senators on the impact for military members. Finally, he played a key role in the successful execution of the Senate Air Force Caucus agenda by increasing service engagement opportunities with Members of Congress.

Chief Walker, congratulations on your well-deserved promotion and successful career thus far. I am so proud of your many accomplishments and wish the very best for you and your family in the future.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD ''DICK'' GORDON, JR.

● Mr. BOOZMAN. Mr. President, today I wish to recognize the life and legacy of Arkansas World War II veteran and civic activist Richard ''Dick'' Gordon, Jr., who recently passed away.

Dick dedicated his life to regional conservation and civic issues. He encouraged involvement in local government and leaves behind a legacy as a respected community leader.

His father, Colonel Richard Gordon, Sr., a decorated WWI and WWII veteran, set an example that his son followed. During World War II, the younger Gordon served as second lieutenant in the Army's 13th Field artillery unit, 24th Infantry Division, and earned recognition for his service to our country.

As a community leader in the Fort Smith area, Dick made a big impact on numerous agencies and projects. He championed veterans' issues and helped address public school issues with the help of the parent teacher association. He formed the public awareness committee in Fort Smith, which allowed residents to interact more with government officials.

Dick helped develop a bird sanctuary in conjunction with the Audubon Society earning him the nickname ''The Bird Man.''

Additionally, Dick was active in the Fort Smith Parks and Recreation Department and the U.S. Forest Service. He used these platforms to help bring environmental consciousness to Arkansas.

His civic involvement and willingness to help the community made Dick a well-respected community leader, even though he never held elected office. Then-Fort Smith Mayor Bill Vines made Dick an honorary city director.

My thoughts and prayers are with his family and friends as they mourn his loss, but I know that they are also incredibly proud of the legacy that Dick leaves behind.●

TRIBUTE TO SPENCER M. HOULDIN

● Mr. MURPHY. Mr. President, today I wish to recognize Spencer M. Houldin of Roxbury, CT, as he nears the end of his term as the 112th chairman of the Independent Insurance Agents & Brokers of America, also known as the Big I. Spencer was installed as chairman of the Big I in September 2016, becoming the youngest person to serve as chairman in the association's 120-year history. Throughout his term, even when he and I disagreed, Spencer was always a thoughtful and dedicated advocate for independent insurance agents.

Prior to becoming the chairman, Spencer often served as a leader in the independent agency system. He chaired the Big I national Government Affairs Committee in 2009 and served as the president of the Connecticut Big I association in 2004. In these leadership positions, Spencer consistently promoted an environment where independent agents, in both Connecticut and across the country, could both thrive in their business and represent their customers with the highest quality of care.

Spencer has consistently served his community in Connecticut. He resides in Roxbury, CT, with his wife, Carol, and two sons, Chandler and Carter. Spencer is president of Ericson Insurance Services in Washington Depot, CT, where he has 25 years of experience as a personal insurance advisor, working alongside his brother Peter. He currently sits on the board of the Western Connecticut Health Network, which is comprised of Danbury Hospital, Norwalk Hospital, and New Milford Hospital. He has been involved with the health network in various capacities over the past 20 years. He recently co-chaired a $72 million capital campaign for Danbury and New Milford Hospitals. In July 2017, Litchfield Magazine named Spencer one of Litchfield County, Connecticut's 25 most influential people.

Today, I am pleased to join Spencer's colleagues from across Connecticut and

the Nation in congratulating him as he finishes his term as chairman of the Big I.●

100TH ANNIVERSARY OF THE MINNESOTA-DAKOTAS KIWANIS DISTRICT CONVENTION

● Mr. ROUNDS. Mr. President, today I wish to recognize the 100th anniversary of the Minnesota-Dakotas Kiwanis District Convention.

Founded in 1915, Kiwanis International is a global organization of volunteers dedicated to serving the children of the world. With a motto of ''One Child and one Community at a time,'' Kiwanis members dedicate more than 18 million volunteer hours and invest more than $107 million in projects that strengthen communities and serve children. These projects include helping shelter the homeless, feeding the hungry, mentoring the disadvantaged, caring for the sick, developing the youth as leaders, building playgrounds, raising funds for pediatric research, and much more.

Today the Minnesota-Dakotas District of Kiwanis has over 4,000 members. With a club slogan of ''Serving the children of the World,'' the chapter supports a range of programs, including Kiwanis Kids—elementary students—Builder's Club—middle school students—Key Club—high school students—and Circle K—college students. In addition, the chapter supports Aktion clubs for adults with disabilities. These programs allow our youth and adults to build character, leadership skills and learn more about themselves and their communities.

I congratulate the Kiwanis International Minnesota-Dakotas District of Kiwanis International on their 100th convention and thank them for their leadership and dedication to children and to their communities. May they continue to thrive for the 100 years to come.●

REMEMBERING ELIJAH ''YOCKIE'' DELEE

● Mr. SCOTT. Mr. President, today I would like to take a moment to recognize and honor the life of a great South Carolinian and American veteran, Mr. Elijah ''Yockie'' DeLee, who departed this life on July 20, 2017.

Elijah was a lifelong resident of Dorchester County, SC, where he worked tirelessly as a beloved deacon at Surprise Baptist Church. He was drafted into the Vietnam war shortly after graduating high school and showed perseverance until he was honorably discharged. He possessed an entrepreneurial spirit and followed his passion for drag racing to help open South Carolina's first minority-owned dragway: Dorchester Dragway. He continued his business endeavors with the opening of DeLee One Trucking Company, still a staple in Dorchester today. In success, Elijah always exemplified respect, humility, and generosity.

For many in Dorchester, he will be remembered for his relentless spirit, tenacity for life, and heart for people. He never met a stranger and was always eager to lend a helping hand. Yockie loved and adored his family, and next to God and his faith, they were always his top priority in life. He was a true provider, mediator, demonstrator, and imitator of Godly character. He will surely be missed among family, friends, and the community of Dorchester as a great American and South Carolinian.●

150TH ANNIVERSARY OF NEW LIGHT BEULAH BAPTIST CHURCH

● Mr. SCOTT. Mr. President, I would like to congratulate and honor New Light Beulah Baptist Church in Hopkins, SC, for their 150th anniversary, which will be celebrated on August 11 to 13, 2017.

New Light Beulah Baptist Church was established in 1867 when 665 African-American members of Beulah Baptist Church chose to separate from the White members and began independent rule. Despite the sanctuary burning to the ground in 1916, the church thrived and expanded. Since then, several other churches have been formed out of New Light Beulah Baptist. In 2015, the members accepted Dr. Malcolm Taylor as their pastor, and over 360 members call New Light Beulah their place of worship today.

In August 2017, New Light Beulah Baptist Church will be the first African-American church in the lower Richland community to be registered in the National Register of Historic Places. The church has remained committed to its mission, and I encourage all South Carolinians to recognize the rich history of the church and its contribution to the Palmetto State. I acknowledge and celebrate the church's 150 years of independence as a congregation faithfully serving their community.●

REMEMBERING HORACE MERRILL

● Mr. SHELBY. Mr. President, today I wish to honor the life of Horace Sellers Merrill of Micaville, AL, who passed away on February 17, 2017. He will be remembered as a dedicated public servant who worked faithfully for the citizens of Alabama. He was committed to bettering his community and State through his public service and involvement in the community.

Mr. Merrill began a career with the Dixie Mines Mica Mining Company in the late 1950s before entering Alabama politics. In 1964, he was elected circuit clerk of Cleburne County, a position he held for 12 years. Following his term as circuit clerk, Mr. Merrill was elected probate judge and chairman of the Cleburne County Commission, where he served for 6 years.

Mr. Merrill will be remembered for his leadership in completing the Alabama welcome center and rest area on Interstate 20, as well as his efforts to utilize the Dyne Creek watershed to service the citizens of Cleburne County with a countywide water system.

Outside of his professional career, Mr. Merrill was a very active member of his community. He served as president of the Lions Club, the Jaycees, and the local Athletics Boosters Club. In his earlier years, Mr. Merrill was an accomplished athlete. He lettered in both baseball and football and then attended Southern Union Junior College on an athletic scholarship. He later served as the announcer for Little League and junior high football games in Cleburne County and helped organize the first youth baseball program in Heflin.

Additionally, Mr. Merrill was a longtime member in the Cleburne Baptist Association, serving as an officer and pastor of several churches. A member of Heflin Baptist Church for more than 50 years, Mr. Merrill served as a deacon, a Sunday school teacher, Sunday school superintendent, church training director, and sanctuary choir member.

Horace's many accomplishments and contributions to the State of Alabama will long be remembered. He touched the lives of many over the years, and he will be greatly missed.

I offer my deepest condolences to Horace's wife, Mary, and to all of their loved ones as they celebrate his life and mourn this great loss.●

RECOGNIZING THE NORTHWEST MONTANA CHAPTER OF VIETNAM VETERANS OF AMERICA

● Mr. TESTER. Mr. President, today I wish to honor the Vietnam Veterans of America and the work Mr. John Burgess and the local Flathead Valley chapter has done on behalf of his fellow veterans of the Vietnam war.

During that war, more than 2.5 million Americans fought bravely in service to their country. While more than 58,000 of those men and women gave the ultimate sacrifice, many more endured and are still here with us today. However, it has not been an easy road for these veterans. For far too long, veterans of the Vietnam war have received neither the recognition nor the benefits that they truly deserved.

As ranking member of the Senate Veterans' Affairs Committee, it has been my honor to fight for legislation that rectifies this oversight like the Blue Water Navy Vietnam Veterans Act that would allow veterans who served in the waters offshore during the Vietnam war to also be eligible for service-connected disability benefits as a result of agent orange exposure. I have also proudly sponsored the Toxic Exposure Research Act which increases research into the health conditions of descendants of veterans who were exposed to toxins during their military service, particularly those exposed to the herbicide agent orange during the Vietnam war.

Honoring these veterans takes more than just legislation; it takes dedicated

people who are committed to telling their stories and honoring those who have served. The local northwest Montana chapter of the Vietnam Veterans of America in the Flathead Valley, which now has more than 100 members, has been an important partner working to ensure veterans who fought in the Vietnam war are receiving the care, honor, and distinction they have earned.

The Vietnam Veterans of America has become an invaluable part of the community, hosting bingo events at the Montana veterans home, providing residents and staff with an annual picnic, helping with many ceremonies, and working with the Flathead Valley Community College Veterans with a scholarship for veteran students.

John Burgess and the northwest Montana chapter of the Vietnam Veterans of America are carrying on this legacy of service September 7 to 10 with the arrival of the traveling Vietnam veterans memorial wall in Kalispell. Through ''Bringing the Wall that Heals,'' countless Vietnam veterans and their families with be presented with an opportunity to find peace and closure while honoring those we have lost in service. This special event helps mark the 35th anniversary of the Vietnam Veterans Memorial.

On Veterans Day of 1996, the Vietnam Veterans Memorial Fund unveiled a half-scale replica of the Vietnam Veterans Memorial in Washington, DC, designed to travel to communities throughout the United States. Since its dedication, the ''Wall That Heals'' has visited more than 400 cities and towns throughout the Nation, spreading the memorial's healing legacy to millions.

To John, the northwest Montana chapter of the Vietnam Veterans of America and all those who dedicated their lives to this country in service, on behalf of myself, Montana, and our Nation, I extend my greatest thanks for your enduring bravery, service, and self-sacrifice.●

TRIBUTE TO GEORGE S. HAERLE

● Mr. YOUNG. Mr. President, today I wish to recognize, with the highest respect, the service and life of George Shepard Haerle for his dedication to serving Indiana and the Nora Community Council, NCC. Over the course of NCC's 50-year history, George has volunteered 47 years of his own to leave an indelible mark on the Nora community. The great State of Indiana is proud of and ever thankful for George's distinguished commitment and exemplary service.

Since its founding, the Nora Community Council has covered 12 square miles with 25,000 to 28,000 Hoosier residents, including 60 local neighborhoods under the civic umbrella. As a chairman of the NCC, George commits hundreds of hours each year to promote growth, development, and the general welfare of the Nora community.

George Haerle's renowned service was rightfully recognized on July 29, 2017, when Governor Eric Holcomb bestowed upon him Indiana's most prestigious designation, a Sagamore of the Wabash. George follows in the footsteps of his father, Rudolf K. Haerle, who was also recognized as a Sagamore of the Wabash for his contributions to the State as the first president of the Civil War Round Table and a former longtime member of the Library Board of the Indiana Historical Society.

George has not only been a role model for the NCC, but he has also been an outstanding advocate for the community of Nora-Northside. His remarkable service is exceeded only by his devotion to his amazing family, including 7 daughters, 1 son, and 18 grandchildren. On behalf of myself and all Hoosiers, for his selfless and lifelong commitment, George is worthy of the highest praise. I feel truly privileged to have him as a fellow and lifelong Hoosier.●

90TH ANNIVERSARY OF BOY SCOUT TROOP NO. 533

● Mr. YOUNG. Mr. President, it is my great pleasure to pause and recognize the accomplishments of Boy Scout Troop No. 533 from my home State of Indiana. For the past 90 years, Boy Scout Troop No. 533 in Munster, IN, has been instilling the values of respect, honesty, and leadership in young Hoosiers that have had a lasting impact on our State. I am very proud of troop No. 533 for all of their service over the past 90 years and applaud their dedication to bettering their community.

Boy Scout Troop No. 533 was formed in 1927 by Munster native Mr. Muary Kraay when he was in eighth grade. Since its founding, troop No. 533 has been active in their community. During World War II, the Boy Scouts organized parades and rallies for war bonds, planted community gardens, practiced blackout drills, and participated in wartime recycling programs. On June 14, 1947, when President Coolidge dedicated Wicker Park in Highland, IN, troop No. 533 was there to welcome him. The Boy Scouts also had a crucial role during the September 2008 flooding of the Little Calumet River. In anticipation of the flood, troop No. 533 assisted in filling sandbags, and after the flood, they assisted in yard cleanup and regraveling driveways. Over the past 90 years, Boy Scout Troop No. 533 has produced over 100 Eagle Scouts, one of the highest levels of honor a Boy Scout can achieve.

I would like to thank Boy Scout Troop No. 533 for their 90 years of outstanding public service. On behalf of all Hoosiers, congratulations on your 90th anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

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

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

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1359. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 115–144).

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

S. 1057. A bill to amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes (Rept. No. 115–145).

By Mr. HATCH, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 870. A bill to amend title XVIII of the Social Security Act to implement Medicare payment policies designed to improve management of chronic disease, streamline care coordination, and improve quality outcomes without adding to the deficit (Rept. No. 115–146).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1393. A bill to streamline the process by which active duty military, reservists, and veterans receive commercial driver's licenses.

S. 1532. A bill to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

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

S. 1536. A bill to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Jay Patrick Murray, of Virginia, to be Alternate Representative of the United States of America for Special Political Affairs in

the United Nations, with the rank of Ambassador.

*Jay Patrick Murray, of Virginia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Michael Arthur Raynor, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Ethiopia.

Nominee: Raynor, Michael Arthur.

Post: Ethiopia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Raynor, Kathleen M.: None.

3. Children and Spouses: Raynor, Bradley J.—None; Raynor, Emma C.—None.

4. Parents: Raynor, Albert P.—Deceased; Raynor, Margaret B.—Deceased.

5. Grandparents: Raynor, Albert B.—Deceased; Raynor, Hazel P.—Deceased; Bradley, William—Deceased; Bradley, Beatrice M.—Deceased.

6. Brothers and Spouses: Raynor, Gregory P.—None; Raynor, Geoffrey B.—Deceased.

7. Sisters and Spouses: Raynor, Catherine L.—None.

---

*Maria E. Brewer, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Nominee Maria E. Brewer.

Post Freetown, Sierra Leone.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Mark A. Brewer: None.

3. Children and Spouses: Arina N. Brewer: None.

4. Parents: William C. and Maria E. Pallick: None.

5. Grandparents: Gregorio and Domitila Lerma: Deceased; John and Mary Pallick: Deceased.

6. Brothers and Spouses: William C. and Margaret Pallick: None.

7. Sisters and Spouses: N/A.

---

*John P. Desrocher, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Nominee: John Desrocher.

Post: Embassy Algiers.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Karen Rose: none.

3. Children and Spouses: N/A.

4. Parents: Mary Desrocher, none; Roy Desrocher—deceased.

5. Grandparents: Clifford Desrocher—deceased; Lilian Desrocher—deceased; Peter Grant—deceased; Florence Grant—deceased.

6. Brothers and Spouses: Michael Desrocher: none.

7. Sisters and Spouses: Victoria Merecki: none; James Merecki: none.

By Mr. GRASSLEY for the Committee on the Judiciary.

Peter E. Deegan, Jr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Marc Krickbaum, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

D. Michael Dunavant, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Louis V. Franklin, Sr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Jessie K. Liu, of Virginia, to be United States Attorney for the District of Columbia for the term of four years.

Richard W. Moore, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

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

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1732. A bill to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology; to the Committee on Finance.

By Mr. VAN HOLLEN (for himself, Mr. CARPER, and Mr. BLUMENTHAL):

S. 1733. A bill to require the Secretary of Transportation to revise regulations relating to oversold flights to prohibit the forcible removal of passengers from such flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL:

S. 1734. A bill to improve the regulatory process, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM (for himself, Mr. BOOKER, Mr. WHITEHOUSE, and Mr. BLUMENTHAL):

S. 1735. A bill to limit the removal of a special counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEVEN (for himself, Mr. BOOZMAN, and Mr. STRANGE):

S. 1736. A bill to amend the Consolidated Farm and Rural Development Act to adjust limitations on certain Farm Service Agency guaranteed and direct loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MURPHY):

S. 1737. A bill to amend certain appropriations Acts to repeal the requirement directing the Administrator of General Services to sell Federal property and assets that support the operations of the Plum Island Animal Disease Center in Plum Island, New York; to the Committee on Environment and Public Works.

By Mr. WARNER (for himself, Mr. ISAKSON, Mr. CARDIN, Mr. GRASSLEY, Mr. BENNET, Mr. PORTMAN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. BLUMENTHAL, Mr. PERDUE, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. COCHRAN, Mr. BROWN, Mr. WICKER, Ms. BALDWIN, Mr. KING, and Mr. COONS):

S. 1738. A bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program; to the Committee on Finance.

By Mr. MURPHY:

S. 1739. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Finance.

By Mr. PAUL:

S. 1740. A bill to provide guidance and priorities for Federal Government obligations in the event that the debt limit is reached and to provide a limited and temporary authority to exceed the debt limit for priority obligations; to the Committee on Finance.

By Mr. TILLIS (for himself and Mr. COONS):

S. 1741. A bill to ensure independent investigations by allowing judicial review of the removal of a special counsel, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. BROWN, Ms. BALDWIN, Mr. WHITEHOUSE, Mr. LEAHY, Mr. MERKLEY, Mr. REED, Mr. FRANKEN, and Mr. BOOKER):

S. 1742. A bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medicare; to the Committee on Finance.

By Mr. BENNET:

S. 1743. A bill to amend the Internal Revenue Code of 1986 to create tax incentives for coal community zones, to provide education and training opportunities for individuals living and working in coal communities, and for other purposes; to the Committee on Finance.

By Ms. BALDWIN (for herself and Mr. PERDUE):

S. 1744. A bill to require the Securities and Exchange Commission to amend certain regulations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TILLIS (for himself and Mr. BURR):

S. 1745. A bill to revise the boundaries of a John H. Chafee Coastal Barrier Resources System Unit in Topsail, North Carolina; to the Committee on Environment and Public Works.

By Mr. LEE (for himself, Mr. BLUNT, Mr. COTTON, Mr. CRUZ, Mr. DAINES, Mr. INHOFE, Mr. JOHNSON, Mr. LANKFORD, Mr. PAUL, Mr. PERDUE,

Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, and Mr. WICKER):

S. 1746. A bill to require the Congressional Budget Office to make publicly available the fiscal and mathematical models, data, and other details of computations used in cost analysis and scoring; to the Committee on the Budget.

By Mr. NELSON:

S. 1747. A bill to authorize research and recovery activities to provide for the protection, conservation, and recovery of the Florida manatee, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RUBIO (for himself and Mr. NELSON):

S. 1748. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to promote sustainable conservation and management for the Gulf of Mexico and South Atlantic fisheries and the communities that rely on them, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1749. A bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance; to the Committee on Finance.

By Mr. HATCH:

S. 1750. A bill to protect American job creation by striking the Federal mandate on employers to offer health insurance; to the Committee on Finance.

By Mr. DONNELLY (for himself, Mr. TOOMEY, Mr. MANCHIN, Mr. COTTON, and Mr. PETERS):

S. 1751. A bill to modify the definitions of a mortgage originator, a high-cost mortgage, and a loan originator; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER (for himself, Mr. FLAKE, Mr. RISCH, and Mr. HATCH):

S. 1752. A bill to amend the Healthy Forests Restoration Act of 2003 to expedite wildfire prevention projects to reduce the risk of wildfire on certain high-risk Federal land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 1753. A bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. TESTER, Mr. COCHRAN, Mr. MANCHIN, Mr. DAINES, Ms. HARRIS, and Mr. BOOZMAN):

S. 1754. A bill to reauthorize section 340H of the Public Health Service Act to continue to encourage the expansion, maintenance, and establishment of approved graduate medical residency programs at qualified teaching health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE:

S. 1755. A bill to amend title 18, United States Code, to prohibit unsafe operation of unmanned aircraft, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Mrs. FISCHER, Mrs. CAPITO, and Mrs. ERNST):

S. 1756. A bill to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself, Mr. BARRASSO, Mr. JOHNSON, Mr. TILLIS, Mr. HELLER, Mr. SCOTT, and Mr. INHOFE):

S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes; read the first time.

By Mr. BOOKER:

S. 1758. A bill to amend the Fair Credit Reporting Act to provide requirements for landlords and consumer reporting agencies relating to housing court records, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. HIRONO (for herself and Mr. BOOZMAN):

S. 1759. A bill to amend title 38, United States Code, to extend authorities relating to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL:

S. 1760. A bill for the relief of Marco Antonio Reyes; 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. CRUZ (for himself and Mr. LEAHY):

S. Res. 245. A resolution calling on the Government of Iran to release unjustly detained United States citizens and legal permanent resident aliens, and for other purposes; to the Committee on Foreign Relations.

By Mr. MERKLEY (for himself and Mr. MARKEY):

S. Res. 246. A resolution designating the first week in August 2017 as ''World Breastfeeding Week'', and designating August 2017 as ''National Breastfeeding Month''; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BENNET, Mr. ISAKSON, and Ms. KLOBUCHAR):

S. Res. 247. A resolution designating July 29, 2017, as ''Paralympic and Adaptive Sport Day''; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI):

S. Res. 248. A resolution expressing the sense of the Senate that flowers grown in the United States support the farmers, small businesses, jobs, and economy of the United States, that flower farming is an honorable vocation, and designating July as ''American Grown Flower Month''; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mr. LANKFORD):

S. Res. 249. A resolution designating September 2017 as ''National Child Awareness Month'' to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HELLER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 116

At the request of Mr. HELLER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 116, a bill to amend title 10, United States Code, to permit veterans who have a service-connected, permanent disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces entitled to such travel.

S. 130

At the request of Ms. BALDWIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 130, a bill to require enforcement against misbranded milk alternatives.

S. 194

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. MARKEY) 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. 266

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 384

At the request of Mr. BLUNT, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 393

At the request of Mr. SCOTT, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employees who participate in qualified apprenticeship programs.

S. 405

At the request of Mr. COONS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 448

At the request of Mr. BROWN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 448, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 474

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 474, 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.

S. 515

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

S. 527

At the request of Mr. BLUNT, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 527, a bill to improve access to emergency medical services, and for other purposes.

S. 534

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 534, a bill to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

S. 540

At the request of Mr. THUNE, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 581

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 581, a bill to include information concerning a patient's opioid addiction in certain medical records.

S. 591

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

S. 625

At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 625, a bill to preserve the integrity of American elections by providing the Attorney General with the investigative tools to identify and prosecute foreign agents who seek to circumvent Federal registration requirements and unlawfully influence the political process.

S. 654

At the request of Mr. TOOMEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 754

At the request of Mr. KAINE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 754, a bill to support meeting our Nation's growing cybersecurity workforce needs by expanding the cybersecurity education pipeline.

S. 756

At the request of Mr. SULLIVAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Florida (Mr. RUBIO) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

S. 794

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

S. 835

At the request of Mr. MURPHY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 835, a bill to require the Supreme Court of the United States to promulgate a code of ethics.

S. 926

At the request of Mrs. ERNST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 926, a bill to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

S. 967

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 967, a bill to amend title XVIII of the Social Security Act to increase access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes.

S. 1002

At the request of Mr. MORAN, the names of the Senator from Iowa (Mrs. ERNST) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 1002, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1113

At the request of Mrs. FEINSTEIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1113, a bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of cosmetics.

S. 1182

At the request of Mr. YOUNG, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Alabama (Mr. STRANGE) were added as cosponsors of S. 1182, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

S. 1198

At the request of Ms. WARREN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1198, a bill to protect individuals who are eligible for increased pension under laws administered by the Secretary of Veterans Affairs on the basis of need of regular aid and attendance from dishonest, predatory, or otherwise unlawful practices, and for other purposes.

S. 1201

At the request of Mrs. MCCASKILL, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1201, a bill to allow individuals living in areas without qualified health plans offered through an Exchange to have similar access to health insurance coverage as Members of Congress and congressional staff.

S. 1307

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1307, a bill to amend the Internal Revenue Code of 1986 to expand eligibility to receive refundable tax credits for coverage under a qualified health plan.

S. 1311

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1311, a bill to provide assistance in abolishing human trafficking in the United States.

S. 1312

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Arizona (Mr. MCCAIN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 1312, a bill to prioritize the fight against human trafficking in the United States.

S. 1357

At the request of Ms. BALDWIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1357, a bill to amend title XIX of the Social Security Act to provide a standard definition of therapeutic family care services in Medicaid.

S. 1369

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1369, a bill to amend the Internal Revenue Code of 1986 to establish an excise tax on certain prescription drugs which have been subject to a price spike, and for other purposes.

S. 1413

At the request of Mr. COONS, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 1413, a bill to authorize the Secretary of Education to award grants to establish teacher leader development programs.

S. 1513

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1513, a bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S. 1568

At the request of Mr. MARKEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1568, a bill to require the Secretary of the Treasury to mint coins in commemoration of President John F. Kennedy.

S. 1595

At the request of Mr. RUBIO, the name of the Senator from Nevada (Mr. HELLER) 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. 1616

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 1616, a bill to award the Congressional Gold Medal to Bob Dole, in recognition for his service to the nation as a soldier, legislator, and statesman.

At the request of Mr. ROBERTS, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Colorado (Mr. BENNET), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Missouri (Mr. BLUNT), the Senator from New Jersey (Mr. BOOKER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Ohio (Mr. BROWN), the Senator from North Carolina (Mr. BURR), the Senator from Washington (Ms. CANTWELL), the Senator from West Virginia (Mrs. CAPITO), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Louisiana (Mr. CASSIDY), the Senator from Delaware (Mr. COONS), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Arkansas (Mr. COTTON), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. CRUZ), the Senator from Montana (Mr. DAINES), the Senator from Indiana (Mr. DONNELLY), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Illinois (Mr. DURBIN), the Senator from Wyoming (Mr. ENZI), the Senator from Nebraska (Mrs. FISCHER), the Senator from Arizona (Mr. FLAKE), the Senator from Minnesota (Mr. FRANKEN), the Senator from Colorado (Mr. GARDNER), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Carolina (Mr. GRAHAM), the Senator from California (Ms. HARRIS), the Senator from New Hampshire (Ms. HASSAN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), the Senator from Nevada (Mr. HELLER), the Senator from Hawaii (Ms. HIRONO), the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Virginia (Mr. KAINE), the Senator from Louisiana (Mr. KENNEDY), the Senator from Maine (Mr. KING), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Utah (Mr. LEE), the Senator from West Virginia (Mr. MANCHIN), the Senator from Massachusetts (Mr. MARKEY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Connecticut (Mr. MURPHY), the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. PAUL), the Senator from Georgia (Mr. PERDUE), the Senator from Michigan (Mr. PETERS), the Senator from Ohio (Mr. PORTMAN), the Senator from Rhode Island (Mr. REED), the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. RUBIO), the Senator from Vermont (Mr. SANDERS), the Senator from Nebraska (Mr. SASSE), the Senator from Hawaii (Mr. SCHATZ), the Senator from New York (Mr. SCHUMER), the Senator from South Carolina (Mr. SCOTT), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Michigan (Ms. STABENOW), the Senator from Alabama (Mr. STRANGE), the Senator from Alaska (Mr. SULLIVAN), the Senator from Montana (Mr. TESTER), the Senator from South Dakota (Mr. THUNE), the Senator from North Carolina (Mr. TILLIS), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from New Mexico (Mr. UDALL), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Ms. WARREN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Mississippi (Mr. WICKER) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 1616, supra.

S. 1624

At the request of Mr. UDALL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1624, a bill to prohibit the use of chlorpyrifos on food, and for other purposes.

S. 1666

At the request of Mr. BLUMENTHAL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1666, a bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of 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.

S. 1697

At the request of Mr. GRAHAM, the names of the Senator from South Carolina (Mr. SCOTT), the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Delaware (Mr. COONS), the Senator from Florida (Mr. NELSON) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of 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.

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 1697, supra.

S. 1706

At the request of Mr. MENENDEZ, the names of the Senator from Connecticut (Mr. MURPHY), the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1729

At the request of Mr. ROBERTS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1729, a bill to amend title XVIII of the Social Security Act to provide for independent accreditation for dialysis facilities and assurances of high quality surveys.

S. RES. 195

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 195, a resolution recognizing June 20, 2017, as ''World Refugee Day''.

AMENDMENT NO. 329

At the request of Ms. BALDWIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 329 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. 527

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 527 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. 528

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 528 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. 529

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 529 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. 592

At the request of Mr. DURBIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of amendment No. 592 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. 750

At the request of Mr. WHITEHOUSE, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 750 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 Ms. COLLINS (for herself, Mr. TESTER, Mr. COCHRAN, Mr. MANCHIN, Mr. DAINES, Ms. HARRIS, and Mr. BOOZMAN):

S. 1754. A bill to reauthorize section 340H of the Public Health Service Act to continue to encourage the expansion, maintenance, and establishment of approved graduate medical residency programs at qualified teaching health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Madam President, I rise today to introduce legislation with my colleague from Montana, Senator TESTER, that would extend an important program to fund Teaching Health Centers, which support the health and well-being of families in rural and medically underserved communities. I am pleased that Senators COCHRAN, MANCHIN, DAINES, HARRIS, and BOOZMAN, have joined us as cosponsors.

In the background of the health care debate, there is another crisis that looms. We are facing a severe shortage of doctors. By 2025, we will need more than 100,000 new primary care doctors to meet the growing demand for health care services across the Country. The shortage is especially critical in rural and underserved communities, which are often those that have been hit hardest by the opioid epidemic. The most significant shortages are in family medicine, general internal medicine, pediatrics, obstetrics and gynecology, psychiatry, and dentistry.

These shortages have reached crisis levels in many places. In clinics and health centers in Aroostook County, Maine's northernmost county where I grew up, I hear stories about vacancies forcing Mainers to travel many miles simply to see a primary care doctor or dentist.

For the past six years, one program, the Teaching Health Centers Graduate Medical Education Program, has worked to fill these gaps. This program helps to train medical residents in community-based settings, including low-income, underserved rural and urban neighborhoods. For example, since 2011, the Penobscot Community Health Care Center has trained 31 residents and served more than 15,000 dental patients in Bangor, Maine.

We need to meet people in the communities in which they live and work. This program is training the next generation of physicians, and has produced real results. When compared with traditional Medicare graduate medical education residents, those who train at teaching health centers are significantly more likely to practice primary care and remain in underserved or rural communities. The numbers speak for themselves: 82 percent of Teaching Health Center, or THC, residents choose to practice primary care, compared to 23 percent of traditional Medicare Graduate Medical Education residents; and 55 percent of THC residents choose to remain in underserved communities, compared to 26 percent of traditional Medicare GME residents.

Teaching health centers are serving Americans from coast to coast. A total of 742 THC residents are serving in 27 states and the District of Columbia. The program is competitive, and trains the best of the best. For each residency position, THC programs receive more than 100 applications. In 2017, THC residents and faculty will provide more than one million primary care medical visits to underserved communities.

Teaching Health Centers have demonstrated a record of success, and it is imperative that we support them. Our legislation would reauthorize the Teaching Health Centers Graduate Medical Education Program for three years. It would also allow new programs to expand within existing centers and the creation of entirely new teaching health centers.

This bill is widely supported by leading community health and physician organizations, including the American Association of Teaching Health Centers, National Association of Community Health Centers, American Academy of Family Physicians, American Association of Colleges of Osteopathic Medicine, American Osteopathic Association, American Council of OB/GYNs, Society of Teachers of Family Medicine, and Council of Academic Family Medicine. We have also received letters of support from teaching health centers in Maine, Montana, Tennessee, Iowa, Oklahoma, North Carolina, California, Mississippi, Pennsylvania, Washington, Texas, Connecticut, New York, Illinois, Massachusetts, and Idaho.

In the face of nationwide physician shortages, our legislation would provide a solution for communities today and a path forward to train the physicians of tomorrow. I urge all of my colleagues to join in support of this important legislation, the Training the Next Generation of Primary Care Doctors Act of 2017.

Ms. COLLINS. Madam President, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PENOBSCOT COMMUNITY HEALTH CARE,
August 2, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of Penobscot Community Health Care's General Practice Dental Residency program, a Teaching Health Center training 3–6 residents a year (with over 28 residents trained since 2011) and serving 15,000 dental patients in Bangor, Maine, I want to express our appreciation for your relentless efforts to develop legislation to continue funding and expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked long and hard with multiple stakeholder organizations, including the American Association of Teaching Health Centers, to create the best possible legislation that will fund

adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country.

THCs currently train more than 742 residents nationally and are providing more than a million patient visits in underserved rural and urban communities. The continuation of this program is vital in all of the communities they are located, and preserving this program is critical to the health of hundreds of thousands around the country. This investment of federal funding in the THCGME program, coupled with private, nonfederal resources, guarantees that every dollar is used exclusively for primary care training, all in community-based settings. Residents trained in community-based settings are three times more likely than traditionally trained residents to practice primary care in a community based setting ensuring that doctors trained in these settings remain in communities where they are needed most.

Penobscot Community Health Care appreciates your leadership on this important issue and is pleased to support your legislation, which is helping to address the doctor and dentist shortage that plagues so many communities, both urban and rural. You have always championed Community Health Centers, and concurrently Teaching Health Centers, recognizing the need for accessible, affordable health care for all no matter if you live in Caribou, Maine or New York City.

Thank you for your tireless efforts and leadership in the United States Senate as you strive to preserve and improve health care for all Americans.

Sincerely,

KENNETH SCHMIDT, MPA,
President and CEO.

RESURRECTION FAMILY MEDICINE,
Memphis, TN, August 1, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of Resurrection Health Family Medicine Residency, a Teaching Health Center training 25 residents and providing 15,000 patient visits per year in Memphis, TN, I write to express our appreciation for your relentless efforts to develop legislation to continue funding and expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked long and hard with multiple stakeholder organizations, including the American Association of Teaching Health Centers, to create the best possible legislation that will fund adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country.

THCs currently train more than 742 residents nationally and are providing more than a million patient visits in underserved rural and urban communities. The continuation of this program is vital in all of the communities they are located and preserving this program is critical to the health of hundreds of thousands around the country. This investment of federal funding in the THCGME program, coupled with private, nonfederal resources, guarantees that every dollar is used exclusively for primary care training, all in community-based settings. Residents trained in community-based settings are three times more likely than traditionally trained residents to practice primary care in a community based setting ensuring that doctors trained in these settings remain in communities, where they are needed most.

Resurrection Health Family Medicine Residency appreciates your leadership on this important issue and is pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural.

Sincerely,

JEREMY CRIDER, MD,
Residency Director.

THE AMERICAN CONGRESS OF OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 3, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: The American Congress of Obstetricians and Gynecologists (ACOG), with more than 58,000 physicians and partners dedicated to advancing women's health, is pleased to endorse the Training the Next Generation of Primary Care Doctors Act of 2017. Your bill would help improve access for women in rural and underserved areas to timely, high quality health care by training primary care physicians, including obstetrician-gynecologists.

Today, women living in half of all US counties are in areas without an ob-gyn, including one of Maine's 16 counties, and 35 of Montana's 56 counties. Furthermore, the ob-gyn workforce is aging and a large number of ob-gyns are retiring at a time when the female population is expected to increase 36% by 2050. ACOG projects an ob-gyn shortage of 18% by 2030.

Your bill will help alleviate these workforce challenges by ensuring the Teaching Health Center Graduate Medical Education (THCGME) program can continue to train ob-gyns and other primary care physicians in an efficient and effective manner. Community-based THCGME medical training programs are critical to filling workforce shortages, as physicians trained through this program are more likely to practice in underserved communities. According to the Health Resources and Services Administration (HRSA), primary care residents trained in community-based settings are three times more likely to practice in an underserved community-based setting. An investment in THCGME to improve access to care in rural and underserved communities has a long-term impact positive impact.

Thank you for introducing this legislation to improve access to high quality care for women. Should you have any questions or if we can be of assistance in any way, please contact Mallory Schwarz, ACOG Federal Affairs Manager.

Sincerely,

HAYWOOD L. BROWN, MD, FACOG,
President.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, August 3, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: On behalf of the American Osteopathic Association (AOA) and the nearly 130,000 osteopathic physicians and osteopathic medical students we represent, thank you for introducing the ''Training the Next Generation of Primary Care Doctors Act of 2017.'' This important bipartisan legislation renews the commitment to the continued development of the Teaching Health Centers Graduate Medical Education (THCGME) program to help ensure a robust primary care workforce in our nation's rural and underserved communities. We are grateful for your leadership on this critical issue.

The THCGME program is a vital source of training for primary care residents to help expand access to care in rural and underserved communities throughout the country. These programs, located in 59 teaching health centers in 27 states, currently train 742 residents in much-needed primary care fields including family medicine, internal medicine, pediatrics, obstetrics and gynecology, psychiatry, geriatrics, and dentistry. The majority of these programs are accredited by the AOA or are dually accredited (DO/MD) programs, supporting nearly 800 osteopathic resident physicians through their training since the program began. And true to the intent of the THCGME program, residents who train in these programs are far more likely to practice primary care and remain in the communities in which they have trained.

As osteopathic physicians, we are trained in a patient-centered, hands-on approach to care that focuses on the whole person, including the physical, mental, and psychosocial aspects of health. Our training and philosophy includes a strong emphasis on primary care—in fact, approximately half of all osteopathic physicians practice in primary care specialties. Given this strong presence in primary care, osteopathic medicine aligns naturally with the mission and goals of the THCGME program that has proven successful in helping address the existing gaps in our nation's primary care workforce.

Your legislation provides much-needed stability through continued funding for the THCGME program, and also creates a pathway for the expansion of existing centers as well as the creation of entirely new teaching health centers. We deeply appreciate your commitment to training the future of the primary care workforce and thank you for introducing this important legislation. The AOA and our members stand ready to assist you in securing its enactment into law.

Sincerely,

MARK A. BAKER, DO,
President.

COUNCIL OF ACADEMIC FAMILY MEDICINE,
Washington, DC, August 3, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.
Hon. JON TESTER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND TESTER: On behalf of the Council of Academic Family Medicine (CAFM), including the Society of Teachers of Family Medicine, Association of Departments of Family Medicine, Association of Family Medicine Residency Directors, the North American Primary Care Research Group, we thank you for introducing the Training the Next Generation of Primary Care Doctors Act of 2017. This legislation is an important step to providing sustainable funding and growth for a critical program that helps address the primary care physician shortage in our country. We appreciate your leadership on this issue and give you our whole-hearted support for the legislation.

To help sustain this important program the proposed legislation provides suitable funding for current Teaching Health Center Graduate Medical Education (THCGME) programs to help address the crisis-level shortage of primary care physicians. The funding level included in the bill will allow for a per resident amount to be paid for training that is on par with the Heath Resources and Services Administration (HRSA) funded study identifying a median cost of approximately $157 thousand per trainee. Evidence shows

that the THC program graduates are more likely to practice in rural and medically underserved communities. We are pleased that the proposed legislation supports ten new THC programs, with a priority for those serving rural and medically underserved populations and areas, recognizing the importance of growing this successful program.

The Council on Graduate Medical Education (COGME), an advisory body empaneled by Congress, has urged Congress to continue of the THCGME program stating that ''THCGME programs deliver excellent value in physician training,'' and that the program encourages training in ''delivery systems that emphasize team-based care in Patient Centered Medical Homes that maximize quality at a moderate cost''; Additionally, the Institute of Medicine (IOM), [now National Academy of Medicine] in a 2014 report identified the THCGME program as helping meet the need for primary care physicians, especially those who provide care to underserved populations and worthy of a permanent funding source.

The current authorization for this vital program expires at the end of this fiscal year. Without legislative action, the expiration of this program would mean an exacerbation of the primary care physician shortage, and a lessening of support for training in underserved and rural areas. We are grateful to you both for your exceptional leadership in supporting and sustaining this vital program by introducing this bill and helping to shepherd it toward enactment.

The CAFM organizations and our members are pleased to work with you to secure this legislation's enactment.

Sincerely,

STEPHEN A WILSON, MD,
President, Society of Teachers of Family Medicine.
VALERIE GILCHRIST, MD,
President, Association of Departments of Family Medicine.
KAREN B MITCHELL, MD,
President, Association of Family Medicine Residency Directors.
WILLIAM HOGG, MD,
President, North American Primary Care Research Group.

RIVERSTONE HEALTH,
Billings, MT, August 2, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Montana Family Medicine Residency and RiverStone Health Clinic, one of the nation's original eleven teaching health centers training 24 family medicine residents and serving over 15,000 residents or Yellowstone and Carbon County, NIT, I want to express our appreciation for your relentless efforts to develop legislation to continue funding and expand the Teaching Health Center Graduate Medical Education (THCGME) program. We know that you and your staff have worked long and hard with multiple stakeholder organizations, including the American Association of Teaching Health Centers and the National Association of Community Health Centers, to create the best possible legislation that will fund adequately this vital program for at least another three years and provide for expansion to additional medically underserved areas of our country.

THCs currently train more than 742 residents nationally and are providing more than a million patient visits in underserved rural and urban communities. The continuation of this program is vital in all of the communities they are located and preserving this program is critical to the health of hundreds of thousands around the country, particularly those who lack access to healthcare absent their local community health center and its providers. This investment of federal funding in the THCGME program, coupled with private, nonfederal resources, guarantees that every dollar is used exclusively for primary care training, all in community-based settings.

Residents trained in community-based settings are three times more likely than traditionally trained residents to practice primary care in a community based setting ensuring that doctors trained in these settings remain in communities where they are needed most. Some 70% of our residency's over 100 graduates practice in MT, a state with widespread provider shortage areas and multiple counties with no medical care provider at all.

RiverStone Health and Montana Family Medicine Residency appreciate your leadership on this important issue and are pleased to support your legislation, which is helping to address the doctor shortage that plagues so many communities, both urban and rural.

Sincerely,

JOHN FELTON, MPH, MBA, FACHE,
President & CEO / Health Officer.

By Mr. CORNYN (for himself, Mr. BARRASSO, Mr. JOHNSON, Mr. TILLIS, Mr. HELLER, Mr. SCOTT, and Mr. INHOFE):

S. 1757. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes; read the first time.

Mr. CORNYN. 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. 1757

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 ''Building America's Trust Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(2) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

TITLE I—BORDER SECURITY

SEC. 101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given the term in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) HIGH TRAFFIC AREAS.—The term ''high traffic areas'' has the meaning given that

term in section 102(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 102 of this Act.

(4) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given that term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

Subtitle A—Infrastructure and Equipment

SEC. 102. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to the detection of illegal entrants) to construct, install, deploy, operate, and maintain tactical infrastructure and border technology in the vicinity of the United States border to deter, impede, and detect illegal activity in high traffic areas.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING'' and inserting ''**PHYSICAL BARRIERS**'';

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting ''situational awareness and'' before ''operational control''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) TACTICAL INFRASTRUCTURE.—

''(i) IN GENERAL.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy the most practical and effective tactical infrastructure available along the United States border for achieving situational awareness and operational control.

''(ii) TACTICAL INFRASTRUCTURE DEFINED.—In this subparagraph, the term 'tactical infrastructure' includes—

''(I) boat ramps, access gates, forward operating bases, checkpoints, lighting, and roads, and

''(II) physical barriers (including fencing, border wall system, and levee walls).''; and

(iii) in subparagraph (C), by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, Governors of each State on the Southern land border and Northern land border, other States, local governments, Indian tribes, representatives of U.S. Border Patrol and U.S. Customs and Border Protection, relevant Federal, State, local, and tribal agencies that have jurisdiction over the Southern land border, or in the maritime environment, and private property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life of the communities and residents located near the sites at which physical barriers and tactical infrastructure is to be constructed.'';

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''construction of fences'' and inserting ''the construction of physical barriers''; and

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

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security may not construct reinforced fencing, or tactical infrastructure, as the case may be, that would, in any manner, impede or negatively affect the safety of any officer or agent of the Department of Homeland Security or any other Federal agency.'';

(3) in subsection (c), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security is authorized to waive all legal requirements the Secretary of Homeland Security, in the Secretary's sole discretion, determines necessary to ensure the expeditious construction, installation, operation, and maintenance of the tactical infrastructure and technology under this section. Any such decision by the Secretary of Homeland Security shall be effective upon publication in the Federal Register.''; and

(4) by striking subsection (d) and inserting the following:

''(d) CONSTRUCTION, INSTALLATION AND MAINTENANCE OF TECHNOLOGY.—

''(1) IN GENERAL.—Not later than January 20, 2021, the Secretary of Homeland Security, in carrying out subsection (a), shall deploy the most practical and effective technology available along the United States border for achieving situational awareness and operational control of the border.

''(2) TECHNOLOGY DEFINED.—In this subsection, the term 'technology' includes border surveillance and detection technology, including—

''(A) radar surveillance systems;

''(B) Vehicle and Dismount Exploitation Radars (VADER);

''(C) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

''(D) sensors;

''(E) unmanned cameras; and

''(F) man-portable and mobile vehicle-mounted unmanned aerial vehicles.

''(e) DEFINITIONS.—In this section:

''(1) HIGH TRAFFIC AREAS.—The term 'high traffic areas' means sectors along the northern, southern, or coastal border that—

''(A) are within the responsibility of U.S. Customs and Border Protection; and

''(B) have significant unlawful cross-border activity.

''(2) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given the term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).''.

SEC. 103. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) INCREASED FLIGHT HOURS.—The Secretary of Homeland Security shall ensure that not fewer than 95,000 annual flight hours are carried out by Air and Marine Operations of U.S. Customs and Border Protection.

(b) UNMANNED AERIAL SYSTEM.—The Secretary of Homeland Security shall ensure that Air and Marine Operations operate unmanned aerial systems for not less than 24 hours per day for five days per week.

(c) CONTRACT AIR SUPPORT AUTHORIZATION.—The Commissioner shall contract for the unfulfilled identified air support mission critical hours, as identified by the Chief of the U.S. Border Patrol.

(d) PRIMARY MISSION.—The Commissioner shall ensure that—

(1) the primary mission for Air and Marine Operations is to directly support U.S. Border Patrol activities along the southern border; and

(2) the Executive Associate Commissioner of Air and Marine Operations assigns the greatest priority to support missions established by the Commissioner to carry out the requirements under this Act.

(e) HIGH-DEMAND FLIGHT HOUR REQUIREMENTS.—In accordance with subsection (c), the Commissioner shall ensure that U.S. Border Patrol Sector Chiefs—

(1) identify critical flight hour requirements; and

(2) direct Air and Marine Operations to support requests from Sector Chiefs as their primary mission.

(f) STUDY AND REPORT.—

(1) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall commence a comprehensive study on the realignment of the Air and Marine Office as a directorate of U.S. Border Patrol.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains the results of the study under paragraph (1), including recommendations and timeframes for implementing such realignment described in such paragraph.

SEC. 104. CAPABILITY DEPLOYMENT TO SPECIFIC SECTORS AND REGIONS.

(a) IN GENERAL.—Not later than January 20, 2021, the Secretary of Homeland Security, in implementing section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act), and acting through the appropriate component of the Department of Homeland Security, shall deploy to each sector or region of the southern border and the northern border, in a prioritized manner to achieve situational awareness and operational control of such borders, the following additional capabilities:

(1) SAN DIEGO SECTOR.—For the San Diego sector, the following:

(A) Subterranean surveillance and detection technologies.

(B) To increase coastal maritime domain awareness, the following:

(i) Deployable, lighter-than-air surface surveillance equipment.

(ii) Unmanned aerial vehicles with maritime surveillance capability.

(iii) Maritime patrol aircraft.

(iv) Coastal radar surveillance systems.

(v) Maritime signals intelligence capabilities.

(C) Ultralight aircraft detection capabilities.

(D) Advanced unattended surveillance sensors.

(E) A rapid reaction capability supported by aviation assets.

(F) Mobile vehicle-mounted and man-portable surveillance capabilities.

(2) EL CENTRO SECTOR.—For the El Centro sector, the following:

(A) Tower-based surveillance technology.

(B) Deployable, lighter-than-air ground surveillance equipment.

(C) Man-portable unmanned aerial vehicles.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(3) YUMA SECTOR.—For the Yuma sector, the following:

(A) Tower-based surveillance technology.

(B) Mobile vehicle-mounted and man-portable surveillance systems.

(C) Deployable, lighter-than-air ground surveillance equipment.

(D) Ultralight aircraft detection capabilities.

(E) Advanced unattended surveillance sensors.

(F) A rapid reaction capability supported by aviation assets.

(G) Mobile vehicle-mounted and man-portable surveillance capabilities.
(H) Man-portable unmanned aerial vehicles.
(4) TUCSON SECTOR.—For the Tucson sector, the following:
(A) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(B) Man-portable unmanned aerial vehicles.
(C) Tower-based surveillance technology.
(D) Ultralight aircraft detection capabilities.
(E) Advanced unattended surveillance sensors.
(F) Deployable, lighter-than-air ground surveillance equipment.
(G) A rapid reaction capability supported by aviation assets.
(5) EL PASO SECTOR.—For the El Paso sector, the following:
(A) Tower-based surveillance technology.
(B) Ultralight aircraft detection capabilities.
(C) Advanced unattended surveillance sensors.
(D) Mobile vehicle-mounted and man-portable surveillance systems.
(E) Deployable, lighter-than-air ground surveillance equipment.
(F) A rapid reaction capability supported by aviation assets.
(G) Man-portable surveillance capabilities.
(6) BIG BEND SECTOR.—For the Big Bend sector, the following:
(A) Tower-based surveillance technology.
(B) Deployable, lighter-than-air ground surveillance equipment.
(C) Improved agent communications capabilities.
(D) Ultralight aircraft detection capabilities.
(E) Advanced unattended surveillance sensors.
(F) A rapid reaction capability supported by aviation assets.
(G) Mobile vehicle-mounted and man-portable surveillance capabilities.
(H) Man-portable unmanned aerial vehicles.
(7) DEL RIO SECTOR.—For the Del Rio sector, the following:
(A) Increased monitoring for cross-river dams, culverts, and footpaths.
(B) Improved agent communications capabilities.
(C) Improved maritime capabilities in the Amistad National Recreation Area.
(D) Advanced unattended surveillance sensors.
(E) A rapid reaction capability supported by aviation assets.
(F) Mobile vehicle-mounted and man-portable surveillance capabilities.
(G) Man-portable unmanned aerial vehicles.
(8) LAREDO SECTOR.—For the Laredo sector, the following:
(A) Maritime detection resources for the Falcon Lake region.
(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(C) Increased monitoring for cross-river dams, culverts, and footpaths.
(D) Ultralight aircraft detection capability.
(E) Advanced unattended surveillance sensors.
(F) A rapid reaction capability supported by aviation assets.
(G) Man-portable unmanned aerial vehicles.
(9) RIO GRANDE VALLEY SECTOR.—For the Rio Grande Valley sector, the following:
(A) Deployable, lighter-than-air ground surveillance equipment.
(B) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(C) Ultralight aircraft detection capability.
(D) Advanced unattended surveillance sensors.
(E) Increased monitoring for cross-river dams, culverts, footpaths.
(F) A rapid reaction capability supported by aviation assets.
(G) Mobile vehicle-mounted and man-portable surveillance capabilities.
(H) Man-portable unmanned aerial vehicles.
(10) EASTERN PACIFIC MARITIME REGION.—For the Eastern Pacific Maritime region, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) To increase maritime domain awareness, the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(11) CARIBBEAN AND GULF MARITIME REGION.—For the Caribbean and Gulf Maritime region, the following:
(A) Not later than two years after the date of the enactment of this Act, an increase of not less than ten percent in the number of overall cutter, boat, and aircraft hours spent conducting interdiction operations over the average number of such hours during the preceding three fiscal years.
(B) Increased maritime signals intelligence capabilities.
(C) Increased maritime domain awareness and surveillance capabilities, including the following:
(i) Unmanned aerial vehicles with maritime surveillance capability.
(ii) Increased maritime aviation patrol hours.
(iii) Coastal radar surveillance systems with long range day and night cameras capable of providing 100 percent maritime domain awareness of the United States territorial waters surrounding Puerto Rico, Mona Island, Desecheo Island, Vieques Island, Culebra Island, Saint Thomas, Saint John, and Saint Croix.
(D) Increased operational hours for maritime security components dedicated to joint counter-smuggling and interdiction efforts with other Federal agencies, including the Deployable Specialized Forces of the Coast Guard.
(12) BLAINE SECTOR.—For the Blaine sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(13) SPOKANE SECTOR.—For the Spokane sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Completion of six miles of the Bog Creek road.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(14) HAVRE SECTOR.—For the Havre sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Ultralight aircraft detection capabilities.
(G) Modernized port of entry surveillance capabilities.
(15) GRAND FORKS SECTOR.—For the Grand Forks sector, the following:
(A) Mobile vehicle-mounted and man-portable surveillance capabilities.
(B) Advanced unattended surveillance sensors.
(C) Improved agent communications systems.
(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(E) Man-portable unmanned aerial vehicles.
(F) Ultralight aircraft detection capabilities.
(G) Modernized port of entry surveillance capabilities.
(16) DETROIT SECTOR.—For the Detroit sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.
(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.
(F) Man-portable unmanned aerial vehicles.
(G) Ultralight aircraft detection capabilities.
(H) Modernized port of entry surveillance capabilities.
(I) Increased maritime interdiction capabilities.
(17) BUFFALO SECTOR.—For the Buffalo sector, the following:
(A) Coastal radar surveillance systems.
(B) Mobile vehicle-mounted and man-portable surveillance capabilities.
(C) Advanced unattended surveillance sensors.
(D) Improved agent communications systems.

(E) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(F) Man-portable unmanned aerial vehicles.

(G) Ultralight aircraft detection capabilities.

(H) Modernized port of entry surveillance capabilities.

(I) Increased maritime interdiction capabilities.

(18) SWANTON SECTOR.—For the Swanton sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.

(F) Ultralight aircraft detection capabilities.

(G) Modernized port of entry surveillance capabilities.

(19) HOULTON SECTOR.—For the Houlton sector, the following:

(A) Mobile vehicle-mounted and man-portable surveillance capabilities.

(B) Advanced unattended surveillance sensors.

(C) Improved agent communications systems.

(D) Increased flight hours for aerial detection, interdiction, and monitoring operations capability.

(E) Man-portable unmanned aerial vehicles.

(F) Ultralight aircraft detection capabilities.

(G) Modernized port of entry surveillance capabilities.

(b) REIMBURSEMENT RELATED TO THE LOWER RIO GRANDE VALLEY FLOOD CONTROL PROJECT.—The International Boundary and Water Commission is authorized to reimburse State and local governments for any expenses incurred before, on, or after the date of the enactment of this Act by such governments in designing, constructing, and rehabilitating the Lower Rio Grande Valley Flood Control Project of the Commission.

(c) TACTICAL FLEXIBILITY.—

(1) SOUTHERN AND NORTHERN LAND BORDERS.—The Secretary of Homeland Security may alter the capability deployment referred to in this section if the Secretary determines, after notifying the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, that such alteration is required to enhance situational awareness or operational control.

(2) MARITIME BORDER.—

(A) NOTIFICATION.—The Commandant of the Coast Guard shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives regarding the capability deployments referred to in this section, including information relating to—

(i) the number and types of assets and personnel deployed; and

(ii) the impact such deployments have on the capability of the Coast Guard to conduct its mission in each of the sectors referred to in paragraphs (10) and (11) of subsection (a).

(B) ALTERATION.—The Commandant of the Coast Guard may alter the capability deployments referred to in this section if the Commandant—

(i) determines, after consultation with the appropriate committees referred to in subparagraph (A), that such alteration is necessary; and

(ii) not later than 30 days after making a determination under clause (i), notifies the committees referred to in such subparagraph regarding such alteration, including information relating to—

(I) the number and types of assets and personnel deployed pursuant to such alteration; and

(II) the impact such alteration has on the capability of the Coast Guard to conduct its mission in each of the sectors referred to in subsection (a).

SEC. 105. U.S. BORDER PATROL PHYSICAL INFRASTRUCTURE IMPROVEMENTS.

The Secretary of Homeland Security shall upgrade existing physical infrastructure of the Department of Homeland Security, and construct and acquire additional physical infrastructure, including—

(1) U.S. Border Patrol stations;

(2) U.S. Border Patrol checkpoints;

(3) mobile command centers; and

(4) other necessary facilities, structures, and properties.

SEC. 106. U.S. BORDER PATROL ACTIVITIES.

The Chief of the U.S. Border Patrol shall direct agents of the U.S. Border Patrol to patrol as close to the physical land border as possible, consistent with the accessibility to such areas.

SEC. 107. U.S. BORDER PATROL FORWARD OPERATING BASES.

(a) UPGRADES AND MAINTENANCE FOR FORWARD OPERATING BASES.—Not later than January 20, 2021, the Secretary of Homeland Security shall upgrade existing forward operating bases of U.S. Border Patrol on or near the southern border to ensure that such bases meet the minimum requirements set forth in subsection (b).

(b) MINIMUM REQUIREMENTS.—Each forward operating base operated by U.S. Customs and Border Protection shall be equipped with—

(1) perimeter security;

(2) short-term detention space (separate from existing housing facilities);

(3) portable generators or shore power sufficient to meet the power requirements for the base;

(4) interview rooms;

(5) adequate communications, including wide area network connectivity;

(6) cellular service;

(7) potable water; and

(8) a helicopter landing zone.

SEC. 108. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

"SEC. 434. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

"(a) MAJOR ACQUISITION PROGRAM DEFINED.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over its life cycle cost.

"(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

"(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

"(2) document that each such program is meeting cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

"(3) have a plan for meeting program implementation objectives by managing contractor performance.

"(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

"(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the appropriate congressional committees a plan for testing and evaluation, as well as the use of independent verification and validation resources, for border security technology so that new border security technologies are evaluated through a series of assessments, processes, and audits to ensure compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation, as well as the effectiveness of taxpayer dollars.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 433 the following new item:

"Sec. 434. Border security technology program management.".

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 434 of the Homeland Security Act of 2002, as added by subsection (a). Such section shall be carried out using amounts otherwise authorized for such purposes.

SEC. 109. AUTHORITY TO ACQUIRE LEASEHOLDS.

Notwithstanding any other provision of law, if the Secretary of Homeland Security determines that the acquisition of a leasehold interest in real property and the construction or modification of any facility on the leased property are necessary to facilitate the implementation of this Act, the Secretary may—

(1) acquire a leasehold interest;

(2) construct or modify such facility;

(3) accept real or personal property donations of any value through U.S. Customs and Border Protection's Donations Acceptance Program under the Cross-Border Trade Enhancement Act of 2016 (Public Law 114–279) or through other public-public or public-private partnership arrangements at any location at which U.S. Customs and Border Protection operates; and

(4) designate any leasing action as exempt from Federal lease scoring rules.

SEC. 110. NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN BORDER AND REIMBURSEMENT OF STATES FOR DEPLOYMENT OF THE NATIONAL GUARD AT THE SOUTHERN BORDER.

(a) IN GENERAL.—With the approval of the Secretary of Defense, the Secretary of Homeland Security, or the Governor of a State may order any units or personnel of the National Guard of such State to perform operations and missions under section 502(f) of title 32, United States Code, along the southern border for the purposes of assisting U.S.

Customs and Border Protection to secure the southern border.

(b) ASSIGNMENT OF OPERATIONS AND MISSIONS.—

(1) IN GENERAL.—National Guard units and personnel deployed under subsection (a) may be assigned such operations and missions specified in subsection (c) as may be necessary to secure the southern border.

(2) NATURE OF DUTY.—The duty of National Guard personnel performing operations and missions described in paragraph (1) shall be full-time duty under title 32, United States Code.

(c) RANGE OF OPERATIONS AND MISSIONS.—The operations and missions assigned under subsection (b) shall include the temporary authority to—

(1) construct reinforced fencing or other barriers;

(2) conduct ground-based surveillance systems;

(3) operate unmanned and manned aircraft;

(4) provide radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies; and

(5) construct checkpoints along the southern border to bridge the gap to long-term permanent checkpoints.

(d) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense shall deploy such materiel and equipment, and logistical support as may be necessary to ensure success of the operations and missions conducted by the National Guard under this section.

(e) EXCLUSION FROM NATIONAL GUARD PERSONNEL STRENGTH LIMITATIONS.—National Guard personnel deployed under subsection (a) shall not be included in—

(1) the calculation to determine compliance with limits on end strength for National Guard personnel; or

(2) limits on the number of National Guard personnel that may be placed on active duty for operational support under section 115 of title 10, United States Code.

(f) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall reimburse States for the cost of the deployment of any units or personnel of the National Guard to perform operations and missions in full-time State Active Duty in support of a southern border mission. The Secretary of Defense may not seek reimbursement from the Secretary of Homeland Security for any reimbursements to States for the costs of such deployments.

(2) LIMITATION.—The total amount of reimbursements under this section may not exceed $35,000,000 for any fiscal year.

SEC. 111. OPERATION PHALANX.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of Homeland Security, shall provide assistance to U.S. Customs and Border Protection for purposes of increasing ongoing efforts to secure the southern border.

(b) TYPES OF ASSISTANCE AUTHORIZED.—The assistance provided under subsection (a) may include—

(1) deployment of manned aircraft, unmanned aerial surveillance systems, and ground-based surveillance systems to support continuous surveillance of the southern border; and

(2) intelligence analysis support.

(c) MATERIEL AND LOGISTICAL SUPPORT.—The Secretary of Defense may deploy such materiel, equipment, and logistics support as may be necessary to ensure the effectiveness of the assistance provided under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Defense $75,000,000 to provide assistance under this section. The Secretary of Defense may not seek reimbursement from the Secretary of Homeland Security for any assistance provided under this section.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit a report to the appropriate congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) regarding any assistance provided under subsection (a) during the period specified in paragraph (3).

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the period specified in paragraph (3), a description of—

(A) the assistance provided;

(B) the sources and amounts of funds used to provide such assistance; and

(C) the amounts obligated to provide such assistance.

(3) PERIOD SPECIFIED.—The period specified in this paragraph is—

(A) in the case of the first report required under paragraph (1), the 90-day period beginning on the date of the enactment of this Act; and

(B) in the case of any subsequent report submitted under paragraph (1), the calendar year for which the report is submitted.

SEC. 112. MERIDA INITIATIVE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that assistance to Mexico, including assistance from the Department of State and the Department of Defense and any aid related to the Merida Initiative, should—

(1) focus on providing enhanced border security and judicial reform and support for Mexico's drug crop eradication efforts; and

(2) return to its original focus and prioritize security, training, and acquisition of equipment for Mexican security forces involved in drug crop eradication efforts.

(b) ASSISTANCE FOR MEXICO.—The Secretary of State, in coordination with the Secretary of Homeland Security, and the Secretary of Defense shall provide assistance to Mexico to—

(1) combat drug trafficking and related violence, organized crime, and corruption;

(2) build a modern border security system capable of preventing illegal migration;

(3) support border security and cooperation with United States law enforcement agencies on border incursions;

(4) support judicial reform, institution building, and rule of law activities; and

(5) provide for training and equipment for Mexican security forces involved in drug crop eradication efforts.

(c) ALLOCATION OF FUNDS; REPORT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, 50 percent of any assistance appropriated in any appropriations Act to implement this section shall be withheld until after the Secretary of State submits a written report to the congressional committees specified in paragraph (3) certifying that the Government of Mexico is—

(A) significantly reducing illegal migration, drug trafficking, and cross-border criminal activities; and

(B) improving the transparency and accountability of Mexican Federal police forces and working with Mexican State and municipal authorities to improve the transparency and accountability of Mexican State and municipal police forces.

(2) MATTERS TO INCLUDE.—The report required under paragraph (1) shall include a description of—

(A) actions taken by the Government of Mexico to address the matters described in such paragraph; and

(B) any instances in which the Secretary of State determines that the actions taken by the Government of Mexico are inadequate to address such matters.

(3) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on the Judiciary of the Senate;

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives; and

(F) the Committee on the Judiciary of the House of Representatives.

(d) NOTIFICATIONS.—Any assistance made available by the Secretary of State under this section shall be subject to—

(1) the notification procedures set forth in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1); and

(2) the notification requirements of—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(e) SPENDING PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit, to the congressional committees specified in paragraph (2), a detailed spending plan for assistance to Mexico under this section, which shall include a strategy, developed after consulting with relevant authorities of the Government of Mexico for—

(A) combating drug trafficking and related violence and organized crime; and

(B) anti-corruption and rule of law activities, which shall include concrete goals, actions to be taken, budget proposals, and a description of anticipated results.

(2) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees specified in this paragraph are—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Appropriations of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on Homeland Security of the House of Representatives; and

(H) the Committee on the Judiciary of the House of Representatives.

SEC. 113. PROHIBITIONS ON ACTIONS THAT IMPEDE BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) PROHIBITION ON INTERFERENCE WITH U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—The Secretary concerned shall not impede, prohibit, or restrict activities of U.S. Customs and Border Protection on covered Federal land to execute search and rescue operations or to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) APPLICABILITY.—The authority of U.S. Customs and Border Protection to conduct activities described in paragraph (1) on covered Federal land applies without regard to whether a state of emergency exists.

(b) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND BORDER PROTECTION.—

(1) IN GENERAL.—U.S. Customs and Border Protection shall have immediate access to covered Federal land to conduct the activities described in paragraph (2) on such land to prevent all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband through the southern border or the northern border.

(2) ACTIVITIES DESCRIBED.—The activities described in this paragraph are—

(A) the use of vehicles to patrol the border area, apprehend illegal entrants, and rescue individuals; and

(B) the construction, installation, operation and maintenance of tactical infrastructure and border technology as set forth in section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as amended by section 102 of this Act).

(c) EXEMPTION FROM CERTAIN LAWS.—

(1) IN GENERAL.—The activities of U.S. Customs and Border Protection described in subsection (b)(2) may be carried out without regard to the provisions of law specified in paragraph (2).

(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this paragraph are all Federal, State, and other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(A) The National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(B) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'').

(D) Division A of subtitle III of title 54, United States Code (54 U.S.C. 300301 et seq.) (formerly known as the ''National Historic Preservation Act'').

(E) The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(F) The Clean Air Act (42 U.S.C. 7401 et seq.).

(G) The Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.).

(H) The Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(I) The Noise Control Act of 1972 (42 U.S.C. 4901 et seq.).

(J) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(K) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(L) Chapter 3125 of title 54, United States Code (formerly known as the ''Archaeological and Historic Preservation Act'').

(M) The Antiquities Act (16 U.S.C. 431 et seq.).

(N) Chapter 3203 of title 54, United States Code (formerly known as the ''Historic Sites, Buildings, and Antiquities Act'').

(O) The Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(P) The Farmland Protection Policy Act (7 U.S.C. 4201 et seq.).

(Q) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(R) The Wilderness Act (Pub. L. 88-577, 16 U.S.C. 1131 et seq.).

(S) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(T) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(U) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et seq.).

(V) The Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(W) Subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(X) The Otay Mountain Wilderness Act of 1999 (Pub. L. 106–145).

(Y) Sections 102(29) and 103 of the California Desert Protection Act of 1994 (Pub. L. 103–433).

(Z) Division A of subtitle I of title 54, United States Code (formerly known as the ''National Park Service Organic Act'').

(AA) The National Park Service General Authorities Act (16 U.S.C. 1a–1 et seq.).

(BB) Sections 401(7), 403, and 404 of the National Parks and Recreation Act of 1978 (Pub. L. 95–625).

(CC) Subsections (a) through (f) of section 301 of the Arizona Desert Wilderness Act of 1990 (16 U.S.C. 1132 note).

(DD) The Act of March 3, 1899 (33 U.S.C. 401 et seq.) (commonly known as the ''Rivers and Harbors Appropriation Act of 1899'').

(EE) The Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald and Golden Eagle Protection Act'').

(FF) The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(GG) Public Law 95–341 (42 U.S.C. 1996)(commonly known as the ''American Indian Religious Freedom Act'').

(HH) The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.).

(II) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.).

(JJ) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

(3) APPLICABILITY OF WAIVER TO SUCCESSOR LAWS.—If a provision of law specified in paragraph (2) was repealed and incorporated into title 54, United States Code, after April 1, 2008, and before the date of the enactment of this Act, the waiver described in paragraph (1) shall apply to the provision of such title that corresponds to the provision of law specified in paragraph (2) to the same extent as the waiver applied to that provision of law.

(d) PROTECTION OF LEGAL USES.—This section may not be construed to provide—

(1) authority to restrict legal uses, such as grazing, hunting, mining, or recreation or the use of back country airstrips, on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture; or

(2) any additional authority to restrict legal access to such land.

(e) EFFECT ON STATE AND PRIVATE LAND.—This section shall—

(1) have no force or effect on State lands or private lands; and

(2) not provide authority on or access to State lands or private lands.

(f) TRIBAL SOVEREIGNTY.—Nothing in this section may be construed to supersede, replace, negate, or diminish treaties or other agreements between the United States and Indian tribes.

(g) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term ''covered Federal land'' includes all land under the control of the Secretary concerned that is located within 100 miles of the southern border or the northern border.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Department of the Interior, the Secretary of the Interior.

SEC. 114. LANDOWNER AND RANCHER SECURITY ENHANCEMENT.

(a) ESTABLISHMENT OF NATIONAL BORDER SECURITY ADVISORY COMMITTEE.—The Secretary of Homeland Security shall establish a National Border Security Advisory Committee, which—

(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to border security matters, including—

(A) verifying security claims and the border security metrics established by the Department of Homeland Security under section 1092 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 6 U.S.C. 223); and

(B) discussing ways to improve the security of high traffic areas along the northern border and the southern border; and

(2) may provide, through the Secretary, recommendations to Congress.

(b) CONSIDERATION OF VIEWS.—The Secretary of Homeland Security shall consider the information, advice, and recommendations of the National Border Security Advisory Committee in formulating policy regarding matters affecting border security.

(c) MEMBERSHIP.—The National Border Security Advisory Committee shall consist of at least one member per State who—

(1) has at least 5 years practical experience in border security operations; or

(2) lives and works in the United States within 80 miles from the southern border or the northern border.

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Border Security Advisory Committee.

SEC. 115. LIMITATION ON LAND OWNER'S LIABILITY.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

''(i) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, and subject to appropriations, any owner of land located in the United States within 100 miles of the southern border of the United States may seek reimbursement from the Department of Homeland Security and the Secretary of Homeland Security shall pay for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under Federal or State tort law, arising directly from any border patrol action, such as apprehensions, tracking, and detention of aliens, that is conducted on privately-owned land if—

''(A) such land owner has been found negligent by a Federal or State court in any tort litigation;

''(B) such land owner has not already been reimbursed for the final tort judgment, including outstanding attorneys' fees and costs;

''(C) such land owner did not have or does not have sufficient property insurance to cover the judgment and has had an insurance claim for such coverage denied; and

''(D) such tort action was brought against such land owner as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery, and equipment that is attached to real property; and

''(B) the term 'owner' includes the possessor of a fee interest, a tenant, a lessee, an occupant, the possessor of any other interest in land, and any person having a right to grant permission to use the land.

''(3) EXCEPTIONS.—Nothing in this subsection may be construed to require the Secretary of Homeland Security to reimburse, under subparagraph (i)(1), a land owner for any adverse final tort judgment for negligence or to limit land owner liability which would otherwise exist for—

''(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

''(B) maintaining an attractive nuisance;

''(C) gross negligence; or

''(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

''(i) a patrol of such landowner's land; or

''(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or to evade execution of an arrest warrant for a violation of any immigration law.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act').''.

SEC. 116. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

Not later than January 20, 2021, the Secretary of Homeland Security, after coordinating with the heads of the relevant Federal, State, and local agencies, shall begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River.

SEC. 117. PREVENTION, DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) DEFINITIONS.—

(1) ANIMAL.—The term ''animal'' means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term ''article'' means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term ''disease'' has the meaning given the term by the Secretary of Agriculture.

(4) LIVESTOCK.—The term ''livestock'' means all farm-raised animals.

(5) MEANS OF CONVEYANCE.—The term ''means of conveyance'' means any personal property used for or intended for use for, the movement of any other personal property.

(6) PEST.—The term ''pest'' means any of the following that can directly or indirectly injure, cause damage to, or cause disease in human livestock, a plant, or a plant part:

(A) A protozoan.

(B) A plant or plant part.

(C) A nonhuman animal.

(D) A bacterium.

(E) A fungus.

(F) A virus or viroid.

(G) An infectious agent or other pathogen.

(H) An arthropod.

(I) A parasite or parasitic plant.

(J) A prion.

(K) A vector.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(7) PLANT.—The term ''plant'' means any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

(8) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any territory or possession of the United States.

(b) DETECTION, CONTROL, AND ERADICATION OF THE SPREAD OF DISEASES AND PESTS.—

(1) IN GENERAL.—The Secretary of Agriculture may carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

(2) COMPENSATION.—

(A) IN GENERAL.—The Secretary of Agriculture may pay a claim arising out of—

(i) the destruction of any animal, plant, plant part, article, or means of conveyance consistent with the purposes of this section; and

(ii) implementing measures to prevent, detect, control, or eradicate the spread of any pest disease of livestock or plant that threatens any segment of agriculture.

(B) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary of Agriculture shall compensate industry participants and State agencies that cooperate with the Secretary of Agriculture in carrying out operations and measures under this subsection for up to 100 percent of eligible costs relating to—

(i) cooperative programs involving Federal, State, or industry participants to control diseases of low or high pathogenicity and pests in accordance with regulations issued by the Secretary of Agriculture; and

(ii) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

(C) REVIEWABILITY.—The action of any officer, employee, or agent of the Secretary of Agriculture in carrying out paragraph (1) shall not be subject to review by any officer or employee of the Federal Government other than the Secretary of Agriculture or a designee of the Secretary.

(c) COOPERATION.—

(1) IN GENERAL.—To carry out this section, the Secretary of Agriculture may cooperate with other Federal agencies, States, State agencies, political subdivisions of States, national and local governments of foreign countries, domestic and international organizations and associations, domestic nonprofit corporations, Indian tribes, and other persons.

(2) RESPONSIBILITY.—The person or other entity cooperating with the Secretary of Agriculture shall be responsible for the authority necessary to carry out operations or measures—

(A) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(B) using other facilities and means, as determined by the Secretary of Agriculture.

(d) FUNDING.—For fiscal year 2018, and for each succeeding fiscal year, the Secretary of Agriculture shall use such funds from the Commodity Credit Cooperation as may be necessary to carry out operations and measures to prevent, detect, control, or eradicate the spread of any pest or disease of livestock or plant that threatens any segment of agriculture.

(e) REIMBURSEMENT.—The Secretary of Agriculture shall reimburse any Federal agency, State, State agency, political subdivision of a State, national or local government of a foreign country, domestic or international organization or association, domestic nonprofit corporation, Indian tribe, or other person for specified costs, as prescribed by the Secretary of Agriculture, in the discretion of the Secretary, that result from cooperation with the Secretary of Agriculture in carrying out operations and measures under this section.

SEC. 118. EXEMPTION FROM GOVERNMENT CONTRACTING AND HIRING RULES.

(a) APPLICABILITY OF CERTAIN GOVERNMENT CONTRACTING RULES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in implementing this title—

(A) the requirement under section 3301 of title 41, United States Code, to obtain a full and open competition through the use of competitive procedures shall not apply; and

(B) any executive agency entering into the contract may use noncompetitive procedures in accordance with section 3304 of such title.

(2) LIMITATIONS ON PROTESTS.—The determination of an executive agency under section 3304 of title 41, United States Code, to use noncompetitive procedures shall not be subject to challenge by protest to—

(A) the Comptroller General of the United States under subchapter V of chapter 35 of title 31, United States Code; or

(B) the Court of Federal Claims under section 1491 of title 28, United States Code.

(b) APPLICABILITY OF CERTAIN GOVERNMENT HIRING RULES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in implementing this title, the Secretary of Homeland Security and the Attorney General may appoint employees on a term, temporary limited, or part-time basis without regard to—

(A) the number of such employees;

(B) the ratio between the number of such employees and the number of permanent full-time employees; and

(C) the duration of such employees' employment.

(2) RULE OF CONSTRUCTION.—Nothing in chapter 71 of title 5, United States Code, shall affect the authority of the Department of Homeland Security or the Department of Justice to hire employees under this title on a temporary limited or part-time basis.

(c) REPORTS.—The head of an executive agency entering into a contract or hiring employees pursuant to authority provided under subsection (a) or (b) shall—

(1) immediately submit to the appropriate congressional committees written notification of the use of such authority; and

(2) submit to those committees a quarterly report estimating amounts to be expended pursuant to such authority.

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

SEC. 119. TRANSNATIONAL CRIMINAL ORGANIZATION ILLICIT SPOTTER PREVENTION AND DETECTION.

(a) UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.—

(1) ENHANCED PENALTIES.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.) is amended by adding at the end the following:

''SEC. 295. UNLAWFULLY HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

''(a) ILLICIT SPOTTING.—Any person who knowingly transmits, by any means, to another person the location, movement, or activities of any Federal, State, local, or tribal law enforcement agency with the intent to further a Federal crime relating to United States immigration, customs, controlled substances, agriculture, monetary instruments, or other border controls shall be fined under title 18, imprisoned not more than 10 years, or both.

''(b) DESTRUCTION OF UNITED STATES BORDER CONTROLS.—Any person who knowingly and without lawful authorization destroys, alters, or damages any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry or otherwise seeks to construct, excavate, or make any structure intended to defeat, circumvent, or evade any such fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control the border or a port of entry—

''(1) shall be fined under title 18, imprisoned not more than 10 years, or both; and

''(2) if, at the time of the offense, the person uses or carries a firearm or who, in furtherance of any such crime, possesses a firearm, shall be fined under title 18, imprisoned not more than 20 years, or both.

''(c) CONSPIRACY AND ATTEMPT.—Any person who attempts or conspires to violate subsection (a) or (b) shall be punished in the same manner as a person who completes a violation of such subsection.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 294 the following:

''Sec. 295. Unlawfully hindering immigration, border, and customs controls.''.

(b) CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''crime of violence'' each place that term appears; and

(B) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence'';

(2) by striking paragraphs (2) through (4);

(3) by redesignating paragraph (5) as paragraph (2); and

(4) by adding at the end the following:

''(3) For purposes of this subsection—

''(A) the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);

''(B) the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person;

''(C) the term 'crime of violence' means a felony offense that—

''(i) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

''(ii) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and

''(D) the term 'drug trafficking crime' means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.''.

(c) STATUTE OF LIMITATIONS.—Section 3298 of title 18, United States Code, is amended by inserting '', or 295'' after ''274(a)''.

SEC. 120. SOUTHERN BORDER THREAT ANALYSIS.

(a) THREAT ANALYSIS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a southern border threat analysis.

(2) CONTENTS.—The analysis submitted under paragraph (1) shall include an assessment of—

(A) current and potential terrorism and criminal threats posed by individuals and organized groups seeking—

(i) to unlawfully enter the United States through the southern border; or

(ii) to exploit security vulnerabilities along the southern border;

(B) improvements needed at and between ports of entry along the southern border to prevent terrorists and instruments of terror from entering the United States;

(C) gaps in law, policy, and coordination between State, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, and anti-human smuggling and trafficking efforts;

(D) the current percentage of situational awareness achieved by the Department of Homeland Security along the southern border;

(E) the current percentage of operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) achieved by the Department of Homeland Security on the southern border; and

(F) traveler crossing times and any potential security vulnerability associated with prolonged wait times.

(3) ANALYSIS REQUIREMENTS.—In compiling the southern border threat analysis under this subsection, the Secretary of Homeland Security shall consider and examine—

(A) the technology needs and challenges, including such needs and challenges identified as a result of previous investments that have not fully realized the security and operational benefits that were sought;

(B) the personnel needs and challenges, including such needs and challenges associated with recruitment and hiring;

(C) the infrastructure needs and challenges;

(D) the roles and authorities of State, local, and tribal law enforcement in general border security activities;

(E) the status of coordination among Federal, State, local, tribal, and Mexican law enforcement entities relating to border security;

(F) the terrain, population density, and climate along the southern border; and

(G) the international agreements between the United States and Mexico related to border security.

(4) CLASSIFIED FORM.—To the extent possible, the Secretary of Homeland Security shall submit the southern border threat analysis required under this subsection in unclassified form, but may submit a portion of the threat analysis in classified form if the Secretary determines such action is appropriate.

(b) BORDER PATROL STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than the later of 180 days after the submission of the threat analysis required under subsection (a) or June 30, 2018, and every five years thereafter, the Secretary of Homeland Security, acting through the Chief of the U.S. Border Patrol, and in consultation with the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, shall issue a Border Patrol Strategic Plan.

(2) CONTENTS.—The Border Patrol Strategic Plan required under this subsection shall include a consideration of—

(A) the southern border threat analysis required under subsection (a), with an emphasis on efforts to mitigate threats identified in such threat analysis;

(B) efforts to analyze and disseminate border security and border threat information between border security components of the Department of Homeland Security and other appropriate Federal departments and agencies with missions associated with the southern border;

(C) efforts to increase situational awareness, including—

(i) surveillance capabilities, including capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aerial systems, including camera and sensor technology deployed on such assets;

(D) efforts to detect and prevent terrorists and instruments of terrorism from entering the United States;

(E) efforts to detect, interdict, and disrupt aliens and illicit drugs at the earliest possible point;

(F) efforts to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States;

(G) efforts to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department of Homeland Security;

(H) any technology required to maintain, support, and enhance security and facilitate trade at ports of entry, including nonintrusive detection equipment, radiation detection equipment, biometric technology, surveillance systems, and other sensors and technology that the Secretary of Homeland Security determines to be necessary;

(I) operational coordination unity of effort initiatives of the border security components of the Department of Homeland Security, including any relevant task forces of the Department of Homeland Security;

(J) lessons learned from Operation Jumpstart and Operation Phalanx;

(K) cooperative agreements and information sharing with State, local, tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the northern border or the southern border;

(L) border security information received from consultation with State, local, tribal, territorial, and Federal law enforcement agencies that have jurisdiction on the northern border or the southern border, or in the maritime environment, and from border community stakeholders (including through public meetings with such stakeholders), including representatives from border agricultural and ranching organizations and representatives from business and civic organizations along the northern border or the southern border;

(M) staffing requirements for all departmental border security functions;

(N) a prioritized list of departmental research and development objectives to enhance the security of the southern border;

(O) an assessment of training programs, including training programs for—

(i) identifying and detecting fraudulent documents;

(ii) understanding the scope of enforcement authorities and the use of force policies; and

(iii) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking; and

(P) an assessment of how border security operations affect border crossing times.

Subtitle B—Personnel

PART I—INCREASES IN IMMIGRATION AND LAW ENFORCEMENT PERSONNEL

SEC. 131. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION AGENTS AND OFFICERS.

(a) BORDER PATROL AGENTS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents to maintain an active duty presence of not fewer than 26,370 full-time equivalent agents.

(b) CBP OFFICERS.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection as of such date, the Commissioner, subject to the availability of appropriations, shall hire, train, and assign to duty, not later than September 30, 2021—

(1) sufficient U.S. Customs and Border Protection officers to maintain an active duty presence of not fewer than 27,725 full-time equivalent officers; and

(2) 350 full-time support staff distributed among all United States ports of entry.

(c) AIR AND MARINE OPERATIONS.—Not later than September 30, 2021, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign sufficient agents for Air and Marine Operations of U.S. Customs and Border Protection to maintain not fewer than 1,675 full-time equivalent agents.

(d) U.S. CUSTOMS AND BORDER PROTECTION K–9 UNITS AND HANDLERS.—

(1) K–9 UNITS.—Not later than September 30, 2021, the Commissioner shall deploy not less than 300 new K–9 units, with supporting officers of U.S. Customs and Border Protection and other required staff, at land ports of entry and checkpoints on the southern border and the northern border.

(2) USE OF CANINES.—The Commissioner shall prioritize the use of canines at the primary inspection lanes at land ports of entry and checkpoints.

(e) U.S. CUSTOMS AND BORDER PROTECTION HORSEBACK UNITS.—

(1) INCREASE.—Not later than September 30, 2021, the Commissioner shall increase the number of horseback units, with supporting officers of U.S. Customs and Border Protection and other required staff, by not less than 100 officers and 50 horses for security patrol along the southern border.

(2) FUNDING LIMITATION.—Of the amounts authorized to be appropriated for U.S. Customs and Border Protection in this Act, not more than one percent may be used for the purchase of additional horses, the construction of new stables, maintenance and improvements of existing stables, and for feed, medicine, and other resources needed to maintain the health and well-being of the horses that serve in the horseback units.

(f) U.S. CUSTOMS AND BORDER PROTECTION SEARCH TRAUMA AND RESCUE TEAMS.—Not later than September 30, 2021, the Commissioner shall increase by not fewer than 50 the number of officers engaged in search and rescue activities along the southern border.

(g) U.S. CUSTOMS AND BORDER PROTECTION TUNNEL DETECTION AND TECHNOLOGY PROGRAM.—Not later than September 30, 2021, the Commissioner shall increase by not less than 50 the number of officers assisting task forces and activities related to deployment and operation of border tunnel detection technology and apprehensions of individuals using such tunnels for crossing into the United States, drug trafficking, or human smuggling.

(h) AGRICULTURAL SPECIALISTS.—Not later than September 30, 2021, and in addition to the officers and agents authorized under paragraphs (a) through (g), the Secretary of Homeland Security shall hire, train, and assign to duty, 631 U.S. Customs and Border Protection agricultural specialists to ports of entry along the southern border and the northern border.

(i) GAO REPORT.—If the staffing levels required under this section are not achieved by September 30, 2021, the Comptroller General of the United States shall conduct a review of the reasons why such levels were not achieved.

SEC. 132. U.S. CUSTOMS AND BORDER PROTECTION HIRING AND RETENTION INCENTIVES.

(a) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term ''covered area'' means a geographic area that the Secretary of Homeland Security determines is in a remote location or is an area for which it is difficult to find full-time permanent covered CBP employees, as compared to other ports of entry or Border Patrol sectors.

(2) COVERED CBP EMPLOYEE.—The term ''covered CBP employee'' means an employee of U.S. Customs and Border Protection performing activities that are critical to border security or customs enforcement, as determined by the Commissioner.

(3) RATE OF BASIC PAY.—The term ''rate of basic pay''—

(A) means the rate of pay fixed by law or administrative action for the position to which an employee is appointed before deductions and including any special rate under subpart C of part 530 of title 5, Code of Federal Regulations, or a similar payment under other legal authority, and any locality-based comparability payment under subpart F of part 531 of such title, or a similar payment under other legal authority, but excluding additional pay of any other kind; and

(B) does not include additional pay, such as night shift differentials under section 5343(f) of title 5, United States Code, or environmental differentials under section 5343(c)(4) of such title.

(4) SPECIAL RATE OF PAY.—The term ''special rate of pay'' means a higher than normal rate of pay that exceeds the otherwise applicable rate of basic pay for a similar covered CBP employee at a land port of entry.

(b) HIRING INCENTIVES.—

(1) IN GENERAL.—In addition to the retention incentives that are authorized under subsection (c), and to the extent necessary for U.S. Customs and Border Protection to hire, train, and deploy qualified officers and employees and to meet the requirements under section 131, the Commissioner, with the approval of the Secretary of Homeland Security, may pay a hiring bonus of $10,000 to a covered CBP employee, after the covered CBP completes initial basic training and executes a written agreement required under subparagraph (2).

(2) WRITTEN AGREEMENT.—The payment of a hiring bonus to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement with U.S. Customs and Border Protection to complete more than two years of employment with U.S. Customs and Border Protection beginning on the date on which the agreement is signed. Such agreement shall include—

(A) the amount of the hiring bonus;

(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;

(C) the length of the required service period; and

(D) any other terms and conditions under which the hiring bonus is payable, subject to the requirements under this section.

(3) FORM OF PAYMENT.—A signing bonus paid to a covered CBP employee under paragraph (1) shall be paid in a single payment after the covered CBP employee completes initial basic training and enters on duty and executes the agreement under paragraph (2).

(4) EXCLUSION OF SIGNING BONUS FROM RATE OF PAY.—A signing bonus paid to a covered CBP employee under paragraph (1) shall not be considered part of the rate of basic pay of the covered CBP employee for any purpose.

(5) EFFECTIVE DATE AND SUNSET.—This subsection shall take effect on the date of the enactment of this Act and shall remain in effect until the earlier of—

(A) September 30, 2019; or

(B) the date on which U.S. Customs and Border Protection has 26,370 full-time equivalent agents.

(c) RETENTION INCENTIVES.—

(1) IN GENERAL.—To the extent necessary for U.S. Customs and Border Protection to retain qualified employees, and to the extent necessary to meet the requirements set forth in section 131, the Commissioner, with the approval of the Secretary of Homeland Security, may pay a retention incentive to a covered CBP employee who has been employed with U.S. Customs and Border Protection for a period of longer than two consecutive years, and the Commissioner determines that, in the absence of the retention incentive, the covered CBP employee would likely—

(A) leave the Federal service; or

(B) transfer to, or be hired into, a different position within the Department of Homeland Security (other than another position in CBP).

(2) WRITTEN AGREEMENT.—The payment of a retention incentive to a covered CBP employee under paragraph (1) is contingent upon the covered CBP employee entering into a written agreement with U.S. Customs and Border Protection to complete more than two years of employment with U.S. Customs and Border Protection beginning on the date on which the CBP employee enters on duty and the agreement is signed. Such agreement shall include—

(A) the amount of the retention incentive;

(B) the conditions under which the agreement may be terminated before the required period of service is completed and the effect of such termination;

(C) the length of the required service period; and

(D) any other terms and conditions under which the retention incentive is payable, subject to the requirements under this section.

(3) CRITERIA.—When determining the amount of a retention incentive paid to a covered CBP employee under paragraph (1), the Commissioner shall consider—

(A) the length of the Federal service and experience of the covered CBP employee;

(B) the salaries for law enforcement officers in other Federal agencies; and

(C) the costs of replacing the covered CBP employee, including the costs of training a new employee.

(4) AMOUNT OF RETENTION INCENTIVE.—A retention incentive paid to a covered CBP employee under paragraph (1)—

(A) shall be approved by the Secretary of Homeland Security and the Commissioner;

(B) shall be stated as a percentage of the employee's rate of basic pay for the service period associated with the incentive; and

(C) may not exceed $25,000 for each year of the written agreement.

(5) FORM OF PAYMENT.—A retention incentive paid to a covered CBP employee under paragraph (1) shall be paid as a single payment at the end of the fiscal year in which the covered CBP employee entered into an agreement under paragraph (2), or in equal installments during the life of the service agreement, as determined by the Commissioner.

(6) EXCLUSION OF RETENTION INCENTIVE FROM RATE OF PAY.—A retention incentive paid to a covered CBP employee under paragraph (1) shall not be considered part of the rate of basic pay of the covered CBP employee for any purpose.

(d) PILOT PROGRAM ON SPECIAL RATES OF PAY IN COVERED AREAS.—

(1) IN GENERAL.—The Commissioner may establish a pilot program to assess the feasibility and advisability of using special rates of pay for covered CBP employees in covered areas, as designated on the date of the enactment of this Act, to help meet the requirements set forth in section 131.

(2) MAXIMUM AMOUNT.—The rate of basic pay of a covered CBP employee paid a special rate of pay under the pilot program may not exceed 125 percent of the otherwise applicable rate of basic pay of the covered CBP employee.

(3) TERMINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the pilot program shall terminate on the date that is two years after the date of the enactment of this Act.

(B) EXTENSION.—If the Secretary of Homeland Security determines that the pilot program is performing satisfactorily and there are metrics that prove its success in meeting the requirements set forth in section 131, the Secretary may extend the pilot program until the date that is four years after the date of the enactment of this Act.

(4) REPORT TO CONGRESS.—Shortly after the pilot program terminates under paragraph (3), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that details—

(A) the total amount paid to covered CBP employees under the pilot program; and

(B) the covered areas in which the pilot program was implemented.

(e) SALARIES.—

(1) IN GENERAL.—Section 101(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1711(b)) is amended to read as follows:

''(b) AUTHORIZATION OF APPROPRIATIONS FOR CBP EMPLOYEES.—There are authorized to be appropriated to U.S. Customs and Border Protection such sums as may be necessary to increase, effective January 1, 2018, the annual rate of basic pay for U.S. Customs and Border Protection employees who have completed at least one year of service—

''(1) to the annual rate of basic pay payable for positions at GS–12, step 1 of the General Schedule under subchapter III of chapter 53 of title 5, United States Code, for officers and agents who are receiving the annual rate of basic pay payable for a position at GS–5, GS–6, GS–7, GS–8, or GS–9 of the General Schedule;

''(2) to the annual rate of basic pay payable for positions at GS–12, step 10 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of pay payable for a position at GS–10 of the General Schedule; and

''(3) to the annual rate of basic pay payable for positions at GS–13, step 1 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of pay payable for a position at GS–11 of the General Schedule;

''(4) to the annual rate of basic pay payable for positions at GS–14, step 1 of the General Schedule under such subchapter for supervisory CBP officers and supervisory Border Patrol agents who are receiving the annual rate of pay payable for a position at GS–12 or GS–13 of the General Schedule; and

''(5) to the annual rate of basic pay payable for positions at GS–8, GS–9, or GS–10 of the General Schedule for assistants who are receiving an annual rate of pay payable for positions at GS–5, GS–6, or GS–7 of the General Schedule, respectively.''.

(2) HARDSHIP DUTY PAY.—In addition to compensation to which Border Patrol agents are otherwise entitled, Border Patrol agents who are assigned to rural areas shall be entitled to receive hardship duty pay, in lieu of a retention incentive bonus under subsection (b), in an amount determined by the Commissioner, which may not exceed the rate of special pay to which members of a uniformed service are entitled under section 310 of title 37, United States Code.

(3) OVERTIME LIMITATION.—Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended by striking ''$25,000'' and inserting ''$45,000''.

SEC. 133. ANTI-BORDER CORRUPTION REAUTHORIZATION ACT.

(a) SHORT TITLE.—This Act may be cited as the ''Anti-Border Corruption Reauthorization Act of 2017''.

(b) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221) is amended by striking subsection (b) and inserting the following:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; and

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.''.

(c) SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.—

(1) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver under section 3(b) is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

(2) REPORT.—The Anti-Border Corruption Act of 2010, as amended by paragraph (1), is further amended by adding at the end the following new section:

''SEC. 5. REPORTING.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of the Anti-Border Corruption Re-authorization Act of 2017, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report that includes, with respect to the reporting period—

''(1) the number of waivers requested, granted, and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(3) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by paragraphs (1) and (2), is further amended by adding at the end the following new section:

''SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' has the meaning given the term 'law enforcement officer' in sections 8331(20) and 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635-200 chapter 14-12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(d) POLYGRAPH EXAMINERS.—Not later than September 30, 2021, the Secretary of Homeland Security shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraph examinations under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 134. ADDITIONAL U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.

(a) ENFORCEMENT AND REMOVAL OFFICERS.—Not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty U.S. Immigration and Customs Enforcement Enforcement and Removal Operations law enforcement officers performing interior immigration enforcement functions to not fewer than 8,500.

(b) HOMELAND SECURITY INVESTIGATIONS SPECIAL AGENTS.—Not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty Homeland Security Investigations special agents by not fewer than 1,500.

(c) BORDER ENFORCEMENT SECURITY TASK FORCE.—Not later than September 30, 2021, the Director of U.S. Immigration and Customs Enforcement shall assign not fewer than 100 Homeland Security Investigations special agents to the Border Enforcement Security Task Force Program established under section 432 of the Homeland Security Act of 2002 (6 U.S.C. 240).

SEC. 135. OTHER IMMIGRATION AND LAW ENFORCEMENT PERSONNEL.

(a) DEPARTMENT OF JUSTICE.—

(1) UNITED STATES ATTORNEYS.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Justice on such date of enactment, the Attorney General shall—

(A) increase by not fewer than 100 the number of Assistant United States Attorneys, and

(B) increase by not fewer than 50 the number of Special Assistant United States Attorneys in the United States Attorneys' office to litigate denaturalization and other immigration cases in the Federal courts.

(2) IMMIGRATION JUDGES.—

(A) ADDITIONAL IMMIGRATION JUDGES.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing vacancies within the Department of Justice on such date of enactment, and subject to the availability of appropriations, the Attorney General shall increase by 200 the number of trained full-time immigration judges.

(B) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and support staff, on an expedited basis, to accommodate the additional immigration judges authorized under this subparagraph.

(3) BOARD OF IMMIGRATION APPEALS.—

(A) BOARD MEMBERS.—Not later than September 30, 2021, the Attorney General shall increase the number of Board Members authorized to serve on the Board of Immigration Appeals to 25.

(B) STAFF ATTORNEYS.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing staff attorney vacancies within the Department of Justice on the date of enactment, and subject to the availability of appropriations, the Attorney General shall increase the number of staff attorneys assigned to support the Board of Immigration Appeals by not fewer than 50.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General is authorized to procure space, temporary facilities, and required administrative support staff, on an expedited basis, to accommodate the additional Board Members authorized under this subparagraph.

(4) OFFICE OF IMMIGRATION LITIGATION.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing vacancies within the Department of Justice, and subject to the availability of appropriations, the Attorney General shall increase by not fewer than 100 the number of attorneys for the Office of Immigration Litigation.

(b) DEPARTMENT OF HOMELAND SECURITY.—

(1) FRAUD DETECTION AND NATIONAL SECURITY OFFICERS.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security, and subject to the availability of appropriations, the Director of U.S. Citizenship and Immigration Services shall increase by not fewer than 100 the number of trained full-time active duty Fraud Detection and National Security (FDNS) officers.

(2) ICE HOMELAND SECURITY INVESTIGATIONS FORENSIC DOCUMENT LABORATORY PERSONNEL.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within the Department of Homeland Security, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained full-time Forensic Document Laboratory Examiners by 15, Fingerprint Specialists by 15, Intelligence Officers by 10, and Administrative Staff by 3.

(3) IMMIGRATION ATTORNEYS.—

(A) ICE TRIAL ATTORNEYS.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Immigration and Customs Enforcement shall increase the number of trained, full-time, active duty Office of Principal Legal Advisor attorneys by not fewer than 1,200. Such attorneys shall primarily perform duties related to litigation of removal proceedings and representing the Department of Homeland Security in immigration matters before the immigration courts within the Department of Justice, the Executive Office for Immigration Review, and enforcement of U.S. customs and trade laws. At least 50 of these additional attorney positions shall be by the Attorney General to increase the number of U.S. Immigration and Customs Enforcement attorneys serving as Special Assistant U.S. Attorneys, on detail to the Department of Justice, Offices of the U.S. Attorneys, to assist with immigration-related litigation.

(B) USCIS IMMIGRATION ATTORNEYS.—Not later than September 30, 2021, in addition to positions authorized before the date of the enactment of this Act and any existing attorney vacancies within the Department of Homeland Security on such date of enactment, the Director of U.S. Citizenship and Immigration Services shall increase the number of trained, full-time, active duty Office of Chief Counsel attorneys by not fewer than 250. Such attorneys shall primarily handle national security and public safety cases, denaturalization cases, and legal sufficiency reviews of immigration benefit decisions. At least 50 of these additional attorney positions shall be used by the Attorney General to increase the number of U.S. Citizenship and Immigration Service attorneys serving as Special Assistant U.S. Attorneys, on detail to the Department of Justice, Offices of the U.S. Attorneys, to assist with immigration-related litigation.

(C) FACILITIES AND SUPPORT PERSONNEL.—The Attorney General and Secretary of Homeland Security are authorized to procure space, temporary facilities, and to hire the required administrative and legal support staff, on an expedited basis, to accommodate the additional positions authorized under this paragraph.

PART II—JUDICIAL RESOURCES

SEC. 141. JUDICIAL RESOURCES FOR BORDER SECURITY.

(a) BORDER CROSSING PROSECUTIONS (CRIMINAL CONSEQUENCE INITIATIVE).—

(1) IN GENERAL.—Amounts appropriated pursuant to paragraph (3) shall be used—

(A) to increase the number of criminal prosecutions for unlawful border crossing in each and every sector of the southern border by not less than 80 percent per day, as compared to the average number of such prosecutions per day during the 12-month period preceding the date of the enactment of this Act, by increasing funding for—

(i) attorneys and administrative support staff in offices of United States attorneys;

(ii) support staff and interpreters in court clerks' offices;

(iii) pre-trial services;

(iv) activities of the Office of the Federal Public Defender, including payments to retain appointed counsel under section 3006A of title 18, United States Code; and

(v) additional personnel, including deputy United States marshals in the United States Marshals Service, to perform intake, coordination, transportation, and court security; and

(B) to reimburse Federal, State, local, and tribal law enforcement agencies for any detention costs related to the increased border crossing prosecutions carried out pursuant to subparagraph (A).

(2) ADDITIONAL MAGISTRATE JUDGES TO ASSIST WITH INCREASED CASELOAD.—The chief judge of each judicial district located within a sector of the southern border is authorized to appoint additional full-time magistrate judges, who, consistent with the Constitution and laws of the United States, shall have the authority to hear cases and controversies in the judicial district in which the magistrate judges are appointed.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2018 through 2021 such sums as may be necessary to carry out this subsection.

(b) ADDITIONAL PERMANENT DISTRICT COURT JUDGESHIPS IN SOUTHERN BORDER STATES.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the District of Arizona;

(B) 2 additional district judges for the Southern District of California;

(C) 4 additional district judges for the Western District of Texas; and

(D) 2 additional district judges for the Southern District of Texas.

(2) CONVERSIONS OF TEMPORARY DISTRICT COURT JUDGESHIPS.—The judgeships for the District of Arizona and the Central District of California authorized under section 312(c) of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 133 note), in existence on the day before the date of the enactment of this Act, shall be authorized under section 133 of title 28, United States Code, and the individuals holding such judgeships on such day shall hold office under section 133 of title 28, United States Code, as amended by paragraph (3).

(3) TECHNICAL AND CONFORMING AMENDMENTS.—The table contained in section 133(a) of title 28, United States Code, is amended—

(A) by striking the item relating to the district of Arizona and inserting the following:

''Arizona	17'';

(B) by striking the items relating to California and inserting the following :

''California:	
Northern	19
Eastern	12
Central	28
Southern	15''; and

(C) by striking the items relating to Texas and inserting the following :

''Texas:	
Northern	12
Southern	21
Eastern	7
Western	17''.

(c) INCREASE IN FILING FEES.—

(1) IN GENERAL.—Section 1914(a) of title 28, United States Code, is amended—

(A) by striking ''$350'' and inserting ''$375''; and

(B) by striking ''$5'' and inserting ''$7''.

(2) EXPENDITURE LIMITATION.—Incremental amounts collected pursuant to the amendments made by paragraph (1) shall be deposited as offsetting receipts in the special fund of the Treasury established under section 1931 of title 28, United States Code. Such amounts shall be available solely for the purpose of facilitating the processing of civil cases, but only to the extent specifically appropriated by an Act of Congress enacted after the date of the enactment of this Act.

(d) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor of the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist in the investigation of the possible violation or misconduct.

(2) CIVIL ACTION.—An employee injured by a violation of paragraph (1) may seek appropriate relief in a civil action.

SEC. 142. REIMBURSEMENT TO STATE AND LOCAL PROSECUTORS FOR FEDERALLY INITIATED, IMMIGRATION-RELATED CRIMINAL CASES.

(a) IN GENERAL.—The Attorney General shall reimburse State, county, tribal, and municipal governments for costs associated with the prosecution of federally initiated criminal cases declined to be prosecuted by local offices of the United States attorneys, including costs relating to pre-trial services, detention, clerical support, and public defenders' services associated to such prosecution.

(b) EXCEPTION.—Reimbursement under subsection (a) shall not be available, at the discretion of the Attorney General, if the Attorney General determines that there is reason to believe that the jurisdiction seeking reimbursement has engaged in unlawful conduct in connection with immigration-related apprehensions.

Subtitle C—Grants

SEC. 151. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended—

(1) in paragraph (1)—

(A) by inserting ''AUTHORIZATION.—'' before ''If the chief''; and

(B) by inserting ''or an alien with an unknown status'' after ''undocumented criminal alien'' each place that term appears;

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

''(2) COMPENSATION.—

''(A) CALCULATION OF COMPENSATION.—Compensation under paragraph (1)(A) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the Attorney General.

''(B) COMPENSATION OF STATE FOR INCARCERATION.—The Attorney General shall compensate the State or political subdivision of the State, in accordance with subparagraph (A), for the incarceration of an alien—

''(i) whose immigration status cannot be verified by the Secretary of Homeland Security; and

''(ii) who would otherwise be an undocumented criminal alien if the alien is unlawfully present in the United States.

''(3) DEFINITIONS.—In this subsection:

''(A) ALIEN WITH AN UNKNOWN STATUS.—The term 'alien with an unknown status' means an individual—

''(i) who has been incarcerated by a Federal, State, or local law enforcement entity; and

''(ii) whose immigration status cannot be definitively identified.

''(B) UNDOCUMENTED CRIMINAL ALIEN.—The term 'undocumented criminal alien' means an alien who—

''(i) has been charged with or convicted of a felony or any misdemeanors; and

''(ii)(I) entered the United States without inspection or at any time or place other than as designated by the Secretary of Homeland Security;

''(II) was the subject of exclusion or deportation or removal proceedings at the time he or she was taken into custody by the State or a political subdivision of the State; or

''(III) was admitted as a nonimmigrant and, at the time he or she was taken into custody by the State or a political subdivision of the State, has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248, or to comply with the conditions of any such status.'';

(3) in paragraph (4), by inserting ''and aliens with an unknown status'' after ''undocumented criminal aliens'' each place that term appears;

(4) in paragraph (5)(C), by striking ''to carry out this subsection'' and all that follows and inserting ''$950,000,000 for each of the fiscal years 2018 through 2021 to carry out this subsection.''; and

(5) by adding at the end the following:

''(7) DISTRIBUTION OF REIMBURSEMENT.—Any funds provided to a State or a political subdivision of a State as compensation under paragraph (1)(A) for a fiscal year shall be distributed to such State or political subdivision not later than 120 days after the last day of the period specified by the Attorney General for the submission of requests under that paragraph for that fiscal year.''.

SEC. 152. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 2009. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program, which shall be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall make grants to eligible law enforcement agencies, through the State administrative agency, to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—To be eligible to receive a grant under this section, a law enforcement agency—

''(1) shall be located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border; and

''(2) shall be involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a sector office.

''(c) PERMITTED USES.—The recipient of a grant under this section may use such grant for—

''(1) equipment, including maintenance and sustainment costs;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities;

''(3) any activity permitted for Operation Stonegarden under the Department of Homeland Security's Fiscal Year 2017 Homeland Security Grant Program Notice of Funding Opportunity; and

''(4) any other appropriate activity, as determined by the Administrator, in consultation with the Commissioner of U.S. Customs and Border Protection.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period of not less than 36 months.

''(e) REPORT.—For each of the fiscal years 2018 through 2022, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains information on the expenditure of grants made under this section by each grant recipient.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of the fiscal years 2018 through 2022 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, and 2009 to State, local, and tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2008 the following new item:

''Sec. 2009. Operation Stonegarden.''.

SEC. 153. GRANTS FOR IDENTIFICATION OF VICTIMS OF CROSS-BORDER HUMAN SMUGGLING.

In addition to any funding for grants made available to the Attorney General for State and local law enforcement assistance, the Attorney General shall award grants to county, municipal, or tribal governments in States along the southern border for costs, or reimbursement of costs, associated with the transportation and processing of unidentified alien remains that have been transferred to an official medical examiner's office or an institution of higher education in

the area with the capacity to analyze human remains using forensic best practices, including DNA testing, where such expenses may contribute to the collection and analysis of information pertaining to missing and unidentified persons.

SEC. 154. GRANT ACCOUNTABILITY.

(a) DEFINITIONS.—In this section:

(1) AWARDING ENTITY.—The term ''awarding entity'' means the Secretary, the Administrator of the Federal Emergency Management Agency, the Director of the National Science Foundation, or the Chief of the Office of Citizenship and New Americans.

(2) NONPROFIT ORGANIZATION.—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.

(3) UNRESOLVED AUDIT FINDING.—The term ''unresolved audit finding'' means a finding in a final audit report conducted by the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within one year after the date when the final audit report is issued.

(b) ACCOUNTABILITY.—All grants awarded by an awarding entity pursuant to this subtitle shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) AUDITS.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, and in each fiscal year thereafter, the Inspector General of the Department of Homeland Security, or the Inspector General for the National Science Foundation for grants awarded by the Director of the National Science Foundation, shall conduct audits of recipients of grants under this subtitle or any amendments made by this subtitle to prevent waste, fraud, and abuse of funds by grantees. Such Inspectors General shall determine the appropriate number of grantees to be audited each year.

(B) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle or any amendment made by this subtitle during the first two fiscal years beginning after the end of the one-year period described in subsection (A).

(C) PRIORITY.—In awarding a grant under this subtitle or any amendment made by this subtitle, the awarding entity shall give priority to eligible applicants that did not have an unresolved audit finding during the three fiscal years immediately preceding the date on which the entity submitted the application for such grant.

(D) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle or any amendment made by this subtitle during the two-year period when the entity is barred from receiving grants under subparagraph (B), the awarding entity shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to such entity into the general fund of the Treasury; and

(ii) seek to recover the costs of the repayment under clause (i) from such entity.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) PROHIBITION.—An awarding entity may not award a grant under this subtitle or any amendment made by this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding the tax imposed under section 511(a) of the Internal Revenue Code of 1986.

(B) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle or any amendment made by this subtitle and uses the procedures prescribed by Internal Revenue regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the awarding entity, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the awarding entity shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—Amounts authorized to be appropriated to the Department of Homeland Security or the National Science Foundation for grant programs under this subtitle or any amendment made by this subtitle may not be used by an awarding entity to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Homeland Security or the National Science Foundation unless the Deputy Secretary for Homeland Security, or the Deputy Director of the National Science Foundation, or their designee, provides prior written authorization that the funds may be expended to host the 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, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Secretary of Homeland Security and the Deputy Director of the National Science Foundation shall submit an annual report to Congress that identifies all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, each awarding entity shall submit a report to Congress that—

(A) indicates whether—

(i) all audits issued by the Offices of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate individuals;

(ii) all mandatory exclusions required under paragraph (1)(B) have been issued; and

(iii) all reimbursements required under paragraph (1)(D) have been made; and

(B) includes a list of any grant recipients excluded under paragraph (1) during the previous year.

Subtitle D—Authorization of Appropriations

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated for each of the fiscal years 2018 through 2021, $2,500,000,000 to implement this title and the amendments made by this title, of which—

(1) $10,000,000 shall be used by the Department of Homeland Security to implement Vehicle and Dismount Exploitation Radars (VADER) in border security operations;

(2) $3,000,000 shall be used by the Department of Homeland Security to implement three dimensional, seismic acoustic detection and ranging border tunneling detection technology on the southern border;

(3) $200,000,000 shall be used by the Department of State to implement section 113; and

(4) $30,000,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities under the Merida Initiative.

(b) HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM.—Section 707(p)(5) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(p)(5)) is amended by striking ''to the Office of National Drug Control Policy'' and all that follows and inserting ''$280,000,000 to the Office of National Drug Control Policy for each of the fiscal years 2018 through 2021 to carry out this section.''.

TITLE II—EMERGENCY PORT OF ENTRY PERSONNEL AND INFRASTRUCTURE FUNDING

SEC. 201. PORTS OF ENTRY INFRASTRUCTURE.

(a) ADDITIONAL PORTS OF ENTRY.—

(1) AUTHORITY.—The Secretary of Homeland Security may construct new ports of entry along the northern border and the southern border and determine the location of any such new ports of entry.

(2) CONSULTATION.—

(A) REQUIREMENT TO CONSULT.—The Secretary of Homeland Security shall consult with the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, the Administrator of General Services, and appropriate representatives of State and local governments, and Indian tribes, and property owners in the United States prior to selecting a location for any new port constructed pursuant to paragraph (1).

(B) CONSIDERATIONS.—The purpose of the consultations required by subparagraph (A) shall be to minimize any negative impacts of such a new port on the environment, culture, commerce, and quality of life of the communities and residents located near such new port.

(b) EXPANSION AND MODERNIZATION OF HIGH-PRIORITY BORDER PORTS OF ENTRY.—Not later than September 30, 2021, the Secretary of Homeland Security shall modernize the top 10 high-priority ports of entry.

(c) PORT OF ENTRY PRIORITIZATION.—Prior to constructing any new ports of entry pursuant to subsection (a), the Secretary shall complete the expansion and modernization of ports of entry pursuant to subsection (b) to the extent practicable.

(d) NOTIFICATION.—

(1) NEW PORTS OF ENTRY.—Not later than 15 days after determining the location of any new port of entry for construction pursuant to subsection (a), the Secretary of Homeland Security shall submit a report containing the location of the new port of entry, a description of the need for and anticipated benefits of the new port of entry, a description of the consultations undertaken by the Secretary, any actions that will be taken to minimize negative impacts of the new port, and the anticipated timeline for construction and completion of the new port of entry to—

(A) the members of Congress that represent the State or congressional district in which the new port of entry will be located;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committee on Finance of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on Ways and Means of the House of Representatives; and

(G) the Committee on the Judiciary of the House of Representatives.

(2) TOP TEN HIGH-VOLUME PORTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall notify the congressional committees listed under paragraph (1) of—

(A) the top 10 high-volume ports of entry on the southern border referred to in subsection (b); and

(B) the Secretary's plan for expanding the primary and secondary inspection lanes at each such port of entry.

SEC. 202. SECURE COMMUNICATIONS.

(a) IN GENERAL.—The Secretary shall ensure that each U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement officer or agent, if appropriate, is equipped with a secure two-way communication device, supported by system interoperability and LTE network capability, that allows each such officer to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(b) LAND BORDER AGENTS AND OFFICERS.—The Secretary shall ensure that each U.S. Customs and Border Protection agent or officer assigned or required to patrol on foot, by horseback, or with a canine unit, in remote mission critical locations, including but not limited to the Rio Grand Valley and Big Bend, and at border checkpoints, has a multi-band, encrypted portable radio with military-grade high frequency capability to allow for beyond line-of-sight communications.

SEC. 203. BORDER SECURITY DEPLOYMENT PROGRAM.

(a) EXPANSION.—Not later than September 30, 2021, the Secretary shall fully implement the Border Security Deployment Program of the U.S. Customs and Border Protection and expand the integrated surveillance and intrusion detection system at land ports of entry along the southern border and the northern border.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $33,000,000 for fiscal year 2018 to carry out subsection (a).

SEC. 204. PILOT AND UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.

(a) UPGRADE.—Not later than one year after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall upgrade all existing license plate readers on the northern border and the southern borders on incoming and outgoing vehicle lanes.

(b) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall conduct a one-month pilot on the southern border using license plate readers for one to two cargo lanes at the top three high-volume land ports of entry or checkpoints to determine their effectiveness in reducing cross-border wait times for commercial traffic and tractor-trailers.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Finance of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Ways and Means of the House of Representatives on the results of the pilot program under subsection (b); and

(2) make recommendations to such committees for implementing such technology on the southern border.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $125,000,000 for fiscal year 2018 to carry out this section.

SEC. 205. BIOMETRIC TECHNOLOGY.

(a) BIOMETRIC STORAGE.—The Secretary shall create a system or upgrade an existing system (if a Department of Homeland Security system already has capability and capacity for storage) to allow for storage of iris scans and voice prints of aliens that can be used by the Department of Homeland Security, other Federal agencies, and State and local law enforcement for identification, remote authentication, and verification of aliens. The Secretary shall ensure, to the extent possible, that the system for storage of iris scans and voice prints is compatible with existing State and local law enforcement systems that are used for collection and storage of iris scans or voice prints for criminal aliens.

(b) PILOT PROGRAM.—Not later than 120 days after the date of enactment of this Act, U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services shall conduct a six-month pilot on the collection and use of iris scans and voice prints for identification, remote authentication, and verification of aliens who are in removal proceedings, detained, or are seeking an immigration benefit.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall report the results of the pilot and make recommendations for implementing use of such technology to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated $10,000,000 for fiscal year 2018 to carry out this section.

SEC. 206. BIOMETRIC EXIT DATA SYSTEM.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 211 et seq.) is amended by adding at the end the following new section:

"SEC. 418. BIOMETRIC ENTRY-EXIT.".

''(a) ESTABLISHMENT.—The Secretary shall—

''(1) not later than 180 days after the date of the enactment of the Building America's Trust Act, submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives an implementation plan to establish a biometric exit data system to complete the integrated biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including—

''(A) an integrated master schedule and cost estimate, including requirements and design, development, operational, and maintenance costs, of such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(B) cost-effective staffing and personnel requirements of such a system that leverages existing resources of the Department that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(C) a consideration of training programs necessary to establish such a system that takes into account prior reports on such matters issued by the Government Accountability Office and the Department;

''(D) a consideration of how such a system will affect wait times that takes into account prior reports on such matter issued by the Government Accountability Office and the Department;

''(E) information received after consultation with private sector stakeholders, including the—

''(i) trucking industry;

''(ii) airport industry;

''(iii) airline industry;

''(iv) seaport industry;

''(v) travel industry; and

''(vi) biometric technology industry;

''(F) a consideration of how trusted traveler programs in existence as of the date of the enactment of this Act may be impacted by, or incorporated into, such a system;

''(G) defined metrics of success and milestones;

''(H) identified risks and mitigation strategies to address such risks; and

''(I) a consideration of how other countries have implemented a biometric exit data system; and

''(2) not later than two years after the date of the enactment of the Building America's Trust Act, establish a biometric exit data system at—

''(A) the 15 United States airports that support the highest volume of international air travel, as determined by available Federal flight data;

''(B) the 15 United States seaports that support the highest volume of international sea travel, as determined by available Federal travel data; and

''(C) the 15 United States land ports of entry that support the highest volume of vehicle, pedestrian, and cargo crossings, as determined by available Federal border crossing data.

''(b) IMPLEMENTATION.—

''(1) PILOT PROGRAM AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—Not later than 18 months after the date of the enactment of the Building America's Trust Act, the Secretary, in collaboration with industry stakeholders, shall establish a six-month pilot program to test the biometric exit data system referred to in subsection (a)(2) on nonpedestrian outbound traffic at not fewer than three land ports of entry with significant cross-border traffic, including at not fewer than two land ports of entry on the southern land border and at least one land port of entry on the northern land border. Such pilot program may include a consideration of more than one biometric mode, and shall be implemented to determine the following:

''(A) How a nationwide implementation of such biometric exit data system at land ports of entry shall be carried out.

''(B) The infrastructure required to carry out subparagraph (A).

''(C) The effects of such pilot program on legitimate travel and trade.

''(D) The effects of such pilot program on wait times, including processing times, for such non-pedestrian traffic.

''(E) Its effectiveness in combating terrorism.

''(F) Its effectiveness in identifying visa holders who violate the terms of their visas.

''(2) AT LAND PORTS OF ENTRY FOR NON-PEDESTRIAN OUTBOUND TRAFFIC.—

''(A) IN GENERAL.—Not later than five years after the date of the enactment of the Building America's Trust Act, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of nonpedestrian outbound traffic.

''(B) EXTENSION.—The Secretary may extend for a single two-year period the date

specified in subparagraph (A) if the Secretary certifies to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that the 15 land ports of entry that support the highest volume of passenger vehicles, as determined by available Federal data, do not have the physical infrastructure or characteristics to install the systems necessary to implement a biometric exit data system.

''(3) AT AIR AND SEA PORTS OF ENTRY.—Not later than five years after the date of the enactment of the Building America's Trust Act, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all air and sea ports of entry.

''(4) AT LAND PORTS OF ENTRY FOR PEDESTRIANS.—Not later than five years after the date of the enactment of the Building America's Trust Act, the Secretary shall expand the biometric exit data system referred to in subsection (a)(2) to all land ports of entry, and such system shall apply only in the case of pedestrians.

''(c) EFFECTS ON AIR, SEA, AND LAND TRANSPORTATION.—The Secretary, in consultation with appropriate private sector stakeholders, shall ensure that the collection of biometric data under this section causes the least possible disruption to the movement of people or cargo in air, sea, or land transportation, while fulfilling the goals of improving counterterrorism efforts and identifying visa holders who violate the terms of their visas.

''(d) TERMINATION OF PROCEEDING.—Notwithstanding any other provision of law, the Secretary shall, on the date of the enactment of the Building America's Trust Act, terminate the proceeding entitled 'Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure; United States Visitor and Immigrant Status Indicator Technology Program (''US-VISIT'')', issued on April 24, 2008 (73 Fed. Reg. 22065).

''(e) DATA-MATCHING.—The biometric exit data system established under this section shall—

''(1) match biometric information for an alien who is departing the United States against the biometric information obtained for the alien upon entry to the United States;

''(2) leverage the infrastructure and databases of the current biometric entry and exit system established pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b) for the purpose described in paragraph (1); and

''(3) be interoperable with, and allow matching against, other Federal databases that store biometrics of known or suspected terrorists and visa holders who have violated the terms of their visas.

''(f) SCOPE.—

''(1) IN GENERAL.—The biometric exit data system established under this section shall include a requirement for the collection of biometric exit data for all categories of individuals who are required to provide biometric entry data.

''(2) EXCEPTION FOR CERTAIN OTHER INDIVIDUALS.—This section shall not apply to individuals who exit and then reenter the United States on a passenger vessel (as such term is defined in section 2101 of title 46, United States Code) if the itinerary of such vessel originates and terminates in the United States.

''(3) EXCEPTION FOR LAND PORTS OF ENTRY.—This section shall not apply to a United States citizen or a Canadian citizen who exits the United States through a land port of entry.

''(g) COLLECTION OF DATA.—The Secretary may not require any non-Federal person to collect biometric data pursuant to the biometric exit data system established under this section, except through a contractual agreement.

''(h) MULTI-MODAL COLLECTION.—In carrying out subsections (a)(1) and (b), the Secretary shall make every effort to collect biometric data using multiple modes of biometrics.

''(i) FACILITIES.—All non-federally owned facilities where the biometric exit data system established under this section is implemented shall provide and maintain space for Federal use that is adequate to support biometric data collection and other inspection-related activity. Such space shall be provided and maintained at no cost to the Government.

''(j) NORTHERN LAND BORDER.—In the case of the northern land border, the requirements under subsection (a)(2)(C), (b)(2)(A), and (b)(4) may be achieved through the sharing of biometric data provided to U.S. Customs and Border Protection by the Canadian Border Services Agency pursuant to the 2011 Beyond the Border agreement.

''(k) CONGRESSIONAL REVIEW.—Not later than 90 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives reports and recommendations of the Science and Technology Directorate's Air Entry and Exit Re-Engineering Program of the Department and the U.S. Customs and Border Protection entry and exit mobility program demonstrations.''.

SEC. 207. SENSE OF CONGRESS ON COOPERATION BETWEEN AGENCIES.

(a) FINDING.—Congress finds that personnel constraints exist at land ports of entry with regard to sanitary and phytosanitary inspections for exported goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in the best interest of cross-border trade and the agricultural community—

(1) any lack of certified personnel for inspection purposes at ports of entry should be addressed by seeking cooperation between agencies and departments of the United States, whether in the form of a memorandum of understanding or through a certification process, whereby additional existing agents are authorized for additional hours to facilitate the crossing and trade of perishable goods in a manner consistent with rules of the Department of Agriculture; and

(2) cross designation should be available for personnel who will assist more than one agency or department at land ports of entry to facilitate increased trade and commerce.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

In addition to any amounts otherwise authorized to be appropriated, there is authorized to be appropriated $1,000,000,000 for each of the fiscal years 2018 through 2021 to carry out this title.

TITLE III—DOMESTIC SECURITY AND INTERIOR ENFORCEMENT

Subtitle A—General Matters

SEC. 301. ENDING CATCH AND RELEASE FOR REPEAT IMMIGRATION VIOLATORS AND CRIMINALS ALIENS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by striking the section heading and subsections (a) through (c) and inserting the following:

''SEC. 236. APPREHENSION AND DETENTION OF ALIENS.

''(a) ARREST, DETENTION, AND RELEASE.—

''(1) IN GENERAL.—The Secretary, on a warrant issued by the Secretary, may arrest an alien and detain the alien pending a decision on whether the alien is to be removed from the United States up until the alien has an administratively final order of removal. Except as provided in subsection (c) and pending such decision, the Secretary—

''(A) may—

''(i) continue to detain the arrested alien;

''(ii) release the alien on bond of at least $5,000, with security approved by, and containing conditions prescribed by, the Secretary; or

''(iii) release the alien on his or her own recognizance, subject to appropriate conditions set forth by the Secretary of Homeland Security, if the Secretary of Homeland Security determines that the alien will not pose a danger to the safety of other persons or of property and is likely to appear for any scheduled proceeding; and

''(B) may not provide the alien with work authorization (including an 'employment authorized' endorsement or other appropriate work permit) or advance parole to travel outside of the United States, unless the alien is lawfully admitted for permanent residence or otherwise would (without regard to removal proceedings) be provided such authorization.

''(b) REVOCATION OF BOND OR PAROLE.—The Secretary at any time may revoke bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.

''(c) MANDATORY DETENTION OF CRIMINAL ALIENS.—

''(1) CRIMINAL ALIENS.—The Secretary shall take into custody and continue to detain any alien who—

''(A)(i) has not been admitted or paroled into the United States; and

''(ii) was apprehended anywhere within 100 miles of the international border of the United States;

''(B) is admissible by reason of having committed any offense covered in section 212(a)(2);

''(C) is deportable by reason of having committed any offense covered in section 237(a)(2);

''(D) is convicted for an offense under section 275(a);

''(E) is convicted for an offense under section 276;

''(F) is convicted for any criminal offense; or

''(G) is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B),

when the alien is released, without regard to whether the alien is released on parole, supervised release, and without regard to whether the alien may be arrested or imprisoned again for the same offense.

''(2) RELEASE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may release an alien described in paragraph (1) only if the Secretary decides pursuant to section 3251 of title 18, United States Code, and in accordance with a procedure that considers the severity of the offense committed by the alien, that—

''(i) release of the alien from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and

''(ii) the alien satisfies the Secretary that the alien is not a flight risk, poses no danger to the safety of other persons or of property, is not a threat to national security or public

safety, and is likely to appear at any scheduled proceeding.

''(B) ARRESTED, BUT NOT CONVICTED, ALIENS.—

''(i) RELEASE FOR PROCEEDINGS.—The Secretary of Homeland Security may release any alien held pursuant to paragraph (1) to the appropriate authority for any proceedings subsequent to the arrest.

''(ii) RESUMPTION OF CUSTODY.—If an alien is released under clause (i), the Secretary shall—

''(I) resume custody of the alien during any period pending the final disposition of any such proceedings that the alien is not in the custody of such appropriate authority; and

''(II) if the alien is not convicted of the offense for which the alien was arrested, the Secretary shall continue to detain the alien until removal proceedings are completed.''.

SEC. 302. DETERRING VISA OVERSTAYS.

(a) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by striking the section heading and all that follows through subsection (a)(1) and inserting the following:

''SEC. 214. ADMISSION OF NONIMMIGRANTS.

''(a) IN GENERAL.—

''(1) TERMS AND CONDITIONS OF ADMISSION.—

''(A) REGULATIONS.—Subject to subparagraphs (B) and (C), the admission to the United States of any alien as a nonimmigrant may be for such time and under such conditions as the Secretary of Homeland Security may by regulations prescribe, including when the Secretary deems necessary the giving of a bond with sufficient surety in such sum and containing such conditions as the Secretary shall prescribe, to insure that at the expiration of such time or upon failure to maintain the status under which the alien was admitted, or to maintain any status subsequently acquired under section 248, such alien will depart from the United States.

''(B) GUAM OR CNMI VISA WAIVER NONIMMIGRANTS.—No alien admitted to Guam or the Commonwealth of the Northern Mariana Islands without a visa pursuant to section 212(l) may be authorized to enter or stay in the United States other than in Guam or the Commonwealth of the Northern Mariana Islands or to remain in Guam or the Commonwealth of the Northern Mariana Islands for a period exceeding 45 days from the date of admission to Guam or the Commonwealth of the Northern Mariana Islands.

''(C) VISA WAIVER PROGRAM NONIMMIGRANTS.—No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.

''(D) BAR TO IMMIGRATION BENEFITS AND TO CONTESTING REMOVAL.—

''(i) IN GENERAL.—Subject to clause (ii), except for an alien admitted as a nonimmigrant under subparagraph (A) or (G) of section 101(a)(15) or a NATO nonimmigrant, any alien who remains in the United States beyond the period of stay authorized by the Secretary of Homeland Security, without good cause as determined by the Secretary of Homeland Security, in the Secretary's discretion, is ineligible for all immigration benefits or relief available under the immigration laws, other than a request for asylum, withholding of removal under section 241(b)(3), or relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

''(ii) EXCEPTION.—The Secretary may, in the Secretary's sole and unreviewable discretion, find that a nonimmigrant is not subject to clause (i) if—

''(I) the alien was lawfully admitted to the United States as a nonimmigrant;

''(II) the alien filed a nonfrivolous application for change of status to another nonimmigrant category or extension of stay before the date of expiration of the alien's authorized period of stay as a nonimmigrant;

''(III) the alien has not been employed without authorization in the United States, before, or during pendency of the application;

''(IV) the alien has not otherwise violated the terms of the alien's nonimmigrant status; and

''(V) the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien is not a threat to national security or public safety.

''(iii) GOOD CAUSE DEFINED.—In clause (i), the term 'good cause' means exigent humanitarian circumstances, such as medical emergencies or force majeure.''.

(b) ISSUANCE OF NONIMMIGRANT VISAS.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

''(3) NOTIFICATION OF BARS.—The Secretary of State shall ensure that every application for a nonimmigrant visa includes a statement, to be executed under penalty of perjury, notifying the alien who is seeking a nonimmigrant visa of the bars to immigration relief and to contesting removal under section 214(a)(1)(D) if the alien fails to depart the United States at the end of the alien's authorized period of stay.''.

(c) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—Section 217(b) of the Immigration and Nationality Act (8 U.S.C. 1187(b)) is amended to read as follows:

''(b) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the program unless the alien has—

''(1) signed, under penalty of perjury, an acknowledgement confirming that the alien was notified and understands that he or she will be ineligible for any form of relief or immigration benefit under the Act or any other immigration laws, other than a request for asylum, withholding of removal under section 241(b)(3), or relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984, if the alien fails to depart the United States at the end of the 90-day period for admission;

''(2) waived any right to review or appeal under this Act of an immigration officer's determination as to the a admissibility of the alien at the port of entry into the United States, and

''(3) waived any right to contest, other than on the basis of an application for asylum, any action for removal of the alien.''.

SEC. 303. INCREASE IN IMMIGRATION DETENTION CAPACITY.

Not later than September 30, 2018, and subject to the availability of appropriations, the Secretary of Homeland Security shall increase the immigration detention capacity to a daily immigration detention capacity of not less than 48,879 detention beds.

SEC. 304. COLLECTION OF DNA FROM CRIMINAL AND DETAINED ALIENS.

(a) IN GENERAL.—Section 3(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)) is amended by adding at the end the following:

''(C) The Secretary of Homeland Security shall collect DNA samples from any alien, as defined under section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), who—

''(i) has been detained pursuant to section 235(b)(1)(B)(iii)(IV), 236, 236A, or 238 of that Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV), 1226, 1226a, 1228); or

''(ii) is the subject of a final order of removal under section 240 of that Act (8 U.S.C. 1229a) based on inadmissibility under section 212(a)(2) of that Act (8 U.S.C. 1182(a)(2)) or being subject to removal under section 237(a)(2) of that Act (8 U.S.C. 1227(a)(2)).''.

(b) FURNISHING OF DNA SAMPLES FROM CRIMINAL AND DETAINED ALIENS.—Section 3(b) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(b)) is amended by striking ''or the probation office responsible (as applicable)'' and inserting ''the probation office responsible, or the Secretary of Homeland Security''.

SEC. 305. COLLECTION, USE, AND STORAGE OF BIOMETRIC DATA.

(a) COLLECTION AND USE OF BIOMETRIC INFORMATION FOR IMMIGRATION PURPOSES.—

(1) COLLECTION.—The Secretary of Homeland Security may require any individual filing an application, petition, or other request for immigration benefit or status with the Department of Homeland Security or seeking an immigration benefit, immigration employment authorization, identity, or travel document, or requesting relief under any provision of the immigration laws to submit biometric information (including but not limited to fingerprints, photograph, signature, voice print, iris, or DNA) to the Secretary.

(2) USE.—The Secretary may use any biometric information submitted under paragraph (1) to conduct background and security checks, verify an individual's identity, adjudicate, revoke, or terminate immigration benefits or status, and perform other functions related to administering and enforcing the immigration laws.

(b) BIOMETRIC AND BIOGRAPHIC INFORMATION SHARING.—

(1) BIOMETRIC AND BIOGRAPHIC INFORMATION SHARING WITH DEPARTMENT OF DEFENSE AND FEDERAL BUREAU OF INVESTIGATION.—The Secretary of Homeland Security, the Secretary of Defense, and the Director of the Federal Bureau of Investigation—

(A) shall exchange appropriate biometric and biographic information to determine or confirm the identity of an individual and to assess whether the individual is a threat to national security or public safety; and

(B) may use information exchanged pursuant to subparagraph (A) to compare biometric and biographic information contained in applicable systems of the Department of Homeland Security, the Department of Defense, or the Federal Bureau of Investigation to determine if there is a match between such information and, if there is a match, to relay such information to the requesting agency.

(2) USE OF BIOMETRIC DATA BY THE DEPARTMENT OF STATE.—The Secretary of State shall use biometric information from applicable systems of the Department of Homeland Security, of the Department of Defense, and of the Federal Bureau of Investigation to track individuals who are—

(A)(i) known or suspected terrorists; or

(ii) identified as a potential threat to national security; and

(B) using an alias while traveling.

(3) REPORT ON BIOMETRIC INFORMATION SHARING WITH MEXICO AND OTHER COUNTRIES FOR IDENTITY VERIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall submit a joint report on the status of efforts to engage with the Government of Mexico and the governments of other appropriate foreign countries located in Central America or South American—

(A) to discuss coordination on biometric information sharing between the United States and such countries; and

(B) to enter into bilateral agreements that provide for the sharing of such biometric information with the Department of State, the Department of Defense, the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security to use in identifying individuals who are known or suspected terrorists or potential threats to national security and verifying entry and exit of individuals to and from the United States.

(c) CONSTRUCTION.—The collection of biometric information under paragraph (1) shall not limit the Secretary of Homeland Security's authority to collect biometric information from any individual arriving to or departing from the United States.

SEC. 306. PILOT PROGRAM FOR ELECTRONIC FIELD PROCESSING.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a pilot program in at least 5 of the 10 U.S. Immigration and Customs Enforcement field offices or regions with the largest removal caseloads to allow U.S. Immigration and Customs Enforcement officers to use handheld or vehicle-mounted computers to electronically—

(1) process and serve charging documents, including notices to appear, while in the field;

(2) process and place detainers while in the field;

(3) collect biometric data for the purpose of identifying an alien and establishing both immigration status and criminal history while in the field;

(4) enter any required data, including personal information about the alien subject and the reason for issuing the document;

(5) apply the electronic signature of the issuing ICE officer or agent;

(6) apply or capture the electronic signature of the alien on any charging document or notice, including any electronic signature captured to acknowledge service of such documents or notices;

(7) set the date the alien is required to appear before an immigration judge, in the case of notices to appear;

(8) print any documents the alien subject may be required to sign, along with additional copies of documents to be served on the alien; and

(9) interface with the ENFORCE database so that all data is collected, stored, and retrievable in real-time.

(b) CONSTRUCTION.—The pilot program described in subsection (a) shall be designed to replace, to the extent possible, the current paperwork and data-entry process used for issuing such charging documents and detainers.

(c) DEADLINE.—The Secretary shall initiate the pilot program described in subsection (a) not later than 6 months after the date of the enactment of this Act.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives on the results of the pilot program; and

(2) provide recommendations to such committees for implementing use of such technology nationwide.

SEC. 307. ENDING ABUSE OF PAROLE AUTHORITY.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5) PAROLE AUTHORITY.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) or section 214(f), the Secretary of Homeland Security, in the Secretary's discretion, may parole into the United States temporarily, under such conditions as the Secretary may prescribe, including requiring the posting of a bond, and only on a case-by-case basis for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the United States.

''(B) PAROLE NOT AN ADMISSION.—In accordance with section 101(a)(13)(B), parole of an alien under subparagraph (A) shall not be regarded as an admission of the alien to the United States.

''(C) PROHIBITED USES OF PAROLE AUTHORITY.—

''(i) IN GENERAL.—The Secretary may not use the authority under subparagraph (A) to parole in generalized categories of aliens or classes of aliens based solely on nationality, presence, or residence in the United States, family relationships, or any other criteria that would cover a broad group of foreign nationals either inside or outside of the United States.

''(ii) ALIENS WHO ARE NATIONAL SECURITY OR PUBLIC SAFETY THREATS.—

''(I) PROHIBITION ON PAROLE.—The Secretary of Homeland Security shall not parole in any alien who the Secretary, in the Secretary's sole and unreviewable discretion, determines is a threat to national security or public safety, except in extreme exigent circumstances.

''(II) EXTREME EXIGENT CIRCUMSTANCES DEFINED.—In subclause (I), the term 'extreme exigent circumstances' means circumstances under which—

''(aa) the failure to parole the alien would result in the immediate significant risk of loss of life or bodily function due to a medical emergency;

''(bb) the failure to parole the alien would conflict with medical advice as to the health or safety of the individual, detention facility staff, or other detainees; or

''(cc) there is an urgent need for the alien's presence for a law enforcement purpose, including for a prosecution or securing the alien's presence to appear as a material witness, or a national security purpose.

''(D) TERMINATION OF PAROLE.—The Secretary of Homeland Security shall determine when the purpose of parole of an alien has been served and, upon such determination—

''(i) the alien's case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States; and

''(ii) if the alien was previously detained, the alien shall be returned to the custody from which the alien was paroled.

''(E) LIMITATIONS ON USE OF ADVANCE PAROLE.—

''(i) ADVANCE PAROLE DEFINED.—In this subparagraph, the term 'advance parole' means advance approval for an alien applying for admission to the United States to request at a port of entry in the United States, a pre-inspection station, or a designated field office of the Department of Homeland Security, to be paroled into the United States under subparagraph (A).

''(ii) APPROVAL AND REVOCATION OF ADVANCE PAROLE.—The Secretary of Homeland Security may, in the Secretary's discretion, grant an application for advance parole. Approval of an application for advance parole shall not constitute a grant of parole under subparagraph (A). A grant of parole into the United States based on an approved application for advance parole shall not be considered a parole for purposes of qualifying for adjustment of status to lawful permanent resident status in the United States under section 245 or 245A.

''(iii) REVOCATION OF ADVANCE PAROLE.—The Secretary may, in the Secretary's discretion, revoke a grant of advance parole to an alien at any time, regardless of whether the alien is inside or outside the United States. Such revocation shall not be subject to administrative appeal or judicial review.''.

SEC. 308. STOP DANGEROUS SANCTUARY CITIES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Stop Dangerous Sanctuary Cities Act''.

(b) ENSURING THAT LOCAL AND FEDERAL LAW ENFORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD OUR COMMUNITIES.—

(1) AUTHORITY TO COOPERATE WITH FEDERAL OFFICIALS.—A State, a political subdivision of a State, or an officer, employee, or agent of such State or political subdivision that complies with a detainer issued by the Department under sections 236, 241, or section 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, or 1357)—

(A) shall be deemed to be acting as an agent of the Department; and

(B) with regard to actions taken to comply with the detainer, shall have all authority available to officers and employees of the Department.

(2) LEGAL PROCEEDINGS.—In any legal proceeding brought against a State, a political subdivision of State, or an officer, employee, or agent of such State or political subdivision, which challenges the legality of the seizure or detention of an individual pursuant to a detainer issued by the Department under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1357)—

(A) no liability for false arrest or imprisonment shall lie against the State or political subdivision of a State for actions taken in compliance with the detainer, which includes maintaining custody of the alien in accordance with the instructions on the detainer form and notifying the Department prior to the alien's release from custody; and

(B) if the actions of the officer, employee, or agent of the State or political subdivision were taken in compliance with the detainer—

(i) the officer, employee, or agent shall be deemed—

(I) to be an employee of the Federal Government and an investigative or law enforcement officer; and

(II) to have been acting within the scope of his or her employment under section 1346(b) and chapter 171 of title 28, United States Code;

(ii) section 1346(b) of title 28, United States Code, shall provide the exclusive remedy for the plaintiff; and

(iii) the United States shall be substituted as defendant in the proceeding.

(c) SANCTUARY JURISDICTION DEFINED.—

(1) IN GENERAL.—Except as provided under subsection (2), for purposes of this section, the term ''sanctuary jurisdiction'' means any State or political subdivision of a State that has in effect a statute, ordinance, policy, or practice that prohibits or restricts any government entity or official from—

(A) sending, receiving, maintaining, or exchanging with any Federal, State, or local government entity information regarding the citizenship or immigration status (lawful or unlawful) of any individual; or

(B) complying with a request lawfully made by the Department under section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1357) to comply with a detainer for, or notify about the release of, an individual.

(2) EXCEPTION.—A State or political subdivision of a State shall not be deemed a sanctuary jurisdiction based solely on its having a policy whereby its officials will not share information regarding, or comply with a request made by the Department under

section 236 or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1357) to comply with a detainer regarding, an individual who comes forward as a victim or a witness to a criminal offense.

(d) SANCTUARY JURISDICTIONS INELIGIBLE FOR CERTAIN FEDERAL FUNDS.—

(1) ECONOMIC DEVELOPMENT ADMINISTRATION GRANTS.—

(A) GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.—Section 201(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)) is amended—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) the area in which the project is to be carried out is not a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(B) GRANTS FOR PLANNING AND ADMINISTRATIVE EXPENSES.—Section 203(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143(a)) is amended by adding at the end the following: ''A sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act) may not be deemed an eligible recipient under this subsection.''.

(C) SUPPLEMENTARY GRANTS.—Section 205(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3145(a)) is amended—

(i) in paragraph (2), by striking ''and'' at the end;

(ii) in paragraph (3)(B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) will be carried out in an area that does not contain a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(D) GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.—Section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147) is amended by adding at the end the following:

''(c) INELIGIBILITY OF SANCTUARY JURISDICTIONS.—Grant funds under this section may not be used to provide assistance to a sanctuary jurisdiction (as defined in subsection (c) of the Stop Dangerous Sanctuary Cities Act).''.

(2) COMMUNITY DEVELOPMENT BLOCK GRANTS.—

(A) DEFINITIONS.—Section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)) is amended by adding at the end the following:

''(25) The term 'sanctuary jurisdiction' has the meaning given that term in subsection (c) of the Stop Dangerous Sanctuary Cities Act.''.

(B) ELIGIBLE GRANTEES.—

(i) IN GENERAL.—Section 104(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(b)) is amended—

(I) in paragraph (5), by striking ''and'' at the end;

(II) by redesignating paragraph (6) as paragraph (7); and

(III) by inserting after paragraph (5) the following:

''(6) the grantee is not a sanctuary jurisdiction and will not become a sanctuary jurisdiction during the period for which the grantee receives a grant under this title; and''.

(ii) PROTECTION OF INDIVIDUALS AGAINST CRIME.—Section 104 of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) is amended by adding at the end the following:

''(n) PROTECTION OF INDIVIDUALS AGAINST CRIME.—

''(1) IN GENERAL.—No funds authorized to be appropriated to carry out this title may be obligated or expended for any State or unit of general local government that is a sanctuary jurisdiction.

''(2) RETURNED AMOUNTS.—

''(A) STATE.—If a State is a sanctuary jurisdiction during the period for which it receives amounts under this title, the Secretary—

''(i) shall direct the State to immediately return to the Secretary any such amounts that the State received for that period; and

''(ii) shall reallocate amounts returned under clause (i) for grants under this title to other States that are not sanctuary jurisdictions.

''(B) UNIT OF GENERAL LOCAL GOVERNMENT.—If a unit of general local government is a sanctuary jurisdiction during the period for which it receives amounts under this title, any such amounts that the unit of general local government received for that period—

''(i) in the case of a unit of general local government that is not in a nonentitlement area, shall be returned to the Secretary for grants under this title to States and other units of general local government that are not sanctuary jurisdictions; and

''(ii) in the case of a unit of general local government that is in a nonentitlement area, shall be returned to the Governor of the State for grants under this title to other units of general local government in the State that are not sanctuary jurisdictions.

''(C) REALLOCATION RULES.—In reallocating amounts under subparagraphs (A) and (B), the Secretary—

''(i) shall apply the relevant allocation formula under subsection (b), with all sanctuary jurisdictions excluded; and

''(ii) shall not be subject to the rules for reallocation under subsection (c).''.

SEC. 309. REINSTATEMENT OF THE SECURE COMMUNITIES PROGRAM.

(a) REINSTATEMENT.—The Secretary shall reinstate and operate the Secure Communities program immigration enforcement program administered by U.S. Immigration and Customs Enforcement between 2008 and 2014.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $150,000,000 to carry out this section.

SEC. 310. PREVENTION AND DETERRENCE OF FRAUD IN OBTAINING RELIEF FROM REMOVAL.

(a) RESTRICTION ON WAIVER OF INADMISSIBILITY OF CRIMINAL GROUNDS WHEN QUALIFYING RELATIVES BENEFITTED FROM FRAUD.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III); and

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii);

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) by striking ''The Attorney General may, in his discretion'' and inserting ''(1) The Secretary of Homeland Security may, in the Secretary's discretion''; and

(4) in the undesignated matter following paragraph (1)(B), as redesignated, by striking ''No waiver'' and inserting the following:

''(2) No waiver shall be available under this subsection if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver. No waiver''.

(b) RESTRICTION ON WAIVER OF INADMISSIBILITY OF FRAUD GROUNDS WHEN QUALIFYING RELATIVES BENEFITTED FROM FRAUD.—Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by adding at the end the following: ''No waiver shall be available under this subsection if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver.''.

(c) RESTRICTION ON WAIVER OF DEPORTABILITY OF FRAUD GROUNDS WHEN QUALIFYING RELATIVES BENEFITTED FROM FRAUD.—Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended—

(1) in clause (i), by redesignating subclauses (I) and (II) as items (aa) and (bb);

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(3) by inserting ''(i)'' before ''The provisions''; and

(4) by striking ''A waiver'' and inserting the following:

''(ii) No waiver shall be available under this subparagraph if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver. A waiver''.

(e) RESTRICTION ON CANCELLATION OF REMOVAL WHEN QUALIFYING RELATIVES BENEFITTED FROM FRAUD.—Section 240A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by inserting ''(A)'' before ''The Attorney General''; and

(3) by adding at the end the following:

''(B) No cancellation shall be available under this paragraph if a preponderance of the evidence shows that the spouse, parent, son, or daughter procured, or sought to procure, any immigration status under this title based on fraud or material misrepresentation by the alien seeking the waiver.''.

(e) APPLICABILITY.—The amendments made by this section shall apply to all applications for waivers or cancellation of removal submitted before, on, or after the date of enactment of this Act.

Subtitle B—Protecting Children and America's Homeland Act of 2017

SEC. 320. SHORT TITLE.

This subtitle may be cited as the ''Protecting Children and America's Homeland Act of 2017''.

SEC. 321. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

Section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)) is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(B) in subparagraph (A), in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B)'' and inserting ''shall be treated in accordance with subparagraph (B) of this paragraph or subsection (b), as appropriate''; and

(C) in subparagraph (C)—

(i) by striking the subparagraph heading and inserting ''AGREEMENTS WITH FOREIGN COUNTRIES.—''; and

(ii) in the matter preceding clause (i), by striking ''countries contiguous to the United States'' and inserting ''Canada, El Salvador, Guatemala, Honduras, Mexico, and any other foreign country that the Secretary determines appropriate'';

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(3) inserting after paragraph (2) the following:

''(3) MANDATORY EXPEDITED REMOVAL OF CRIMINALS AND GANG MEMBERS.—Notwithstanding any other provision of law, including section 235(a) of the William Wilberforce Trafficking Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)), the Secretary of Homeland Security shall place an unaccompanied alien child in a proceeding in accordance with section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) if, the Secretary determines or has reason to believe the alien—

''(A) has been convicted of, or found to be a juvenile offender based on, any offense carrying a maximum term of imprisonment of more than 180 days;

''(B) has been convicted of, or found to be a juvenile offender based on, an offense which involved—

''(i) the use or attempted use of physical force, or threatened use of a deadly weapon;

''(ii) the purchase, sell, offering for sale, exchange, use, owning, possession, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law;

''(iii) child abuse and neglect (as defined in section 40002(a)(3) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(3));

''(iv) assault resulting in bodily injury (as defined in section 2266 of title 18, United States Code);

''(v) the violation of a protection order (as defined in section 2266 of title 18, United States Code);

''(vi) driving while intoxicated or driving under the influence (as those terms are defined in section 164 of title 23, United States Code); or

''(vii) any offense under foreign law, except for a purely political offense, which, if the offense had been committed in the United States, would render the alien inadmissible under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

''(C) has been convicted of, or found to be a juvenile offender based on, more than 1 criminal offense (other than minor traffic offenses);

''(D) has been convicted of, or found to be a juvenile offender based on a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon;

''(E) has engaged in, is engaged in, or is likely to engage after entry, in any terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iii)), or intends to participate or has participated in the activities of a foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

''(F) has engaged in, is engaged in, or any time after a prior admission engages in activity described in section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4));

''(G) is or was a member of a criminal gang (as defined in paragraph (53) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(53));

''(H) provided materially false, fictitious, or fraudulent information regarding age or identity to the United States Government with the intent to be inaccurately classified as an unaccompanied alien child; or

''(I) has entered the United States more than 1 time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), knowing that the entry was unlawful.

''(J) has entered the United States more than 1 time in violation of section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)), knowing that the entry was unlawful.'';

(4) in paragraph (4), as redesignated—

(A) by striking ''not described in paragraph (2)(A)''; and

(B) by inserting ''who choose not to withdraw their application for admission and return to their country of nationality or country of last habitual residence'' after ''port of entry'';

(5) in paragraph (6)(D), as redesignated—

(A) by striking the subparagraph heading and inserting ''EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(B) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to the exceptions under subsection (a)(2), shall be—'' and inserting ''who meets the criteria listed in paragraph (2)(A) and who chooses not to withdraw his or her application for admission and return to the unaccompanied alien child's country of nationality or country of last habitual residence as permitted under section 235B(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1225b(c)(5))—'';

(C) by striking clause (i) and inserting the following:

''(i) shall be placed in a proceeding in accordance with section 235B of the Immigration and Nationality Act (8 U.S.C. 1225b), which shall commence not later than 7 days after the screening of an unaccompanied alien child described in paragraph (5);'';

(D) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(E) by inserting after clause (i) the following:

''(ii) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government until the child is repatriated unless the child—

''(I) is the subject of an order under section 235B(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1225b(e)(1)); and

''(II) is placed or released in accordance with subsection (c)(2)(C) of this section.'';

(F) in clause (iii), as redesignated, by inserting ''is'' before ''eligible''; and

(G) in clause (iv), as redesignated, by inserting ''shall be'' before ''provided''.

SEC. 322. EXPEDITED DUE PROCESS AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

(a) HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 235A the following:

''SEC. 235B. HUMANE AND EXPEDITED INSPECTION AND SCREENING FOR UNACCOMPANIED ALIEN CHILDREN.

''(a) ASYLUM OFFICER DEFINED.—In this section, the term 'asylum officer' means an immigration officer who—

''(1) has had professional training in country conditions, asylum law, and interview techniques comparable to that provided to full-time adjudicators of applications under section 208; and

''(2) is supervised by an officer who—

''(A) meets the condition described in paragraph (1); and

''(B) has had substantial experience adjudicating applications under section 208.

''(b) PROCEEDING.—

''(1) IN GENERAL.—Not later than 7 days after the screening of an unaccompanied alien child under section 235(a)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(5)), an immigration judge shall—

''(A) conduct and conclude a proceeding to inspect, screen, and determine the status of the unaccompanied alien child who is an applicant for admission to the United States; and

''(B) in the case of an unaccompanied alien child seeking asylum, conduct fact finding to determine whether the unaccompanied alien child meets the definition of an unaccompanied alien child under section 235(g) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(g)).

''(2) TIME LIMIT.—Not later than 72 hours after the conclusion of a proceeding with respect to an unaccompanied alien child under this section, the immigration judge who conducted such proceeding shall issue an order pursuant to subsection (e).

''(c) CONDUCT OF PROCEEDING.—

''(1) AUTHORITY OF IMMIGRATION JUDGE.—The immigration judge conducting a proceeding under this section—

''(A) shall administer oaths, receive evidence, and interrogate, examine, and cross-examine the unaccompanied alien child and any witnesses;

''(B) is authorized to sanction by civil money penalty any action (or inaction) in contempt of the judge's proper exercise of authority under this Act; and

''(C) shall determine whether the unaccompanied alien child meets any of the criteria set out in subparagraphs (A) through (I) of paragraph (3) of section 235(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)), and if so, order the alien removed under subsection (e)(2) of this section.

''(2) FORM OF PROCEEDING.—A proceeding under this section may take place—

''(A) in person;

''(B) at a location agreed to by the parties, in the absence of the unaccompanied alien child;

''(C) through video conference; or

''(D) through telephone conference.

''(3) PRESENCE OF ALIEN.—If it is impracticable by reason of the mental incompetency of the unaccompanied alien child for the alien to be present at the proceeding, the Attorney General shall prescribe safeguards to protect the rights and privileges of the alien.

''(4) RIGHTS OF THE ALIEN.—In a proceeding under this section—

''(A) the unaccompanied alien child shall be provided access to counsel in accordance with section 235(c)(5) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(5));

''(B) the alien shall be given a reasonable opportunity—

''(i) to examine the evidence against the alien;

''(ii) to present evidence on the alien's own behalf; and

''(iii) to cross-examine witnesses presented by the Government;

''(C) the rights set forth in subparagraph (B) shall not entitle the alien—

''(i) to examine such national security information as the Government may proffer in opposition to the alien's admission to the United States; or

''(ii) to an application by the alien for discretionary relief under this Act; and

''(D) a complete record shall be kept of all testimony and evidence produced at the proceeding.

''(5) WITHDRAWAL OF APPLICATION FOR ADMISSION.—An unaccompanied alien child applying for admission to the United States may, and at any time prior to the issuance of a final order of removal, be permitted to withdraw the application and immediately be returned to the alien's country of nationality or country of last habitual residence.

''(6) CONSEQUENCES OF FAILURE TO APPEAR.—An unaccompanied alien child who does not attend a proceeding under this section, shall be ordered removed, except under exceptional circumstances where the alien's absence is the fault of the Government, a medical emergency, or an act of nature.

''(d) DECISION AND BURDEN OF PROOF.—

''(1) DECISION.—

''(A) IN GENERAL.—At the conclusion of a proceeding under this section, the immigration judge, notwithstanding section 235(b), shall determine whether an unaccompanied alien child is likely to be—

''(i) admissible to the United States; or

''(ii) eligible for any form of relief from removal under this Act.

''(B) EVIDENCE.—The determination of the immigration judge under subparagraph (A) shall be based only on the evidence produced at the hearing.

''(2) BURDEN OF PROOF.—

''(A) IN GENERAL.—In a proceeding under this section, an unaccompanied alien child who is an applicant for admission has the burden of establishing, by clear and convincing evidence, that the alien—

''(i) is likely to be entitled to be lawfully admitted to the United States or eligible for any form of relief from removal under this Act; or

''(ii) is lawfully present in the United States pursuant to a prior admission.

''(B) ACCESS TO DOCUMENTS.—In meeting the burden of proof under subparagraph (A)(ii), the alien shall be given access to—

''(i) the alien's visa or other entry document, if any; and

''(ii) any other records and documents, not considered by the Attorney General to be confidential, pertaining to the alien's admission or presence in the United States.

''(e) ORDERS.—

''(1) PLACEMENT IN FURTHER PROCEEDINGS.—If an immigration judge determines that the unaccompanied alien child has met the burden of proof under subsection (d)(2), the immigration judge shall—

''(A) order the alien to be placed in further proceedings in accordance with section 240; and

''(B) order the Secretary of Homeland Security to place the alien on the U.S. Immigration and Customs Enforcement detained docket for purposes of carrying out such proceedings.

''(2) ORDERS OF REMOVAL.—If an immigration judge determines that the unaccompanied alien child has not met the burden of proof required under subsection (d)(2), the judge shall order the alien removed from the United States without further hearing or review unless the alien claims—

''(A) an intention to apply for asylum under section 208;

''(B) a fear of persecution; or

''(C) a fear of torture.

''(3) CLAIMS FOR ASYLUM.—If an unaccompanied alien child described in paragraph (2) claims an intention to apply for asylum under section 208 or a fear of persecution, or fear of torture, the immigration judge shall order the alien referred for an interview by an asylum officer under subsection (f).

''(f) ASYLUM INTERVIEWS.—

''(1) CREDIBLE FEAR OF PERSECUTION DEFINED.—In this subsection, the term 'credible fear of persecution' means, after taking into account the credibility of the statements made by an unaccompanied alien child in support of the alien's claim and such other facts as are known to the asylum officer, there is a significant possibility that the alien could establish eligibility for asylum under section 208 or for protection from removal based on Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

''(2) CONDUCT BY ASYLUM OFFICER.—An asylum officer shall conduct the interviews of an unaccompanied alien child referred under subsection (e)(3).

''(3) REFERRAL OF CERTAIN ALIENS.—If the asylum officer determines at the time of the interview that an unaccompanied alien child has a credible fear of persecution or torture, the alien shall be held in the custody of the Secretary for Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) during further consideration of the application for asylum.

''(4) REMOVAL WITHOUT FURTHER REVIEW IF NO CREDIBLE FEAR OF PERSECUTION OR TORTURE.—

''(A) IN GENERAL.—Subject to subparagraph (C), if the asylum officer determines that an unaccompanied alien child does not have a credible fear of persecution or torture, the Secretary shall order the alien removed from the United States without further hearing or review.

''(B) RECORD OF DETERMINATION.—The asylum officer shall prepare a written record of a determination under subparagraph (A), which shall include—

''(i) a summary of the material facts as stated by the alien;

''(ii) such additional facts (if any) relied upon by the asylum officer;

''(iii) the asylum officer's analysis of why, in light of such facts, the alien has not established a credible fear of persecution; and

''(iv) a copy of the asylum officer's interview notes.

''(C) REVIEW OF DETERMINATION.—

''(i) RULEMAKING.—The Attorney General shall establish, by regulation, a process by which an immigration judge will conduct a prompt review, upon the alien's request, of a determination under subparagraph (A) that the alien does not have a credible fear of persecution.

''(ii) MANDATORY COMPONENTS.—The review described in clause (i)—

''(I) shall include an opportunity for the alien to be heard and questioned by the immigration judge, either in person or by telephonic or video connection; and

''(II) shall be concluded as expeditiously as possible, to the maximum extent practicable within 24 hours, but in no case later than 7 days after the date of the determination under subparagraph (A).

''(D) MANDATORY PROTECTIVE CUSTODY.—Any alien subject to the procedures under this paragraph shall be held in the custody of the Secretary of Health and Human Services pursuant to section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b))—

''(i) pending a final determination of an application for asylum under this subsection; and

''(ii) after a determination under this subsection that the alien does not have a credible fear of persecution or torture, until the alien is removed.

''(g) LIMITATION ON ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—Except as provided in subsection (f)(4)(C) and paragraph (2), a removal order entered in accordance with subsection (e)(2) or (f)(4)(A) is not subject to administrative appeal.

''(2) RULEMAKING.—The Attorney General shall establish, by regulation, a process for the prompt review of an order under subsection (e)(2) against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions to have been—

''(A) lawfully admitted for permanent residence;

''(B) admitted as a refugee under section 207; or

''(C) granted asylum under section 208.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 235A the following:

''Sec. 235B. Humane and expedited inspection and screening for unaccompanied alien children.''.

(b) JUDICIAL REVIEW OF ORDERS OF REMOVAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''section 235(b)(1)'' and inserting ''section 235(b)(1) or an order of removal issued to an unaccompanied alien child after proceedings under section 235B)''; and

(B) in paragraph (2)—

(i) by inserting ''or section 235B'' after ''section 235(b)(1)'' each place that term appears; and

(ii) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''235(b)(1).—'' and inserting ''235(b)(1) AND 235B.—''; and

(II) in clause (iii), by striking ''section 235(b)(1)(B),'' and inserting ''section 235(b)(1)(B) or 235B(f);''; and

(2) in subsection (e)—

(A) in the subsection heading, striking ''235(b)(1).—'' and inserting ''235(b)(1) OR 235B.—'';

(B) by inserting ''or section 235B'' after ''section 235(b)(1)'' each place that term appears;

(C) in subparagraph (2)(C), by inserting ''or section 235B(g)'' after ''section 235(b)(1)(C)''; and

(D) in subparagraph (3)(A), by inserting ''or section 235B'' after ''section 235(b)''.

SEC. 323. CHILD WELFARE AND LAW ENFORCEMENT INFORMATION SHARING.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)) is amended by adding at the end the following:

''(5) INFORMATION SHARING.—

''(A) IMMIGRATION STATUS.—If the Secretary of Health and Human Services considers placement of an unaccompanied alien child with a potential sponsor, the Secretary of Homeland Security shall provide to the Secretary of Health and Human Services the immigration status of such potential sponsor prior to the placement of the unaccompanied alien child.

''(B) OTHER INFORMATION.—The Secretary of Health and Human Services shall provide to the Secretary of Homeland Security and the Attorney General upon request any relevant information related to an unaccompanied alien child who is or has been in the custody of the Secretary of Health and Human Services, including the location of the child and any person to whom custody of the child has been transferred, for any legitimate law enforcement objective, including enforcement of the immigration laws.''.

SEC. 324. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.

Section 235(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(b)), as amended by section 323, is further amended by inserting at the end the following:

''(6) INSPECTION OF FACILITIES.—The Inspector General of the Department of Health and Human Services shall conduct regular inspections of facilities utilized by the Secretary of Health and Human Services to provide care and custody of unaccompanied alien children who are in the immediate custody of the Secretary to ensure that such facilities are operated in the most efficient manner practicable.

''(7) FACILITY OPERATIONS COSTS.—The Secretary of Health and Human Services shall ensure that facilities utilized to provide care and custody of unaccompanied alien children are operated efficiently and at a rate of cost that is not greater than $500 per day for each child housed or detained at such facility, unless the Secretary certifies that compliance with this requirement is temporarily impossible due to emergency circumstances.''.

SEC. 325. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN IN FORMAL REMOVAL PROCEEDING.

(a) CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)) is amended—

(1) in paragraph (2), by adding at the end the following:

''(C) CHILDREN IN FORMAL REMOVAL PROCEEDINGS.—

''(i) LIMITATION ON PLACEMENT.—Notwithstanding any settlement or consent decree previously issued before date of enactment of the Building America's Trust Act and section 236.3 of title 8, Code of Federal Regulations, or similar successor regulation, an unaccompanied alien child who has been placed in a proceeding under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) may not be placed in the custody of a nongovernmental sponsor or otherwise released from the immediate custody of the United States Government unless—

''(I) the nongovernmental sponsor is a biological or adoptive parent or legal guardian of the alien child;

''(II) the parent or legal guardian is legally present in the United States at the time of the placement;

''(III) the parent or legal guardian has undergone a mandatory biometric criminal history check;

''(IV) if the nongovernmental sponsor is the biological parent, the parent's relationship to the alien child has been verified through DNA testing conducted by the Secretary of Health and Human Services;

''(V) if the nongovernmental sponsor is the adoptive parent, the parent's relationship to the alien child has been verified with the judicial court that issued the final legal adoption decree by the Secretary of Health and Human Services; and

''(VI) the Secretary of Health and Human Services has determined that the alien child is not a danger to self, danger to the community, or risk of flight.

''(ii) EXCEPTIONS.—If the Secretary of Health and Human Services determines that an unaccompanied alien child is a victim of severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)), a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child with mental health needs that require ongoing assistance from a social welfare agency, the alien child may be placed with a grandparent or adult sibling if the grandparent or adult sibling meets the requirements set out in subclauses (II), (III), and (IV) of clause (i).

''(iii) MONITORING.—

''(I) IN GENERAL.—In the case of an alien child who is 17 years of age or younger and is placed with a nongovernmental sponsor under subparagraph (2)(C), such nongovernmental sponsor shall—

''(aa) enroll in the alternative to detention program of U.S. Immigration and Customs Enforcement; and

''(bb) continuously wear an electronic monitoring device while the alien child is in removal proceedings.

''(II) PENALTY FOR MONITOR TAMPERING.—If an electronic monitoring device required by subclause (I) is tampered with, the sponsor of the alien child shall be subject to a civil penalty of $150 for each day the monitor is not functioning due to the tampering, up to a maximum of $3,000.

''(iv) EFFECT OF VIOLATION OF CONDITIONS.—The Secretary of Health and Human Services shall remove an unaccompanied alien child from a sponsor if the sponsor violates the terms of the agreement specifying the conditions under which the alien was placed with the sponsor.

''(v) FAILURE TO APPEAR.—

''(I) CIVIL PENALTY.—If an unaccompanied alien child is placed with a sponsor and fails to appear in a mandatory court appearance, the sponsor shall be subject to a civil penalty of $250 for each day until the alien appears in court, up to a maximum of $5,000.

''(II) BURDEN OF PROOF.—The sponsor is not subject to the penalty imposed under subclause (I) if the sponsor—

''(aa) appears in person and proves to the immigration court that the failure to appear by the unaccompanied alien child was not the fault of the sponsor; and

''(bb) supplies the immigration court with documentary evidence that supports the assertion described in item (aa).

''(vi) PROHIBITION ON PLACEMENT WITH SEX OFFENDERS AND HUMAN TRAFFICKERS.—The Secretary of Health and Human Services may not place an unaccompanied alien child under this subparagraph in the custody of an individual who has been convicted of, or the Secretary has reason to believe was otherwise involved in the commission of—

''(I) a sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911));

''(II) a crime involving severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); or

''(III) an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(vii) REQUIREMENTS OF CRIMINAL BACKGROUND CHECK.—A biometric criminal history check required by clause (i)(III) shall be conducted using a set of fingerprints or other biometric identifier through—

''(I) the Federal Bureau of Investigation;

''(II) criminal history repositories of all States that the individual lists as current or former residences; and

''(III) any other State or Federal database or repository that the Secretary of Health and Human Services determines is appropriate.''.

(b) HOME STUDIES AND FOLLOW-UP SERVICES FOR UNACCOMPANIED ALIEN CHILDREN.—Section 235(c) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)) is amended in paragraph (3) by—

(1) redesignating subparagraph (C) as (D); and

(2) by amending subparagraph (B) to read as follows:

''(B) HOME STUDIES.—

''(i) IN GENERAL.—Before placing the child with an individual, the Secretary of Health and Human Services shall first determine whether a home study is necessary.

''(ii) REQUIRED HOME STUDIES.—A home study shall be conducted for a child—

''(I) who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 12102 of title 42);

''(II) who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened; or

''(III) whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence.

''(C) FOLLOW-UP SERVICES AND ADDITIONAL HOME STUDIES.—

''(i) PENDENCY OF REMOVAL PROCEEDINGS.—Every six months, the Secretary of Health and Human Services shall conduct follow-up services for children for whom a home study was conducted and who were placed with a nongovernmental sponsor until initial removal proceedings have been completed and the immigration judge has issued an order of removal, granted voluntary departure under section 240B, or granted the alien relief from removal.

''(ii) CHILDREN WITH MENTAL HEALTH OR OTHER NEEDS.—Every six months, for up to two years from the date of placement with a nongovernmental sponsor, he Secretary of Health and Human Services shall conduct follow-up services for children with mental health needs or other needs that could benefit from ongoing assistance from a social welfare agency.

''(iii) CHILDREN AT RISK.—Every six months, for up to two years from the date of placement with a nongovernmental sponsor, the Secretary of Health and Human Services shall conduct home studies and follow-up services, including partnering with local community programs that focus on early am and after-school programs for at risk children who need a secure environment to engage in studying, training, and skills-building programs and who are at risk for recruitment by criminal gangs or other transnational criminal organizations in the United States.''.

(c) CLARIFICATION OF SPECIAL IMMIGRANT JUVENILE DEFINITION.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) by amending subparagraph (i) to read as follows:

''(i) who, before reaching 18 years of age, was declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with either parent of the immigrant is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;'';

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

(3) in subparagraph (iii)(II), by inserting ''and'' at the end; and

(4) by adding at the end the following:

''(iv) in whose case the Secretary of Homeland Security has made the determination that the alien is an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).''.

SEC. 326. FRAUD IN CONNECTION WITH THE TRANSFER OF CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. Fraud in connection with the transfer of custody of unaccompanied alien children

''(a) IN GENERAL.—It shall be unlawful for a person to obtain custody of an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)))—

''(1) by making any materially false, fictitious, or fraudulent statement or representation; or

''(2) by making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

''(b) PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, this section shall be fined under this title and imprisoned for not less than 1 year.

''(2) ENHANCED PENALTY FOR TRAFFICKING.—If the primary purpose of the violation, attempted violation, or conspiracy to violate this section was to subject the child to sexually explicit activity or any other form of exploitation, the offender shall be fined under this title and imprisoned for not less than 15 years.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1040 the following:

''Sec. 1041. Fraud in connection with the transfer of custody of unaccompanied alien children.''.

SEC. 327. NOTIFICATION OF STATES AND FOREIGN GOVERNMENTS, REPORTING, AND MONITORING.

(a) NOTIFICATION.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) NOTIFICATION TO STATES.—

''(1) PRIOR TO PLACEMENT.—The Secretary of Homeland Security or the Secretary of Health and Human Services shall notify the Governor of a State not later than 48 hours prior to the placement of an unaccompanied alien child from in custody of such Secretary in the care of a facility or sponsor in such State.

''(2) INITIAL REPORTS.—Not later than 60 days after the date of the enactment of the Protecting Children and America's Homeland Act of 2017, the Secretary of Health and Human Services shall submit a report to the Governor of each State in which an unaccompanied alien child was discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary during the period beginning October 1, 2013 and ending on the date of the enactment of the Protecting Children and America's Homeland Act of 2017.

''(3) MONTHLY REPORTS.—The Secretary of Health and Human Services shall submit a monthly report to the Governor of each State in which, during the reporting period, unaccompanied alien children were discharged to a sponsor or placed in a facility while remaining in the legal custody of the Secretary of Health and Human Services.

''(4) CONTENTS.—Each report required to be submitted to the Governor of a State under paragraph (2) or (3) shall identify the number of unaccompanied alien children placed in the State during the reporting period, disaggregated by—

''(A) the locality in which the aliens were placed; and

''(B) the age of such aliens.

''(k) NOTIFICATION OF FOREIGN COUNTRY.—The Secretary of Homeland Security shall provide information regarding each unaccompanied alien child to the government of the country of which the child is a national to assist such government with the identification and reunification of such child with their parent or other qualifying relative.

''(l) MONITORING REQUIREMENT.—The Secretary of Health and Human Services shall—

''(1) require all sponsors to agree—

''(A) to receive approval from the Secretary of Health and Human Services prior to changing the location in which the sponsor is housing an unaccompanied alien child placed in the sponsor's custody; and

''(B) to provide a current address for the child and the reason for the change of address;

''(2) provide regular and frequent monitoring of the physical and emotional well-being of each unaccompanied alien child who has been discharged to a sponsor or remained in the legal custody of the Secretary until the child's immigration case is resolved; and

''(3) not later than 60 days after the date of the enactment of this Act, provide to Congress a plan for implementing the requirements under paragraphs (1) and (2).''.

SEC. 328. EMERGENCY IMMIGRATION JUDGE RESOURCES.

(a) DESIGNATION.—Not later than 14 days after the date of the enactment of this Act, the Attorney General shall designate up to 100 immigration judges, including through the hiring of retired immigration judges, magistrate judges, or administrative law judges, or the reassignment of current immigration judges, that are dedicated—

(1) to conducting humane and expedited inspection and screening for unaccompanied alien children under section 235B of the Immigration and Nationality Act, as added by section 322; or

(2) to reducing existing backlogs in immigration court proceedings initiated under section 239 of the Immigration and Nationality Act (8 U.S.C. 1229).

(b) REQUIREMENT.—The Attorney General shall ensure that sufficient immigration judge resources are dedicated to the purpose described in subsection (a)(1) to comply with the requirement under section 235B(b)(1) of the Immigration and Nationality Act, as added by section 322.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of the fiscal years 2018 through 2022 to implement this section.

SEC. 329. REPORTS TO CONGRESS.

(a) REPORTS ON CARE OF UNACCOMPANIED ALIEN CHILDREN.—Not later than September 30, 2019, the Secretary of Health and Human Services shall submit to Congress and make publically available a report that includes—

(1) a detailed summary of the contracts in effect to care for and house unaccompanied alien children, including the names and locations of contractors and the facilities being used;

(2) the cost per day to care for and house an unaccompanied alien child, including an explanation of such cost;

(3) the number of unaccompanied alien children who have been released to a sponsor, if any;

(4) a list of the States to which unaccompanied alien children have been released from the custody of the Secretary of Health and Human Services to the care of a sponsor or placement in a facility;

(5) the number of unaccompanied alien children who have been released to a sponsor who is not lawfully present in the United States, including the country of nationality or last habitual residence and age of such children;

(6) a determination of whether more than 1 unaccompanied alien child has been released to the same sponsor, including the number of children who were released to such sponsor;

(7) an assessment of the extent to which the Secretary of Health and Human Services is monitoring the release of unaccompanied alien children, including home studies done and electronic monitoring devices used;

(8) an assessment of the extent to which the Secretary of Health and Human Services is making efforts—

(A) to educate unaccompanied alien children about their legal rights; and

(B) to provide unaccompanied alien children with access to pro bono counsel; and

(9) the extent of the public health issues of unaccompanied alien children, including contagious diseases, the benefits or medical services provided, and the outreach to States and localities about public health issues, that could affect the public.

(b) REPORTS ON REPATRIATION AGREEMENTS.—Not later than September 30, 2018, the Secretary of State shall submit to Congress and make publically available a report that—

(1) describes—

(A) any repatriation agreement for unaccompanied alien children in effect and a copy of such agreement; and

(B) any such repatriation agreement that is being considered or negotiated; and

(2) describes the funding provided to the 20 countries that have the highest number of nationals entering the United States as unaccompanied alien children, including amounts provided—

(A) to deter the nationals of each country from illegally entering the United States; and

(B) to care for or reintegrate repatriated unaccompanied alien children in the country of nationality or last habitual residence.

(c) REPORTS ON RETURNS TO COUNTRY OF NATIONALITY.—Not later than September 30, 2019, the Secretary of Homeland Security shall submit to Congress and make publicly available a report that describes—

(1) the number of unaccompanied alien children who have voluntarily returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or habitual residence; and

(B) age of the unaccompanied alien children;

(2) the number of unaccompanied alien children who have been returned to their country of nationality or habitual residence, including assessment of the length of time such children were present in the United States;

(3) the number of unaccompanied alien children who have not been returned to their country of nationality or habitual residence pending travel documents or other requirements from such country, including how long they have been waiting to return; and

(4) the number of unaccompanied alien children who were granted relief in the United States, whether through asylum, any other immigration benefit or status, or deferred action.

(d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not later than September 30, 2019, and once every 3 months thereafter, the Secretary of Homeland Security, in coordination with the Director of the Executive Office for Immigration Review, shall submit to Congress and make publically available a report that describes—

(1) the number of unaccompanied alien children who, after proceedings under section 235(b) of the Immigration and Nationality Act, as added by section 312, were returned to their country of nationality or habitual residence, disaggregated by—

(A) country of nationality or residence; and

(B) age and gender of such aliens;

(2) the number of unaccompanied alien children who, after proceedings under such section 235B, prove a claim of admissibility and are placed in proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a);

(3) the number of unaccompanied alien children who fail to appear at a removal hearing that such alien was required to attend;

(4) the number of sponsors who were levied a penalty, including the amount and whether the penalty was collected, for the failure of an unaccompanied alien child to appear at a removal hearing; and

(5) the number of aliens that are classified as unaccompanied alien children, the ages and countries of nationality of such children, and the orders issued by the immigration judge at the conclusion of proceedings under such section 235B for such children.

TITLE IV—PENALTIES FOR SMUGGLING, DRUG TRAFFICKING, HUMAN TRAFFICKING, TERRORISM, AND ILLEGAL ENTRY AND REENTRY; BARS TO READMISSION OF REMOVED ALIENS

SEC. 401. DANGEROUS HUMAN SMUGGLING, HUMAN TRAFFICKING, AND HUMAN RIGHTS VIOLATIONS.

(a) CRIMINAL PENALTIES FOR HUMAN SMUGGLING AND TRAFFICKING.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (iii) and (iv) as clauses (vi) and (vii), respectively;

(B) in clause (vi), as redesignated, by inserting ''for not less than 10 years and'' before ''not more than 20 years,''; and

(C) by inserting after clause (ii) the following:

''(iii) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that is the third or subsequent violation committed by such person under this section, shall be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;

''(iv) in the case of a violation of subparagraph (A)(i), (ii), (iii), (iv), or (v) that recklessly, knowingly, or intentionally results in a victim being involuntarily forced into labor or prostitution, shall be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;

''(v) in the case of a violation of subparagraph (A)(i),(ii),(iii),(iv),or (v) during and in relation to which any person is subjected to an involuntary sexual act (as defined in section 2246(2) of title 18), be fined under title 18, imprisoned for not less than 5 years and not more than 25 years, or both;''and

(2) by adding at the end the following:

''(5) Any person who, knowing that a person is an alien in unlawful transit from one country to another or on the high seas, transports, moves, harbors, conceals, or shields from detection such alien outside of the United States when the alien is seeking to enter the United States without official permission or legal authority, shall for, each alien in respect to whom a violation of this paragraph occurs, be fined under title 18, United States Code, imprisoned not more than 10 years, or both.''.

(b) SEIZURE AND FORFEITURE.—Section 274(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—Any property, real or personal, involved in or used to facilitate the commission of a violation or attempted violation of subsection (a), the gross proceeds of such violation or attempted violation, and any property traceable to such property or proceeds, shall be seized and subject to forfeiture.''.

(c) FRAUD IN CONNECTION WITH CERTAIN HUMAN RIGHTS VIOLATIONS OR WAR CRIMES.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3302. Fraud in connection with certain human rights violations or war crimes

''(a) IN GENERAL.—Unless the indictment is found or the information is instituted within 10 years after the commission of the offense, no person shall be prosecuted, tried, or punished for a violation of any provision of section 1001, 1015, 1546, or 1621, or for attempt or conspiracy to violate any of such provisions, when the violation, attempt, or conspiracy concerns the alleged offender's—

''(1) participation, at any time, at any place, and irrespective of the nationality of the alleged offender or any victim, in a human rights violation or war crime; or

''(2) membership in, service in, or authority over, a military, paramilitary, or police organization that participated in such conduct during any part of any period in which the alleged offender was a member of, served in, or had authority over, the organization.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'extrajudicial killing under color of foreign law' means conduct specified in section 212(a)(3)(E)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(iii));

''(2) the term 'female genital mutilation' means conduct described in section 116;

''(3) the term 'genocide' means conduct described in section 1091(a);

''(4) the term 'human rights violation or war crime' means genocide, incitement to genocide, war crimes, torture, female genital mutilation, extrajudicial killing under color of foreign law, persecution, particularly severe violations of religious freedom by a foreign government official, or the use or recruitment of child soldiers;

''(5) the term 'incitement to genocide' means conduct described in section 1091(c);

''(6) the term 'particularly severe violations of religious freedom' has the meaning given such term in section 3(13) of the International Religious Freedom Act of 1998 (22 U.S.C. 6402(13));

''(7) the term 'persecution' means conduct described in section 208(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(i));

''(8) the term 'torture' means conduct described in paragraph (1) or (2) of section 2340;

''(9) the term 'use or recruitment of child soldiers' means conduct described in section 2442(a); and

''(10) the term 'war crimes' means conduct described in section 2441.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3302. Fraud in connection with certain human rights violations or war crimes.''.

(3) APPLICATION.—The amendments made by this subsection shall apply to any offense committed on or after the date of the enactment of this Act.

SEC. 402. PUTTING THE BRAKES ON HUMAN SMUGGLING ACT.

(a) SHORT TITLE.—This section may be cited as the ''Putting the Brakes on Human Smuggling Act''.

(b) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking the ''or'' at the end;

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

(3) by adding at the end the following:

''(F) using a commercial motor vehicle in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing, or attempting to assist the alien with the alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section; or

''(G) using a commercial motor vehicle in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, or weapons by any individual departing the United States.''.

(c) SECOND OR MULTIPLE VIOLATIONS.—Section 31310(c)(1) of title 49, United States Code, is amended—

(1) in subparagraph (E), by striking the ''or'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (H);

(3) in subparagraph (H), as redesignated, by striking ''(E)'' and inserting ''(F)''; and

(4) by inserting after subparagraph (E) the following:

''(F) using a commercial motor vehicle on more than one occasion in willfully aiding or abetting an alien's illegal entry into the United States by transporting, guiding, directing and attempting to assist the alien with the alien's entry in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325), regardless of whether the alien is ultimately fined or imprisoned for an act in violation of such section;

''(G) using a commercial motor vehicle in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, or weapons by any individual departing the United States; or''.

(d) LIFETIME DISQUALIFICATION.—Section 31310(d) of title 49, United States Code, is amended to read as follows:

''(d) LIFETIME DISQUALIFICATION.—The Secretary shall disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle—

''(1) in committing a felony involving manufacturing, distributing, or dispensing a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance;

''(2) in committing an act for which the individual is convicted under—

''(A) section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

''(B) section 277 of such Act (8 U.S.C. 1327); or

''(3) in willfully aiding or abetting the transport of controlled substances, monetary instruments, bulk cash, and weapons by any individual departing the United States.''.

(e) REPORTING REQUIREMENTS.—

(1) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM.—Section 31309(b)(1) of title 49, United States Code, is amended—

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

(B) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(G) whether the operator was disqualified, either temporarily or for life, from operating a commercial motor vehicle under section 31310, including under subsection (b)(1)(F), (c)(1)(F), or (d) of such section.''.

(2) NOTIFICATION BY THE STATE.—Section 31311(a)(8) of title 49, United States Code, is amended by inserting ''including such a disqualification, revocation, suspension, or cancellation made pursuant to a disqualification under subsection (b)(1)(F), (c)(1)(F), or (d) of section 31310,'' after ''60 days,''.

SEC. 403. DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 27 the following:

"CHAPTER 28—DRUG TRAFFICKING AND CRIMES OF VIOLENCE COMMITTED BY ILLEGAL ALIENS

''581. Enhanced penalties for drug trafficking and crimes committed by illegal aliens.

"§ 581. Enhanced penalties for drug trafficking and crimes committed by illegal aliens

''(a) OFFENSE.—Any alien unlawfully present in the United States, who commits, conspires to commit, or attempts to commit a an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon or a drug trafficking crime (as defined in section 924) shall be fined under this title imprisoned for not less than 5 years, or both.

''(b) ENHANCED PENALTIES FOR ALIENS ORDERED REMOVED.—Any alien unlawfully present in the United States who violates subsection (a) and was ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime before the violation of subsection (a), shall be fined under this title, imprisoned for not less than 15 years, or both.

''(c) REQUIREMENT FOR CONSECUTIVE SENTENCES.—Any term of imprisonment imposed under this section shall be consecutive to any term imposed for any other offense.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following:

''28 . Drug trafficking and crimes of violence committed by illegal aliens ..... 581''.

SEC. 404. ESTABLISHING INADMISSIBILITY AND DEPORTABILITY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)) is amended by adding at the end the following:

''(iii) CONSIDERATION OF OTHER EVIDENCE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to charging documents, plea agreements, plea colloquies, jury instructions, police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(b) DEPORTABLE ALIENS.—

(1) GENERAL CRIMES.—Section 237(a)(2)(A) of such Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(A) by redesignating clause (vi) as clause (vii) and inserting after clause (iv) the following:

''(v) CRIMES INVOLVING MORAL TURPITUDE.—If the conviction records do not conclusively establish whether a crime constitutes a crime involving moral turpitude, the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to charging documents, plea agreements, plea colloquies, jury instructions, police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime involving moral turpitude.''.

(2) DOMESTIC VIOLENCE.—Section 237(a)(2)(E) of such Act (8 U.S.C. 1227(a)(2)(E)) is amended by adding at the end the following:

''(iii) CRIME OF VIOLENCE.—If the conviction records do not conclusively establish whether a crime of domestic violence constitutes a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon, the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to charging documents, plea agreements, plea colloquies, jury instructions, police reports, that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 405. PENALTIES FOR ILLEGAL ENTRY; ENHANCED PENALTIES FOR ENTERING WITH INTENT TO AID, ABET, OR COMMIT TERRORISM.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended by striking the section heading and subsections (a) and (b) and inserting the following:

"SEC. 275. ILLEGAL ENTRY.

''(a) IN GENERAL.—

''(1) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Any alien who—

''(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

''(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

''(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or willful concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws,

shall be ineligible for all immigration benefits or relief available under the Act and any other immigration laws, other than a request for asylum, withholding of removal under section 241(b)(3), or relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

''(2) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (3) if the alien—

''(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

''(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

''(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

''(3) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors at least 1 of which involves controlled substances, abuse of a minor, trafficking or smuggling, or any offense that could result in serious bodily harm or injury to another person, a significant misdemeanor, or a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(4) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (3) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial; or

''(C) admitted by the defendant.

''(5) DURATION OF OFFENSES.—An offense under this subsection continues until the alien is discovered within the United States by an immigration, customs, or agriculture officer.

''(6) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—

''(1) IN GENERAL.—Any alien who is apprehended while entering, attempting to enter, or crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(A) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

''(2) CIVIL PENALTIES.—Civil penalties under paragraph (1) are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.''.

(b) ENHANCED PENALTIES.—Section 275 of the Immigration and Nationality Act, as amended by subsection (a), is further amended by adding at the end the following:

''(e) ENHANCED PENALTY FOR TERRORIST ALIENS.—Any alien who commits an offense described in subsection (a) for the purpose of engaging in, or with the intent to engage in, any Federal crime of terrorism (as defined in section 2332b(g) of title 18, United States Code) shall be imprisoned for not less than 10 years and not more than 30 years.''.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by

striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry.''.

(d) APPLICATION.—

(1) PRIOR CONVICTIONS.—Paragraph (4) of section 275(a) of the Immigration and Nationality Act, as amended by subsection (a), shall apply only to violations of paragraph (2) of such section 275(a) committed on or after the date of enactment of this Act.

(2) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Section 275(a)(1) of such Act, as amended by subsection (a), shall take effect on the date of enactment and apply to any alien who, on or after the date of enactment—

(A) enters or crosses, or attempts to enter or cross, the border into the United States at any time or place other than as designated by immigration officers;

(B) eludes, at any time or place, examination or inspection by an authorized immigration, customs, or agriculture officer (including failing to stop at the command of such officer); or

(C) enters or crosses the border to the United States and, upon examination or inspection, makes a false or misleading representation or conceals a material fact, including such representation or concealment in the context of arrival, reporting, entry, or clearance, requirements of the customs laws, immigration laws, agriculture laws, or shipping laws.

SEC. 406. PENALTIES FOR REENTRY OF REMOVED ALIENS.

(a) SHORT TITLES.—This section may be cited as the ''Stop Illegal Reentry Act'' or ''Kate's Law''.

(b) INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.—

(1) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended to read as follows:

''SEC. 276. REENTRY OF REMOVED ALIEN.

''(a) IN GENERAL.—

''(1) BARS TO IMMIGRATION RELIEF AND BENEFITS.—Any alien who—

''(A) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and thereafter

''(B) enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

''(i) the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

''(ii) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this Act or any prior Act,

shall be ineligible for all immigration benefits or relief available under the Act and any other immigration laws, other than relief from removal based on a claim under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

''(2) CRIMINAL OFFENSES.—Any alien who—

''(A) has been denied admission, deported, or removed or has departed the United States while an order of deportation, or removal is outstanding; and

''(B) after such denial, removal or departure, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

''(i) the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

''(ii) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this Act or any prior Act,

''shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

''(1) REENTRY AFTER REMOVAL.—Notwithstanding the penalty under subsection (a)(2), and except as provided in subsection (c), an alien described in subsection (a)—

''(A) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 15 years, which sentence shall not run concurrently with any other sentence;

''(B) who was removed from the United States pursuant to section 241(a)(4) and thereafter, without the permission of the Secretary of Homeland Security, enters, attempts to enter, or is at any time found in, the United States (unless the Secretary of Homeland Security has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 15 years, or both; and

''(C) who has been denied admission, excluded, deported, or removed 2 or more times for any reason and thereafter enters, attempts to enter, crosses the border, attempts to cross the border, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 15 years, or both.

''(2) REENTRY OF CRIMINAL ALIENS AFTER REMOVAL.—Notwithstanding the penalty under subsection (a), an alien described in subsection (a)—

''(A) who was convicted, before the alien was subject to removal or departure, of a significant misdemeanor shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(B) who was convicted, before the alien was subject to removal or departure, of 2 or more misdemeanors involving drugs, crimes against the person, or both, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(C) who was convicted, before the alien was subject to removal or departure, of 3 or more misdemeanors for which the alien was sentenced to a term of imprisonment of not less than 90 days for each offense, or 12 months in the aggregate, the alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

''(D) who was convicted, before the alien was subject to removal or departure, of a felony for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, imprisoned not more than 15 years, or both;

''(E) who was convicted, before the alien was subject to removal or departure, of a felony for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, imprisoned not more than 20 years, or both;

''(F) who was convicted of 3 or more felonies of any kind, the alien shall be fined under such title, imprisoned not more than 25 years, or both; and

''(G) who was convicted, before the alien was subject to removal or departure or after such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, imprisoned not more than 25 years, or both;

''(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties under subsections (a) and (b), an alien described in subsection (a)—

''(1) who was convicted, before the alien was subject to removal or departure, of an aggravated felony; or

''(2) who was convicted at least 2 times before such removal or departure of illegal reentry under this section,

shall be imprisoned not less than 5 years and not more than 20 years, and may, in addition, be fined under title 18, United States Code.

''(d) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(1) alleged in the indictment or information; and

''(2) proven beyond a reasonable doubt at trial; or

''(3) admitted by the defendant.

''(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

''(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to reapply for admission into the United States; or

''(2) with respect to an alien previously denied admission and removed, the alien—

''(A) was not required to obtain such advance consent under the Immigration and Nationality Act or any prior Act; and

''(B) had complied with all other laws and regulations governing the alien's admission into the United States.

''(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of a removal order described in subsection (a), (b), or (c) concerning the alien unless the alien demonstrates that—

''(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

''(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.

''(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has expressly consented to the

alien's reentry (if a request for consent to reapply is authorized under this section). Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

''(h) DEFINITIONS.—In this section:

''(1) CROSSES THE BORDER TO THE UNITED STATES.—The term 'crosses the border' refers to the physical act of crossing the border, regardless of whether the alien is free from official restraint.

''(2) FELONY.—The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(3) MISDEMEANOR.—The term 'misdemeanor' means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

''(4) REMOVAL.—The term 'removal' includes any denial of admission, deportation, or removal, or any agreement by which an alien stipulates or agrees to deportation, or removal.

''(5) SIGNIFICANT MISDEMEANOR.—The term 'significant misdemeanor' means a misdemeanor—

''(A) crime that involves the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim;

''(B) which is a sexual assault (as such term is defined in section 40002(a)(29) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13925(a)(29));

''(C) which involved the unlawful possession of a firearm (as such term is defined in section 921 of title 18, United States Code);

''(D) which is a crime of violence (as defined in section 16 of title 18, United States Code); or

''(E) which is an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(6) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(c) EFFECTIVE DATE.—Section 276(a)(1), as amended by this section, shall take effect on the date of the enactment of this Act and shall apply to any alien who, on or after the date of enactment—

(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

(2) after such denial, exclusion, deportation or removal, enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in, the United States, unless—

(A) the alien is seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from a foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

(B) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this Act or any prior Act.

SEC. 407. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),'' after ''section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),''.

SEC. 408. FREEZING BANK ACCOUNTS OF INTERNATIONAL CRIMINAL ORGANIZATIONS AND MONEY LAUNDERERS.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

''(5)(A) If a person is arrested or charged in connection with an offense described in subparagraph (C) involving the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made or where the charges are filed for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days, except that such 30-day time period may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure. The court may receive and consider evidence and information submitted by the Government that would be inadmissible under the Federal Rules of Evidence.

''(B) The application for a restraining order under subparagraph (A) shall—

''(i) identify the offense for which the person has been arrested or charged;

''(ii) identify the location and description of the accounts to be restrained; and

''(iii) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

''(C) An offense described in this subparagraph is any offense for which forfeiture is authorized under this title, title 31, or the Controlled Substances Act (21 U.S.C. 801 et seq.).

''(D) For purposes of this section—

''(i) the term 'account' includes any safe deposit box and any account (as defined in paragraphs (1) and (2) of section 5318A(e) of title 31, United States Code) at any financial institution; and

''(ii) the term 'account held by the person arrested or charged' includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.

''(E) A restraining order issued under this paragraph shall not be considered a 'seizure' for purposes of section 983(a).

''(F) A restraining order issued under this paragraph may be executed in any district in which the subject account is found, or transmitted to the central authority of any foreign State for service in accordance with any treaty or other international agreement.''.

SEC. 409. CRIMINAL PROCEEDS LAUNDERED THROUGH PREPAID ACCESS DEVICES, DIGITAL CURRENCIES, OR OTHER SIMILAR INSTRUMENTS.

(a) IN GENERAL.—

(1) DEFINITIONS.—

(A) ADDITION OF ISSUERS, REDEEMERS, AND CASHIERS OF PREPAID ACCESS DEVICES AND DIGITAL CURRENCIES TO THE DEFINITION OF FINANCIAL INSTITUTIONS.—Section 5312(a)(2)(K) of title 31, United States Code, is amended by striking ''or similar'' and inserting ''prepaid access devices, digital currencies, or other similar''.

(B) ADDITION OF PREPAID ACCESS DEVICES TO THE DEFINITION OF MONETARY INSTRUMENTS.—Section 5312(a)(3)(B) of such title is amended by inserting ''prepaid access devices,'' after ''delivery,''.

(C) DEFINITION OF PREPAID ACCESS DEVICE.—Section 5312 of such title is amended—

(i) by redesignating paragraph (6) as paragraph (7); and

(ii) by inserting after paragraph (5) the following:

''(6) 'prepaid access device' means an electronic device or vehicle, such as a card, plate, code, number, electronic serial number, mobile identification number, personal identification number, or other instrument that provides a portal to funds or the value of funds that have been paid in advance and can be retrievable and transferable at some point in the future.''.

(2) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(A) the impact of amendments made by paragraph (1) on law enforcement, the prepaid access device industry, and consumers; and

(B) the implementation and enforcement by the Department of the Treasury of the final rule relating to ''Bank Secrecy Act Regulations—Definitions and Other Regulations Relating to Prepaid Access'' (76 Fed. Reg. 45403 (July 29, 2011)).

(b) MONEY SMUGGLING THROUGH BLANK CHECKS IN BEARER FORM.—Section 5316 of title 31, United States Code, is amended by adding at the end the following:

''(e) MONETARY INSTRUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank, such that the amount could be filled in by the bearer, shall be considered to have a value of more than $10,000 if the monetary instrument was drawn on an account that contained or was intended to contain more than $10,000 at the time the monetary instrument was—

''(1) transported; or

''(2) negotiated.''.

SEC. 410. CLOSING THE LOOPHOLE ON DRUG CARTEL ASSOCIATES ENGAGED IN MONEY LAUNDERING.

(a) INTENT TO CONCEAL OR DISGUISE.—Section 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' and inserting the following:

''(B) knowing that the transaction—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''; and

(2) in paragraph (2)(B), by striking ''(B) knowing that'' and all that follows through ''Federal law,'' and inserting the following:

''(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity, and knowing that such transportation, transmission, or transfer—

''(i) conceals or disguises, or is intended to conceal or disguise, the nature, source, location, ownership, or control of the proceeds of some form of unlawful activity; or

''(ii) avoids, or is intended to avoid, a transaction reporting requirement under State or Federal law,''.

(b) PROCEEDS OF A FELONY.—Section 1956(c)(1) of such title is amended by inserting '', and regardless of whether or not the person knew that the activity constituted a felony'' before the semicolon at the end.

TITLE V—PROTECTING NATIONAL SECURITY AND PUBLIC SAFETY

Subtitle A—General Matters

SEC. 501. DEFINITION OF ENGAGING IN TERRORIST ACTIVITY.

Subclause (I) of section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended—

(1) by revising subclause (I) to read as follows:

''(I) to commit a terrorist activity or, under circumstances indicating an intention to cause death, serious bodily harm, or substantial damage to property, incite to commit a terrorist activity;''; and

(2)(A) by adding at the end the following:

''(VI) to threaten, attempt, or conspire to do any of acts described in subclauses (I) through (VI).''.

SEC. 502. TERRORIST GROUNDS OF INADMISSIBILITY.

(a) SECURITY AND RELATED GROUNDS.—Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)) is amended to read as follows:

''(A) IN GENERAL.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally, in, or who is engaged in, or with respect to clauses (i) and (iii) has engaged in—

''(i) any activity—

''(I) to violate any law of the United States relating to espionage or sabotage; or

''(II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,

''(ii) any other activity which would be unlawful if committed in the United States, or

''(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means,

is inadmissible.''.

(b) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (IV), by inserting ''or has been'' before ''a representative'';

(2) in subclause (V), by inserting ''or has been'' before ''a member'';

(3) in subclause (VI), by inserting ''or has been'' before ''a member''; and

(4) by amending subclause (VII) to read as follows:

''(VII) endorses or espouses, or has endorsed or espoused, terrorist activity or persuades or has persuaded others to endorse or espouse terrorist activity or support a terrorist organization;'';

(5) by amending subclause (IX) to read as follows:

''(IX)(aa) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years.

''(bb) EXCEPTION.—This subclause does not apply to a spouse or child—

''(AA) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

''(BB) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.''; and

(6) by striking the undesignated matter following subclause (IX).

(c) PALESTINE LIBERATION ORGANIZATION.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)), is amended to read as follows:

''(ii) PALESTINE LIBERATION ORGANIZATION.—An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to be engaged in terrorist activity.''.

SEC. 503. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL OR SECURITY GROUNDS.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by adding at the end of the section heading the following: ''**OR WHO ARE SUBJECT TO TERRORISM-RELATED GROUNDS FOR REMOVAL**'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, in the exercise of discretion,''; and

(ii) by striking ''set forth in this subsection or'' and inserting ''set forth in this subsection, in lieu of removal proceedings under'';

(B) in paragraphs (3) and (4), by striking ''Attorney General'' each place the term appears and inserting ''Secretary of Homeland Security'';

(C) in paragraph (5)—

(i) by striking ''described in this section'' and inserting ''described in paragraph (1) or (2)''; and

(ii) by striking ''the Attorney General may grant in the Attorney General's discretion.'' and inserting ''the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or the Attorney General, in any proceeding.'';

(D) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6) respectively; and

(E) by inserting after paragraph (2) the following:

''(3) The Secretary of Homeland Security, in the exercise of discretion, may determine inadmissibility under section 212(a)(2) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal proceedings under section 240, with respect to an alien who—

''(A) has not been admitted or paroled;

''(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in 235(b)(1)(B); and

''(C) is not eligible for a waiver of inadmissibility or relief from removal.''; and

(3) by redesignating the first subsection (c) as subsection (d);

(4) by redesignating the second subsection (c) (as so designated by section 617(b)(13) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–720)) as subsection (e); and

(5) by inserting after subsection (b) the following:

''(c) REMOVAL OF ALIENS WHO ARE SUBJECT TO TERRORISM-RELATED GROUNDS FOR REMOVAL.—

''(1) The Secretary of Homeland Security—

''(A) shall, notwithstanding section 240, in the case of every alien, determine the inadmissibility of the alien under subclause (I), (II), or (III) of section 212(a)(3)(B)(i), or the deportability of the alien under section 237(a)(4)(B) as a consequence of being described in one of such subclauses, and issue an order of removal pursuant to the procedures set forth in this subsection to every alien determined to be inadmissible or deportable on such a ground; and

''(B) may, in the case of any alien, determine the inadmissibility of the alien under subparagraph (A) or (B) of section 212(a)(3) (other than subclauses (I), (II), and (III) of section 212(a)(3)(B)), or the deportability of the alien under subparagraph (A) or (B) of section 237(a)(4) (as a consequence of being described in subclause (I), (II), or (III) of section 212(a)(3)(B)), and issue an order of removal pursuant to the procedures set forth in this subsection or section 240 to every alien determined to be inadmissible or deportable on such a ground.

''(2) The Secretary of Homeland Security may not execute any order described in paragraph (1) until 30 calendar days have passed from the date that such order was issued, unless waived by the alien, in order that the alien has an opportunity to apply [petition] for judicial review under section 242.

''(3) Proceedings before the Secretary of Homeland Security under this subsection shall be in accordance with such regulations as the Secretary shall prescribe. The Secretary shall provide that—

''(A) the alien is given reasonable notice of the charges and of the opportunity described in subparagraph (C);

''(B) the alien shall have the privilege of being represented (at no expense to the Government) by such counsel, authorized to practice in such proceedings, as the alien shall choose;

''(C) the alien has a reasonable opportunity to inspect the evidence and rebut the charges;

''(D) a determination is made on the record that the individual upon whom the notice for the proceeding under this section is served (either in person or by mail) is, in fact, the alien named in such notice;

''(E) a record is maintained for judicial review; and

''(F) the final order of removal is not adjudicated by the same person who issues the charges.

''(4) No alien described in this subsection shall be eligible for any relief from removal that the Secretary of Homeland Security may grant in the Secretary's discretion.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 238 and inserting the following:

''Sec. 238. Expedited removal of aliens convicted of aggravated felonies or who are subject to terrorism-related grounds for removal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) on such date.

SEC. 504. DETENTION OF REMOVABLE ALIENS.

(a) CRIMINAL ALIEN ENFORCEMENT PARTNERSHIPS.—Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 116 and this section, is further amended by—

(1) by redesignating subsection (h) as subsection (j); and

(2) adding new paragraph (h) to read as follows:

''(h) CRIMINAL ALIEN ENFORCEMENT PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into a written agreement with a State, or any political subdivision of such a State, to authorize the temporary placement of one or more U.S. Customs and Border Protection agents or officers or U.S. Immigration and Customs Enforcement agents or investigators at a local police department or precinct to—

''(A) determine the immigration status of any individual arrested by a State, county, or local police, enforcement, or peace officer for any criminal offense;

''(B) issue charging documents and notices related to the initiation of removal proceedings or reinstatement of prior removal orders under section 241(a)(5);

''(C) enter information directly into the National Crime Information Center (NCIC) database, Immigration Violator File, to include—

''(i) the alien's address,

''(ii) the reason for arrest,

''(iii) the legal cite of the State law violated or for which the alien is charged,

''(iv) the alien's driver's license number and State of issuance (if any),

''(v) any other identification document(s) held by the alien and issuing entity for such identification documents, and

''(vi) any identifying marks, such as tattoos, birthmarks, scars, etc.;''.

''(D) to collect the alien's biometrics, including but not limited to iris, fingerprint, photographs, and signature, of the alien and to enter such information into the Automated Biometric Identification System (IDENT) and any other DHS database authorized for storage of biometric information for aliens; and''.

''(E) make advance arrangements for the immediate transfer from State to Federal custody of any criminal when the alien is released, without regard to whether the alien is released on parole, supervised release, or probation, and without regard to whether alien may be arrested imprisoned again for the same offense.

''(2) LENGTH OF TEMPORARY DUTY ASSIGNMENTS.—The initial period for a temporary duty assignment authorized under this paragraph shall be 1 year. The temporary duty assignment may be extended for additional periods of time as agreed to by the Secretary of Homeland Security and the State or political subdivision of the State to ensure continuity of cooperation and coverage.

''(3) TECHNOLOGY USAGE.—The Secretary shall provide CBP and ICE agents, officers, and investigators on a temporary duty assignment under this paragraph mobile access to Federal databases containing alien information, live scan technology for collection of biometrics, and video-conferencing capability for use at local police departments or precincts in remote locations.

''(4) REPORT.—Not later than 1 year after the date of the enactment, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives on—

''(A) the number of States that have entered into an agreement under this paragraph;

''(B) the number of criminal aliens processed by the U.S. Customs and Border Protection agent or officer or U.S. Immigration and Customs Enforcement agent or investigator during the temporary duty assignment; and

''(C) the number of criminal aliens transferred from State to Federal custody during the agreement period.''.

(b) DETENTION, RELEASE, AND REMOVAL OF ALIENS ORDERED REMOVED.—

(1) REMOVAL PERIOD.—

(A) IN GENERAL.—Subparagraph (A) of section 241(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)(A)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(B) BEGINNING OF PERIOD.—Subparagraph (B) of section 241(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)(B)) is amended to read as follows:

''(B) BEGINNING OF PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the removal period begins on the date that is the latest of the following:

''(I) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal ends;

''(II) If the alien is ordered removed, the date the removal order becomes administratively final and the Secretary takes the alien into custody for removal;

''(III) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

''(ii) BEGINNING OF REMOVAL PERIOD FOLLOWING A TRANSFER OF CUSTODY.—If the Secretary transfers custody of the alien pursuant to law to another Federal agency or to an agency of a State or local government in connection with the official duties of such agency, the removal period for the alien—

''(I) shall be tolled; and

''(II) shall resume on the date the alien is returned to the custody of the Secretary.''.

(C) SUSPENSION OF PERIOD.—Subparagraph (C) of section 241(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(1)(C)) is amended to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien—

''(i) fails or refuses to make all reasonable efforts to comply with the order of removal or to fully cooperate with the efforts of the Secretary of Homeland Security to establish the alien's identity and carry out the order of removal, including making timely application in good faith for travel or other documents necessary to the alien's departure; or

''(ii) conspires or acts to prevent the alien's removal subject to an order of removal.''.

(2) DETENTION.—Paragraph (2) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(2)) is amended—

(A) by inserting ''(A)'' before ''During'';

(B) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) by adding at the end the following:

''(B) DURING A PENDENCY OF A STAY.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an order of removal, the Secretary of Homeland Security, in the Secretary's sole and unreviewable exercise of discretion, and notwithstanding any provision of law including 28 U.S.C. 2241, may detain the alien during the pendency of such stay of removal.''.

(3) SUSPENSION AFTER 90-DAY PERIOD.—Paragraph (3) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(3)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(B) in subparagraph (C), by striking ''Attorney General'' and inserting ''Secretary''; and

(C) by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.''.

(4) ALIENS IMPRISONED, ARRESTED, OR ON PAROLE, SUPERVISED RELEASE, OR PROBATION.—Paragraph (4) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(4)) is amended—

(A) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(I) in clause (i), by striking ''if the Attorney General'' and inserting ''if the Secretary''; and

(II) in clause (ii)(III), by striking ''Attorney General'' and inserting ''Secretary''.

(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—

(A) Paragraph (5) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF REMOVAL ORDERS AGAINST ALIENS ILLEGALLY REENTERING.—If the Secretary of Homeland Security finds that an alien has entered the United States illegally after having been removed, deported, or excluded or having departed voluntarily, under an order of removal, deportation, or exclusion, regardless of the date of the original order or the date of the illegal entry—

''(A) the order of removal, deportation, or exclusion is reinstated from its original date and is not subject to being reopened or reviewed notwithstanding section 242(a)(2)(D);

''(B) the alien is not eligible and may not apply for any relief under this Act, regardless of the date that an application or request for such relief may have been filed or made; and

''(C) the alien shall be removed under the order of removal, deportation, or exclusion at any time after the illegal entry. .

''Reinstatement under this paragraph shall not require proceedings under section 240 or other proceedings before an immigration judge.''''.

(B) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

''(h) JUDICIAL REVIEW OF DECISION TO REINSTATE REMOVAL ORDER UNDER SECTION 241(A)(5).—

''(1) REVIEW OF DECISION TO REINSTATE REMOVAL ORDER.—Judicial review of determinations under section 241(a)(5) is available in an action under subsection (a).

''(2) NO REVIEW OF ORIGINAL ORDER.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, any other habeas corpus provision, or sections 1361 and 1651 of such title, no court shall have jurisdiction to review any cause or claim, arising from, or relating to, any challenge to the original order.''.

(C) EFFECTIVE DATE.—The amendments made by subparagraphs (A) and (B) shall take effect as if enacted on April 1, 1997, and shall apply to all orders reinstated or after that date by the Secretary of Homeland Security (or by the Attorney General prior to March 1, 2003), regardless of the date of the original order.

(6) INADMISSIBLE OR CRIMINAL ALIENS.—Paragraph (6) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(6)) is amended—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed.''.

(7) PAROLE; ADDITIONAL RULES; JUDICIAL REVIEW.—Section 241(a) of the Immigration and

Nationality Act (8 U.S.C. 1231(a)) is amended—

(A) in paragraph (7), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(B) by redesignating paragraph (7) as paragraph (14); and

(C) by inserting after paragraph (6) the following:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of such parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO WERE PREVIOUSLY ADMITTED TO THE UNITED STATES.—

''(A) APPLICATION.—The procedures set out under this paragraph—

''(i) apply only to an alien who were previously admitted to the United States; and

''(ii) do not apply to any other alien, including an alien detained pursuant to paragraph (6).

''(B) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

''(i) REQUIREMENT TO ESTABLISH.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the efforts of the Secretary of Homeland Security to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions.

''(ii) DETERMINATIONS.—The Secretary shall—

''(I) make a determination whether to release an alien described in clause (i) after the end of the alien's removal period; and

''(II) in making a determination under subclause (I), consider any evidence submitted by the alien, and may consider any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(9) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

''(A) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(B) LENGTH OF DETENTION.—The Secretary, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days authorized in subparagraph (A)—

''(i) until the alien is removed, if the Secretary determines that—

''(I) there is a significant likelihood that the alien will be removed in the reasonably foreseeable future;

''(II) the alien would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal;

''(III) the government of the foreign country of which the alien is a citizen, subject, national, or resident is denying or unreasonably delaying accepting the return of such alien after the Secretary asks whether the government will accept an alien under section 243(d); or

''(IV) the government of the foreign country of which the alien is a citizen, subject, national, or resident is refusing to issue any required travel or identity documents to allow such alien to return to that country;

''(ii) until the alien is removed, if the Secretary certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(IV) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either—

''(aa) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)), 1 or more crimes identified by the Secretary of Homeland Security by regulation, or 1 or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(bb) the alien has committed 1 or more violent offenses (but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(V) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony (as defined in section 101(a)(43)); and

''(iii) pending a determination under subparagraph (B), if the Secretary has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(10) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(A) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii).

''(B) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (II), (III), or (IV) of subparagraph (B)(ii) to an official below the level of the Director of U.S. Immigration and Customs Enforcement.

''(11) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(12) REDETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to continue to satisfy the conditions described in subparagraph (8)(A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (8)(B). Paragraphs (6) through (14) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

''(13) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act against the alien, the Secretary of Homeland Security in the exercise of discretion may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

''(14) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6) through (14) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(c) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section while proceedings are pending, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) in subsection (e), by inserting ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to section 235(f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.'' at the end; and

(B) by adding at the end the following:

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.''.

(d) ATTORNEY GENERAL'S DISCRETION IN DETERMINING COUNTRIES OF REMOVAL.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (1)(C)(iv), by striking the period at the end and inserting '', or the Attorney General decides that removing the alien to the country is prejudicial to the interests of the United States.'';

(2) in paragraph (2)(E)(vii), by inserting ''or the Attorney General decides that removing the alien to one or more of such countries is prejudicial to the interests of the United States,'' after ''this subparagraph,''.

(e) EFFECTIVE DATES AND APPLICATION.—

(1) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended by subsection (b), shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (C).—The amendments made by subsection (c) shall take effect upon the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended by subsection (c), shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 505. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States shall submit to Congress within 6 months after the date of the enactment of this Act, a report on the deaths in custody of detainees held by the Department of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any such deaths could have been prevented by the delivery of medical treatment administered while the detainee is in the custody of the Department of Homeland Security.

(2) Whether Department practice and procedures were properly followed and obeyed.

(3) Whether such practice and procedures are sufficient to protect the health and safety of such detainees and

(4) Whether reports of such deaths were made to the Deaths in Custody Reporting Program.

SEC. 506. GAO STUDY ON MIGRANT DEATHS.

Within 120 days of the date of enactment and by the end of each fiscal year thereafter, the Comptroller General of the United States shall submit to the Committee on the Judiciary and Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and Committee on Homeland Security of the House, a report on:

(1) the total number of migrant deaths along the southern border in the last 5 years;

(2) the total number of unidentified deceased migrants found along the southern border;

(3) the level of cooperation between U.S. Customs and Border Protection, local and State law enforcement, foreign diplomatic and consular posts, nongovernmental organizations, and family members to accurately identify deceased individuals;

(4) the use of DNA testing and sharing of such data between U.S. Customs and Border Protection, local and State law enforcement, foreign diplomatic and consular posts, and nongovernmental organizations to accurately identify deceased individuals;

(5) the comparison of DNA data with information on Federal, State, and local missing person registries; and

(6) the procedures and processes U.S. Customs and Border Protection has in place for notification of relevant authorities or family members after missing persons are identified through DNA testing.

SEC. 507. STATUTE OF LIMITATIONS FOR VISA, NATURALIZATION, AND OTHER FRAUD OFFENSES INVOLVING WAR CRIMES OR HUMAN RIGHTS VIOLATIONS.

(a) STATUTE OF LIMITATIONS FOR VISA FRAUD AND OTHER OFFENSES.—Chapter 213, Title 18, United States Code, is amended by adding new section 3302, as follows:

SEC. 3302. FRAUD IN CONNECTION WITH CERTAIN HUMAN RIGHTS VIOLATIONS OR WAR CRIMES.

''(a) No person shall be prosecuted, tried, or punished for violation of any provision of sections 1001 and 1015 of chapter 47, section 1425 of chapter 63, section 1546 of chapter 75, section 1621 of chapter 79, and section 2191 of chapter 212A of title 19 of the United States Code, or for attempt or conspiracy to violate any such sections, when the fraudulent conduct, misrepresentation, concealment, or fraudulent, fictitious, or false statement concerns the alleged offender's participation, at any time, at any place, and irrespective of the nationality of the alleged offender or any victim, in a human rights violation or war crime, or the alleged offender's membership in, service in, or authority over a military, paramilitary, or police organization that participated in such conduct during any part of any period in which the alleged offender was a member of, served in, or had authority over the organization, unless the indictment is found or the information is instituted with 20 years after the commission of the offense, except that an indictment may be found, or information instituted, at any time without limitation if the commission of such human rights violation or war crime resulted in the death of any person.

''(b) For purposes of subsection (a), 'human rights violation or war crime' means genocide, incitement to genocide, war crimes, torture, female genital mutilation, extrajudicial killing under color of foreign law, persecution, particularly severe violation of religious freedom by a foreign government official, or the use of recruitment of child soldiers.

''(c) For purposes of subsection (b),

''(1) 'genocide' means conduct described in section 1091(c) of chapter 50A of this title,

''(2) 'incitement to genocide' means conduct described in section 1091(c) of chapter 50A of this title,

''(3) 'war crimes' means conduct described in subsections (c) and (d) of section 2441 of chapter 118 of this title,

''(4) 'torture' means conduct described in subsections (1) and (2) of section 2340 of chapter 113C of this title,

''(5) 'female genital mutilation' means conduct described in section 116 of chapter 7 of this title,

''(6) 'extrajudicial killing under color of foreign law' means conduct specified in section 1182(a)(3)(E)(iii) of chapter 12 of title 8 of the United States Code,

''(7) 'persecution' means conduct that is a bar to relief under section 1158(b)(2)(A)(i) of chapter 12 of title 8 of the United States Code,

''(8) 'particularly severe violation of religious freedom' means conduct described in section 6402(13) of chapter 73 of title 22 of the United States Code, and

''(9) 'use or recruitment of child soldiers' means conduct described in subsection (a) and (d) of section 2442 of chapter 118 of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fraudulent conduct, misrepresentations, concealments, and fraudulent, fictitious, or false statements made or committed before, on, or after the date of enactment of this Act.

SEC. 508. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—

''(1) IN GENERAL.—If, after a hearing pursuant to the provisions of subsection (f), the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1), or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) a period of not more than 5 years has elapsed since the date of conviction or the release of the person from imprisonment, for the offense described in subparagraph (A), whichever is later.

''(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed—

''(A) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46;

''(B) an offense under section 924(c), 956(a), or 2332b of this title;

''(C) an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed; or

''(D) an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

''(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance

of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(A) has no lawful immigration status in the United States;

''(B) is the subject of a final order of removal; or

''(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).''.

(b) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(C) whether the person is in a lawful immigration status, has previously entered the United States illegally, has previously been removed from the United States, or has otherwise violated the conditions of his or her lawful immigration status; and''.

SEC. 509. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

''§ 2332c. Recruitment of persons to participate in terrorism

''(a) OFFENSES.—

''(1) IN GENERAL.—It shall be unlawful for any person to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the other person commit such act or crime of terrorism.

''(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful for any person to attempt or conspire to commit an offense under paragraph (1).

''(b) PENALTIES.—Any person who violates subsection (a)—

''(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

''(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

''(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

''(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

''(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365(h).''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332b the following:

''2332c. Recruitment of persons to participate in terrorism.''.

SEC. 510. BARRING AND REMOVING PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY FROM THE UNITED STATES.

(a) INADMISSIBILITY OF PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY.—Subparagraph (E) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) by striking the subparagraph heading and inserting ''PARTICIPANTS IN PERSECUTION (INCLUDING NAZI PERSECUTIONS), GENOCIDE, WAR CRIMES, CRIMES AGAINST HUMANITY, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING.—''; and

(2) by adding after subclause (iii) the following:

''(iv) PERSECUTORS, WAR CRIMINALS, AND PARTICIPANTS IN CRIMES AGAINST HUMANITY.—Any alien, including those who are superior commanders, who committed, ordered, incited, assisted, or otherwise participated in a war crime as defined in section 2441(c) of title 18, United States Code, a crime against humanity, or in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion, is inadmissible.

''(v) CRIME AGAINST HUMANITY DEFINED.—In this subparagraph, the term 'crime against humanity' means conduct that is part of a widespread and systematic attack targeting any civilian population, and with knowledge that the conduct was part of the attack or with the intent that the conduct be part of the attack—

''(I) that, if such conduct occurred in the United States or in the special maritime and territorial jurisdiction of the United States, would violate—

''(aa) section 1111 of title 18, United States Code (relating to murder);

''(bb) section 1201(a) of title 18, United States Code (relating to kidnapping);

''(cc) section 1203(a) of title 18, United States Code (relating to hostage taking), notwithstanding any exception under subsection (b) of such section 1203;

''(dd) section 1581(a) of title 18, United States Code (relating to peonage);

''(ee) section 1583(a)(1) of title 18, United States Code (relating to kidnapping or carrying away individuals for involuntary servitude or slavery);

''(ff) section 1584(a) of title 18, United States Code (relating to sale into involuntary servitude);

''(gg) section 1589(a) of title 18, United States Code (relating to forced labor);

''(hh) section 1590(a) of title 18, United States Code (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor);

''(ii) section 1591(a) of title 18, United States Code (relating to sex trafficking of children or by force, fraud, or coercion);

''(jj) section 2241(a) of title 18, United States Code (relating to aggravated sexual abuse by force or threat); or

''(kk) section 2242 of title 18, United States Code (relating to sexual abuse);

''(II) that would constitute torture as defined in section 2340(1) of title 18, United States Code;

''(III) that would constitute cruel or inhuman treatment as described in section 2441(d)(1)(B) of title 18, United States Code;

''(IV) that would constitute performing biological experiments as described in section 2441(d)(1)(C) of title 18, United States Code;

''(V) that would constitute mutilation or maiming as described in section 2441(d)(1)(E) of title 18, United States Code; or

''(VI) that would constitute intentionally causing serious bodily injury as described in section 2441(d)(1)(F) of title 18, United States Code.''.

''(vi) SYSTEMATIC.—In this subparagraph, the term 'systematic' means the commission of a series of acts following a regular pattern and occurring in an organized, non-random manner.

''(vii) WIDESPREAD.—In this subparagraph, the term 'widespread' means either a single, large scale act or a series of acts directed against a substantial number of victims.

''(viii) SUPERIOR COMMANDER.—The term 'superior commander' means—

''(I) a military commander or a person with effective control of military forces or an armed group;

''(II) who knew or should have known that a subordinate or someone under his or her effective control is committing acts described in subsection (a), is about to commit such acts, or had committed such acts; and

''(III) who fails to take the necessary and reasonable measures to prevent such acts or, for acts that have been committed, to punish the perpetrators thereof.''

(3) by revising in clause (iii)(II) the following:

(A) by deleting '' of any foreign nation'', and

(B) by inserting after ''is inadmissible'' the following clause:

''(III) Color of law. For purposes of this subsection and subsection 237(a)(4)(D) only, acting under 'color of law' includes acts taken as part of an armed group exercising de facto authority.''.

(b) BARRING WAIVER OF INADMISSIBILITY FOR PERSECUTORS.—Subparagraph (A) of section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) is amended by striking ''and clauses (i) and (ii) of paragraph (3)(E)'' both places that term appears and inserting ''and (3)(E)''.

(c) REMOVAL OF PERSECUTORS.—Subparagraph (D) of section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking ''NAZI'' in the subparagraph heading; and

(2) by striking ''or (iii)'' and inserting ''(iii), or (iv)'';

(3) by inserting after subsection (g), as redesignated by Title VIII of this Act, the following:

''(H) Participation in female genital mutilation. Any alien who has committed, ordered, incited, assisted, or otherwise participated in female genital mutilation, is deportable.''.

(d) SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G) is amended—

(1) in the header, by striking ''Foreign government officials'' and replacing it with ''Any persons''; and

(2) by striking '', while serving as a foreign government official,''.

(e) BARRING PERSECUTORS FROM ESTABLISHING GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (9), by striking ''killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).'' and inserting ''killings), 212(a)(2)(G) (relating to severe violations of religious freedom), or 212(a)(3)(G) (relating to recruitment and use of child soldiers);''; and

(2) by inserting after paragraph (9) the following:

''(10) one who at any time committed, ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion is inadmissible; or''.

(f) INCREASING CRIMINAL PENALTIES FOR ANYONE WHO AIDS AND ABETS THE ENTRY OF A PERSECUTOR.—Section 277 of the Immigration and Nationality Act (8 U.S.C. 1327) is amended by striking ''(other than subparagraph (E) thereof)''.

(g) INCREASING CRIMINAL PENALTIES FOR FEMALE GENITAL MUTILATION.—Section 116 of Title 18, U.S.C. is amended—

(1) in subsection (a), by striking ''shall be fined under this title or imprisoned not more than 5 years, or both'' at the end, and inserting the following:

''has engaged in a violent crime against children under section 3559(f)(3) of this title and shall be imprisoned for life or for any term of years not less than 10.

(2) in subsection (d), by striking ''shall be fined under this title or imprisoned not more than 5 years, or both.'' at the end, and inserting the following:

''shall be imprisoned for life or for any term of years not less than 10.''.

(h) MATERIAL SUPPORT IN THE RECRUITMENT OR USE OF CHILD SOLDIERS.—

(1) Section 212(a)(3)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(G)) is amended by inserting after the ''18,'' the following new clause:

''or has provided material support in the recruitment or use of child soldiers in violation of section 2339A of title 18,''.

(2) DEPORTABILITY.—Section 237(a)(4)(G) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(G)), as amended by Title VIII of this Act, is amended by inserting after the ''18,'' the following new clause:

''or has provided material support in the recruitment or use of child soldiers in violation of section 2339A of title 18,''.

(i) FEMALE GENITAL MUTILATION.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(H) PARTICIPATION IN FEMALE GENITAL MUTILATION.—Any alien who has ordered, incited, assisted, or otherwise participated in female genital mutilation, is inadmissible.''.

(j) TECHNICAL AMENDMENTS.—

(1) SECTION 101(A)(42).—Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by inserting ''committed,'' before ''ordered''.

(2) SECTION 208(B)(2)(A)(I).—Section 208(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(i)) is amended by inserting ''committed,'' before ''ordered''.

(3) SECTION 241(B)(3)(B)(I).—Section 241(b)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)(i)) is amended by inserting ''committed,'' before ''ordered''.

(k) EFFECTIVE DATE.—The amendments made by this section shall apply to any offense committed before, on, or after the date of enactment of this Act.

SEC. 511. GANG MEMBERSHIP, REMOVAL, AND INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after subparagraph (52) the following:

''(53)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons that—

''(i) has as one of its primary purposes the commission of 1 or more of the criminal offenses set out under subparagraph (B) and the members of which engage, or have engaged within the past 5 years, in a continuing series of such offenses; or

''(ii) has been designated as a criminal gang by the Secretary of Homeland Security, in consultation with the Attorney General, as meeting criteria set out in clause (i).

''(B) The offenses described under this subparagraph, whether in violation of Federal or State law or the law of a foreign country and regardless of whether the offenses occurred before, on, or after the date of the enactment of the Building America's Trust Act, are the following:

''(i) A felony drug offense (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(ii) An offense involving illicit trafficking in a controlled substance (as defined in section 102 of the Controlled Substances Act), including a drug trafficking crime (as defined in section 924(c) of title 18, United States Code).

''(iii) An offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

''(iv) Any offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon.

''(v) Any offense that has as an element the use, attempted use, or threatened use of any physical object to inflict or cause (either directly or indirectly) serious bodily injury, including an injury that may ultimately result in the death of a person.

''(vi) An offense involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(vii) Any conduct punishable under section 1028 or 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(viii) A conspiracy to commit an offense described in clauses (i) through (v).

''(C) Notwithstanding any other provision of law (including any effective date), a group, club, organization, or association shall be considered a criminal gang regardless of whether the conduct occurred before, on, or after the date of the enactment of the Building America's Trust Act.''.

(b) INADMISSIBILITY.—Paragraph (2) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien is inadmissible who a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe—

''(i) to be or to have been a member of a criminal gang (as defined in section 101(a)(53)); or

''(ii) to have participated in the activities of a criminal gang (as defined in section 101(a)(53)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang.''.

(c) DEPORTABILITY.—Paragraph (2) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(G) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien who the Secretary of Homeland Security or the Attorney General knows or has reason to believe—

''(i) is or has been a member of a criminal gang (as defined in section 101(a)(53)), or

''(ii) has participated in the activities of a criminal gang (as defined in section 101(a)(53)) knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang,

is deportable.''.

(d) DESIGNATION OF CRIMINAL GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

''SEC. 220. DESIGNATION OF CRIMINAL GANGS.

''(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, and the Secretary of State may designate a group or association as a criminal gang if their conduct is described in section 101(a)(53) or if the group's or association's conduct poses a significant risk that threatens the security and the public safety of United States nationals or the national security, homeland security, foreign policy, or economy of the United States.

''(b) EFFECTIVE DATE.—Designations under subsection (a) shall remain in effect until the designation is revoked after consultation between the Secretary of Homeland Security, the Attorney General, and the Secretary of State or is terminated in accordance with Federal law.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 219 the following:

''220. Designation of criminal gangs.''

(e) ANNUAL REPORT ON DETENTION OF CRIMINAL GANG MEMBERS.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary, after consultation with the heads of appropriate Federal agencies, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on the number of aliens detained who are described by subparagraph (J) of section 212(a)(2) and subparagraph (G) of section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(J, 1227(a)(2)(G)), as added by subsections (b) and (c).

(f) ASYLUM CLAIMS BASED ON GANG AFFILIATION.—

(1) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Subparagraph (B) of section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) or who is'' after ''to an alien''.

(2) INELIGIBILITY FOR ASYLUM.—Subparagraph (A) of section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(A) in clause (v), by striking ''or'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i) (relating to participation in criminal gangs); or''.

(g) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary'';

(2) in subsection (c)(2)(B)—

(A) in clause (i), by striking ''States, or'' and inserting ''States;'';

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) the alien is, or at any time after admission has been, an alien described in section 212(a)(2)(J)(i) or section 237(a)(2)(G)(i).''.

(h) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to acts that occur before, on, or after the date of the enactment of this Act.

SEC. 512. BARRING ALIENS WITH CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR WHILE INTOXICATED.

(a) AGGRAVATED FELONY DRIVING WHILE INTOXICATED.—

(1) DEFINITIONS.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) in subparagraph (T), by striking ''and'';

(B) in subparagraph (U), by striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (U) the following:

''(V) a single conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs), when such impaired driving was the cause of the serious bodily injury or death of another person or a second or subsequent conviction for driving while intoxicated (including a conviction for driving under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law. For purposes of this paragraph, the Secretary of Homeland Security or the Attorney General are not required to prove the first conviction for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense and need only make a factual determination that the alien was previously convicted for driving while intoxicated (including a conviction for driving while under the influence of or impaired by alcohol or drugs).''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

(b) INADMISSIBILITY FOR DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE.—

(1) IN GENERAL.—Paragraph (2) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), as amended by section 507, is further amended by adding at the end the following:

''(K) DRIVING WHILE INTOXICATED AND UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien who—

''(i) is convicted of driving while intoxicated, driving under the influence, or similar violation of State law, and

''(ii) at the time of the commission of that offense was unlawfully present in the United States because the alien entered without inspection or admission, overstayed the period of stay authorized by the Secretary, or violated the terms of the alien's nonimmigrant visa,

is inadmissible.''.

(2) EFFECTIVE DATE AND APPLICATION.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

(c) DEPORTATION FOR DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE.—

(1) IN GENERAL.—Paragraph (2) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by section 507, is further amended by adding at the end the following:

''(H) DRIVING WHILE INTOXICATED AND WHILE UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien is deportable who—

''(i) at the time of commission of the offense is unlawfully present in the United States because the alien entered without inspection or admission, overstayed the period of stay authorized by the Secretary, or violated the terms of the alien's nonimmigrant visa; and

''(ii) is convicted of driving while intoxicated, driving under the influence, or similar violation of State law.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.

(d) GOOD MORAL CHARACTER BAR FOR DUI OR DWI CONVICTIONS.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), as amended by section 506, is further amended by inserting after paragraph (1) the following:

[''(2) inadmissible under section 212(a)(2)(K) or deportable under section 237(a)(2)(H);]

[''(e) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (h) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended—]

[''(1) by inserting 'or the Secretary' after 'the Attorney General' each place such term appears; and]

[''(2) in the matter preceding paragraph (1), by striking 'and (E)' and inserting '(E), and (K)'.''.]

[(2) APPLICATION.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to any conviction entered on or after such date.]

SEC. 513. BARRING AGGRAVATED FELONS, BORDER CHECKPOINT RUNNERS, AND SEX OFFENDERS FROM ADMISSION TO THE UNITED STATES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)(i)—

(i) in subclause (I), by striking '', or'' and inserting a semicolon;

(ii) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(iii) by inserting after subclause (II) the following:

''(III) a violation of (or a conspiracy or attempt to violate) any statute relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents, authentication features, and information);''; and

(B) by inserting after subparagraph (K), as added by section 508, the following:

''(L) CITIZENSHIP FRAUD.—Any alien convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of, a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18, United States Code, (relating to the procurement of citizenship or naturalization unlawfully) is inadmissible.

''(M) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, any law relating to purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(N) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony as defined in section 101(a)(43) at any time is inadmissible.

''(O) HIGH SPEED FLIGHT.—Any alien who has been convicted of a violation of section 758 of title 18, United States Code, (relating to high speed flight from an immigration checkpoint) is inadmissible.

''(P) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien convicted under section 2250 of title 18, United States Code is inadmissible.

''(Q) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTION ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—

''(I) IN GENERAL.—Any alien who at any time is or has been convicted of a crime involving the use or attempted use of physical force, or threatened use of a deadly weapon, a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is inadmissible.

''(II) CRIME OF DOMESTIC VIOLENCE DEFINED.—For purposes of this clause, the term 'crime of domestic violence' means any crime of violence or any offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—

''(I) IN GENERAL.—Any alien who at any time is or has been enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is inadmissible.

''(II) PROTECTIVE ORDER DEFINED.—In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of violence that involve the use or attempted use of physical force, or threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim, including temporary or final orders issued by civil or criminal courts (other than support or child

custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

''(iii) WAIVER AUTHORIZED.—For provision authorizing waiver of this subparagraph, see subsection (o).''; and

(2) in subsection (h)—

(A) in the matter preceding paragraph (1), as amended by this Act, by further amended by striking '', and (K)'', and inserting ''(K), and (M)'';

(B) in the matter following paragraph (2)—

(i) by striking ''torture.'' and inserting ''torture, or has been convicted of an aggravated felony.''; and

(ii) by striking ''if either since the date of such admission the alien has been convicted of an aggravated felony or the alien'' and inserting ''if since the date of such admission the alien''.

(3) by adding new subsection (o) to read as follows—

''(o) WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—The Secretary of Homeland Security or Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(Q)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship upon a determination that—

''(A) the alien was acting in self-defense;

''(B) the alien was found to have violated a protection order intended to protect the alien; or

''(C) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime—

''(i) that did not result in serious bodily injury; and

''(ii) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

''(2) CREDIBLE EVIDENCE CONSIDERED.—In acting on applications under this paragraph, the Secretary of Homeland Security or Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Secretary of Homeland Security or Attorney General.''.

(b) DEPORTABILITY; CRIMINAL OFFENSES.—Section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(B)) is amended—

(1) in clause (i), by striking the comma at the end and inserting a semicolon;

(2) in clause (ii), by striking '', or'' at the end and inserting a semicolon;

(3) in clause (iii), by striking the comma at the end and inserting ''; or''; and

(4) by inserting after clause (iii) the following:

''(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1425 of title 18 (relating to the procurement of citizenship or naturalization unlawfully),''.

(c) DEPORTABILITY; CRIMINAL OFFENSES.—Paragraph (2) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by sections 507 and 508, is further amended by adding at the end the following:

''(I) IDENTIFICATION FRAUD.—Any alien who is convicted of a violation of (or a conspiracy or attempt to violate) an offense relating to section 208 of the Social Security Act (42 U.S.C. 408) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code, (relating to fraud and related activity in connection with identification), is deportable.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act;

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(e) CONSTRUCTION.—The amendments made by this section shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) if such eligibility did not exist before the date of enactment of this Act.

SEC. 514. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.

(a) IMMIGRANTS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A), by amending clause (viii) to read as follows:

''(viii) Clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(7)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.''; and

(2) in subparagraph (B)(i)—

(A) by redesignating the second subclause (I) as subclause (II); and

(B) by amending such subclause (II) to read as follows:

''(II) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(43) or a specified offense against a minor as defined in section 111 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16911(7)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)), is amended by striking ''204(a)(1)(A)(viii)(I))'' each place such term appears and inserting ''204(a)(1)(A)(viii))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to petitions filed on or after such date.

SEC. 515. ENHANCED CRIMINAL PENALTIES FOR HIGH SPEED FLIGHT.

(a) IN GENERAL.—Section 758 of title 18, United States Code, is amended to read as follows:

''§ 758. Unlawful flight from immigration or customs controls

''(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

''(c) ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

''(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

''(A) in excess of the applicable or posted speed limit,

''(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel, or

''(C) in an otherwise dangerous or reckless manner;

''(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

''(3) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

''(4) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) FORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

''(f) FORFEITURE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d), except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section shall limit the authority of the Secretary of Homeland Security to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'checkpoint' includes, but is not limited to, any customs or immigration inspection at a port of entry or immigration inspection at a U.S. Border Patrol checkpoint;

''(2) the term 'law enforcement agent' means—

''(A) any Federal, State, local or tribal official authorized to enforce criminal law; and

''(B) when conveying a command described in subsection (b), an air traffic controller;

''(3) the term 'lawful command' includes a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other communication;

''(4) the term 'motor vehicle' means any motorized or self-propelled means of terrestrial transportation; and

''(5) the term 'serious bodily injury' has the meaning given in section 2119(2) of this title.''.

(b) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to

create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) if such eligibility did not exist before the date of enactment of this Act.

SEC. 516. PROHIBITION ON ASYLUM AND CANCELLATION OF REMOVAL FOR TERRORISTS.

(a) ASYLUM.—Subparagraph (A) of section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)), as amended by section 506 and 507, is further amended—

(1) by inserting ''or the Secretary'' after ''if the Attorney General''; and

(2) by striking clause (v), and inserting:

''(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subclause (IX) of section 212(a)(3)(B)(i), the Secretary or the Attorney General determines, in his or her sole and unreviewable discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;''.

(b) CANCELLATION OF REMOVAL.—Paragraph (4) of section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)(4)) is amended—

(1) by striking ''inadmissible under'' and inserting ''described in''; and

(2) by striking ''deportable under'' and inserting ''described in''.

(c) RESTRICTION ON REMOVAL.—

(1) IN GENERAL.—Subparagraph (A) of section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(A)) is amended—

(A) by inserting ''or the Secretary'' after ''Attorney General'' both places that term appears;

(B) by striking ''Notwithstanding'' and inserting the following:

''(i) IN GENERAL.—Notwithstanding''; and

(C) by adding at the end the following:

''(ii) BURDEN OF PROOF.—The alien has the burden of proof to establish that the alien's life or freedom would be threatened in such country, and that race, religion, nationality, membership in a particular social group, or political opinion would be at least one central reason for such threat.''.

(2) EXCEPTION.—Subparagraph (B) of section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended—

(A) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' both places that term appears;

(B) in clause (iii), striking ''or'' at the end;

(C) in clause (iv), striking the period at the end and inserting ''; or'';

(D) inserting after clause (iv) the following:

''(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subclause (IX) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in his or her sole and unreviewable discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

''(vi) the alien is convicted of an aggravated felony.''; and

(E) by striking the undesignated matter at the end of the subparagraph (B).

(3) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—Subparagraph (C) of section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(C)) is amended by striking ''In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A),'' and inserting ''For purposes of this paragraph,''.

(4) EFFECTIVE DATE AND APPLICATION.—The amendments made in paragraphs (1) and (2) shall take effect as if enacted on May 11, 2005, and shall apply to applications for withholding of removal made on or after such date.

(d) EFFECTIVE DATES.—Except as provided in paragraph (c)(4), the amendments made by this section shall take effect on the date of the enactment of this Act and sections 208(b)(2)(A), 240A(c), and 241(b)(3) of the Immigration and Nationality Act, as so amended, shall apply to—

(1) all aliens in removal, deportation, or exclusion proceedings;

(2) all applications pending on, or filed after, the date of the enactment of this Act; and

(3) with respect to aliens and applications described in paragraph (1) or (2) of this subsection, acts and conditions constituting a ground for exclusion, deportation, or removal occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 517. AGGRAVATED FELONIES.

(a) DEFINITION OF AGGRAVATED FELONY.—Paragraph (43) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 508, is further amended—

(1) in subparagraph (A), by striking ''sexual abuse of a minor;'' and inserting ''any conviction for a sex offense, including an offense described in sections 2241 and 2243 of Title 18, United States Code, or an offense where the alien abused or was involved in the abuse of any individual under the age of 18 years, or in which the victim is in fact under the age of 18 years, regardless of the reason and extent of the act, the sentence imposed, or the elements in the offense that are required for conviction;'';

(2) in subparagraph (F), by striking ''at least one year'' and inserting ''is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon, the Attorney General or Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon;'';

(3) by striking subparagraph (G) and inserting the following:

''(G) a theft offense under State or Federal law (including theft by deceit, theft by fraud, and receipt of stolen property) or burglary offense under State or Federal law for which the term of imprisonment is at least one year, except that if the conviction records do not conclusively establish whether a crime constitutes a theft or burglary offense, the Attorney General or Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a theft or burglary offense;'';

(4) in subparagraph (I), by striking ''or 2252'' and inserting ''2252, or 2252A'';

(5) in subparagraph (N), by striking ''paragraph (1)(A) or (2) of'' and inserting a semicolon at the end;

(6) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year;'';

(7) in subparagraph (P) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in the first paragraph of section 1541, 1542, 1543, 1544, 1546(a), or 1547 of chapter 75 of title 18, United States Code, and'';

(8) in subparagraph (U), by striking ''an attempt or conspiracy to commit an offense described in this paragraph'' and inserting ''an attempt to commit, conspiracy to commit, or facilitation of an offense described in this paragraph, or aiding, abetting, procuring, commanding, inducing, or soliciting the commission of such an offense''; and

(9) by striking the undesignated material at end of the paragraph and inserting ''The term applies to an offense described in this paragraph, whether in violation of Federal or State law, or a law of a foreign country, for which the term of imprisonment was completed within the previous 20 years, and even if the length of the term of imprisonment for the offense is based on recidivist or other enhancements. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.''.

(b) DEFINITION OF CONVICTION.—Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C)(i) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction that was granted to ameliorate the consequences of the conviction, sentence, or conviction, or was granted for rehabilitative purposes shall have no effect on the immigration consequences resulting from the original conviction.

''(ii) The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification, including modification to any sentence for an offense, was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, or for rehabilitative purposes.''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

SEC. 518. CONVICTIONS.

(a) Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)), as amended by sections 509 through 511, is further amended by adding at the end the following subparagraph:

''(L) CONVICTIONS.—

''(i) IN GENERAL.—For purposes of determining whether an underlying criminal offense constitutes a ground of inadmissibility under this subsection, all statutes or common law offenses are divisible so long as any of the conduct encompassed by the statute constitutes an offense that is a ground of inadmissibility.

''(ii) OTHER EVIDENCE.—If the conviction records (i.e., charging documents, plea agreements, plea colloquies, jury instructions) do not conclusively establish whether a crime constitutes a ground of inadmissibility, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a ground of inadmissibility.''.

(b) Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)), as amended by sections ____ and ____, is further amended by adding at the end the following subparagraph:

''(J) CRIMINAL OFFENSES.—

''(i) IN GENERAL.—For purposes of determining whether an underlying criminal offense constitutes a ground of deportability under this subsection, all statutes or common law offenses are divisible so long as any of the conduct encompassed by the statute constitutes an offense that is a ground of deportability.

''(ii) OTHER EVIDENCE.—If the conviction records (i.e., charging documents, plea agreements, plea colloquies, jury instructions) do not conclusively establish whether a crime constitutes a ground of deportability, the Attorney General or the Secretary of Homeland Security may consider other evidence related to the conviction, including but not limited to police reports and witness statements, that clearly establishes that the conduct for which the alien was engaged constitutes a ground of deportability.''.

SEC. 519. PARDONS.

(a) DEFINITION.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as amended by section --, is further amended by adding at the end the following:

''(54) The term 'pardon' means a full and unconditional pardon granted by the President of the United States, Governor of any of the several States or constitutionally recognized body.''.

(b) DEPORTABILITY.—Section 237(a) of such Act (8 U.S.C. 1227(a)), as amended by sections -- and --, is further amended—

(1) in paragraph (2)(A), by striking clause (vi); and

(2) by adding at the end the following:

''(8) PARDONS.—In the case of an alien who has been convicted of a crime and is subject to removal due to that conviction, if the alien, subsequent to receiving the criminal conviction, is granted a pardon, the alien shall not be deportable by reason of that criminal conviction.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to a pardon granted before, on, or after such date.

SEC. 520. FAILURE TO OBEY REMOVAL ORDERS.

(a) IN GENERAL.—Section 243(a) of the Immigration and Nationality Act (8 U.S.C. 1253(a)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1), by inserting ''212(a) or'' before ''237(a),''; and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date of enactment of this Act and shall apply to acts that are described in subparagraphs (A) through (D) of section 243(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1253(a)(1)) that occur on or after the date of enactment of this Act.

SEC. 521. SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.

Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by striking subsection (d) and inserting the following:

''(d) LISTING OF COUNTRIES WHO DELAY REPATRIATION OF REMOVED ALIENS.—

''(1) LISTING OF COUNTRIES.—Beginning on the date that is 6 months after the date of enactment of the Building America's Trust Act, and every 6 months thereafter, the Secretary shall publish a report in the Federal Register that includes a list of—

''(A) countries that have refused or unreasonably delayed repatriation of an alien who is a national of that country since the date of enactment of this Act and the total number of such aliens, disaggregated by nationality;

''(B) countries that have an excessive repatriation failure rate; and

''(C) each country that was reported as noncompliant in the prior reporting period.

''(2) EXEMPTION.—The Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, and in consultation with the Secretary of State, may exempt a country from inclusion in the list under paragraph (1) if there are significant foreign policy or security concerns that warrant such an exemption.

''(e) DISCONTINUING GRANTING OF VISAS TO NATIONALS OF COUNTRIES DENYING OR DELAYING ACCEPTING ALIEN.—

''(1) IN GENERAL.—Notwithstanding section 221(c), the Secretary of Homeland Security shall take the action described in paragraph (2)(A) and may take an action described in paragraph (2)(B), if the Secretary determines that—

''(A) an alien is inadmissible under section 212 or deportable under section 237, or the alien has been ordered removed from the United States; and

''(B) the government of a foreign country is—

''(i) denying or unreasonably delaying accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary of Homeland Security asks whether the government will accept an alien under this section; or

''(ii) refusing to issue any required travel or identity documents to allow the alien who is citizen, subject, national, or resident of that country to return to that country.

''(2) ACTIONS DESCRIBED.—The actions described in this paragraph are the following:

''(A) An order from the Secretary of State to consular officers in that foreign country to discontinue granting visas under section 101(a)(15)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)(iii)) to attendants, servants, personal employees, and members of their immediate families, of the officials and employees of that country who receive nonimmigrant status under clause (i) or (ii) of section 101(a)(15)(A) of such Act.

''(B) Denial of admission to any citizens, subjects, nationals, and residents from that country or the imposition—

''(i) of any limitations, conditions, or additional fees on the issuance of visas or travel from that country; or

''(ii) of any other sanctions authorized by law.

''(3) RESUMPTION OF VISA ISSUANCE.—Consular officers in the foreign country that refused or unreasonably delayed repatriation or refused to issue required identity or travel documents may resume visa issuance after the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens.''.

SEC. 522. ENHANCED PENALTIES FOR CONSTRUCTION AND USE OF BORDER TUNNELS.

Section 555 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''not more than 20 years.'' and inserting ''not less than 7 years but not more than 20 years.''; and

(2) in subsection (b), by striking ''not more than 10 years.'' and inserting ''not less than 3 years but not more than 10 years.''.

SEC. 523. ENHANCED PENALTIES FOR FRAUD AND MISUSE OF VISAS, PERMITS, AND OTHER DOCUMENTS.

Section 1546(a) of title 18, United States Code, is amended—

(1) by striking ''Commissioner of the Immigration and Naturalization Service'' each place that term appears and inserting ''Secretary of Homeland Security'';

(2) by striking ''Shall be fined'' and all that follows through the end and inserting ''Shall be fined under this title or imprisoned for not less than 12 years but not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title)), not less than 10 years but not more than 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), not less than 5 years but not more than 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or not less than 7 years but not more than 15 years (in the case of any other offense), or both.''

SEC. 524. EXPANSION OF CRIMINAL ALIEN REPATRIATION PROGRAMS.

(a) EXPANSION OF DEPARTMENT CRIMINAL ALIEN REPATRIATION FLIGHTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall increase the number of criminal and illegal alien repatriation flights from the United States conducted by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement Air Operations by not less than 15 percent more than the number of such flights operated, and authorized to be operated, under existing appropriations and funding on the date of the enactment of this Act.

(b) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT AIR OPERATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue a directive to expand U.S. Immigration and Customs Enforcement Air Operations (ICE Air Ops) so that ICE Air Ops provides additional services with respect to aliens who are illegally present in the United States. Such expansion shall include—

(1) increasing the daily operations of ICE Air Ops with buses and air hubs in the top 5 geographic regions along the southern border;

(2) allocating a set number of seats for such aliens for each metropolitan area; and

(3) allowing a metropolitan area to trade or give some of seats allocated to such area under paragraph (2) for such aliens to other areas in the region of such area based on the transportation needs of each area.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts otherwise authorized to be appropriated, there is authorized to be appropriated $10,000,000 for each of fiscal years 2018 through 2021 to carry out this section.

Subtitle B—Strong Visa Integrity Secures America Act

SEC. 531. SHORT TITLE.

This subtitle may be cited as the ''Strong Visa Integrity Secures America Act''.

SEC. 532. VISA SECURITY.

(a) VISA SECURITY UNITS AT HIGH RISK POSTS.—Paragraph (1) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) AUTHORIZATION.—Subject to the minimum number specified in subparagraph (B), the Secretary''; and

(2) by adding at the end the following new subparagraph:

''(B) RISK-BASED ASSIGNMENTS.—

''(i) IN GENERAL.—In carrying out subparagraph (A), the Secretary shall assign, in a risk-based manner, and considering the criteria described in clause (ii), employees of the Department to not fewer than 50 diplomatic and consular posts at which visas are issued.

''(ii) CRITERIA DESCRIBED.—The criteria described in this clause (i) are the following:

''(I) The number of nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(II) Information on cooperation of such country with the counterterrorism efforts of the United States.

''(III) Information analyzing the presence, activity, or movement of terrorist organizations (as such term is defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) within or through such country.

''(IV) The number of formal objections based on derogatory information issued by the Visa Security Advisory Opinion Unit pursuant to paragraph (10) regarding nationals of a country in which any of the diplomatic and consular posts referred to in clause (i) are located.

''(V) The adequacy of the border and immigration control of such country.

''(VI) Any other criteria the Secretary determines appropriate.

''(iii) RULE OF CONSTRUCTION.—The assignment of employees of the Department pursuant to this subparagraph is solely the authority of the Secretary and may not be altered or rejected by the Secretary of State.''.

(b) COUNTERTERRORISM VETTING AND SCREENING.—Paragraph (2) of section 428(e) of the Homeland Security Act of 2002 is amended—

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

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) Screen any such applications against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(c) TRAINING AND HIRING.—Subparagraph (A) of section 428(e)(6) of the Homeland Security Act of 2002 is amended by—

(1) striking ''The Secretary shall ensure, to the extent possible, that any employees'' and inserting ''The Secretary, acting through the Commissioner of U.S. Customs and Border Protection and the Director of U.S. Immigration and Customs Enforcement, shall provide training to any employees''; and

(2) striking ''shall be provided the necessary training''.

(d) PRE-ADJUDICATED VISA SECURITY ASSISTANCE AND VISA SECURITY ADVISORY OPINION UNIT.—Subsection (e) of section 428 of the Homeland Security Act of 2002 is amended by adding at the end the following new paragraph:

''(9) REMOTE PRE-ADJUDICATED VISA SECURITY ASSISTANCE.—At the visa-issuing posts at which employees of the Department are not assigned pursuant to paragraph (1), the Secretary shall, in a risk-based manner, assign employees of the Department to remotely perform the functions required under paragraph (2) at not fewer than 50 of such posts.

''(10) VISA SECURITY ADVISORY OPINION UNIT.—The Secretary shall establish within U.S. Immigration and Customs Enforcement a Visa Security Advisory Opinion Unit to respond to requests from the Secretary of State to conduct a visa security review using information maintained by the Department on visa applicants, including terrorism association, criminal history, counter-proliferation, and other relevant factors, as determined by the Secretary.''.

(e) SCHEDULE OF IMPLEMENTATION.—The requirements established under paragraphs (1) and (9) of section 428(e) of the Homeland Security Act of 2002 (6 U.S.C. 236(e)), as amended and added by this section, shall be implemented not later than three years after the date of the enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 to implement this section and the amendments made by this section.

SEC. 533. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

(a) IN GENERAL.—Subtitle B of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.), is amended by adding at the end the following new sections:

''SEC. 420. ELECTRONIC PASSPORT SCREENING AND BIOMETRIC MATCHING.

''(a) IN GENERAL.—Not later than one year after the date of the enactment of the Building America's Trust Act, the Commissioner of U.S. Customs and Border Protection shall—

''(1) screen electronic passports at airports of entry by reading each such passport's embedded chip; and

''(2) to the greatest extent practicable, utilize facial recognition technology or other biometric technology, as determined by the Commissioner, to inspect travelers at United States airports of entry.

''(b) APPLICABILITY.—

''(1) ELECTRONIC PASSPORT SCREENING.—Paragraph (1) of subsection (a) shall apply to passports belonging to individuals who are United States citizens, individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), and individuals who are nationals of any other foreign country that issues electronic passports.

''(2) FACIAL RECOGNITION MATCHING.—Paragraph (2) of subsection (a) shall apply, at a minimum, to individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act.

''(c) ANNUAL REPORT.—

''(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection, in collaboration with the Chief Privacy Officer of the Department, shall issue to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an annual report through fiscal year 2021 on the utilization of facial recognition technology and other biometric technology pursuant to subsection (a)(2).

''(2) REPORT CONTENTS.—Each such report shall include—

''(A) information on the type of technology used at each airport of entry;

''(B) the number of individuals who were subject to inspection using either of such technologies at each airport of entry;

''(C) within the group of individuals subject to such inspection, the number of those individuals who were United States citizens and lawful permanent residents;

''(D) information on the disposition of data collected during the year covered by such report; and

''(E) information on protocols for the management of collected biometric data, including timeframes and criteria for storing, erasing, destroying, or otherwise removing such data from databases utilized by the Department.

''SEC. 420A. CONTINUOUS SCREENING BY U.S. CUSTOMS AND BORDER PROTECTION.

''The Commissioner of U.S. Customs and Border Protection shall, in a risk-based manner, continuously screen individuals issued any visa, and individuals who are nationals of a program country pursuant to section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), who are present, or expected to arrive within 30 days, in the United States, against the appropriate criminal, national security, and terrorism databases maintained by the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 419 the following new items:

''Sec. 420. Electronic passport screening and biometric matching.''

''Sec. 420A. Continuous screening by U.S. Customs and Border Protection.''.

SEC. 534. REPORTING VISA OVERSTAYS.

Section 2 of Public Law 105–173 (8 U.S.C. 1376) is amended—

(1) in subsection (a)—

(A) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by inserting before the period at the end the following: '', and any additional information that the Secretary determines necessary for purposes of the report under subsection (b).''; and

(2) by amending subsection (b) to read as follows:

''(b) ANNUAL REPORT.—Not later than June 30, 2018, and not later than June 30 of each year thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives, a report providing, for the preceding fiscal year, numerical estimates (including information on the methodology utilized to develop such numerical estimates) of—

''(1) for each country, the number of aliens from the country who are described in subsection (a), including—

''(A) the total number of such aliens within all classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

''(B) the number of such aliens within each of the classes of nonimmigrant aliens, as well as the number of such aliens within each of the subclasses of such classes of nonimmigrant aliens, as applicable;

''(2) for each country, the percentage of the total number of aliens from the country who were present in the United States and were admitted to the United States as nonimmigrants who are described in subsection (a);

''(3) the number of aliens described in subsection (a) who arrived by land at a port of entry into the United States;

''(4) the number of aliens described in subsection (a) who entered the United States using a border crossing identification card (as such term is defined in section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)); and

''(5) the number of Canadian nationals who entered the United States without a visa and whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States.''.

SEC. 535. STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM VERIFICATION.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall ensure that the information collected under the program established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is available to officers of U.S. Customs and Border Protection conducting primary inspections of aliens seeking admission to the United States at each port of entry of the United States.

SEC. 536. SOCIAL MEDIA REVIEW OF VISA APPLICANTS.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et. seq.) is amended by adding at the end the following new sections:

''SEC. 434. SOCIAL MEDIA SCREENING.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Building America's Trust Act, the Secretary of Homeland Security shall, to the greatest extent practicable, and in a risk based manner and on an individualized basis, review the social media accounts of visa applicants who are citizens of, or who reside in, high risk countries, as determined by the Secretary based on the criteria described in subsection (b).

''(b) HIGH-RISK CRITERIA DESCRIBED.—In determining whether a country is high-risk pursuant to subsection (a), the Secretary shall consider the following criteria:

''(1) The number of nationals of the country who were identified in United States Government databases related to the identities of known or suspected terrorists during the previous year.

''(2) The level of cooperation of the country with the counter-terrorism efforts of the United States.

''(3) Any other criteria the Secretary determines appropriate.

''(c) COLLABORATION.—To develop the technology required to carry out the requirements of subsection (a), the Secretary shall collaborate with—

''(1) the head of a national laboratory within the Department's laboratory network with relevant expertise;

''(2) the head of a relevant university-based center within the Department's centers of excellence network; and

''(3) the heads of other appropriate Federal agencies.

''SEC. 435. OPEN SOURCE SCREENING.

''The Secretary shall, to the greatest extent practicable, and in a risk based manner, review open source information of visa applicants.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by this Act, is further amended by inserting after the item relating to section 433 the following new items:

''Sec. 434. Social media screening.
''Sec. 435. Open source screening.''.

Subtitle C—Visa Cancellation and Revocation

SEC. 541. CANCELLATION OF ADDITIONAL VISAS.

(a) IN GENERAL.—Subsection (g) of section 222 of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General,'' and inserting ''Secretary of Homeland Security,''; and

(B) by inserting ''and any other nonimmigrant visa issued by the United States that is in the possession of the alien'' after ''such visa''; and

(2) in paragraph (2)(A), by striking ''(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality'' and inserting ''(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence''.

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a visa issued before, on, or after such date.

SEC. 542. VISA INFORMATION SHARING.

(a) IN GENERAL.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) in the introductory text, by striking ''issuance or refusal'' and inserting ''issuance, refusal, or revocation'';

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''and on the basis of reciprocity'';

(3) in paragraph (2)(A)—

(A) by inserting ''—(i)'' after ''for the purpose of''; and

(B) by striking ''illicit weapons; or'' and inserting ''illicit weapons, or (ii) determining a person's deportability or eligibility for a visa, admission, or other immigration benefit;'';

(4) in paragraph (2)(B)—

(A) by striking ''for the purposes'' and inserting ''for one of the purposes''; and

(B) by striking ''or to deny visas to persons who would be inadmissible to the United States.'' and inserting ''; or''; and

(5) in paragraph (2), by adding at the end the following:

''(C) with regard to any or all aliens in the database, specified data elements from each record, if the Secretary of State determines that it is [required for national security or public safety and] in the national interest to provide such information to a foreign government.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date of the enactment of the Act.

SEC. 543. VISA INTERVIEWS.

(a) IN GENERAL.—Section 222(h) of the Immigration and Nationality Act (8 U.S.C. 1202(h)) is amended—

(1) in paragraph (1), by adding new subparagraph (D) to read as follows:

''(D) by the Secretary of State if the Secretary, in his sole and unreviewable discretion, determines that an interview is unnecessary because the alien is ineligible for a visa.''.

(2) in paragraph (2), by adding at the end a new subparagraph (G) to read as follows:

''(G) is an individual within a class of aliens that the Secretary of Homeland Security, in his sole and unreviewable discretion, has determined may pose a threat to national security or public safety.''.

SEC. 544. JUDICIAL REVIEW OF VISA REVOCATION.

Subsection (i) of section 221 of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following:

''(2) A revocation under this subsection of a visa or other documentation from an alien shall automatically cancel any other valid visa that is in the alien's possession.''.

Subtitle D—Secure Visas Act

SEC. 551. SHORT TITLE.

This subtitle may be cited as the ''Secure Visas Act''.

SEC. 552. AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY AND SECRETARY OF STATE.

(a) IN GENERAL.—Section 428 of the Homeland Security Act of 2002 (6 U.S.C. 236) is amended by striking subsections (b) and (c) and inserting the following:

''(b) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—

''(1) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except for the authority of the Secretary of State under subparagraphs (A) and (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary of Homeland Security—

''(A) shall have exclusive authority to issue regulations, establish policy, and administer and enforce the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other immigration or nationality laws relating to the functions of consular officers of the United States in connection with the granting and refusal of a visa; and

''(B) may refuse or revoke any visa to any alien or class of aliens if the Secretary of Homeland Security, or designee, determines that such refusal or revocation is necessary or advisable in the security interests of the United States.

''(2) EFFECT OF REVOCATION.—The revocation of any visa under paragraph (1)(B)—

''(A) shall take effect immediately; and

''(B) shall automatically cancel any other valid visa that is in the alien's possession.

''(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no United States court has jurisdiction to review a decision by the Secretary of Homeland Security to refuse or revoke a visa.

''(c) EFFECT OF VISA APPROVAL BY THE SECRETARY OF STATE.—

''(1) IN GENERAL.—The Secretary of State may direct a consular officer to refuse or revoke a visa to an alien if the Secretary of Homeland Security determines that such refusal or revocation is necessary or advisable in the foreign policy interests of the United States.

''(2) LIMITATION.—No decision by the Secretary of State to approve a visa may override a decision by the Secretary of Homeland Security under subsection (b).''.

(b) VISA REVOCATION.—Section 428 of the Homeland Security Act (6 U.S.C. 236) is amended by adding at the end the following:

''(j) VISA REVOCATION INFORMATION.—If the Secretary of Homeland Security or the Secretary of State revokes a visa—

''(1) the relevant consular, law enforcement, and terrorist screening databases shall be immediately updated on the date of the revocation; and

''(2) look-out notices shall be posted to all Department port inspectors and Department of State consular officers.''.

(c) CONFORMING AMENDMENT.—Section 104(a)(1) of the Immigration and Nationality Act is amended to read:

''(1) the powers, duties and functions of diplomatic and consular officers of the United States, and the power authorized by section 428(c) of the Homeland Security Act of 2002 (6 U.S.C. 236), as amended by section 542 of the Building America's Trust Act, except those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas.''.

Subtitle E—Other Matters

SEC. 561. REQUIREMENT FOR COMPLETION OF BACKGROUND CHECKS.

(a) IN GENERAL.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h) COMPLETION OF BACKGROUND AND SECURITY CHECKS.—

''(1) REQUIREMENT TO COMPLETE.—Notwithstanding any other provision of law (statutory or nonstatutory), including but not limited to section 309 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, neither the Secretary of Homeland Security nor the Attorney General may—

''(A) approve or grant to an alien any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence or a grant of United States citizenship; or

''(B) issue to the alien any documentation evidencing a status or grant of any status, relief, protection from removal, employment authorization, or other benefit under the immigration laws;

until all background and security checks for the alien have been completed and the Secretary of Homeland or Attorney General has determined that the results do not preclude the approval or grant of any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws or approval, grant, or the issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.

''(2) PROHIBITION ON JUDICIAL ACTION.—No court shall have authority to:

''(A) order the approval of;

''(B) grant;

''(C) mandate or require any action in a certain time period; or

''(D) award any relief for the Secretary of Homeland Security's or Attorney General's failure to complete or delay in completing any action to provide

''any status, relief, protection from removal, employment authorization, or any other benefit under the immigration laws, including an adjustment of status to lawful permanent residence, naturalization, or a grant of United States citizenship for an alien until all background and security checks have been completed and the Secretary of Homeland Security or Attorney General has determined that the results of such checks do not preclude the approval or grant of such status, relief, protection, authorization, or benefit, or issuance of any documentation evidencing such status, relief, protection, authorization, or benefit.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with on or filed with the Secretary of Homeland Security or the Attorney General on or after such date of enactment.

SEC. 562. WITHHOLDING OF ADJUDICATION.

(a) IN GENERAL.—Section 103 of Immigration and Nationality Act (8 U.S.C. 1103), as amended by section 551, is further amended by adding at the end the following:

''(i) WITHHOLDING OF ADJUDICATION.—

''(1) IN GENERAL.—Except as provided in subsection (i)(4), nothing in this Act or any other law, including section 1361 and 1651 of title 28, United States Code, shall be construed to require, and no court can order, the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or a consular officer to grant any application, approve any petition, or grant or continue any relief, protection from removal, employment authorization, or any other status or benefit under the immigration laws by, to, or on behalf of any alien with respect to whom a criminal proceeding or investigation is open or pending (including, but not limited to, issuance of an arrest warrant or indictment), where such proceeding or investigation is deemed by such official to be material to the alien's eligibility for the status, relief, protection, or benefit sought.

''(2) WITHHOLDING OF ADJUDICATION.—The Secretary of Homeland Security, the Attorney General, the Secretary of State, or the Secretary of Labor may, in his or her discretion, withhold adjudication any application, petition, request for relief, request for protection from removal, employment authorization, status or benefit under the immigration laws pending final resolution of the criminal or other proceeding or investigation.

''(3) JURISDICTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 309 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1738), sections 1361 and 1651 of title 28, United States Code, and section 706(1) of title 5, United States Code, no court shall have jurisdiction to review a decision to withhold adjudication pursuant to this paragraph.

''(4) WITHHOLDING OF REMOVAL AND TORTURE CONVENTION.—This paragraph does not limit or modify the applicability of section 241(b)(3) or the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277) with respect to an alien otherwise eligible for protection under such provisions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and shall apply to any application, petition, or request for any benefit or relief or any other case or matter under the immigration laws pending with or filed with the Secretary of Homeland Security on or after such date of enactment.

SEC. 563. ACCESS TO THE NATIONAL CRIME INFORMATION CENTER INTERSTATE IDENTIFICATION INDEX.

(a) CRIMINAL JUSTICE ACTIVITIES.—Section 104 of the Immigration and Nationality Act (8 U.S.C. 1104) is amended by adding at the end the following:

''(f) CRIMINAL JUSTICE ACTIVITIES.—Notwithstanding any other provision of law, any Department of State personnel with authority to grant or refuse visas or passports may carry out activities that have a criminal justice purpose.''.

(b) LIAISON WITH INTERNAL SECURITY OFFICERS; DATA EXCHANGE.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended by striking subsections (b) and (c) and inserting the following:

''(b) ACCESS TO NCIC-III.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Department of Homeland Security and the Department of State access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III) and the Wanted Persons File and to any other files maintained by the National Crime Information Center for the purpose of determining whether an applicant or petitioner for a visa, admission, or any benefit, relief, or status under the immigration laws, or any beneficiary of an application, petition, relief, or status under the immigration laws, has a criminal history record indexed in the file.

''(2) AUTHORIZED ACTIVITIES.—

''(A) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State—

''(i) shall have direct access, without any fee or charge, to the information described in paragraph (1) to conduct name-based searches, file number searches, and any other searches that any criminal justice or other law enforcement officials are entitled to conduct; and

''(ii) may contribute to the records maintained by the National Crime Information Center.

''(B) SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall receive, on request by the Secretary of Homeland Security, access to the information described in paragraph (1) by means of extracts of the records for placement in the appropriate database without any fee or charge.

''(c) CRIMINAL JUSTICE AND LAW ENFORCEMENT PURPOSES.—Notwithstanding any other provision of law, adjudication of eligibility for benefits, relief, or status under the immigration laws and other purposes relating to citizenship and immigration services, shall be considered to be criminal justice or law enforcement purposes with respect to access to or use of any information maintained by the National Crime Information Center or other criminal history information or records.''.

SEC. 564. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—No court may certify a class under rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(1) is filed after the date of enactment of this Act; and

(2) pertains to the administration or enforcement of the immigration laws.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief granted under paragraph (1) shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief; and

(B) orders the preliminary relief to become a final order granting prospective relief prior to the expiration of the 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on a motion made by the United States Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the United States Government in any civil action pertaining to the administration or enforcement of the immigration laws shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(d) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws, the court may not enter, approve, or continue a consent decree that does not comply with the requirements of subsection (b)(1).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with subsection (b)(1).

(e) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(f) CONSENT DECREE DEFINED.—In this section, the term ''consent decree''—

(1) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(2) does not include private settlements.

SEC. 565. USE OF 1986 IRCA LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1160(b)(6)) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary'';

(2) in subparagraph (A), by striking ''Justice'' and inserting ''Homeland Security'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(4) inserting after subparagraph (B) the following:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the Secretary's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.''.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in the Secretary's discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''; and

(5) in subparagraph (D), as redesignated, striking ''Service'' and inserting ''Department of Homeland Security''.

(b) ADJUSTMENT OF STATUS.—Section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a), is amended in subsection (c)(5)—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (A), by striking ''Justice'' and inserting ''Homeland Security''; and

(3) by amending subparagraph (C) to read as follows:

''(C) AUTHORIZED DISCLOSURES.—

''(i) CENSUS PURPOSE.—The Secretary of Homeland Security may provide, in the Secretary's discretion, for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed under section 8 of title 13, United States Code.

''(ii) NATIONAL SECURITY PURPOSE.—The Secretary of Homeland Security may provide, in the Secretary's discretion, for the furnishing, use, publication, or release of information furnished under this section in any investigation, case, or matter, or for any purpose, relating to terrorism, national intelligence or the national security.''.

SEC. 566. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended by striking ''No person'' and all that follows through the period at the end and inserting the following:

''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses) and 75 (relating to passport, visa, and immigration offenses), or for a violation of any criminal provision of sections 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.''.

SEC. 567. CONFORMING AMENDMENT TO THE DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking ''section 1542'' and all that follows through ''section 1546 (relating to fraud and misuse of visas, permits, and other documents)'' and inserting ''sections 1541–1547 (relating to passports and visas)''.

SEC. 568. VALIDITY OF ELECTRONIC SIGNATURES.

(a) CIVIL CASES.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act (8 U.S.C. 1351 et seq.) is amended by adding at the end the following new section:

''SEC. 295. VALIDITY OF SIGNATURES.

''(a) IN GENERAL.—In any proceeding, adjudication, or any other matter arising under the immigration laws, an individual's hand written or electronic signature on any petition, application, or any other document executed or provided for any purpose under the immigration laws establishes a rebuttable presumption that the signature executed is that of the individual signing, that the individual is aware of the contents of the document, and intends to sign it.''.

''(b) RECORD INTEGRITY.—The Secretary of Homeland Security shall establish procedures to ensure that when any electronic signature is captured for any petition, application, or other document submitted for purposes of obtaining an immigration benefit, the identity of the person is verified and authenticated, and the record of such identification and verification is preserved for litigation purposes.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 294 the following:

''Sec. 295. Validity of signatures.''.

(b) CRIMINAL CASES.—

(1) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''§ 3513. Signatures relating to immigration matters

''In a criminal proceeding in a court of the United States, where an individual's hand written or electronic signature appears on a petition, application or other document executed or provided for any purpose under the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), the trier of fact may infer that the document was signed by that individual, and that the individual knew the contents of the document and intended to sign the document.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3512 the following:

''3513. Signatures relating to immigration matters.''.

TITLE VI—PROHIBITION ON TERRORISTS OBTAINING LAWFUL STATUS IN THE UNITED STATES

Subtitle A—Prohibition on Adjustment to Lawful Permanent Resident Status

SEC. 601. LAWFUL PERMANENT RESIDENTS AS APPLICANTS FOR ADMISSION.

Section 101(a)(13)(C) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)) is amended—

(1) in clause (v), by striking the ''or'' at the end;

(2) in clause (vi), by striking the period and inserting a comma and ''or''; and

(3) by adding at the end the following:

''(vii) is described in section 212(a)(3) or section 237(a)(4).''.

SEC. 602. DATE OF ADMISSION FOR PURPOSES OF ADJUSTMENT OF STATUS.

(a) APPLICANTS FOR ADMISSION.—Section 101(a)(13) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)) is further amended by adding at the end the following:

''(D) Adjustment of status of the alien to that of an alien lawfully admitted for permanent residence under section 245 or any other provision of law is an admission of the alien, notwithstanding subparagraph (A) of this paragraph''.

(b) ELIGIBILITY TO BE REMOVED FOR A CRIME INVOLVING MORAL TURPITUDE.—Subclause (I) of section 237(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(i)(I)) is amended by striking ''date of admission,'' inserting ''alien's most recent date of admission;''.

SEC. 603. PRECLUDING ASYLEE AND REFUGEE ADJUSTMENT OF STATUS FOR CERTAIN GROUNDS OF INADMISSIBILITY AND DEPORTABILITY.

(a) GROUNDS FOR INADMISSIBILITY.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by striking ''any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))'' and inserting ''paragraph (1) of such section''.

(b) NEED HEADER.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by striking ''(other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))'', and inserting ''(other than paragraph 2(C) or (G) or subparagraph (A), (B), (C), (E), (F) or (G) of paragraph (3))''.

(c) GROUNDS FOR DEPORTABILITY.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended by adding at the end the following:

''(d) GROUNDS FOR DEPORTABILITY.—An alien may not adjust status under this section if the alien is deportable under any provision of section 237 except subsections (a)(5) of such section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of the enactment of this Act; and

(2) all aliens who are required to establish admissibility on or after such date, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

SEC. 604. PRECLUDING REFUGEE ADJUSTMENT OF STATUS FOR PERSECUTORS AND HUMAN RIGHTS VIOLATORS.

(a) PROHIBITION OF REFUGEES SEEKING ADJUSTMENT OF STATUS TO LAWFUL PERMANENT RESIDENCY WHO HAVE ENGAGED IN NAZI PERSECUTION, GENOCIDE, SEVERE VIOLATIONS OF RELIGIOUS FREEDOM, TORTURE, EXTRAJUDICIAL KILLING, OR THE RECRUITMENT/USE OF CHILD SOLDIERS.—Section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) is amended by striking ''(other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3))'', and inserting ''(other than paragraph 2(C) or (G) or subparagraph (A), (B), (C), (E), (F) or (G) of paragraph (3))''.

(b) REVOCATION OF LAWFUL PERMANENT RESIDENT STATUS FOR HUMAN RIGHTS VIOLATORS.—Section 240(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1229a(b)(5)) is amended by inserting at the end a new subparagraph (F) to read as follows—

''(F) Additional application to certain aliens outside the United States who are associated with human rights violations. The preceding provisions of this paragraph shall apply to any alien placed in proceedings under this section who is outside of the United States, has received notice of proceedings under section 240(a) either within or outside of the United States, and is described in section 212(a)(2)(G) (officials who have committed particularly severe violations of religious freedom), 212(a)(3)(E) (Nazi persecution, genocide, extrajudicial killing, or torture), or 212(a)(3)(G) (recruitment or use of child soldiers).''.

SEC. 605. REMOVAL OF CONDITION ON LAWFUL PERMANENT RESIDENT STATUS PRIOR TO NATURALIZATION.

Sections 216(e) and 216A(e) of the Immigration and Nationality Act (8 U.S.C. 1186a(e), 1186b(e)) are amended by striking the period at the end and inserting '', if the alien has had the conditional basis removed pursuant to this section.''.

SEC. 606. PROHIBITION ON TERRORISTS AND ALIENS WHO POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY FROM RECEIVING AN ADJUSTMENT OF STATUS.

(a) APPLICATION FOR ADJUSTMENT OF STATUS IN THE UNITED STATES.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by striking the section heading and subsection (a) and inserting the following:

''SEC. 245. ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE.

''(a) IN GENERAL.—

''(1) ELIGIBILITY FOR ADJUSTMENT.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification as a VAWA self-petitioner may be adjusted by the Secretary of Homeland Security or Attorney General, in the discretion of the Secretary of Homeland Security or Attorney General, and under such regulations as the Secretary of Homeland Security or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

''(A) the alien makes an application for such adjustment;

''(B) the alien is eligible to receive an immigrant visa, is admissible to the United States for permanent residence, and is not subject to exclusion, deportation, or removal from the United States; and

''(C) an immigrant visa is immediately available to the alien at the time the alien's application is filed.

''(2) IMMEDIATELY AVAILABLE.—For purposes of this section, the term 'immediately available' means that on the date of filing of the application for adjustment of status, the visa category under which the alien is seeking permanent residence is current as determined by the Secretary of State and reflected in the Department of State's visa bulletin for the month in which the application for adjustment of status is filed.

''(3) REQUIREMENT TO OBTAIN AN IMMIGRANT VISA OUTSIDE THE UNITED STATES.—Notwithstanding any provision in this section, the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, may—

''(A) prohibit an alien from seeking an adjustment of status under paragraph (1) while the alien is present in the United States; and

''(B) require the alien to seek permanent residence by applying for an immigrant visa at a United States embassy or consulate in the alien's home country or other foreign country, as designated by the Secretary of State,

if the Secretary of Homeland Security determines that the alien may be a threat to national security or public safety or if the Secretary of Homeland Security determines that a favorable exercise of discretion to allow such adjustment of status in the United States is not warranted.''.

(b) PROHIBITION ON TERRORISTS AND ALIENS WHO POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY ON ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—Subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended to read as follows:

''(c) ALIENS NOT ELIGIBLE FOR ADJUSTMENT OF STATUS.—Other than an alien having an approved petition for classification as a VAWA self-petitioner, subsection (a) shall not be applicable to—

''(1) an alien crewman;

''(2) subject to subsection (k), an alien (other than an immediate relative as defined in section 201(b) or a special immigrant described in subparagraph (H), (I), (J), or (K) of section 101(a)(27)) who hereafter continues in or accepts unauthorized employment prior to filing an application for adjustment of status or who is in unlawful immigration status on the date of filing the application for adjustment of status or who has failed (other than through no fault of his or her own or for technical reasons) to maintain continuously a lawful status since entry into the United States;

''(3) any alien admitted in transit without visa under section 212(d)(4)(C);

''(4) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217;

''(5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S);

''(6) an alien who described in section 237(a)(4)(B), (F), or (G);

''(7) any alien who seeks adjustment of status to that of an immigrant under section 203(b) and is not in a lawful nonimmigrant status;

''(8) any alien who at any time has committed, ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; or

''(9) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa.''.

SEC. 607. TREATMENT OF APPLICATIONS FOR ADJUSTMENT OF STATUS DURING PENDING DENATURALIZATION PROCEEDINGS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by section 605, is further amended by adding a new subsection (n) to read as follows:

''(n) Treatment of Applications During Pending Denaturalization Proceedings. No application for adjustment of status may be considered or approved by the Secretary of Homeland Security or Attorney General, and no court shall order the approval of an application for adjustment of status if the approved petition for classification under section 204 that is the underlying basis for the application for adjustment of status was filed by an individual who has a judicial proceeding pending against him or her that would result in the individual's denaturalization under section 340.''.

SEC. 608. EXTENSION OF TIME LIMIT TO PERMIT RESCISSION OF PERMANENT RESIDENT STATUS.

Section 246 of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended—

(1) in subsection (a) by—

(A) inserting ''(1)'' after ''(a)'';

(B) striking ''within five years'' and inserting ''within 10 years'';

(C) striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(D) adding at the end the following:

''(2) In any removal proceeding involving an alien whose status has been rescinded under this subsection, the determination by the Secretary that the alien was not eligible for adjustment of status is not subject to review or reconsideration during such proceedings.''.

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting new subsection (b) to read as follows:

''(b) Nothing in subsection (a) shall require the Secretary of Homeland Security to rescind the alien's status prior to commencement of proceedings to remove the alien under section 240 of the Act. The Secretary of Homeland Security may commence removal proceedings at any time against any alien who is removable, including those aliens who adjusted status under section 245 or 249 of the Act or any other provision of law to that of an alien lawfully admitted for permanent residence. This section of the Act contains no statute of limitations with respect to commencement of removal proceedings under section 240. An order of removal issued by an immigration judge shall be sufficient to rescind the alien's status.''.

SEC. 609. BARRING PERSECUTORS AND TERRORISTS FROM REGISTRY.

Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

''(1) entered the United States before January 1, 1972;

''(2) has continuously resided in the United States since such entry;

''(3) has been a person of good moral character since such entry;

''(4) is not ineligible for citizenship;

''(5) is not described in paragraph (1)(A)(iv), (2), (3), (6)(C), (6)(E), (8), or (9)(C) of section 212(a);

''(6) is not described in paragraph (1)(E), (1)(G), (2), (4) of section 237(a); and

''(7) did not, at any time, without reasonable cause, fail or refuse to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability.

''(b) RECORDATION DATE OF PERMANENT RESIDENCE.—The record of an alien's lawful admission for permanence residence shall be the date the Secretary approves the application for such status under this section.''.

Subtitle B—Prohibition on Naturalization and United States Citizenship

SEC. 621. BARRING TERRORISTS FROM BECOMING NATURALIZED UNITED STATES CITIZENS.

(a) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following:

''(g) PERSONS ENDANGERING NATIONAL SECURITY.—

''(1) PROHIBITION ON NATURALIZATION.—

''(A) IN GENERAL.—No person may be naturalized if the Secretary of Homeland Security makes a determination, in the discretion of the Secretary, that the alien is an alien described in section 212(a)(3) or 237(a)(4) at any time, including any period prior to, or after the filing of an application for naturalization.

''(B) EXCEPTION.—Subparagraph (A), as it relates to an alien described in section 212(a)(3), shall not apply if the alien received an exemption under section 212(d)(3)(B)(i) and the only conduct or actions that make the alien come within the ambit of section 212(a)(3) and would bar the alien from naturalization are specifically covered by such exemption.

''(2) BASIS FOR DETERMINATION; PROHIBITION ON REVIEW.—A determination made under paragraph (1) may be based upon any relevant information or evidence, including classified, sensitive, or national security information.''.

(b) Section 340(d) of the Immigration and Nationality Act (8 U.S.C. 1451(e)) is amended by revising the first sentence to read as follows—

″Any person who claims United States citizenship through the naturalization of a parent or spouse in whose case there is a revocation and setting aside of the order admitting such parent or spouse to citizenship under the provisions of—

''(1) subsection (a) of this section on the ground that the order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, or

''(2) subsection of (e) of this section pursuant to a conviction under section 1425 of title 18,

shall be deemed to have lost and to lose his citizenship and any right or privilege of citizenship which he may have, now has, or may hereafter acquire under and by virtue of such naturalization of such parent or spouse, regardless of whether such person is residing within or without the United States at the time of the revocation and setting aside of the order admitting such parent or spouse to citizenship.''.

SEC. 622. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER.—

(1) EXCLUSION OF TERRORIST ALIENS.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), as amended by sections 506 and 508, is further amended—

(A) in paragraph (8), by striking ''; or'' and inserting '', regardless whether the crime was classified as an aggravated felony at the time of conviction, provided that, the Secretary of Homeland Security or Attorney General may, in the unreviewable discretion of the Secretary or the Attorney General, determine that this paragraph shall not apply in the case of a single aggravated felony conviction (other than murder, manslaughter, homicide, rape, or any sex offense when the victim of such sex offense was a minor) for which completion of the term of imprisonment or the sentence (whichever is later) occurred 15 or more years before the date of application;''; and

(B) by inserting after paragraph (10), as added by section 506, the following:

''(11) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary of Homeland Security or the Attorney General of Homeland Security, to have been at any time an alien described in section 212(a)(3) or 237(a)(4), which determination—

''(A) may be based upon any relevant information or evidence, including classified, sensitive, or national security information; and

''(B) shall be binding upon any court regardless of the applicable standard of review.''; and

(2) by striking the first sentence of the undesignated paragraph at the end and inserting following:

''[Client - made some change here and I can't figure out what it is.] The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good character. The Secretary of Homeland Security or the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.''.

(b) AGGRAVATED FELONS.—Subsection (b) of section 509 of the Immigration Act of 1990 (Public Law 101–649; 8 U.S.C. 1101 note) is amended by striking ''convictions'' and all that follows through the end and inserting ''convictions occurring before, on, or after such date.''.

(c) EFFECTIVE DATE AND APPLICATION.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after the date of enactment, and shall apply to any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws pending on or filed after the date of enactment of this Act.

(2) SUBSECTION (c).—The amendments made by subsection (c) shall take effect as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

SEC. 623. PROHIBITION ON JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS FOR ALIENS IN REMOVAL PROCEEDINGS.

Section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is amended in its entirety to read as follows:

''(a) IN GENERAL.—Except as otherwise provided in this subchapter, no person shall be naturalized unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of this chapter.

''(b) BURDEN OF PROOF.—The burden of proof shall be upon such person to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigrant visa, if any, or of other entry document, if any, and of any other documents and records, not considered by the Attorney General to be confidential, pertaining to such entry, in the custody of the Service.

''(c) LIMITATIONS ON REVIEW.—Notwithstanding the provisions of section 405(b), and except as provided in sections 328 and 329 of this title—

''(1) No person shall be naturalized against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest issued under the provisions of this chapter or any other Act.

''(2)(A) No application for naturalization shall be considered by the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine whether the applicant's lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced.

''(B) The findings of the Attorney General in terminating removal proceedings or in cancelling the removal of an alien pursuant to the provisions of this Act, shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established his or her eligibility for naturalization as required by this Act.''.

SEC. 624. LIMITATION ON JUDICIAL REVIEW WHEN AGENCY HAS NOT MADE DECISION ON NATURALIZATION APPLICATION AND ON DENIALS.

(a) LIMITATION ON REVIEW OF PENDING NATURALIZATION APPLICATIONS.—Subsection (b) of section 336 of the Immigration and Nationality Act (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If no final administrative determination is made on an application for naturalization under section 335 prior to the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section, as such terms are defined by the Secretary pursuant to regulations, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary's determination on the application.''.

(b) LIMITATIONS ON REVIEW OF DENIAL.—Subsection (c) of section 310 of the Immigration and Nationality Act (8 U.S.C. 1421(c)) is amended to read as follows:

''(c) JUDICIAL REVIEW.—

''(1) JUDICIAL REVIEW OF DENIAL.—A person whose application for naturalization under this title is denied, after a hearing before an immigration officer under section 336(a), may seek, not later than 120 days after the date of the Secretary of Homeland Security's administratively final determination on the application, review of such denial before the United States district court for the district in which such person resides in accordance with chapter 7 of title 5, United States Code.

''(2) BURDEN OF PROOF.—The burden shall be upon the petitioner to show that the denial by the Secretary of Homeland Security of the application for naturalization was not supported by facially legitimate and bona fide reasons.

''(3) LIMITATIONS ON REVIEW.—Except in a proceeding under section 340, and notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary of Homeland Security made at any time regarding, whether, for purposes of an application for naturalization, an alien—

''(A) is a person of good moral character;

''(B) understands and is attached to the principles of the Constitution of the United States; or

''(C) is well disposed to the good order and happiness of the United States.''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this subsection—

(1) shall take effect on the date of the enactment of this Act;

(2) shall apply to any act that occurred before, on, or after such date of enactment; and

(3) shall apply to any application for naturalization or any other case or matter under the immigration laws that is pending on, or filed after, such date of enactment.

SEC. 625. CLARIFICATION OF DENATURALIZATION AUTHORITY.

Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended—

(1) in subsection (a), by striking ''United States attorneys for the respective districts,'' and inserting ''Attorney General,''; and

(2) by striking subsection (c) and inserting the following:

''(c) BURDEN.—The burden of proof shall be on the Government to establish, by clear, unequivocal, and convincing evidence, that an order granting citizenship to an alien should be revoked and a certificate of naturalization cancelled because such order and certificate were illegally procured or were procured by concealment of a material fact or by willful misrepresentation.''.

SEC. 626. DENATURALIZATION OF TERRORISTS.

(a) DENATURALIZATION FOR TERRORISTS ACTIVITIES.—Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended by—

(1) redesignating subsection (d) through (h) as subsections (f) through (j); and

(2) inserting new subsection (d) to read as follows:

''(d) COMMISSION OF TERRORIST ACTS AFTER NATURALIZATION.—

''(1) IN GENERAL.—If a person who has been naturalized shall, within 15 years following such naturalization, participate in any act described in subsection (d)(2), such act or acts shall be considered prima facie evidence that such person was not attached to the principles of the Constitution of the United States and was not well disposed to the good order and happiness of the United States at the time of naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively.

''(2) ACTS DESCRIBED.—The acts described in this paragraph that shall subject an individual to denaturalization under subsection (d)(1) are the following:

''(A) Any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means.

''(B) Engaging in a terrorist activity (as defined in clauses (iii) and (iv) of section 212(a)(3)(B)).

''(C) Incitement of terrorist activity under circumstances indicating an intention to cause death or serious bodily harm.

''(D) Receiving military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in section 212(a)(3)(B)(vi)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts that occur on or after such date.

SEC. 627. TREATMENT OF PENDING APPLICATIONS DURING DENATURALIZATION PROCEEDINGS.

(a) Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended by—

(1) inserting ''(1) IN GENERAL.—Except as provided in subsection (b)(2),'' before ''After'';

(2) revising the term ''After'' to read ''after''; and

(3) inserting new subsection (b)(2) to read as follows:

''(2) Treatment of petitions during pending denaturalization proceedings. The Secretary shall not adjudicate or approve any petition filed under this section by an individual who has a judicial proceeding pending against him or her that would result in the individual's denaturalization under section 340 until such proceedings have concluded and, if applicable, the period for appeal has expired or any appeals have been finally decided.''.

(b) Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by section 626, is further amended by inserting new subsection (e) to read as follows:

''(e) WITHHOLDING OF IMMIGRATION BENEFITS DURING DENATURALIZATION PROCEEDINGS.—The Secretary shall not accept or approve any application, petition, or request for any immigration benefit from an individual against whom there is a judicial proceeding pending that would result in the individual's denaturalization under this section until such proceedings have concluded and, if applicable, the period for appeal has expired or any appeals have been finally decided.''.

SEC. 628. NATURALIZATION DOCUMENT RETENTION.

(a) IN GENERAL.—Chapter 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1421 et seq.) is amended by inserting after section 344 the following:

''SEC. 345. NATURALIZATION DOCUMENT RETENTION.

''The Secretary shall retain the original paper naturalization application and all supporting paper documents submitted with the application at the time of filing for a minimum of 7 years for law enforcement and national security investigations and for litigation purposes, regardless of whether such documents are scanned into U.S. Citizenship and Immigration Services' electronic immigration system or stored in any electronic format.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act is amended by inserting after the item relating to section 344 the following:

''Sec. 345. Naturalization document retention.''.

Subtitle C—Forfeiture of Proceeds From Passport and Visa Offences, and Passport Revocation.

SEC. 631. FORFEITURE OF PROCEEDS FROM PASSPORT AND VISA OFFENSES.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(J) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of chapter 75, the gross proceeds of such violation, and any property traceable to any such property or proceeds.''.

SEC. 632. PASSPORT REVOCATION ACT.

(a) SHORT TITLE.—This section may be cited as the ''Passport Revocation Act''.

(b) REVOCATION OR DENIAL OF PASSPORTS AND PASSPORT CARDS TO INDIVIDUALS WHO ARE AFFILIATED WITH FOREIGN TERRORIST ORGANIZATIONS.—The Act entitled ''An Act to regulate the issue and validity of passports, and for other purposes'', approved July 3, 1926 (22 U.S.C. 211a et seq.), which is commonly known as the ''Passport Act of 1926'', is amended by adding at the end the following:

''SEC. 5. AUTHORITY TO DENY OR REVOKE PASSPORT AND PASSPORT CARD.

''(a) INELIGIBILITY.—

''(1) ISSUANCE.—Except as provided under subsection (b), the Secretary of State shall refuse to issue a passport or passport card to any individual—

''(A) who has been convicted under chapter 113B of title 18, United States Code; or

''(B)(i) whom the Secretary has determined is a member of or is otherwise affiliated with an organization the Secretary has designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

''(ii) has aided, abetted, or provided material support to such an organization.

''(2) REVOCATION.—The Secretary of State shall revoke a passport previously issued to any individual described in paragraph (1).

''(b) EXCEPTIONS.—

''(1) EMERGENCY CIRCUMSTANCES, HUMANITARIAN REASONS, AND LAW ENFORCEMENT PURPOSES.—Notwithstanding subsection (a), the Secretary of State may issue, or decline to revoke, a passport of an individual described in such subsection in emergency circumstances, for humanitarian reasons, or for law enforcement purposes.

''(2) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a)(2), the Secretary of State, before revocation, may—

''(A) limit a previously issued passport for use only for return travel to the United States; or

''(B) issue a limited passport that only permits return travel to the United States.

''(c) RIGHT OF REVIEW.—Any individual who, in accordance with this section, is denied issuance of a passport by the Secretary of State, or whose passport is revoked or otherwise limited by the Secretary of State, may request a hearing before the Secretary of State not later than 60 days after receiving notice of such denial, revocation, or limitation.

''(d) REPORT.—If the Secretary of State denies, issues, limits, or declines to revoke a passport or passport card under subsection (b), the Secretary shall, not later than 30 days after such denial, issuance, limitation, or revocation, submit to Congress a report on such denial, issuance, limitation, or revocation, as the case may be.''.

TITLE VII—OTHER MATTERS

SEC. 701. OTHER IMMIGRATION AND NATIONALITY ACT AMENDMENTS.

(a) NOTICE OF ADDRESS CHANGE.—Subsection (a) of section 265 of the Immigration and Nationality Act (8 U.S.C. 1305(a)) is amended to read as follows:

''(a) Each alien required to be registered under this Act who is within the United States shall notify the Secretary of Homeland Security of each change of address and new address within ten days from the date of such change and shall furnish such notice in the manner prescribed by the Secretary.''.

(b) PHOTOGRAPHS FOR NATURALIZATION CERTIFICATES.—Section 333 of the Immigration and Nationality Act (8 U.S.C. 1444) is amended by adding at the end the following:

''(c) The Secretary may modify the technical requirements of this section in the Secretary's discretion and as the Secretary may deem necessary to provide for photographs

to be furnished and used in a manner that is efficient, secure, and consistent with the developments in technology.''.

SEC. 702. EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.

Except where promulgation of regulations is specified in this Act, chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act''), and any other law relating to rulemaking, information collection, or publication in the Federal Register, shall not apply to any action to implement this Act, and the amendments made by this Act, to the extent the Secretary, the Secretary of State, or the Attorney General determines that compliance with any such law would impede the expeditious implementation of this Act or the amendments made by this Act.

SEC. 703. EXEMPTION FROM THE PAPERWORK REDUCTION ACT.

Chapter 35 of title 44, United States Code, shall not apply to any action to implement this Act or the amendments made by this Act to the extent the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that compliance with such law would impede the expeditious implementation of this Act or the amendments made by this Act.

SEC. 704. ABILITY TO FILL AND RETAIN DHS POSITIONS IN U.S. TERRITORIES.

Section 530C of Title 28, United States Code, is amended—

(1) in subsection (a) by inserting ''or Department of Homeland Security'' after ''Department of Justice'' and inserting ''or Secretary of Homeland Security'' after ''Attorney'';

(2) in subsection (b)—

(A) in paragraph (1) introductory text by inserting ''or Secretary of Homeland Security'' after ''Attorney General'';

(B) in paragraph (1)(K)(i) by inserting ''or within US territories or commonwealths'' after ''outside United States'' and ''or Secretary of Homeland Security'' after ''Attorney General'';

(C) in paragraph (1)(K)(ii) ''or Secretary of Homeland Security'' after ''Attorney General'';

(D) in paragraph (2) by—

(i) in subparagraph (A) by striking ''for the Immigration and Naturalization Service'' and inserting a ''.'' after ''Drug Enforcement Administration''; and

(ii) in subparagraph (A) by adding after ''.'' ''Further funds available to the Secretary of Homeland Security;

(iii) in subparagraph (B) by striking ''and for the Immigration and Naturalization Service'' and replacing with ''and for the Secretary of Homeland Security''; and

(E) in paragraph (5) by striking ''**IMMIGRATION AND NATURALIZATION SERVICE.**—Funds available to the Attorney General. . .'' and replacing with ''DEPARTMENT OF HOMELAND SECURITY.— Funds available to the Secretary of Homeland Security. . .'';

(F) in paragraph (7) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' and striking ''the Immigration and Naturalization Service'' and replacing with ''U.S. Immigration and Customs Enforcement'';

(3) in subsection (d) by inserting ''or Department of Homeland Security'' after ''Department of Justice''.

SEC. 705. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act and the application of the provision or amendment to any other person or circumstance shall not be affected.

SEC. 706. FUNDING.

(a) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(1) the appropriation accounts from which the rescission under subsection (a) shall apply; and

(2) the amount of the rescission that shall be applied to each such account.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined and identified under subsection (b) for rescission under subsection (a).

(c) EXCEPTIONS.—This subsection shall not apply to unobligated funds of—

(1) the Department;

(2) the Department of Defense; or

(3) the Department of Veterans Affairs.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. REFERENCES TO THE IMMIGRATION AND NATIONALITY ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 802. TITLE I TECHNICAL AMENDMENTS.

(a) SECTION 101.—

(1) DEPARTMENT.—Paragraph (8) of section 101(a) (8 U.S.C. 1101(a)(8)) is amended to read as follows:

''(8) The term 'Department' means the Department of Homeland Security.''.

(2) IMMIGRANT.—Paragraph (15) of section 101(a) (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (F)(i)—

(i) by striking the term ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(ii) by striking ''214(l)'' and inserting ''214(m)'';

(B) in subparagraph (H)(i)—

(i) in ⟦subclause (b)⟧, by striking ''certifies to the Attorney General that the intending employer has filed with the Secretary'' and inserting ''certifies to the Secretary of Homeland Security that the intending employer has filed with the Secretary of Labor''; and

(ii) in ⟦subclause (c)⟧, by striking ''certifies to the Attorney General'' and inserting ''certifies to the Secretary of Homeland Security''; and

(C) in subparagraph (M)(i), by striking the term ''Attorney General'' each place that term appears and inserting ''Secretary''.

(3) IMMIGRATION OFFICER.—Paragraph (18) of section 101(a) (8 U.S.C. 1101(a)(18)) is amended by striking ''Service or of the United States designated by the Attorney General,'' and inserting ''Department or of the United States designated by the Secretary,''.

(4) SECRETARY.—Paragraph (34) of section 101(a) (8 U.S.C. 1101(a)(34)) is amended to read as follows:

''(34) The term 'Secretary' means the Secretary of Homeland Security, except as provided in section 219(d)(4).''.

(5) SPECIAL IMMIGRANT.—Section 101(a)(27)(L)(iii) (8 U.S.C. 1101(a)(27)(L)(iii)) is amended by adding a semicolon and ''or'' at the end.

(6) MANAGERIAL CAPACITY; EXECUTIVE CAPACITY.—Subparagraph (C) of section 101(a)(44) (8 U.S.C. 1101(a)(44)(C)) is amended by striking ''Attorney General'' and inserting ''Secretary''.

(7) ORDER OF REMOVAL.—Subparagraph (A) of section 101(a)(47) (8 U.S.C. 1101(a)(47)(A)) is amended to read as follows:

''(A) The term 'order of removal' means the order of the immigration judge, or other such administrative officer to whom the Attorney General or the Secretary has delegated the responsibility for determining whether an alien is removable, concluding that the alien is removable or ordering removal.''.

(8) TITLE I AND II DEFINITIONS.—Subsection (b) of section 101 is amended—

(A) in paragraph (1)(F)(i), by striking ''Attorney General'' and inserting ''Secretary''; and

(B) in paragraph (4), by striking ''Immigration and Naturalization Service.'' and inserting ''Department.''.

(b) SECTION 103.—

(1) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by striking the section heading and subsection (a)(1) and inserting the following:

''SEC. 103. POWERS AND DUTIES.

''(a)(1) The Secretary shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, Attorney General, the Secretary of Labor, the Secretary of Agriculture, the Secretary of Health and Human Services, the Commissioner of Social Security, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: Provided, however, That a determination and ruling by the Attorney General with respect to all questions of law shall be controlling.''.

(2) TECHNICAL AND CONFORMING CORRECTIONS.—Subsection of section 103 (8 U.S.C. 1103), as amended by paragraph (1), is further amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''He'' and inserting ''The Secretary'';

(ii) in paragraph (3)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''he'' and inserting ''the Secretary''; and

(III) by striking ''his authority'' and inserting ''the authority of the Secretary'';

(iii) in paragraph (4)—

(I) by striking ''He'' and inserting ''The Secretary''; and

(II) by striking ''Service or the Department of Justice'' and insert the ''Department'';

(iv) in paragraph (5)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''his discretion,'' and inserting ''the discretion of the Secretary,'' and

(III) by striking ''him'' and inserting ''the Secretary'';

(v) in paragraph (6)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''Department'' and inserting ''agency, department,''; and

(III) by striking ''Service.'' and inserting ''Department or upon consular officers with respect to the granting or refusal of visas'';

(vi) in paragraph (7)—

(I) by striking ''He'' and inserting ''The Secretary'';

(II) by striking ''countries;'' and inserting ''countries'';

(III) by striking ''he'' and inserting ''the Secretary''; and

(IV) by striking ''his judgment'' and inserting ''the judgment of the Secretary'';

(vii) in paragraph (8), by striking ''Attorney General'' and inserting ''Secretary'';

(viii) in paragraph (10), by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(ix) in paragraph (11), by striking ''Attorney General,'' and inserting ''Secretary,'';

(B) by amending subsection (c) to read as follows:

''(c) SECRETARY; APPOINTMENT.—The Secretary shall be a citizen of the United States and shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary shall be charged with any and all responsibilities and authority in the administration of the Department and of this Act. The Secretary may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws.'';

(C) in subsection (e)—

(i) in paragraph (1), by striking ''Commissioner'' and inserting ''Secretary''; and

(ii) in paragraph (2), by striking ''Service'' and inserting ''U.S. Citizenship and Immigration Services'';

(D) in subsection (f)—

(i) by striking ''Attorney General'' and inserting ''Secretary'';

(ii) by striking ''Immigration and Naturalization Service'' and inserting ''Department''; and

(iii) by striking ''Service,'' and inserting ''Department,''; and

(E) in subsection (g)(1), by striking ''Immigration Reform, Accountability and Security Enhancement Act of 2002'' and inserting ''Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135)''.

(3) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 103 and inserting the following:

''Sec. 103. Powers and duties.''.

(c) SECTION 105.—Section 105(a) is amended (8 U.S.C. 1105(a)) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

SEC. 803. TITLE II TECHNICAL AMENDMENTS.

(a) SECTION 202.—Section 202(a)(1)(B) (8 U.S.C. 1152(a)(1)(B)) is amended by inserting ''the Secretary or'' after ''the authority of'',

(b) SECTION 203.—Section 203 (8 U.S.C. 1153) is amended—

(1) in subsection (b)(2)(B)(ii)—

(A) in subclause (II)—

(i) by inserting ''the Secretary or'' before ''the Attorney General''; and

(ii) by moving such subclause 4 ems to the left; and

(B) by moving subclauses (III) and (IV) 4 ems to the left; and

(2) in subsection (g)—

(A) by striking ''Secretary's'' and inserting ''Secretary of State's''; and

(B) by inserting ''of State'' after ''but the Secretary''.

(c) SECTION 204.—Section 204 (8 U.S.C. 1154) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B)(i)—

(i) by redesignating the second subclause (I), as added by section 402(a)(3)(B) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), as subclause (II); and

(ii) indenting the left margin of such subclause two ems from the left margin; and

(B) in subparagraph (G)(ii), by inserting ''of State'' after ''by the Secretary'';

(2) in subsection (c), by inserting ''the Secretary or'' before ''the Attorney General'' each place that term appears; and

(3) in subsection (e), by inserting ''to'' after ''admitted''.

(d) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''the Secretary of Homeland Security or'' before ''Attorney General'' in subparagraph (A);

(B) by inserting ''the Secretary of Homeland Security or'' before ''Attorney General'' in subparagraph (D);

(2) in subsection (b)(2) by inserting ''the Secretary of Homeland Security or'' before ''Attorney General'' wherever the term appears;

(3) in subsection (c)(1), by striking ''the Attorney General'' and inserting ''the Secretary of Homeland Security'';

(4) in paragraphs (2) and (3) of subsection (c), by inserting ''the Secretary of Homeland Security or'' before ''Attorney General''; and

(5) in subsection (d)—

(A) in paragraph (1), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'',

(B) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(C) in paragraph (3)—

(i) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''Attorney General's'' and inserting ''Secretary's''.

(D) in paragraphs (4) through (6), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(e) SECTION 209.—Section 209(a)(1)(A) (8 U.S.C. 1159(a)(1)(A)) is amended by striking ''Secretary of Homeland Security or the Attorney General'' each place that term appears and inserting ''Secretary''.

(f) SECTION 212.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)—

(A) in paragraphs (2)(C), (2)(H)(ii), (2)(I), (3)(A), and (3)(B)(ii)(II), by inserting '', the Secretary,'' before ''or the Attorney General'' each place that term appears;

(B) in paragraph (3)(D), by inserting ''the Secretary or'' before ''the Attorney General'' each place that term appears;

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting ''the Secretary or'' before ''the Attorney General''; and

(ii) in subparagraph (B), by inserting '', the Secretary,'' before ''or the Attorney General'' each place that term appears;

(D) in paragraph (5)(C), by striking ''or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General'' and inserting ''or, in the case of an adjustment of status, the Secretary or the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Secretary'';

(E) in paragraph (9)—

(i) in subparagraph (B)(v)—

(I) by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears; and

(II) by striking ''has sole discretion'' and inserting ''have discretion''; and

(ii) in subparagraph (C)(iii), by inserting ''or the Attorney General'' after ''Secretary of Homeland Security''; and

(F) in paragraph (10)(C), in clauses (ii)(III) and (iii)(II), by striking ''Secretary's'' and inserting ''Secretary of State's'';

(2) in subsection (d), in paragraphs (11) and (12), by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears;

(3) in subsection (e), by striking the first proviso and inserting ''Provided, That upon the favorable recommendation of the Director, pursuant to the request of an interested United States Government agency (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent), or of the Secretary after the Secretary has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his or her nationality or last residence because the alien would be subject to persecution on account of race, religion, or political opinion, the Secretary may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Secretary to be in the public interest except that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements under section 214(l):''.

(4) in subsections (g), (h), (i), and (k), by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears;

(5) in subsection (m)(2)(E)(iv), by inserting ''of Labor'' after ''Secretary'' the second and third place that term appears;

(6) in subsection (n), by inserting ''of Labor'' after ''Secretary'' each place that term appears, except that this amendment shall not apply to references to the ''Secretary of Labor''; and

(7) in subsection (s), by inserting '', the Secretary,'' before ''or the Attorney General''.

(g) SECTION 213A.—Section 213A (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1), in the matter preceding paragraph (1), by inserting '', the Secretary,'' after ''the Attorney General''; and

(2) in subsection (f)(6)(B), by inserting ''the Secretary,'' after ''The Secretary of State,''.

(h) SECTION 214.—Subparagraph (A) of section 214(c)(9) (8 U.S.C. 1184(c)(9)(A) is amended, in the matter preceding clause (i), by striking ''before''.

(i) SECTION 217.—Section 217 (8 U.S.C. 1187) is amended—

(1) in subsection (e)(3)(A), by inserting a comma after ''Regulations'';

(2) in subsection (f)(2)(A), by striking ''section (c)(2)(C),'' and inserting ''subsection (c)(2)(C),''; and

(3) in subsection (h)(3)(A), by striking ''the'' before ''alien'' and inserting ''an''.

(j) SECTION 218.—Section 218 (8 U.S.C. 1188) is amended—

(1) by inserting ''of Labor'' after ''Secretary'' each place that term appears, except that this amendment shall not apply to references to the ''Secretary of Labor'' or to the ''Secretary of Agriculture'';

(2) in subsection (c)(3)(B)(iii), by striking ''Secretary's'' and inserting ''Secretary of Labor's''; and

(3) in subsection (g)(4), by striking ''Secretary's'' and inserting ''Secretary of Agriculture's''.

(k) SECTION 219.—Section 219 (8 U.S.C. 1189) is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a close parenthetical after ''section 212(a)(3)(B)''; and

(B) by deleting ''terrorism);'' and inserting ''terrorism;'';

(2) in subsection (c)(3)(D), by striking ''(2),'' and inserting ''(2);''; and

(3) in subsection (d)(4), by inserting ''Secretary of Homeland Security,'' after ''with the''.

(l) SECTION 222.—Section 222 (8 U.S.C. 1202)—

(1) by inserting ''or the Secretary'' after ''Secretary of State'' each place that term appears; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting '', the Department,'' after ''Department of State''; and

(B) in paragraph (2), by striking ''Secretary's'' and inserting ''their''.

(m) SECTION 231.—Section 231 (8 U.S.C. 1221) is amended—

(1) in subsection (c)(10), by striking ''Attorney General,'' and inserting ''Secretary,'';

(2) in subsection (f), by striking ''Attorney General'' each place that term appears and inserting ''Secretary'';

(3) in subsection (g)—

(A) by striking ''of the Attorney General'' and inserting ''of the Secretary'';

[(B) by striking ''by the Attorney General'' and inserting ''by the Secretary''; and]

(C) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''; and

(4) in subsection (h), by striking ''Attorney General'' each place that term appears and inserting ''Secretary''.

(n) SECTION 236.—Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)(2)(A), by inserting ''the Secretary or'' before ''the Attorney General'' the third place that term appears; and

(2) in subsection (e)—

(A) by striking ''review.'' and inserting ''review, other than administrative review by the Attorney General pursuant to the authority granted by section 103(g).''; and

(B) by inserting ''the Secretary or'' before ''Attorney General under''.

(o) SECTION 236A.—Paragraph (4) of section 236A(a) (8 U.S.C. 1226a(a)(4)) is amended by striking ''Deputy Attorney General'' both places that term appears and inserting ''Deputy Secretary of Homeland Security''.

(p) SECTION 237.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting ''following the initiation by the Secretary of removal proceedings'' after ''upon the order of the Attorney General''; and

(2) in the heading of subparagraph (E) of paragraph (2), by striking ''CHILDREN AND.—'' and inserting ''CHILDREN.—''.

(q) SECTION 238.—Section 238 (8 U.S.C. 1228) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(B) in paragraphs (3) and (4)(A), by inserting ''and the Secretary'' after ''Attorney General'' each place that term appears;

(2) in subsection (b)—

(A) in paragraph (3) and (4), by striking ''Attorney General'' each place the term appears and inserting ''Secretary of Homeland Security''; and

(B) in paragraph (5) by inserting ''or the Secretary'' after ''Attorney General''; and

(3) in subsection (d), as so redesignated—

(A) by striking ''Commissioner'' and ''Attorney General'' each place those terms appear and inserting ''Secretary''; and

(B) in subparagraph (D)(iv), by striking ''Attorney General'' and inserting ''United States Attorney''.

(r) SECTION 239.—Section 239(a)(1) (8 U.S.C. 1229(a)(1)) is amended by inserting ''and the Secretary'' after ''Attorney General'' each place that term appears.

(s) SECTION 240.—Section 240 (8 U.S.C. 1229a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting '', with the concurrence of the Secretary with respect to employees of the Department'' after ''Attorney General''; and

(B) in paragraph (5)(A), by inserting ''the Secretary or'' before ''the Attorney General''; and

(2) in subsection (c)—

(A) in paragraph (2), by inserting '', the Secretary of State, or the Secretary'' before ''to be confidential''; and

[(B) in paragraph (7)(C)(iv)(I)), by striking the extra comma after the second reference to the term ''this title''. Note: please clarify how to execute this amendment.]

(t) SECTION 240A.—Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (3), by striking ''Attorney General shall'' and inserting ''Secretary shall''; and

(2) in paragraph (4)(A), by striking ''Attorney General'' and inserting ''Secretary''.

(u) SECTION 240B.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in paragraphs (1) and (3) of subsection (a), by inserting ''or the Secretary'' after ''Attorney General''; and

(2) in subsection (c), by inserting ''and the Secretary'' after ''Attorney General''.

(v) SECTION 241.—Section 241 (8 U.S.C. 1231) is amended—

(1) in subsection (a)(4)(B)(i), by inserting a close parenthetical after ''(L)'';

(2) in paragraph (2) of subsection (g)—

(A) by striking the paragraph heading and inserting ''DETENTION FACILITIES OF THE DEPARTMENT OF HOMELAND SECURITY.—'';

(B) by striking ''Service,'' and inserting ''Department''; and

(C) by striking ''Commissioner'' and inserting ''Secretary''.

(w) SECTION 242.—Section 242(g) (8 U.S.C. 1252(g)) is amended by inserting ''the Secretary or'' before ''the Attorney General''.

(x) SECTION 243.—Section 243 (8 U.S.C. 1253) is amended—

(1) in subparagraphs (A) and (B) of subsection (c)(1)—

(A) by striking ''Attorney General'' each place that term appears and inserting ''Secretary''; and

(B) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''; and

(2) in subsection (d), by inserting ''of State'' after ''notifies the Secretary''.

(y) SECTION 244.—Section 244 (8 U.S.C. 1254a) is amended—

(1) in subsection (c)(2), by inserting ''or the Secretary'' after ''Attorney General'' each place the term appears; and

(2) in subsection (g), by inserting ''or the Secretary'' after ''Attorney General''.

(z) SECTION 245.—Section 245 (8 U.S.C. 1255) is amended—

(1) by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears except in subsections (j) (other than the first reference), (l), and (m);

(2) in subsection (c), striking the comma after ''section 101(a)(15)(S)'' and inserting a semicolon;

(3) in subsection (k)(1), adding an ''and'' at the end;

(4) in subsection (l)—

(A) in paragraph (1), by inserting a comma after ''appropriate''; and

(B) in paragraph (2)—

(i) in the matter preceding paragraph (1), by striking ''Attorney General's'' and inserting ''Secretary's''; and

(ii) in subparagraph (B), by striking ''(10(E))'' and inserting ''(10)(E))''.

(aa) SECTION 245A.—Section 245A (8 U.S.C. 1255a) is amended—

(1) by striking subparagraph (C) of subsection (c)(7); and

(2) in subsection (h)(5)—

[(A) in subparagraph (A), by striking the second reference to ''The''; and Note: Please clarify how to execute this amendment]

(3) striking ''(Public Law 96–122),'' and inserting ''(Public Law 96–422),''.

(bb) SECTION 246.—Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting ''or the Secretary'' after ''of the Attorney General'';

(2) by inserting ''or the Secretary'' after ''status, the Attorney General''; and

(3) by striking ''Attorney General to rescind'' and inserting ''Secretary to rescind''.

(cc) SECTION 249.—Section 249 (8 U.S.C. 1259) is amended by inserting ''or the Secretary'' after ''Attorney General'' each place that term appears.

(dd) SECTION 251.—Subsection (d) of section 251 (8 U.S.C. 1281(d)) is amended by striking ''Attorney General'' and ''Commissioner'' each place those terms appear and inserting ''Secretary''.

(ee) SECTION 254.—Subsection (a) of section 254 (8 U.S.C. 1284(a)) is amended by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(ff) SECTION 255.—Section 255 (8 U.S.C. 1285) is amended by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(gg) SECTION 256.—Section 256 (8 U.S.C. 1286) is amended—

(1) by striking ''Commissioner'' each place that term appears and inserting ''Secretary'';

(2) in the first and second sentences, by striking ''Attorney General'' each places that term appears and inserting ''Secretary''.

(hh) SECTION 258.—Section 258 (8 U.S.C. 1288) is amended—

(1) by inserting ''of Labor'' after ''Secretary'' each place that term appears, except that this amendment shall not apply to references to the ''Secretary of Labor'', [the Secretary of State,] or to subsection (e)(2);

(2) in subsection (d)(2)(A), by striking ''at'' after ''while''; and

(3) in subsection (e)(2), by striking ''the Secretary shall'' and inserting ''the Secretary of State shall''.

(ii) SECTION 264.—Section 264(f) (8 U.S.C. 1304) is amended by striking ''Attorney General is'' and inserting ''Attorney General and Secretary are''.

(jj) SECTION 272.—Section 272 (8 U.S.C. 1322) is amended by striking ''Commissioner'' each place that term appears and inserting ''Secretary''.

(kk) SECTION 273.—Section 273 (8 U.S.C. 1323) is amended—

(1) by striking ''Commissioner'' each place that term appears and inserting ''Secretary''; and

(2) by striking ''Attorney General'' each place that term appears, except in subsection (e) in the matter preceding paragraph (1), and inserting ''Secretary''.

(ll) SECTION 274.—Section 274(b)(2) (8 U.S.C. 1324(b)(2)) is amended by striking ''Secretary of the Treasury'' and inserting ''Secretary''.

(mm) SECTION 274B.—Paragraph (2) of section 274B(f) (8 U.S.C. 1324b(f)(2)) is amended by striking ''subsection'' and inserting ''section''.

(nn) SECTION 274C.—Section 274C(d)(2)(A) (8 U.S.C. 1324c(d)(2)(A)) is amended by inserting ''or the Secretary'' after ''subsection (a), the Attorney General''.

(oo) SECTION 274D.—Section 274D (8 U.S.C. 1324d) is amended in subsection (a)(2) of section 274D(a) (8 U.S.C. 1324d(a)(2)) is amended by striking ''Commissioner'' and inserting ''Secretary''.

(pp) SECTION 286.—Section 286 (8 U.S.C. 1356) is amended—

(1) in subsection (q)(1)(B), by striking '', in consultation with the Secretary of the Treasury,'';

(2) in subsection (r)(2), by striking ''section 245(i)(3)(b)'' and inserting ''section 245(i)(3)(B)'';

(3) in subsection (s)(5)—

(A) by striking ''5 percent'' and inserting ''USE OF FEES FOR DUTIES RELATING TO PETITIONS.—Five percent''; and

(4) by striking ''paragraph (1) (C) or (D) of section 204'' and inserting ''subparagraph (C) or (D) of section 204(a)(1)''; and

(5) in subsection (v)(2)(A)(i), by adding ''of'' after ''number''.

(qq) SECTION 294.—Section 294 (8 U.S.C. 1363a) is amended—

(1) in the undesignated matter following paragraph (4) of subsection (a), by striking ''Commissioner, in consultation with the Deputy Attorney General,'' and inserting ''Secretary''; and

(2) in subsection (d), by striking ''Deputy Attorney General'' and inserting ''Secretary''.

SEC. 804. TITLE III TECHNICAL AMENDMENTS.

(a) SECTION 316.—Section 316 (8 U.S.C. 1427) is amended—

(1) in subsection (d), by inserting ''or by the Secretary'' after ''Attorney General''; and

(2) in subsection (f)(1), by striking ''Intelligence, the Attorney General and the Commissioner of Immigration'' and inserting ''Intelligence and the Secretary''.

(b) SECTION 322.—Paragraph (1) of section 322(a) (8 U.S.C. 1433(a)) is amended—

(1) by inserting ''is'' before ''(or,''; and

(2) by striking ''is'' before ''a citizen''.

(c) SECTION 342.—

(1) SECTION HEADING.—

(A) IN GENERAL.—Section 342 (8 U.S.C. 1453) is amended by striking the section heading and inserting ''**CANCELLATION OF CERTIFICATES; ACTION NOT TO AFFECT CITIZENSHIP STATUS**''.

(B) CLERICAL AMENDMENT.—The table of contents in the first section is amended by striking the item relating to section 342 and inserting the following:

''Sec. 342. Cancellation of certificates; action not to affect citizenship status.''.

(2) IN GENERAL.—Section 342 (8 U.S.C. 1453) is amended—

(A) by striking ''heretofore issued or made by the Commissioner or a Deputy Commissioner or hereafter made by the Attorney General''; and

(B) by striking ''practiced upon, him or the Commissioner or a Deputy Commissioner;''.

SEC. 805. TITLE IV TECHNICAL AMENDMENTS.

Clause (i) of section 412(a)(2)(C) (8 U.S.C. 1522(a)(2)(C)(i)) is amended by striking ''insure'' and inserting ''ensure''.

SEC. 806. TITLE V TECHNICAL AMENDMENTS.

(a) SECTION 504.—Section 504 (8 U.S.C. 1534) is amended—

(1) in subsection (a)(1)(A), by striking ''a'' before ''removal proceedings'';

(2) in subsection (i), by striking ''Attorney General'' inserting ''Government''; and

(3) in subsection (k)(2), by striking ''by''.

(b) SECTION 505.—Section 505(e)(2) (8 U.S.C. 1535(e)(2)) is amended by inserting ''and the Secretary'' after ''Attorney General''.

SEC. 807. OTHER AMENDMENTS.

(a) CORRECTION OF COMMISSIONER OF IMMIGRATION AND NATURALIZATION.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as amended by this Act, is further amended by striking ''Commissioner'' and ''Commissioner of Immigration and Naturalization'' each place those terms appear and inserting ''Secretary''.

(2) EXCEPTION FOR COMMISSIONER OF SOCIAL SECURITY.—The amendment made by paragraph (1) shall not apply to any reference to the ''Commissioner of Social Security''.

(b) CORRECTION OF IMMIGRATION AND NATURALIZATION SERVICE.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking ''Service'' and ''Immigration and Naturalization Service'' each place those terms appear and inserting ''Department''.

(c) CORRECTION OF DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by this Act, is further amended by striking ''Department of Justice'' each place that term appears and inserting ''Department''.

(2) EXCEPTIONS.—The amendment made by paragraph (1) shall not apply in subsections (d)(3)(A) and (r)(5)(A) of section 214 (8 U.S.C. 1184), section 274B(c)(1) (8 U.S.C. 1324b(c)(1)), or title V (8 U.S.C. 1531 et seq.).

(d) CORRECTION OF ATTORNEY GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as amended by this Act, is further amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary'', except for in the following:

(1) Any joint references to the ''Attorney General and the Secretary of Homeland Security'' or ''the Secretary of Homeland Security and the Attorney General''.

(2) Section 101(a)(5).

(3) Subparagraphs (S), (T), and (V) of section 101(a)(15).

(4) Section 101(a)(47)(A).

(5) Section 101(b)(4).

(6) Section 103(a)(1).

(7) Section 103(g).

(8) Section 105(b)(1).

(9) Section 105(c).

(10) Section 204(c).

(11) Section 208.

(12) Section 212(a)(2)(C).

(13) Section 212(a)(2)(H).

(14) Section 212(a)(2)(I).

(15) Section 212(a)(3)(A).

(16) Section 212(a)(3)(B)(ii)(II).

(17) Section 212(a)(3)(D).

(18) Section 212(a)(4).

(19) Section 212(a)(9)(B)(v).

(20) Section 212(a)(9)(C)(iii).

(21) Section 212(d)(11).

(22) Section 212(d)(12).

(23) Section 212(g).

(24) Section 212(h).

(25) Section 212(i).

(26) Section 212(k).

(27) Section 212(s).

[(28) Section 213A(a)(1).]

[(29) Section 213A(f)(6)(B).]

(30) Section 216(d)(2)(c).

(31) Section 219(d)(4).

(32) Section 235(b)(1)(B)(iii)(III).

(33) The second sentence of section 236(e).

(34) Section 237.

(35) Section 238(a)(1).

(36) Section 238(a)(3).

(37) Section 238(a)(4)(A).

(38) Section 238(b)(1).

(39) Section 238(b)(5).

(40) Section 238(c)(2)(D)(iv).

(41) Section 239(a).

(42) Section 239(b).

(43) Section 240.

(44) Section 240A.

(45) Section 240B(a)(1).

(46) Section 240B(a)(3).

(47) Section 240B(b).

(48) Section 240B(c).

(49) The first reference in section 241(a)(4)(B)(i).

(50) Section 241(b)(3) (except for the first reference in subparagraph (A), to which the amendment shall apply).

(51) Section 241(i) (except for paragraph (3)(B)(i), to which the amendment shall apply).

(52) Section 242(a)(2)(B).

(53) Section 242(b) (except for paragraph (8), to which the amendment shall apply).

(54) Section 242(g).

(55) Section 244(a)(3)(C).

(56) Section 244(c)(2).

(57) Section 244(e).

(58) Section 244(g).

(59) Section 245 (except for subsection (i)(1)(B)(i), subsection (i)(3)) and the first reference to the Attorney General in subsection 245(j)).

(60) Section 245A(a)(1)(A).

(61) Section 246(a).

(62) Section 249.

(63) Section 264(f).

(64) Section 274(e).

(65) Section 274A.

(66) Section 274B.

(67) Section 274C.

(68) Section 292.

(69) Section 316(d).

(70) Section 316(f)(1).

(71) Section 342.

(72) Section 412(f)(1)(A).

(73) Title V (except for subsections 506(a)(1) and 507(b), (c), and (d) (first reference), to which the amendment shall apply).

SEC. 808. REPEALS; CONSTRUCTION.

(a) REPEALS.—

(1) IMMIGRATION AND NATURALIZATION SERVICE.—

(A) IN GENERAL.—Section 4 of the Act of February 14, 1903 (32 Stat. 826, chapter 552; 8 U.S.C. 1551) is repealed.

(B) 8 U.S.C. 1551.—The language of the compilers set out in section 1551 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(2) COMMISSIONER OF IMMIGRATION AND NATURALIZATION; OFFICE.—

(A) IN GENERAL.—Section 7 of the Act of March 3, 1891 (26 Stat. 1085, chapter 551; 8 U.S.C. 1552) is repealed.

(B) 8 U.S.C. 1552.—The language of the compilers set out in section 1552 of title 8 of the United States Code shall be removed from the compilation of such title 8.

(3) ASSISTANT COMMISSIONERS AND DISTRICT DIRECTOR; COMPENSATION AND SALARY GRADE.—Title II of the Department of Justice Appropriation Act, 1957 (70 Stat. 307, chapter 414; 8 U.S.C. 1553) is amended in the matter under the heading ''Immigration and Naturalization Service'' and under the subheading ''SALARIES AND EXPENSES'' by striking ''That the compensation of the five assistant commissioners and one district director shall be at the rate of grade GS–16: Provided further''.

(4) SPECIAL IMMIGRANT INSPECTORS AT WASHINGTON.—The Act of March 2, 1895 (28 Stat. 780, chapter 177; 8 U.S.C. 1554) is amended in the matter following the heading ''Bureau of Immigration:'' by striking ''That hereafter special immigrant inspectors, not to exceed three, may be detailed for duty in the Bureau at Washington: And provided further,''.

(b) CONSTRUCTION.—Nothing in this title shall be construed to repeal or limit the applicability of sections 462 and 1512 of the Homeland Security Act of 2002 (6 U.S.C. 279 and 552) with respect to any provision of law or matter not specifically addressed by the amendments made by this title.

SEC. 809. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) CORRECTION TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 5502(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108–458, in amended by striking ''(E) Participated in the commission of severe violations of religious freedom.'' and inserting ''(F) Participated in the commission of severe violations of religious freedom''.

(b) CONFORMING AMENDMENT TO THE CHILD SOLDIERS ACCOUNTABILITY ACT OF 2008.—Section 2(c) of the Child Soldier's Accountability Act of 2008, Pub. L. 110-340, in amended by striking ''(F) Recruitment or use of child soldiers.'' and inserting ''(G) Recruitment or use of child soldiers.''.

(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 7 of the Central Intelligence

Agency Act of 1949 (50 U.S.C. 3508) is amended by striking ''Commissioner of Immigration'' and inserting ''Secretary of Homeland Security''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 245—CALLING ON THE GOVERNMENT OF IRAN TO RELEASE UNJUSTLY DETAINED UNITED STATES CITIZENS AND LEGAL PERMANENT RESIDENT ALIENS, AND FOR OTHER PURPOSES

Mr. CRUZ (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 245

Whereas the Islamic Revolutionary Guard Corps (IRGC) of Iran has taken as hostages several United States citizens, including Siamak Namazi, Baquer Namazi, and Xiyue Wang, as well as United States legal permanent resident alien Nizar Zakka;

Whereas Siamak Namazi was detained on October 15, 2015, falsely accused and convicted on October 18, 2016, for ''collaborating with a hostile government,'' and has been held for extended periods in solitary confinement and subjected to prolonged interrogation;

Whereas former United Nations Children's Fund (UNICEF) official Baquer Namazi, the 80-year old father of Siamak Namazi, was detained on February 22, 2016, falsely charged and sentenced to 10 years in prison for the identical crime as his son;

Whereas former Secretary-General of the United Nations Ban Ki-moon urged authorities in Iran to release Baquer Namazi, whose health is deteriorating, so his family can care for him;

Whereas UNICEF has issued 4 public statements on Baquer Namazi's behalf;

Whereas Xiyue Wang, a graduate student at Princeton University, was arrested in Iran on or about August 7, 2016, while studying Farsi and researching the late Qajar dynasty as background for his doctoral dissertation, detained by Iran in Evin prison for almost a year, falsely charged with espionage, and sentenced to 10 years in prison;

Whereas Robert Levinson, a United States citizen and retired agent of the Federal Bureau of Investigation, traveled to Kish Island, Iran, and disappeared on March 9, 2007;

Whereas, according to former White House Press Secretary Josh Earnest, the United States Government had ''secured a commitment from the Iranians. . .to try and gather information about Mr. Levinson's possible whereabouts'' but has not received any information thus far;

Whereas Nizar Zakka, a United States legal permanent resident alien and Lebanese national, who is also in poor health, was unlawfully detained around September 18, 2015, after speaking at a conference in Iran at the invitation of Iran, and was later falsely charged with being a spy and sentenced to 10 years at the Evin prison in Iran;

Whereas, on April 13, 2017, the United States Department of the Treasury sanctioned the Tehran Prisons Organization and its former head, Sohrab Soleimani, and former White House Press Secretary Sean Spicer noted that ''[t]he sanctions against human rights abusers in Iran's prisons come at a time when Iran continues to unjustly detain in its prisons various foreigners, including U.S. citizens Siamak Namazi and Baquer Namazi'';

Whereas, on April 25, 2017, at the meeting of the Joint Commission overseeing implementation of the Joint Comprehensive Plan of Action, the Department of State reported that the United States delegation had ''raised with the Iranian delegation its serious concerns regarding the cases of U.S. citizens detained and missing in Iran, and called on Iran to immediately release these U.S. citizens so they can be reunited with their families''; and

Whereas reports indicate that the Government of Iran has sought to condition the release of imprisoned nationals and dual-nationals on receipt of economic or political concessions, a practice banned by the International Convention Against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979, and acceded to by the Government of Iran on November 20, 2006, and other international legal norms: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Iran to release Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran;

(2) urges the President to make the release of United States citizens and legal permanent resident aliens held hostage by the Government of Iran the highest of priorities;

(3) requests that the United States and its allies whose nationals and residents have been detained consider establishing a multinational task force to work to secure the release of the detainees;

(4) urges the Government of Iran to take meaningful steps toward fulfilling its repeated promises to assist in locating and returning Robert Levinson, including immediately providing all available information from all entities of the Government of Iran regarding the disappearance of Robert Levinson to the United States Government;

(5) urges the President to take whatever steps are in the national interest to secure the release of Siamak Namazi, Baquer Namazi, Xiyue Wang, Nizar Zakka, and any other United States citizen, legal permanent resident alien, or foreign national being unjustly detained in Iran; and

(6) urges the President to take whatever steps are in the national interest to determine the whereabouts and secure the return of Robert Levinson.

SENATE RESOLUTION 246—DESIGNATING THE FIRST WEEK IN AUGUST 2017 AS ''WORLD BREAST÷FEEDING WEEK'', AND DESIGNATING AUGUST 2017 AS ''NATIONAL BREASTFEEDING MONTH''

Mr. MERKLEY (for himself and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 246

Whereas the American Academy of Pediatrics recommends that breastfeeding continue for at least 12 months after the birth of a baby and for as long as the mother and baby desire;

Whereas the World Health Organization recommends continued breastfeeding for 2 years or longer after the birth of a baby;

Whereas the World Alliance for Breastfeeding Action has designated the first week of August as ''World Breastfeeding Week'', and the United States Breastfeeding Committee has designated August as ''National Breastfeeding Month'';

Whereas National Breastfeeding Month focuses on how data and measurement can be used to build and reinforce the connections between breastfeeding and a broad spectrum of other health topics and initiatives;

Whereas World Breastfeeding Week and National Breastfeeding Month provide important opportunities to address barriers to breastfeeding faced by families across the United States;

Whereas, according to the [2016] Breastfeeding Report Card of the Centers for Disease Control and Prevention, 4 of every 5 mothers, or 81.1 percent of mothers, in the United States start breastfeeding their babies;

Whereas by the end of 6 months after the birth of a baby, breastfeeding rates fall to 51.8 percent, and only 22.3 percent of babies are exclusively breastfed at 6 months of age;

Whereas 2 of every 3 mothers report that they are unable to reach their personal breastfeeding goals;

Whereas there are substantial racial and ethnic disparities in breastfeeding initiation and duration;

Whereas, in 2013, 84.3 percent of non-Hispanic White infants initiated breastfeeding, as compared to—

(1) 66.3 percent of non-Hispanic Black infants; and

(2) 68.3 percent of non-Hispanic American Indian and Alaska Native infants;

Whereas the Healthy People 2020 objectives for breastfeeding are that—

(1) 82 percent of babies are breastfed at some time;

(2) 61 percent of babies continue to be breastfed at 6 months; and

(3) 34 percent of babies continue to be breastfed at 1 year;

Whereas breastfeeding is a proven primary prevention strategy that builds a foundation for life-long health and wellness;

Whereas the evidence of the value of breastfeeding to the health of women and children is scientific, solid, and continually reaffirmed by new research;

Whereas, during the first year of the life of a baby, a family that follows optimal breastfeeding practices can save between $1,200 and $1,500 in expenses on infant formula;

Whereas a 2016 study of maternal and pediatric health outcomes and associated costs based on 2012 breastfeeding rates indicates that if 90 percent of infants were breastfed according to medical recommendations, 3,340 deaths, $3,000,000,000 in medical costs, and $14,200,000,000 in costs relating to premature death would be prevented annually; and

Whereas the great majority of pregnant women and new mothers want to breastfeed but face significant barriers in community, health care, and employment settings: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of August 2017 as ''World Breastfeeding Week'';

(2) designates August 2017 as ''National Breastfeeding Month'';

(3) supports the goals of National Breastfeeding Month; and

(4) supports policies and funding to ensure that all mothers who choose to breastfeed can access a full range of appropriate support from health care institutions, health care insurers, employers, and government entities.

SENATE RESOLUTION 247—DESIGNATING JULY 29, 2017, AS ''PARALYMPIC AND ADAPTIVE SPORT DAY''

Mr. HATCH (for himself, Mr. BENNET, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 247

Whereas, in 2015, roughly 53,000,000 people in the United States reported living with some type of impairment;

Whereas, in 2015, roughly 3,800,000 veterans in the United States reported living with a service-related disability;

Whereas adaptive sports for individuals with impairments have existed for more than 100 years;

Whereas, after World War II, adaptive sports were widely introduced in order to assist the large number of World War II veterans and civilians that were injured during wartime;

Whereas July 29, 1948, marks the date of the Opening Ceremony of the London 1948 Olympic Games in Stoke Mandeville, United Kingdom, where Dr. Ludwig Guttmann organized the first wheelchair competition for service men and women injured in World War II (also known as the ''Stoke Madeville Games'');

Whereas the Stoke Mandeville Games, in 2017, ultimately evolved into the Paralympic Games and include athletes with physical, visual, and intellectual impairments;

Whereas the International Paralympic Movement celebrates values such as courage, determination, inspiration, and equality, and works to enable Paralympic athletes to achieve sporting excellence and inspire and excite the world;

Whereas Paralympians in the United States continue to achieve competitive excellence, preserve ideals and values of the International Paralympic Movement, and inspire all people in the United States;

Whereas 18 veterans were members of Team USA at the 2014 Paralympic Winter Games held in Sochi, Krasnodar Krai, Russia, and 35 veterans were members of Team USA at the 2016 Paralympic Summer Games held in Rio de Janeiro, Brazil;

Whereas participation in the Paralympic Games, other adaptive sport competitions, and athletic reconditioning activities such as the Paralympic Military Program plays a fundamental role for members of the Armed Forces and veterans who are reintegrating into civilian life, and can enable those individuals to gain a new purpose in life by extending their physical limits during rehabilitation in order to rebuild and recover personal identity, formulate adaptive strategies for life, and achieve athletic excellence;

Whereas a celebration of Paralympic and Adaptive Sport Day will improve communities in the United States and uplift and inspire the Paralympic champions of the future;

Whereas Paralympic and Adaptive Sport Day will encourage the youth in the United States to participate in and support the practical inclusion of all people in sports; and

Whereas Paralympic and Adaptive Sport Day creates awareness of and understanding toward individuals with impairments: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 29, 2017, as ''Paralympic and Adaptive Sport Day'';

(2) supports the inclusive goals and ideals of the International Paralympic Movement, as well as opportunities for individuals with impairments to be full contributing participants in society;

(3) acknowledges the extraordinary contribution and sacrifice made by members of the Armed Forces and veterans who have sustained a traumatic injury and impairment while serving the United States;

(4) promotes a more inclusive society for all individuals with impairments through Paralympic and adaptive sports throughout the United States; and

(5) promotes the values of the International Paralympic Movement, including courage, determination, inspiration, and equality.

SENATE RESOLUTION 248—EXPRESSING THE SENSE OF THE SENATE THAT FLOWERS GROWN IN THE UNITED STATES SUPPORT THE FARMERS, SMALL BUSINESSES, JOBS, AND ECONOMY OF THE UNITED STATES, THAT FLOWER FARMING IS AN HONORABLE VOCATION, AND DESIGNATING JULY AS ''AMERICAN GROWN FLOWER MONTH''

Mrs. FEINSTEIN (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 248

Whereas cut flower growers in the United States are hard-working, dedicated individuals who bring beauty, economic stimulus, and pride to their communities and the nation;

Whereas the people of the United States have a long history of using flowers and greens grown in the United States to bring beauty to important events and express affection for loved ones;

Whereas consumers spend almost $27,000,000,000 each year on floral products, including cut flowers, garden plants, bedding, and indoor plants;

Whereas nearly 30 percent of households in the United States purchase fresh cut flowers and greens from more than 16,000 florists and floral establishments each year;

Whereas the people of the United States increasingly want to support domestically produced foods and agricultural products and would prefer to buy locally grown flowers whenever possible, yet a majority of domestic consumers do not know where the flowers they purchase are grown;

Whereas in response to increased demand, the ''Certified American Grown Flowers'' logo was created in July 2014 in order to educate and empower consumers to purchase flowers from domestic producers;

Whereas as of April 2017, millions of stems of domestically grown flowers are now ''Certified American Grown'';

Whereas domestic flower farmers produce thousands of varieties of flowers across the United States, such as peonies in Alaska, Gerbera daisies in California, lupines in Maine, tulips in Washington, lilies in Oregon, and larkspur in Texas;

Whereas the 5 flower varieties with the highest United States production are tulips, Gerbera daisies, lilies, gladiolas and irises;

Whereas people in every State have access to domestically grown flowers, yet only 1 of 5 flowers sold in the United States is domestically grown;

Whereas the domestic cut flower industry creates almost $42,000,000 in economic impact daily and supports hundreds of growers, thousands of small businesses, and tens of thousands of jobs in the United States;

Whereas more people in the United States are expressing interest in growing flowers locally, which has resulted in an approximately 20 percent increase in the number of domestic cut flower farms between 2007 and 2012;

Whereas most domestic cut flowers and greens are sold in the United States within 24 to 48 hours after harvest and last longer than flowers shipped longer distances;

Whereas flowers grown domestically enhance the ability of the people of the United States to festively celebrate weddings and births, and honor those who have passed;

Whereas flower-giving has been a holiday tradition in the United States for generations;

Whereas flowers speak to the beauty of motherhood on Mother's Day; and to the spirit of love on Valentine's Day;

Whereas flowers are an essential part of other holidays such as Thanksgiving, Christmas, Hanukkah, and Kwanzaa;

Whereas flowers help commemorate the service and sacrifice of our Armed Forces on Memorial Day and Veterans Day; and

Whereas the Senate encourages the cultivation of flowers in the United States by domestic flower farmers: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 2017 as ''American Grown Flower Month'';

(2) recognizes that purchasing flowers grown in the United States supports the farmers, small businesses, jobs, and economy of the United States;

(3) recognizes that growing flowers and greens in the United States is a vital part of the agricultural industry of the United States;

(4) recognizes that cultivating flowers domestically enhances the ability of the people of the United States to festively celebrate holidays and special occasions; and

(5) urges all people of the United States to proactively showcase flowers and greens grown in the United States in order to show support for our flower farmers, processors, and distributors as well as agriculture in the United States overall.

SENATE RESOLUTION 249—DESIGNATING SEPTEMBER 2017 AS ''NATIONAL CHILD AWARENESS MONTH'' TO PROMOTE AWARENESS OF CHARITIES THAT BENEFIT CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING THE EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mrs. FEINSTEIN (for herself and Mr. LANKFORD) submitted the following resolution; which was considered and agreed to:

S. RES. 249

Whereas millions of children and youth in the United States represent the hopes and the future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to health care, social services, education, the arts, sports, and other services will result in the development of character

in, and the future success of, the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight, and be mindful of, the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2017 as ''National Child Awareness Month'' would recognize that a long-term commitment to children and youth is in the public interest and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2017 as ''National Child Awareness Month''—

(1) to promote awareness of charities that benefit children and youth-serving organizations throughout the United States; and

(2) to recognize the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 752. Mr. ALEXANDER (for Mr. MANCHIN) proposed an amendment to the bill S. 581, to include information concerning a patient's opioid addiction in certain medical records.

SA 753. Mr. JOHNSON (for himself, Mr. DONNELLY, and Mrs. CAPITO) proposed an amendment to the bill S. 204, to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

SA 754. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, 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; which was ordered to lie on the table.

SA 755. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, supra; which was ordered to lie on the table.

SA 756. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table.

SA 757. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 758. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 759. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 760. Mr. WARNER (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 761. Mr. BROWN (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 762. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 763. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 764. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 765. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 766. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 767. Mr. PERDUE proposed an amendment to the bill S. 765, to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces.

SA 768. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table.

SA 769. Mr. WICKER (for Mrs. FISCHER) proposed an amendment to the bill S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things.

SA 770. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table.

SA 771. Ms. MURKOWSKI (for Mr. CARPER) proposed an amendment to the bill S. 1099, to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards.

SA 772. Ms. MURKOWSKI (for Mr. YOUNG) proposed an amendment to the bill S. 1182, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

SA 773. Ms. MURKOWSKI (for Mr. SULLIVAN) proposed an amendment to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

TEXT OF AMENDMENTS

SA 752. Mr. ALEXANDER (for Mr. MANCHIN) proposed an amendment to the bill S. 581, to include information concerning a patient's opioid addiction in certain medical records; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''Jessie's Law''.

SEC. 2. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient's history of opioid use disorder should, only at the patient's request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient's request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient's opioid use disorder history in a manner similar to other potentially lethal medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient's opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, to have access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

SA 753. Mr. JOHNSON (for himself, Mr. DONNELLY, and Mrs. CAPITO) proposed an amendment to the bill S. 204, to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, 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 ''Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017''.

SEC. 2. USE OF UNAPPROVED INVESTIGATIONAL DRUGS BY PATIENTS DIAGNOSED WITH A TERMINAL ILLNESS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act is amended by inserting after section 561A (21 U.S.C. 360bbb–0) the following:

''SEC. 561B. INVESTIGATIONAL DRUGS FOR USE BY ELIGIBLE PATIENTS.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'eligible patient' means a patient—

''(A) who has been diagnosed with a life-threatening disease or condition (as defined in section 312.81 of title 21, Code of Federal Regulations (or any successor regulations));

''(B) who has exhausted approved treatment options and is unable to participate in a clinical trial involving the eligible investigational drug, as certified by a physician, who—

''(i) is in good standing with the physician's licensing organization or board; and

''(ii) will not be compensated directly by the manufacturer for so certifying; and

''(C) who has provided to the treating physician written informed consent regarding the eligible investigational drug, or, as applicable, on whose behalf a legally authorized representative of the patient has provided such consent;

''(2) the term 'eligible investigational drug' means an investigational drug (as such term is used in section 561)—

''(A) for which a Phase 1 clinical trial has been completed;

''(B) that has not been approved or licensed for any use under section 505 of this Act or section 351 of the Public Health Service Act;

''(C)(i) for which an application has been filed under section 505(b) of this Act or section 351(a) of the Public Health Service Act; or

''(ii) that is under investigation in a clinical trial that—

''(I) is intended to form the primary basis of a claim of effectiveness in support of approval or licensure under section 505 of this Act or section 351 of the Public Health Service Act; and

''(II) is the subject of an active investigational new drug application under section 505(i) of this Act or section 351(a)(3) of the Public Health Service Act, as applicable; and

''(D) the active development or production of which is ongoing and has not been discontinued by the manufacturer or placed on clinical hold under section 505(i); and

''(3) the term 'phase 1 trial' means a phase 1 clinical investigation of a drug as described in section 312.21 of title 21, Code of Federal Regulations (or any successor regulations).

''(b) EXEMPTIONS.—Eligible investigational drugs provided to eligible patients in compliance with this section are exempt from sections 502(f), 503(b)(4), 505(a), and 505(i) of this Act, section 351(a) of the Public Health Service Act, and parts 50, 56, and 312 of title 21, Code of Federal Regulations (or any successor regulations), provided that the sponsor of such eligible investigational drug or any person who manufactures, distributes, prescribes, dispenses, introduces or delivers for introduction into interstate commerce, or provides to an eligible patient an eligible investigational drug pursuant to this section is in compliance with the applicable requirements set forth in sections 312.6, 312.7, and 312.8(d)(1) of title 21, Code of Federal Regulations (or any successor regulations) that apply to investigational drugs.

''(c) USE OF CLINICAL OUTCOMES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Public Health Service Act, or any other provision of Federal law, the Secretary may not use a clinical outcome associated with the use of an eligible investigational drug pursuant to this section to delay or adversely affect the review or approval of such drug under section 505 of this Act or section 351 of the Public Health Service Act unless—

''(A) the Secretary makes a determination, in accordance with paragraph (2), that use of such clinical outcome is critical to determining the safety of the eligible investigational drug; or

''(B) the sponsor requests use of such outcomes.

''(2) LIMITATION.—If the Secretary makes a determination under paragraph (1)(A), the Secretary shall provide written notice of such determination to the sponsor, including a public health justification for such determination, and such notice shall be made part of the administrative record. Such determination shall not be delegated below the director of the agency center that is charged with the premarket review of the eligible investigational drug.

''(d) REPORTING.—

''(1) IN GENERAL.—The manufacturer or sponsor of an eligible investigational drug shall submit to the Secretary an annual summary of any use of such drug under this section. The summary shall include the number of doses supplied, the number of patients treated, the uses for which the drug was made available, and any known serious adverse events. The Secretary shall specify by regulation the deadline of submission of such annual summary and may amend section 312.33 of title 21, Code of Federal Regulations (or any successor regulations) to require the submission of such annual summary in conjunction with the annual report for an applicable investigational new drug application for such drug.

''(2) POSTING OF INFORMATION.—The Secretary shall post an annual summary report of the use of this section on the internet website of the Food and Drug Administration, including the number of drugs for which clinical outcomes associated with the use of an eligible investigational drug pursuant to this section was—

''(A) used in accordance with subsection (c)(1)(A);

''(B) used in accordance with subsection (c)(1)(B); and

''(C) not used in the review of an application under section 505 of this Act or section 351 of the Public Health Service Act.''.

(b) NO LIABILITY.—

(1) ALLEGED ACTS OR OMISSIONS.—With respect to any alleged act or omission with respect to an eligible investigational drug provided to an eligible patient pursuant to section 561B of the Federal Food, Drug, and Cosmetic Act and in compliance with such section, no liability in a cause of action shall lie against—

(A) a sponsor or manufacturer; or

(B) a prescriber, dispenser, or other individual entity (other than a sponsor or manufacturer), unless the relevant conduct constitutes reckless or willful misconduct, gross negligence, or an intentional tort under any applicable State law.

(2) DETERMINATION NOT TO PROVIDE DRUG.—No liability shall lie against a sponsor manufacturer, prescriber, dispenser or other individual entity for its determination not to provide access to an eligible investigational drug under section 561B of the Federal Food, Drug, and Cosmetic Act.

(3) LIMITATION.—Except as set forth in paragraphs (1) and (2), nothing in this section shall be construed to modify or otherwise affect the right of any person to bring a private action under any State or Federal product liability, tort, consumer protection, or warranty law.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that section 561B of the Federal Food, Drug, and Cosmetic Act, as added by section 2—

(1) does not establish a new entitlement or modify an existing entitlement, or otherwise establish a positive right to any party or individual;

(2) does not establish any new mandates, directives, or additional regulations;

(3) only expands the scope of individual liberty and agency among patients, in limited circumstances;

(4) is consistent with, and will act as an alternative pathway alongside, existing expanded access policies of the Food and Drug Administration;

(5) will not, and cannot, create a cure or effective therapy where none exists;

(6) recognizes that the eligible terminally ill patient population often consists of those patients with the highest risk of mortality, and use of experimental treatments under the criteria and procedure described in such section 561A involves an informed assumption of risk; and

(7) establishes national standards and rules by which investigational drugs may be provided to terminally ill patients.

SA 754. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, 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; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. BAN ON CHARACTERIZING FLAVORS IN NEWLY DEEMED TOBACCO PRODUCTS.

A product that is a newly deemed tobacco product under the rule entitled ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products'', published May 10, 2016 (81 Fed. Reg. 28973), or any of component parts of such tobacco product (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke.

SA 755. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2430, 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; which was ordered to lie on the table; as follows:

At the end of title IX, insert the following:

SEC. 906. TOBACCO PRODUCTS.

Notwithstanding any other provision of law, the Commissioner of Food and Drugs may not delay the deadline, set forth in the rule entitled ''Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Restrictions on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products'', published May 10, 2016 (81 Fed. Reg. 28973), for submission of premarket tobacco product applications required for new tobacco products under section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j).

SA 756. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON COMPLIANCE WITH RUNWAY CLEAR ZONE REQUIREMENTS.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Service secretaries, shall submit to the congressional defense committees a report on Service compliance with Department of Defense and relevant Service policies regarding Department of Defense runway clear zones.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A listing of all Department of Defense runway clear zones in the United States that are not in compliance with Department of Defense and relevant Service policies regarding Department of Defense runway clear zones.

(2) A plan for bringing all Department of Defense runway clear zones in full compliance with these policies, including a description of the resources required to bring these clear zones into policy compliance, and for providing restitution for property owners.

SA 757. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. TRANSFER TO DEPARTMENT OF DEFENSE OF AUTHORITY TO OPERATE NATIONAL BIODEFENSE ANALYSIS AND COUNTERMEASURES CENTER.

(a) IN GENERAL.—There is transferred from the Department of Homeland Security to the Department of Defense the authority to operate the National Biodefense Analysis and Countermeasures Center (in this section referred to as the ''Center'').

(b) TRANSFER OF AMOUNTS.—The Secretary of Homeland Security shall transfer to the Secretary of Defense such amounts as may be necessary to operate the Center for a two-year period.

(c) TIMING OF TRANSFER.—The Secretary of Homeland Security shall conduct an expedient transfer of authority under subsection (a) and amounts under subsection (b) within one year after the date of the enactment of this Act.

(d) ROLE OF DEPARTMENT OF DEFENSE AFTER TRANSFER.—After the transfer of authority under subsection (a), the Secretary of Defense shall—

(1) serve as the executive agent and custodian for operations of the Center;

(2) support the activities of the Center, particularly those activities that support Federal government customers;

(3) ensure that the needs of all customers of the Center are met; and

(4) enter into memoranda of understanding with beneficiaries of the Center to ensure equitable cost sharing in the activities of the Center.

(e) ONGOING OPERATIONS.—The Secretary of Homeland Security and the Secretary of Defense shall ensure that the transfer of authority under subsection (a) does not diminish or curtail the ongoing operations of the Center.

SA 758. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXEMPTION FROM CALCULATION OF MONTHLY INCOME, FOR PURPOSES OF BANKRUPTCY LAWS, CERTAIN PAYMENTS FROM DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE.

Section 101(10A) of title 11, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent); and

''(ii) excludes—

''(I) benefits received under the Social Security Act;

''(II) payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;

''(III) payments to victims of international terrorism (as defined in section 2331 of title 18) or domestic terrorism (as defined in section 2331 of title 18) on account of their status as victims of such terrorism;

''(IV) compensation under chapter 11 of title 38;

''(V) compensation under chapter 13 of title 38;

''(VI) pension under chapter 15 of title 38;

''(VII) retired pay payable to members of the Armed Forces retired under section 1201 or 1204 of title 10;

''(VIII) retired pay payable to members of the Armed Forces placed on the temporary disability retired list under section 1202 or 1205 of title 10;

''(IX) disability severance pay payable under section 1212 of title 10 to members separated from the Armed Forces under section 1203 or 1206 of that title;

''(X) retired pay payable in accordance with section 1201 or 1202 of title 10, or disability severance pay payable in accordance with section 1203 of that title, to members of the Armed Forces eligible for such pay by reason of section 1207a of that title;

''(XI) combat-related special compensation payable under section 1413a of title 10;

''(XII) any monthly annuity payable under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10 if the participant in the Plan with respect to whom the annuity is payable was retired for physical disability under chapter 61 of that title;

''(XIII) the special survivor indemnity allowance payable under section 1450(m) of title 10; and

''(XIV) any monthly special compensation payable to members of the uniformed services with catastrophic injuries or illnesses under section 439 of title 37.''.

SA 759. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. _____. ACCELERATION OF ENVIRONMENTAL RESTORATION ACTIVITIES AT FORMER ARMY AMMUNITION PLANTS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for fiscal year 2018 by section 301 and available for environmental restoration, Army, as specified in the funding table in section 4301, not less than $100,000,000 shall be used to accelerate ongoing remediation activities at former Army ammunition plants.

(b) REMEDIATION ACTIVITIES DEFINED.—In this section, the term ''remediation activities'' includes actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in connection with environmental remediation, the development, deployment, and operation of appropriate groundwater remediation to provide clean drinking water to impacted communities, the testing of groundwater contaminant levels, and engagements with such communities to incorporate preferred approaches to environmental remediation.

In the funding table in section 4201, in the item relating to the Long Range Standoff Weapon of the Air Force, decrease the amount in the Senate Authorized column by $100,000,000.

In the funding table in section 4301, in the item relating to Environmental Restoration, Amy, increase the amount in the Senate Authorized column by $100,000,000.

SA 760. Mr. WARNER (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

Strike section 1606 and insert the following:

SEC. 1606. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

(a) IN GENERAL.—In support of the policy outlined in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for processing and launch of United States national security space missions from ranges owned or operated by the Federal Government or State governments.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments in infrastructure to improve operations at ranges in the United States that may benefit all users, to enhance the overall capabilities of those ranges, to

improve safety, and to reduce the long-term cost of operations and maintenance;

(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden on launch providers; and

(3) improvements in transparency, flexibility, and responsiveness for launch scheduling.

(c) CONSULTATION.—In carrying out the program required by this section, the Secretary should consult with current and anticipated users of ranges in the United States.

(d) COOPERATION.—In carrying out this section, the Secretary should consider partnerships authorized under section 2276 of title 10, United States Code.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at ranges in the United States.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at ranges described in paragraph (1) to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

SA 761. Mr. BROWN (for himself and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMPORTANCE OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

(a) FINDINGS.—Congress finds that—

(1) historically Black colleges and universities (HBCUs) and minority-serving institutions play a vital role in educating low-income and underrepresented students in areas of national need;

(2) HBCUs and minority-serving institutions presently are collaborating with the Department of Defense in research and development efforts that contribute to the defense readiness and national security of the Nation;

(3) by their research these institutions are helping to develop the next generation of scientists and engineers who will help lead the Department of Defense in addressing high-priority national security challenges; and

(4) it is important to further engage HBCUs and minority-serving institutions in university research and innovation, especially in prioritizing software development and cyber security by utilizing existing Department of Defense labs, and collaborating with existing programs that help attract candidates, including programs like the Air Force Minority Leaders Programs, which recruit Americans from diverse background to serve their country through service in our Nation's military.

(b) INCREASE.—Funding in Research, Development, Test, and Evaluation, Defense-wide, PE 61228D8Z, section 4201, for Basic Research, Historically Black Colleges and Universities/Minority Institutions, Line 006, is hereby increased by $12,000,000.

(c) OFFSET.—Funding in section 4101 for Other Procurement, Army, for Automated Data Processing Equipment, Line 108, is hereby reduced by $12,000,000.

SA 762. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. ___. REPORTS ON COMPTROLLER GENERAL OF THE UNITED STATES RECOMMENDATIONS NOT FULLY IMPLEMENTED BY THE DEPARTMENT OF DEFENSE.

(a) SECRETARY OF DEFENSE REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Comptroller General of the United States a report listing all outstanding recommendations of the Comptroller General applicable to the Department of Defense that have not been fully implemented.

(b) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the date on which the Secretary submits the report required by subsection (a), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing any discrepancies between the list of outstanding recommendations included in such report and the list of the Comptroller General of the outstanding recommendations applicable to the Department that have not been fully implemented.

(c) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of implementation of each recommendation of the Comptroller General listed in the report under subsection (a).

(2) JUSTIFICATION.—The report required by paragraph (1) shall include the following:

(A) For each recommendation listed in the report that the Department decided not to fully implement, or to implement in a different manner than recommended by the Comptroller General, a detailed justification for the decision.

(B) For each recommendation the Department decided to adopt, but has not fully implemented, a timeline for full implementation.

(C) An explanation for any discrepancies between the report and the Comptroller General report submitted under subsection (b).

(d) FORM.—Any information included in a report under this section shall, to the extent practicable, be submitted in unclassified form, but may be set forth in a classified annex.

SA 763. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. ____. ANNUAL REPORT ON PARTICIPATION IN THE TRANSITION ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) ANNUAL REPORT.—(1) Not later than February 28 each year, the Secretary of Defense shall submit to Congress a report on the participation of members of the armed forces in the program under this section during the preceding year.

''(2) Each report under this subsection shall set forth, for the year covered by such report, the following:

''(A) The number of members who were eligible for participation in the program, in aggregate and by component of the armed forces.

''(B) The number of members who participated in the program, in aggregate and by component of the armed forces, for each of the following:

''(i) Preseparation counseling provided by the Department of Defense.

''(ii) Briefings provided by the Department of Veterans Affairs.

''(iii) Employment workshops provided by the Department of Labor.

''(C) The number of members who did not participate in the program due to a waiver of the participation requirement under subsection (c)(2) for each service set forth in subparagraph (B).

''(3) Each report under this subsection may also include such recommendations for legislative or administrative action as the Secretary of Defense, in consultation with the Secretary of Labor, the Secretary of Veterans Affairs, and the Secretary of Homeland Security, considers appropriate to increase participation of members of the armed forces in each service set forth in paragraph (2)(B).''.

SA 764. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FACILITIES REDUCTION PROGRAM.

The Secretary of the Army shall consider the following factors when making resource allocations from the Facilities Reduction Program:

(1) The potential risk of contaminated unused facilities to Army readiness and to Army missions.

(2) The cost to maintain and secure unused and obsolete facilities.

SA 765. Mr. VAN HOLLEN submitted an amendment intended to be proposed

by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. _____. DEPARTMENT OF DEFENSE FUNDING SUPPORT FOR THE NATIONAL CONSORTIUM FOR THE STUDY OF TERRORISM AND RESPONSES TO TERRORISM.

From amounts authorized to be appropriated or otherwise made available for the Department of Defense for fiscal year 2018, the Secretary of Defense may provide funds to the National Consortium for the Study of Terrorism and Responses to Terrorism (START) in order to support programs and activities of the National Consortium that contribute to Department of Defense missions and capabilities.

SA 766. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. IMPROVEMENT OF AUTHORITIES ON PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

Subparagraph (C) of section 130i(e)(1) of title 10, United States Code, is amended to read as follows:

''(C) relates to—

''(i) the airspace above a military installation, airfield, or range;

''(ii) any area within 500 meters horizontally or vertically of a military aircraft, vessel, or convoy;

''(iii) any restricted, limited, or exclusion area of a military installation;

''(iv) any airspace that is prohibited or restricted for military purposes;

''(v) any area the presence in which of an unmanned aircraft or unmanned aircraft system could interfere with lawful defense activities, including airfield and military operations and training; or

''(vi) any area the presence in which of an unmanned aircraft or unmanned aircraft system could pose a national security risk through the unauthorized disclosure of sensitive or classified information.''.

SA 767. Mr. PERDUE proposed an amendment to the bill S. 765, to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Private Corrado Piccoli Purple Heart Preservation Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Purple Heart medal solemnly recognizes the great and sometimes ultimate sacrifice of American servicemembers like Private Corrado Piccoli.

(2) The Purple Heart medal holds a place of honor as the national symbol of this sacrifice and deserves special protections.

SEC. 3. PENALTY FOR SALE OF PURPLE HEARTS AWARDED TO MEMBERS OF THE ARMED FORCES.

Section 704 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''Whoever'' and inserting ''Except as provided in subsection (e), whoever''; and

(2) by adding at the end the following:

''(e) PURPLE HEART.—

''(1) PENALTY.—Whoever willfully purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned not more than 6 months, or both.

''(2) LIMITATION ON REGULATIONS.—Regulations described in paragraph (1) may not authorize the sale of any Purple Heart awarded to a member of the armed forces or former member of the armed forces by the Secretary of the military department concerned, unless the sale is conducted by the member or former member to whom the Purple Heart was awarded.

''(3) DEFINITION.—In this subsection, the term 'willfully' means the voluntary, intentional violation of a known legal duty.''.

SA 768. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTING OUTSOURCING.

(a) CONSIDERATION OF OUTSOURCING.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2327 the following new section:

''§ 2327a. Contracts: consideration of outsourcing of jobs

''(a) DISCLOSURE OF OUTSOURCING OF JOBS.—

''(1) IN GENERAL.—The head of an agency shall require a contractor that submits a bid or proposal in response to a solicitation issued by the agency to disclose in that bid or proposal if the contractor, or a subsidiary of the contractor, owns a facility for which there is an outsourcing event during the three-year period ending on the date of the submittal of the bid or proposal.

''(2) OUTSOURCING EVENT.—For purposes of paragraph (1), the term 'outsourcing event' means a plant closing or mass layoff (as described in section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) in which the employment loss (excluding any part-time employees) for positions which will be moved to a country outside of the United States exceeds 50 employees.

''(b) CONSIDERATION AUTHORIZED.—(1) Agency contracting officers considering bids or proposals in response to a solicitation issued by the agency may take into account any disclosure made pursuant to subsection (a) in such bids and proposals.

''(2) The head of an agency may establish a negative preference of up to 10 percent of the cost of a contract for purposes of evaluating a bid or proposal of a contractor that makes a disclosure pursuant to subsection (a).

''(c) SENSE OF CONGRESS.—It is the sense of Congress that agency contracting officers should, using section 2304(b)(3) of this title, exclude contractors making a disclosure pursuant to subsection (a) in response to solicitations issued by the agency from the bidding process in connection with such solicitations on the grounds that the actions described in the disclosures are against the public interests of the United States.

''(d) ANNUAL REPORT.—The head of each agency shall submit to Congress each year a report on the following:

''(1) The number of solicitations made by the agency during the preceding year for which disclosures were made pursuant to subsection (a) in responsive bids or proposals.

''(2) The number of contracts awarded by the agency during the preceding year in which such disclosures were taken into account in the contract award.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2327 the following new item:

''2327a. Contracts: consideration of outsourcing of jobs.''.

(b) EXCLUSION OF FIRMS FROM SOURCES.—Section 2304(b) of such title is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

''(3) The head of an agency may provide for the procurement of property and services covered by this chapter using competitive procedures but excluding a source making a disclosure pursuant to section 2327a(a) of this title in the bid or proposal in response to the solicitation issued by the agency if the head of the agency determines that the actions described by disclosure are against the public interests of the United States and the source is to be excluded on those grounds. Any such determination shall take into account the sense of Congress set forth in section 2327a(c) of this title.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''.

(c) REGULATIONS AND GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend the Defense Federal Acquisition Regulation Supplement to carry out the requirements of section 2327a of title 10, United States Code, as added by this section.

(2) TRAINING AND GUIDANCE.—The Secretary of Defense shall develop and provide clear training and guidance to acquisition officials, contracting officers, and current and potential contractors regarding implementation policies and practices for section 2327a of title 10, United States Code, as added by this section.

(3) DEFINITION OF OUTSOURCING.—For purposes of defining outsourcing pursuant to paragraphs (1) and (2), the Secretary of Defense may utilize regulations prescribed by the Secretary of Labor.

(d) RULE OF CONSTRUCTION.—This section, and the amendments made by this section, shall be applied in a manner consistent with

United States obligations under international agreements.

SA 769. Mr. WICKER (for Mrs. FISCHER) proposed an amendment to the bill S. 88, to ensure appropriate spectrum planning and interagency coordination to support the Internet of Things; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Developing Innovation and Growing the Internet of Things Act'' or ''DIGIT Act''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) the Internet of Things refers to the growing number of connected and interconnected devices;

(2) estimates indicate that more than 50,000,000,000 devices will be connected to the Internet by 2020;

(3) the Internet of Things has the potential to generate trillions of dollars in new economic activity around the world;

(4) businesses across the United States can develop new services and products, improve operations, simplify logistics, cut costs, and pass savings on to consumers by utilizing the Internet of Things and related innovations;

(5) the United States leads the world in the development of technologies that support the Internet and the United States technology sector is well-positioned to lead in the development of technologies for the Internet of Things;

(6) the United States Government can implement this technology to better deliver services to the public; and

(7) the Senate unanimously passed Senate Resolution 110, 114th Congress, agreed to March 24, 2015, calling for a national strategy for the development of the Internet of Things.

(b) SENSE OF CONGRESS.—It is the sense of Congress that policies governing the Internet of Things should maximize the potential and development of the Internet of Things to benefit all stakeholders, including businesses, governments, and consumers.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(3) STEERING COMMITTEE.—The term ''steering committee'' means the steering committee established under section 4(e)(1).

(4) WORKING GROUP.—The term ''working group'' means the working group convened under section 4(a).

SEC. 4. FEDERAL WORKING GROUP.

(a) IN GENERAL.—The Secretary shall convene a working group of Federal stakeholders for the purpose of providing recommendations and a report to Congress relating to the aspects of the Internet of Things described in subsection (b).

(b) DUTIES.—The working group shall—

(1) identify any Federal regulations, statutes, grant practices, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(2) consider policies or programs that encourage and improve coordination among Federal agencies with jurisdiction over the Internet of Things;

(3) consider any findings or recommendations made by the steering committee and, where appropriate, act to implement those recommendations; and

(4) examine—

(A) how Federal agencies can benefit from utilizing the Internet of Things;

(B) the use of Internet of Things technology by Federal agencies as of the date on which the working group performs the examination;

(C) the preparedness and ability of Federal agencies to adopt Internet of Things technology in the future; and

(D) any additional security measures that Federal agencies may need to take to—

(i) safely and securely use the Internet of Things, including measures that ensure the security of critical infrastructure; and

(ii) enhance the resiliency of Federal systems against cyber threats to the Internet of Things.

(c) AGENCY REPRESENTATIVES.—In convening the working group under subsection (a), the Secretary shall have discretion to appoint representatives and shall specifically consider seeking representation from—

(1) the Department of Commerce, including—

(A) the National Telecommunications and Information Administration;

(B) the National Institute of Standards and Technology; and

(C) the National Oceanic and Atmospheric Administration;

(2) the Department of Transportation;

(3) the Department of Homeland Security;

(4) the Office of Management and Budget;

(5) the National Science Foundation;

(6) the Commission;

(7) the Federal Trade Commission;

(8) the Office of Science and Technology Policy;

(9) the Department of Energy; and

(10) the Federal Energy Regulatory Commission.

(d) NONGOVERNMENTAL STAKEHOLDERS.—The working group shall consult with nongovernmental stakeholders, including—

(1) the steering committee;

(2) information and communications technology manufacturers, suppliers, service providers, and vendors;

(3) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the energy, agriculture, and health care sectors;

(4) small, medium, and large businesses;

(5) think tanks and academia;

(6) nonprofit organizations and consumer groups;

(7) rural stakeholders; and

(8) other stakeholders with relevant expertise, as determined by the Secretary.

(e) STEERING COMMITTEE.—

(1) ESTABLISHMENT.—There is established within the Department of Commerce a steering committee to advise the working group.

(2) DUTIES.—The steering committee shall advise the working group with respect to—

(A) the identification of any Federal regulations, statutes, grant practices, programs, budgetary or jurisdictional challenges, and other sector-specific policies that are inhibiting, or could inhibit, the development of the Internet of Things;

(B) whether adequate spectrum is available to support the growing Internet of Things and what legal or regulatory barriers may exist to providing any spectrum needed in the future;

(C) policies or programs that—

(i) promote or are related to the privacy of individuals who use or are affected by the Internet of Things;

(ii) may enhance the security of the Internet of Things, including the security of critical infrastructure;

(iii) may protect users of the Internet of Things; and

(iv) may encourage coordination among Federal agencies with jurisdiction over the Internet of Things;

(D) the opportunities and challenges associated with the use of Internet of Things technology by small businesses; and

(E) any international proceeding, international negotiation, or other international matter affecting the Internet of Things to which the United States is or should be a party.

(3) MEMBERSHIP.—The Secretary shall appoint to the steering committee members representing a wide range of stakeholders outside of the Federal Government with expertise relating to the Internet of Things, including—

(A) information and communications technology manufacturers, suppliers, service providers, and vendors;

(B) subject matter experts representing industrial sectors other than the technology sector that can benefit from the Internet of Things, including the energy, agriculture, and health care sectors;

(C) small, medium, and large businesses;

(D) think tanks and academia;

(E) nonprofit organizations and consumer groups;

(F) rural stakeholders; and

(G) other stakeholders with relevant expertise, as determined by the Secretary.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the steering committee shall submit to the working group a report that includes any findings or recommendations of the steering committee.

(5) INDEPENDENT ADVICE.—

(A) IN GENERAL.—The steering committee shall set the agenda of the steering committee in carrying out the duties of the steering committee under paragraph (2).

(B) SUGGESTIONS.—The working group may suggest topics or items for the steering committee to study, and the steering committee shall take those suggestions into consideration in carrying out the duties of the steering committee.

(C) REPORT.—The steering committee shall ensure that the report submitted under paragraph (4) is the result of the independent judgment of the steering committee.

(6) TERMINATION.—The steering committee shall terminate on the date on which the working group submits the report under subsection (f) unless, on or before that date, the Secretary files a new charter for the steering committee under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the working group shall submit to Congress a report that includes—

(A) the findings and recommendations of the working group with respect to the duties of the working group under subsection (b);

(B) the report submitted by the steering committee under subsection (e)(4), as the report was received by the working group;

(C) recommendations for action or reasons for inaction, as applicable, with respect to each recommendation made by the steering committee in the report submitted under subsection (e)(4); and

(D) an accounting of any progress made by Federal agencies to implement recommendations made by the working group or the steering committee.

(2) COPY OF REPORT.—The working group shall submit a copy of the report described in paragraph (1) to—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) any other committee of Congress, upon request to the working group.

SEC. 5. ASSESSING SPECTRUM NEEDS.

(a) IN GENERAL.—The Commission, in consultation with the National Telecommunications and Information Administration, shall issue a notice of inquiry seeking public comment on the current, as of the date of enactment of this Act, and future spectrum needs of the Internet of Things.

(b) REQUIREMENTS.—In issuing the notice of inquiry under subsection (a), the Commission shall seek comments that consider and evaluate—

(1) whether adequate spectrum is available to support the growing Internet of Things;

(2) what regulatory barriers may exist to providing any needed spectrum for the Internet of Things; and

(3) what the role of licensed and unlicensed spectrum is and will be in the growth of the Internet of Things.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the comments submitted in response to the notice of inquiry issued under subsection (a).

SA 770. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill 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; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. SUNSET OF AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) SUNSET.—Section 2 of the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) is amended by adding at the end the following new subsection:

''(c) SUNSET.—The authority to use force in this resolution shall expire on the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, unless reauthorized or extended by an Act of Congress.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the need will remain to defend against specific networks of violent extremists, including al Qaeda and its affiliates, that threaten the United States; and

(2) the President must work with Congress to secure whatever authorities may be required to meet that threat in a manner that complies with the Constitution and the War Powers Resolution (50 U.S.C. 1541 et seq.).

SA 771. Ms. MURKOWSKI (for Mr. CARPER) proposed an amendment to the bill S. 1099, to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards; as follows:

On page 5, beginning on line 6, strike ''General Services Administration Office of Charge Card Management'' and insert ''the General Services Administration''.

SA 772. Ms. MURKOWSKI (for Mr. YOUNG) proposed an amendment to the bill S. 1182, to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion; as follows:

In section 7(d), in the subsection heading, strike ''GAO AUDIT'' and insert ''AUDIT''.

SA 773. Ms. MURKOWSKI (for Mr. SULLIVAN) proposed an amendment to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; as follows:

Beginning on page 3, strike line 3 and all that follows through page 3, line 23, and insert the following:

''(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

''(A) to assist in the cleanup and response required by the severe marine debris event; or

''(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.''.

On page 4, beginning on line 24, strike ''Federal funding for research and development'' and insert ''research and development, including through the establishment of a prize competition,''.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. FISCHER. Mr. President, I have 6 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 ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to hold a hearing on Thursday, August 3, 2017 at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to hold a Business Meeting on Thursday, August 3, 2017, immediately after the 12 p.m. vote in S–216, the Capitol, in Washington, DC.

COMMITTEE ON FINANCE

Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, August 3, 2017, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing to consider pending nominations.

COMMITTEE ON FOREIGN RELATIONS

I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 3, 2017 at 10 a.m., to hold a business meeting.

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on August 3, 2017, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on Thursday, August 3, 2017, at 9:45 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a Subcommittee Hearing on ''Insurance Fraud in America: Current Issues Facing Industry and Consumers.''

WOMEN, PEACE, AND SECURITY ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 123, S. 1141.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1141) to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

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

Ms. MURKOWSKI. I ask unanimous consent that the bill be considered read a third time.

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

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

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

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1141) was passed, as follows:

S. 1141

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 ''Women, Peace, and Security Act of 2017''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Around the world, women remain under-represented in conflict prevention, conflict resolution, and post-conflict peace building efforts.

(2) Women in conflict-affected regions have achieved significant success in—

(A) moderating violent extremism;

(B) countering terrorism;

(C) resolving disputes through nonviolent mediation and negotiation; and

(D) stabilizing societies by enhancing the effectiveness of security services, peacekeeping efforts, institutions, and decision-making processes.

(3) Research suggests that peace negotiations are more likely to succeed and to result in durable peace agreements when women participate in the peace process.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the meaningful participation of women in conflict prevention and conflict resolution processes helps to promote more inclusive and democratic societies and is critical to the long-term stability of countries and regions;

(2) the political participation, and leadership of women in fragile environments, particularly during democratic transitions, is critical to sustaining lasting democratic institutions; and

(3) the United States should be a global leader in promoting the meaningful participation of women in conflict prevention, management, and resolution, and post-conflict relief and recovery efforts.

SEC. 4. STATEMENT OF POLICY.

It shall be the policy of the United States to promote the meaningful participation of women in all aspects of overseas conflict prevention, management, and resolution, and post-conflict relief and recovery efforts, reinforced through diplomatic efforts and programs that—

(1) integrate the perspectives and interests of affected women into conflict-prevention activities and strategies;

(2) encourage partner governments to adopt plans to improve the meaningful participation of women in peace and security processes and decision-making institutions;

(3) promote the physical safety, economic security, and dignity of women and girls;

(4) support the equal access of women to aid distribution mechanisms and services;

(5) collect and analyze gender data for the purpose of developing and enhancing early warning systems of conflict and violence;

(6) adjust policies and programs to improve outcomes in gender equality and the empowerment of women; and

(7) monitor, analyze, and evaluate the efforts related to each strategy submitted under section 5 and the impact of such efforts.

SEC. 5. UNITED STATES STRATEGY TO PROMOTE THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, and again four years thereafter, the President, in consultation with the heads of the relevant Federal departments and agencies, shall submit to the appropriate congressional committees and make publicly available a single government-wide strategy, to be known as the Women, Peace, and Security Strategy, that provides a detailed description of how the United States intends to fulfill the policy objectives in section 4. The strategy shall—

(1) support and be aligned with plans developed by other countries to improve the meaningful participation of women in peace and security processes, conflict prevention, peace building, transitional processes, and decisionmaking institutions; and

(2) include specific and measurable goals, benchmarks, performance metrics, timetables, and monitoring and evaluation plans to ensure the accountability and effectiveness of all policies and initiatives carried out under the strategy.

(b) SPECIFIC PLANS FOR DEPARTMENTS AND AGENCIES.—Each strategy under subsection (a) shall include a specific implementation plan from each of the relevant Federal departments and agencies that describes—

(1) the anticipated contributions of the department or agency, including technical, financial, and in-kind contributions, to implement the strategy; and

(2) the efforts of the department or agency to ensure that the policies and initiatives carried out pursuant to the strategy are designed to achieve maximum impact and long-term sustainability.

(c) COORDINATION.—The President should promote the meaningful participation of women in conflict prevention, in coordination and consultation with international partners, including, as appropriate, multilateral organizations, stakeholders, and other relevant international organizations, particularly in situations in which the direct engagement of the United States Government is not appropriate or advisable.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the President, in implementing each strategy submitted under subsection (a), should—

(1) provide technical assistance, training, and logistical support to female negotiators, mediators, peace builders, and stakeholders;

(2) address security-related barriers to the meaningful participation of women;

(3) encourage increased participation of women in existing programs funded by the United States Government that provide training to foreign nationals regarding law enforcement, the rule of law, or professional military education;

(4) support appropriate local organizations, especially women's peace building organizations;

(5) support the training, education, and mobilization of men and boys as partners in support of the meaningful participation of women;

(6) encourage the development of transitional justice and accountability mechanisms that are inclusive of the experiences and perspectives of women and girls;

(7) expand and apply gender analysis, as appropriate, to improve program design and targeting; and

(8) conduct assessments that include the perspectives of women regarding new initiatives in support of peace negotiations, transitional justice and accountability, efforts to counter violent extremism, or security sector reform.

SEC. 6. TRAINING REQUIREMENTS REGARDING THE PARTICIPATION OF WOMEN IN CONFLICT PREVENTION AND PEACE BUILDING.

(a) FOREIGN SERVICE.—The Secretary of State, in conjunction with the Administrator of the United States Agency for International Development, shall ensure that all appropriate personnel (including special envoys, members of mediation or negotiation teams, relevant members of the civil service or Foreign Service, and contractors) responsible for or deploying to countries or regions considered to be at risk of, undergoing, or emerging from violent conflict obtain training, as appropriate, in the following areas, each of which shall include a focus on women and ensuring meaningful participation by women:

(1) Conflict prevention, mitigation, and resolution.

(2) Protecting civilians from violence, exploitation, and trafficking in persons.

(3) International human rights law and international humanitarian law.

(b) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that relevant personnel receive training, as appropriate, in the following areas:

(1) Training in conflict prevention, peace processes, mitigation, resolution, and security initiatives that specifically addresses the importance of meaningful participation by women.

(2) Gender considerations and meaningful participation by women, including training regarding—

(A) international human rights law and international humanitarian law, as relevant; and

(B) protecting civilians from violence, exploitation, and trafficking in persons.

(3) Effective strategies and best practices for ensuring meaningful participation by women.

SEC. 7. CONSULTATION AND COLLABORATION.

(a) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development may establish guidelines or take other steps to ensure overseas United States personnel of the Department of State or the United States Agency for International Development, as the case may be, consult with appropriate stakeholders, including local women, youth, ethnic, and religious minorities, and other politically under-represented or marginalized populations, regarding United States efforts to—

(1) prevent, mitigate, or resolve violent conflict; and

(2) enhance the success of mediation and negotiation processes by ensuring the meaningful participation of women.

(b) COLLABORATION AND COORDINATION.—The Secretary of State should work with international, regional, national, and local organizations to increase the meaningful participation of women in international peacekeeping operations, and should promote training that provides international peacekeeping personnel with the substantive knowledge and skills needed to ensure effective physical security and meaningful participation of women in conflict prevention and peace building.

SEC. 8. REPORTS TO CONGRESS.

(a) BRIEFING.—Not later than 1 year after the date of the first submission of a strategy required under section 5, the Secretary of State, in conjunction with the Administrator of the United States Agency for International Development and the Secretary of Defense, shall brief the appropriate congressional committees on existing, enhanced, or newly established training carried out pursuant to section 6.

(b) REPORT ON WOMEN, PEACE, AND SECURITY STRATEGY.—Not later than 2 years after the date of the submission of each strategy required under section 5, the President shall submit to the appropriate congressional committees a report that—

(1) summarizes and evaluates the implementation of such strategy and the impact of United States diplomatic efforts and foreign assistance programs, projects, and activities to promote the meaningful participation of women;

(2) describes the nature and extent of the coordination among the relevant Federal departments and agencies on the implementation of such strategy;

(3) outlines the monitoring and evaluation tools, mechanisms, and common indicators to assess progress made on the policy objectives set forth in section 4; and

(4) describes the existing, enhanced, or newly established training carried out pursuant to section 6.

SEC. 9. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

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

(2) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term ''relevant Federal departments and agencies'' means—

(A) the United States Agency for International Development;

(B) the Department of State;

(C) the Department of Defense;

(D) the Department of Homeland Security; and

(E) any other department or agency specified by the President for purposes of this Act.

(3) STAKEHOLDERS.—The term ''stakeholders'' means non-governmental and private sector entities engaged in or affected by conflict prevention and stabilization, peace building, protection, security, transition initiatives, humanitarian response, or related efforts.

Ms. MURKOWSKI. 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.

SAVING FEDERAL DOLLARS THROUGH BETTER USE OF GOVERNMENT PURCHASE AND TRAVEL CARDS ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 169, S. 1099.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1099) to provide for the identification and prevention of improper payments and the identification of strategic sourcing opportunities by reviewing and analyzing the use of Federal agency charge cards.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Carper amendment at the desk be considered and 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 with no intervening action or debate.

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

The amendment (No. 771) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 5, beginning on line 6, strike ''General Services Administration Office of Charge Card Management'' and insert ''the General Services Administration''.

The bill (S. 1099), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1099

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 ''Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017''.

SEC. 2. DEFINITIONS.

In this Act:

(1) IMPROPER PAYMENT.—The term ''improper payment'' has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) QUESTIONABLE TRANSACTION.—The term ''questionable transaction'' means a charge card transaction that from initial card data appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

(3) STRATEGIC SOURCING.—The term ''strategic sourcing'' means analyzing and modifying a Federal agency's spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 3. EXPANDED USE OF DATA ANALYTICS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies' capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying questionable purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

SEC. 4. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 5, shall issue guidance on improving information sharing by government agencies for the purposes of section 3(a)(1).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information related to potential questionable transactions, fraud schemes, and high-risk activities with the General Services Administration and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices Inspectors General have identified; and

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this Act.

SEC. 5. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 3(a).

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 6. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this Act, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable or improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) shall submit a report to the Director of the Office of Management and Budget on that agency's activities to implement this Act.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this Act, which may be included as part of another report submitted to Congress by the Director.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).

EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 28, 2017, AS ''HONORING THE NATION'S FIRST RESPONDERS DAY''

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 183, S. Con. Res. 15.

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

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 15) expressing support for the designation of October 28, 2017, as ''Honoring the Nation's First Responders Day.''

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the concurrent resolution intended to be stricken is shown in boldface brackets and the part of the concurrent resolution intended to be inserted is shown in italics.)

S. CON. RES. 15

Whereas first responders include professional and volunteer fire, police, emergency medical technician, and paramedic workers in the United States;

Whereas there are more than 25,300,000 first responders in the United States working to keep communities safe;

Whereas first responders deserve to be recognized for their commitment to safety, defense, and honor; and

Whereas October 28, 2017, would be an appropriate day to establish as ''Honoring the Nation's First Responders Day'': Now, therefore, be it

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

(1) supports the designation of October 28, 2017, as ''Honoring the Nation's First Responders Day'';

(2) honors and recognizes the contributions of first responders; and

(3) encourages the people of the United States to observe Honoring the Nation's First Responders Day with appropriate ceremonies and activities that promote awareness of the contributions of first responders in the United States.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the concurrent resolution, as amended, 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 committee-reported amendment was agreed to.

The concurrent resolution (S. Con. Res. 15), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble, reads as follows:

S. CON. RES. 15

Whereas first responders include professional and volunteer fire, police, emergency medical technician, and paramedic workers in the United States;

Whereas there are more than 25,300,000 first responders in the United States working to keep communities safe;

Whereas first responders deserve to be recognized for their commitment to safety, defense, and honor; and

Whereas October 28, 2017, would be an appropriate day to establish as ''Honoring the Nation's First Responders Day'': Now, therefore, be it

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

(1) supports the designation of October 28, 2017, as ''Honoring the Nation's First Responders Day'';

(2) honors and recognizes the contributions of first responders; and

(3) encourages the people of the United States to observe Honoring the Nation's First Responders Day with appropriate ceremonies and activities that promote awareness of the contributions of first responders in the United States.

FACILITATING CONSTRUCTION OF A BRIDGE ON CERTAIN PROPERTY IN CHRISTIAN COUNTY, MISSOURI

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 192, S. 810.

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

The senior assistant legislative clerk read as follows:

A bill (S. 810) to facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. RIVERSIDE BRIDGE PROJECT.

(a) IN GENERAL.—The Riverside Bridge Project is authorized to be carried out notwithstanding—

(1) any agreement entered unto under, or restriction pursuant to, section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)); or

(2) any easement or other Federal restriction pursuant to that Act (42 U.S.C. 5121 et seq.) that requires the covered property to be maintained for open space, recreation, or wetland management.

(b) CONDITIONS.—As a condition of the authorization under subsection (a)—

(1) Christian County, Missouri, or an assignee shall—

(A) carry out the Riverside Bridge Project in a manner that ensures that no flood damage attributable to the Project occurs; and

(B) be liable for any such flood damage that does occur; and

(2) the Federal Government shall not be liable for future flood damage that is caused by the Project.

(c) DISASTER ASSISTANCE PROHIBITED.—No future disaster assistance from any Federal source may be provided with respect to the covered property or any improvements thereon.

(d) DEFINITIONS.—In this Act, the following definitions apply:

(1) COVERED PROPERTY.—The term ''covered property'' means the property—

(A) in Christian County, Missouri;

(B) conveyed to such County by the Riverside Inn, Inc.; and

(C) that is approximately 1.5 acres and 482 lineal feet adjacent to the westerly line of Riverside Road to the center of Finley Creek.

(2) RIVERSIDE BRIDGE PROJECT.—The term ''Riverside Bridge Project'' means the project to construct, maintain, and operate a bridge on and over the covered property.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered and 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 committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 810), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

THE AMERICAN LEGION 100TH ANNIVERSARY COMMEMORATIVE COIN ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 1182 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1182) to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

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

Ms. MURKOWSKI. I ask unanimous consent that the Young 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. 772) was agreed to, as follows:

(Purpose: To improve the bill)

In section 7(d), in the subsection heading, strike ''GAO AUDIT'' and insert ''AUDIT''.

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

Ms. MURKOWSKI. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1182), as amended, was passed, as follows:

S. 1182

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 American Legion 100th Anniversary Commemorative Coin Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) on March 15, 1919, The American Legion was founded in Paris, France, by members of the American Expeditionary Force occupying Europe after World War I and concerned about the welfare of their comrades and communities upon their return to the United States;

(2) on September 16, 1919, Congress chartered The American Legion, which quickly grew to become the largest veterans service organization in the United States;

(3) The American Legion conferences in Washington, DC, in 1923 and 1924 crafted the first United States Flag Code, which was adopted in schools, States, cities and counties prior to being enacted in 1942, establishing the proper use, display, and respect for the colors of the United States;

(4) during World War II, The American Legion developed and presented to Congress its case for vastly improved support for medically discharged, disabled veterans, which ultimately became the Servicemen's Readjustment Act of 1944 (58 Stat. 284; chapter 268), better known as the G.I. Bill of Rights, and was drafted by former American Legion National Commander Harry W. Colmery in Washington's Mayflower Hotel;

(5) through the leadership and advocacy of The American Legion, the G.I. Bill was enacted in June 1944, which led to monumental changes in United States society, including the democratization of higher education, home ownership for average people in the United States, better VA hospitals, business and farm loans for veterans, and the ability to appeal conditions of military discharge;

(6) defying those who argued the G.I. Bill would break the Treasury, according to various researchers, the G.I. Bill provided a tremendous return on investment of $7 to the United States economy for every $1 spent on the program, triggering a half-century of prosperity in the United States;

(7) after Hurricane Hugo in 1989, The American Legion established the National Emergency Fund to provide immediate cash relief for veterans who have been affected by natural disasters;

(8) American Legion National Emergency Fund grants after Hurricanes Katrina and Rita in 2005, for instance, exceeded $1,700,000;

(9) The American Legion fought to see the Veterans Administration elevated to Cabinet-level status as the Department of Veterans Affairs, ensuring support for veterans would be set at the highest level of the Federal Government, as a priority issue for the President;

(10) after a decades-long struggle to improve the adjudication process for veterans disputing claims decisions, The American Legion helped shape and introduce the Veterans Reassurance Act to create a venue for judicial review of veterans' appeals;

(11) building on these efforts, legislation was passed in 1988 to create the United States Court of Veterans Appeals, today known as the United States Court of Appeals for Veterans Claims;

(12) The American Legion created the American Legacy Scholarship Fund for children of military members killed on active duty on or after September 11, 2001;

(13) in 2016, The American Legion's National Executive Committee amended the original scholarship criteria to include children of veterans with 50 percent or greater VA disability ratings;

(14) President George W. Bush signed into law the Post-9/11 Veterans Educational Assistance Act (title V of the Supplemental Appropriations Act, 2008; 122 Stat. 2357), a next-generation G.I. Bill strongly supported by The American Legion and the most comprehensive educational benefits package since the original G.I. Bill of Rights was enacted in 1944;

(15) in August 2018, The American Legion will begin its centennial recognition at the 100th National Convention in Minneapolis, Minnesota, the site of the first American Legion National Convention; and

(16) in March 2019, the organization will celebrate its 100th birthday in Paris, France, and September 16, 2019, will mark the 100th anniversary of The American Legion's Federal charter.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the 100th anniversary of The American Legion, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 50,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain not less than 90 percent gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain not less than 90 percent silver.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be emblematic of The American Legion.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the denomination of the coin;

(2) an inscription of the year ''2019''; and

(3) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts; and

(B) the Adjutant of The American Legion, as defined in the constitution and bylaws of The American Legion; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2019.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price based upon the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin described under section 3(a)(2).

(3) A surcharge of $5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to The American Legion for costs related to—

(1) promoting the importance of, and caring for, those who have served in uniform, ensuring they receive proper health care and disability benefits earned through military service;

(2) promoting the importance of, and caring for, those who are still serving in the Armed Forces;

(3) promoting the importance of maintaining the patriotic values, morals, culture, and citizenship of the United States; and

(4) promoting the importance of maintaining strong families, assistance for at-risk children, and activities that promote their healthy and wholesome development.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary may issue guidance to carry out this subsection.

(d) AUDIT.—Each recipient described in subsection (b) shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

Ms. MURKOWSKI. 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.

JAVIER VEGA, JR. MEMORIAL ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1617 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1617) to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the ''Javier Vega, Jr. Border Patrol Checkpoint.''

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

Ms. MURKOWSKI. 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. 1617) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1617

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 ''Javier Vega, Jr. Memorial Act of 2017''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A native of La Feria, Texas, Border Patrol Agent Javier Vega, Jr., served his country first a member of the United States Marines Corps and then proudly as a border patrol agent in the canine division with his dog, Goldie.

(2) Agent Vega was assigned to the Kingsville, Texas, Border Patrol Station as a canine handler and worked primarily at the Sarita Border Patrol Checkpoint.

(3) On August 3, 2014, Agent Vega was on a fishing trip with his family near Raymondville, Texas, when 2 criminal aliens attempted to rob and attack them.

(4) Agent Vega was shot and killed while attempting to subdue the assailants and protecting his family.

(5) Agent Vega is survived by his wife, parents, 3 sons, brother, sister-in-law, niece, and dog, Goldie.

SEC. 3. DESIGNATION.

The checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, shall be known and designated as the ''Javier Vega, Jr. Border Patrol Checkpoint''.

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the checkpoint described in section 3 shall be deemed to be a reference to the ''Javier Vega, Jr. Border Patrol Checkpoint''.

REMOVING THE SUNSET PROVISION OF SECTION 203 OF PUBLIC LAW 105–384

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 374, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 374) to remove the sunset provision of section 203 of Public Law 105–384, and for other purposes.

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

Ms. MURKOWSKI. 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. 374) was ordered to a third reading, was read the third time, and passed.

COMMEMORATING THE 40TH ANNIVERSARY OF THE SILICON VALLEY LEADERSHIP GROUP

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 209 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 209) commemorating the 40th Anniversary of the Silicon Valley Leadership Group, the preeminent public policy trade association in Silicon Valley.

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

Ms. MURKOWSKI. Mr. President, 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. 209) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 28, 2017, under ''Submitted Resolutions.'')

NATIONAL ESTUARIES WEEK

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 230 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 230) designating the week of September 16 through September 23, 2017, as ''National Estuaries Week.''

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

Ms. MURKOWSKI. Mr. President, 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. 230) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 24, 2017, under ''Submitted Resolutions.'')

RESOLUTIONS SUBMITTED TODAY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 247, S. Res. 248, and S. Res. 249.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Ms. MURKOWSKI. 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.'')

MEASURE READ THE FIRST TIME—S. 1757

Ms. MURKOWSKI. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1757) to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Ms. MURKOWSKI. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

APPOINTMENTS AUTHORITY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that notwithstanding the upcoming adjournment of the Senate, the President of the Senate, the President pro tempore, and the

majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

REPORTING AUTHORITY

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Friday, August 18, from 10 a.m. to 12 p.m.

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

Ms. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SAVE OUR SEAS ACT OF 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, S. 756.

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

The senior assistant legislative clerk read as follows:

A bill (S. 756) to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Sullivan amendment at the desk be considered and 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. 773) was agreed to, as follows:

(Purpose: To improve the bill)

Beginning on page 3, strike line 3 and all that follows through page 3, line 23, and insert the following:

''(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

''(A) to assist in the cleanup and response required by the severe marine debris event; or

''(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.''.

On page 4, beginning on line 24, strike ''Federal funding for research and development'' and insert ''research and development, including through the establishment of a prize competition,''.

The bill (S. 756), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 756

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 ''Save Our Seas Act of 2017'' or the ''SOS Act of 2017''.

SEC. 2. NOAA MARINE DEBRIS PROGRAM.

Subsection (b) of section 3 of the Marine Debris Act (33 U.S.C. 1952(b)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5)(C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) work with other Federal agencies to develop outreach and education strategies to address both land- and sea-based sources of marine debris; and

''(7) work with the Department of State and other Federal agencies to promote international action to reduce the incidence of marine debris.''.

SEC. 3. ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.

Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended by adding at the end the following new subsection:

''(d) ASSISTANCE FOR SEVERE MARINE DEBRIS EVENTS.—

''(1) IN GENERAL.—At the discretion of the Administrator or at the request of the Governor of an affected State, the Administrator shall determine whether there is a severe marine debris event.

''(2) ASSISTANCE.—If the Administrator makes a determination under paragraph (1) that there is a severe marine debris event, the Administrator is authorized to make sums available to be used by the affected State or by the Administrator in cooperation with the affected State—

''(A) to assist in the cleanup and response required by the severe marine debris event; or

''(B) to conduct such other activity as the Administrator determines is appropriate in response to the severe marine debris event.

''(3) FUNDING.—

''(A) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under the authority of this subsection shall be—

''(i) if the activity is funded wholly by funds made available by an entity, including the government of a foreign country, to the Federal Government for the purpose of responding to a severe marine debris event, 100 percent of the cost of the activity; or

''(ii) for any activity other than an activity funded as described in clause (i), 75 percent of the cost of the activity.

''(B) LIMITATION ON ADMINISTRATIVE EXPENSES.—In the case of an activity funded as described in subparagraph (A)(i), not more than 5 percent of the funds made available for the activity may be used by the Administrator for administrative expenses.''.

SEC. 4. SENSE OF CONGRESS ON INTERNATIONAL ENGAGEMENT TO RESPOND TO MARINE DEBRIS.

It is the sense of Congress that the President should—

(1) support research and development, including through the establishment of a prize competition, of bio-based and other alternatives or environmentally feasible improvements to materials that reduce municipal solid waste and its consequences in the ocean;

(2) work with representatives of foreign countries that contribute the most to the global marine debris problem to learn about, and find solutions to, the contributions of such countries to marine debris in the world's oceans;

(3) carry out studies to determine—

(A) the primary means by which solid waste enters the oceans;

(B) the manner in which waste management infrastructure can be most effective in preventing debris from reaching the oceans;

(C) the long-term economic impacts of marine debris on the national economies of each country set out in paragraph (1) and on the global economy; and

(D) the economic benefits of decreasing the amount of marine debris in the oceans;

(4) work with representatives of foreign countries that contribute the most to the global marine debris problem, including land-based sources, to conclude one or more new international agreements that include provisions—

(A) to mitigate the risk of land-based marine debris contributed by such countries reaching an ocean; and

(B) to increase technical assistance and investment in waste management infrastructure, if the President determines appropriate; and

(5) encourage the United States Trade Representative to consider the impact of marine debris in relevant future trade agreements.

SEC. 5. MEMBERSHIP OF THE INTERAGENCY MARINE DEBRIS COORDINATING COMMITTEE.

Section 5(b) of the Marine Debris Act (33 U.S.C. 1954(b)) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

''(5) the Department of State;

''(6) the Department of the Interior; and''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Marine Debris Act (33 U.S.C. 1958) is amended to read as follows:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for each fiscal year 2018 through 2022—

''(1) to the Administrator for carrying out sections 3, 5, and 6, $10,000,000, of which no more than 10 percent may be for administrative costs; and

''(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out section 4, $2,000,000, of which no more than 10 percent may be used for administrative costs.''.

Ms. MURKOWSKI. Mr. President, I wish to take a brief detour and congratulate my colleague who has been working aggressively as we worked to address the issue of marine debris. This is something on which, as members of the Oceans Caucus, we have been working with Senator SULLIVAN, Senator WHITEHOUSE, and so many. I want to acknowledge the good work that has gone into this particular piece of legislation we have just passed.

GLOBAL WAR ON TERRORISM WAR MEMORIAL ACT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 873, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 873) to authorize the Global War on Terror Memorial Foundation to establish the National Global War on Terrorism Memorial as a commemorative work in the District of Columbia, and for other purposes.

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

Ms. MURKOWSKI. 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. 873) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, AUGUST 4, 2017, THROUGH TUESDAY, SEPTEMBER 5, 2017

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, August 4, at 9:45 a.m.; Tuesday, August 8, at 12:30 p.m.; Friday, August 11, at 3:30 p.m.; Tuesday, August 15, at 4:30 p.m.; Friday, August 18, at 10 a.m.; Tuesday, August 22, at 7 a.m.; Friday, August 25, at 11:30 a.m.; Tuesday, August 29, at 2:30 p.m.; Friday, September 1, at 3 p.m. I further ask that when the Senate adjourns on Friday, September 1, it next convene at 3 p.m., Tuesday, September 5; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 5 p.m.; finally, that at 5 p.m., the Senate proceed to executive session under the previous order.

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

Ms. MURKOWSKI. 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.

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

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Ms. MURKOWSKI. 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 7:01 p.m., adjourned until Friday, August 4, 2017, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate:

UNITED STATES TAX COURT

ELIZABETH ANN COPELAND, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE JAMES S. HALPERN, RETIRED.

PATRICK J. URDA, OF INDIANA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS, VICE DIANE L. KROUPA, RETIRED.

DEPARTMENT OF STATE

RICHARD DUKE BUCHAN III, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SPAIN, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ANDORRA.

THOMAS J. HUSHEK, OF WISCONSIN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH SUDAN.

DEPARTMENT OF JUSTICE

SCOTT C. BLADER, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE JOHN W. VAUDREUIL, RESIGNED.

THE JUDICIARY

MICHAEL B. BRENNAN, OF WISCONSIN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT, VICE TERENCE T. EVANS, DECEASED.

DONALD C. COGGINS, JR., OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE JOSEPH F. ANDERSON, JR., RETIRED.

TERRY A. DOUGHTY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE ROBERT G. JAMES, RETIRED.

DEPARTMENT OF JUSTICE

ROBERT M. DUNCAN, JR., OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE KERRY B. HARVEY, RESIGNED.

THE JUDICIARY

LEONARD STEVEN GRASZ, OF NEBRASKA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE WILLIAM JAY RILEY, RETIRED.

MICHAEL JOSEPH JUNEAU, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE RICHARD HAIK, SR., RETIRED.

DEPARTMENT OF JUSTICE

JOHN R. LAUSCH, JR., OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE ZACHARY T. FARDON, RESIGNED.

J. DOUGLAS OVERBEY, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE WILLIAM C. KILLIAN, RESIGNED.

CHARLES E. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE MICHAEL J. MOORE, RESIGNED.

WILLIAM J. POWELL, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE WILLIAM J. IHLENFELD II, RESIGNED.

THE JUDICIARY

A. MARVIN QUATTLEBAUM, JR., OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE CAMERON MCGOWAN CURRIE, RETIRED.

HOLLY LOU TEETER, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE KATHRYN VRATIL, RETIRED.

ROBERT EARL WIER, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE AMUL R. THAPAR, ELEVATED.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 3, 2017:

DEPARTMENT OF COMMERCE

MIRA RADIELOVIC RICARDEL, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION.

SMALL BUSINESS ADMINISTRATION

ALTHEA COETZEE, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

FEDERAL ENERGY REGULATORY COMMISSION

NEIL CHATTERJEE, OF KENTUCKY, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2021.

ROBERT F. POWELSON, OF PENNSYLVANIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2020.

DEPARTMENT OF ENERGY

DAN R. BROUILLETTE, OF TEXAS, TO BE DEPUTY SECRETARY OF ENERGY.

DEPARTMENT OF THE TREASURY

DAVID MALPASS, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY.

BRENT JAMES MCINTOSH, OF MICHIGAN, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

ANDREW K. MALONEY, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

VISHAL J. AMIN, OF MICHIGAN, TO BE INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR, EXECUTIVE OFFICE OF THE PRESIDENT.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2021.

DEPARTMENT OF JUSTICE

STEPHEN ELLIOTT BOYD, OF ALABAMA, TO BE AN ASSISTANT ATTORNEY GENERAL.

COMMODITY FUTURES TRADING COMMISSION

J. CHRISTOPHER GIANCARLO, OF NEW JERSEY, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

DEPARTMENT OF HOMELAND SECURITY

CLAIRE M. GRADY, OF PENNSYLVANIA, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

DAVID JAMES GLAWE, OF IOWA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARK ANDREW GREEN, OF WISCONSIN, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF HOMELAND SECURITY

DAVID P. PEKOSKE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

BETH ANN WILLIAMS, OF NEW JERSEY, TO BE AN ASSISTANT ATTORNEY GENERAL.

JOHN W. HUBER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

JUSTIN E. HERDMAN, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

JOHN E. TOWN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF THE TREASURY

DAVID J. KAUTTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF VETERANS AFFAIRS

BROOKS D. TUCKER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AND LEGISLATIVE AFFAIRS).

THE JUDICIARY

MICHAEL P. ALLEN, OF FLORIDA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

AMANDA L. MEREDITH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

JOSEPH L. TOTH, OF WISCONSIN, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF VETERANS AFFAIRS

THOMAS G. BOWMAN, OF FLORIDA, TO BE DEPUTY SECRETARY OF VETERANS AFFAIRS.

JAMES BYRNE, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SUSAN M. GORDON, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF STATE

KELLY KNIGHT CRAFT, OF KENTUCKY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

SHARON DAY, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

NATHAN ALEXANDER SALES, OF OHIO, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE.

GEORGE EDWARD GLASS, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PORTUGUESE REPUBLIC.

ROBERT WOOD JOHNSON IV, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

LUIS E. ARREAGA, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

KRISHNA R. URS, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

KAY BAILEY HUTCHISON, OF TEXAS, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION , WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

LEWIS M. EISENBERG, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SAN MARINO.

OVERSEAS PRIVATE INVESTMENT CORPORATION

RAY WASHBURNE, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

DEPARTMENT OF STATE

KELLEY ECKELS CURRIE, OF GEORGIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

UNITED NATIONS

KELLEY ECKELS CURRIE, OF GEORGIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

DEPARTMENT OF STATE

CARL C. RISCH, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF STATE (CONSULAR AFFAIRS).

DEPARTMENT OF COMMERCE

RICHARD ASHOOH, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NEAL J. RACKLEFF, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

ANNA MARIA FARIAS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF THE TREASURY

CHRISTOPHER CAMPBELL, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

OVERSEAS PRIVATE INVESTMENT CORPORATION

DAVID STEELE BOHIGIAN, OF MISSOURI, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

DEPARTMENT OF COMMERCE

KAREN DUNN KELLEY, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

ELIZABETH ERIN WALSH, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

FEDERAL COMMUNICATIONS COMMISSION

JESSICA ROSENWORCEL, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2015.

DEPARTMENT OF TRANSPORTATION

MARK H. BUZBY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION.

DEPARTMENT OF COMMERCE

PETER B. DAVIDSON, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE.

NATIONAL TRANSPORTATION SAFETY BOARD

ROBERT L. SUMWALT III, OF SOUTH CAROLINA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

FEDERAL COMMUNICATIONS COMMISSION

BRENDAN CARR, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2018.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

JAMES J. SULLIVAN, JR., OF PENNSYLVANIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2021.

HEATHER L. MACDOUGALL, OF FLORIDA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2023.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ELINORE F. MCCANCE–KATZ, OF RHODE ISLAND, TO BE ASSISTANT SECRETARY FOR MENTAL HEALTH AND SUBSTANCE USE, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

LANCE ALLEN ROBERTSON, OF OKLAHOMA, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

PUBLIC HEALTH SERVICE

JEROME M. ADAMS, OF INDIANA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT P. KADLEC, OF NEW YORK, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

COMMODITY FUTURES TRADING COMMISSION

BRIAN D. QUINTENZ, OF OHIO, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2020.

ROSTIN BEHNAM, OF NEW JERSEY, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING JUNE 19, 2021.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MARK D. CAMERER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DEWOLFE H. MILLER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN D. ALEXANDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN C. AQUILINO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT P. ASHLEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARRELL J. GUTHRIE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRIAN E. MILLER

DEPARTMENT OF COMMERCE

MICHAEL PLATT, JR., OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF STATE

MICHAEL ARTHUR RAYNOR, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA.

MARIA E. BREWER, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

JOHN P. DESROCHER, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

IN THE ARMY

ARMY NOMINATION OF DAMIAN R. TONG, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DENNIS ARROYO AND ENDING WITH BRIAN P. WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH MURRAY E. CARLOCK AND ENDING WITH CARLOS V. SILVA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH ALON S. AHARON AND ENDING WITH EDWIN A. WYMER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH JULIA R. PLEVNIA AND ENDING WITH HAL E. VINEYARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH TRESSA D. COCHRAN AND ENDING WITH KAREN F. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH LOREN D. ADAMS AND ENDING WITH PHILIP A. WENTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH JOANNE E. ARSENAULT AND ENDING WITH FELISHA L. RHODES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH MICHAEL E. ALVIS AND ENDING WITH JEFFREY P. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH JOHN W. ALDRIDGE AND ENDING WITH PHILIP E. ZAPANTA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH SCOTT R. CHEEVER AND ENDING WITH DIANA E. ZSCHASCHEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH EDWARD J. ALEXANDER AND ENDING WITH BRIDGET C. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH ROBIN CREAR AND ENDING WITH NEIL P. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

ARMY NOMINATIONS BEGINNING WITH ERIC W. BULLOCK AND ENDING WITH CRYSTAL R. ROMAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2017.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH BETTY S. ALEXANDER AND ENDING WITH JAMES S. ZMIJSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH DOMINIC J. ANTENUCCI AND ENDING WITH MATTHEW J. WOOTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH CLEMIA ANDERSON AND ENDING WITH MICHAEL A. ZUNDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH ERIC F. BAUMAN AND ENDING WITH EVAN R. WHITBECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH THOMAS B. ABLEMAN AND ENDING WITH BRUCE A. YEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH ERIC W. HASS AND ENDING WITH GAIL M . MULLEAVY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER L. ALMOND AND ENDING WITH DANIEL W. WALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH ROBERT E. BRADSHAW AND ENDING WITH LEROY C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATIONS BEGINNING WITH THOMAS E. ARNOLD AND ENDING WITH MICHAEL P. YUNKER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2017.

NAVY NOMINATION OF CLAIR E. SMITH, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF MORGAN E. MCCLELLAN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH ANDREW B. BRIDGFORTH AND ENDING WITH RONALD J. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2017.

DEPARTMENT OF EDUCATION

PETER LOUIS OPPENHEIM, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.