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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, October 12, 2018, at 9:30 a.m.

Senate

THURSDAY, OCTOBER 11, 2018

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

PRAYER

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

Let us pray.

Eternal God, who has given us life, we praise You that Your tender mercies are over all Your work. Today, may we represent the glory of Your kingdom on Capitol Hill, living in a way that will glorify Your Name.

Thank you that the work you have given our lawmakers and those who labor with them is crucial for our Nation's future. Lord, uphold our Senators with Your might, surrounding them with the shield of Your grace as You provide for their needs. Deliver them from impatience, irritability, and anger, as You keep them from the selfishness that can see only its point of view. Help them to reflect Your grace, purity, and love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The majority leader is recognized.

HURRICANE MICHAEL

Mr. MCCONNELL. Madam President, Hurricane Michael made landfall along the Florida Panhandle. This storm has already claimed multiple lives and left the gulf coast communities wounded by surging waters and high winds. As Michael continues inland, those left in its wake can count on the Senate's support for responsive recovery efforts and trust in our continued prayers. We remain grateful for the vigilance of first responders and emergency preparedness organizations as they work to keep residents of affected communities safe and for all of those who will help to rebuild after the storm has passed.

POLITICAL CLIMATE

Mr. MCCONNELL. Now, Madam President, on an entirely different matter, with the bipartisan progress the Senate has made this week, it is hard to believe what was happening just a few days ago right inside this Capitol and right outside the building. It is hard to believe it was less than a week ago that far-left protesters were literally storming the steps of the Capitol and the Supreme Court, running my colleagues out of public places and attempting to shout over their voices right here in the Senate Chamber. Of course, it didn't work. The Senate stood tall and did the right thing.

The far left isn't done yet. If we take them at their word, this may have only been the warmup act. Here is the advice former Secretary of State Hillary Clinton gave to her fellow Democrats just a few days ago. She said: "If we

are fortunate enough to win back the House and/or the Senate, that's when civility can start again."

"That's when civility can start again," she said, when they win back the House and/or the Senate.

Just yesterday, we saw President Obama's Attorney General Eric Holder offer his own version of a slogan made famous by our former First Lady, Michelle Obama. This is Mr. Holder's new vision for civil discourse. Here is how the former Attorney General of the United States urged Democrats to treat the other side. He said:

Michelle always says, "When they go low, we go high." No. No. When they go low, we kick 'em.

He said:

When they go low, we kick 'em. That's what this new Democratic Party is about.

The "new Democratic Party," he said.

Remember, these comments come less than a year and a half after Republican Members of the House and Senate were literally shot at by a politically crazed gunman. Our colleagues were nearly killed just a few minutes from the Capitol. In just these past days, there have been graphic death threats, Senators and staff have needed extraordinary police protection, and the Democrats are calling for more incivility and more rage? They are calling for more incivility and more rage?

There isn't a firmer defender of the First Amendment than I. It is vital that citizens be heard. Americans with strong opinions on both sides of last week's debate spoke up in a civil and respectful way, and our Nation was better for it. But only one side—only

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



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one side—was happy to play host to this toxic fringe behavior. Only one side's leaders are now openly calling for more of it. They haven't seen enough. They want more.

I am afraid this is only phase 1 of the meltdown. We are already seeing desperate voices on the far left explain that, well, because they lost this fight, even more drastic steps are in order.

There is crazy talk—crazy talk—about impeaching Justice Kavanaugh. There are left-wing writers demanding that Democrats pack the Court—a zombie idea from the 1930s they have dug up just in time for Halloween.

How about this: One columnist for a national newspaper called the result a coup—a coup—and implied that the Founders got it wrong and designed the Senate incorrectly. They want to rewrite the Constitution? The Founding Fathers got it wrong? Handling defeat badly is one thing, but regretting the Constitution itself because you don't like how a vote turned out—really? This is something else. But I guess it is not entirely surprising given the outright embrace by many on the left, including elected officials, of radical concepts like open borders and socialism.

Anyone who thinks that intimidation and scare tactics might rule the day must have missed the Senate's vote last Saturday. Maybe they weren't tuned in. This body will not let unhinged tactics replace reasoned judgment. We will not let mob behavior drown out all the Americans who want to legitimately participate in the policymaking process on all sides. The Senate, I assure you, will not be intimidated.

NOMINATIONS

Mr. MCCONNELL. Madam President, on an entirely different matter, yesterday the Senate passed broad, bipartisan legislation to maintain our Nation's waterways and drinking water systems. Now we are turning back to the personnel business and confirming more of the President's qualified nominees to important executive branch positions.

We voted yesterday to advance the nomination of Jeffrey Clark to serve as Assistant Attorney General for the Environment and Natural Resources Division.

Mr. Clark's qualifications include several years of prior service as Deputy Assistant Attorney General in that same position. He has also built a strong reputation in the private sector as a leading litigator with subject-matter expertise in administrative law. Mr. Clark's legal colleagues describe him as "one of the most capable lawyers with whom [they] have ever worked." No fewer than seven former Assistant Attorneys General for the Environment and Natural Resources Division tell the Senate that his well-rounded background and prior experience in the division make him an excellent choice for this position.

After we confirm Mr. Clark, we will consider another Assistant Attorney General nominee, Eric Dreiband, for the Civil Rights Division. Mr. Dreiband is also well prepared to serve. His resume includes several stints of public service, including as general counsel of the EEOC, in addition to private sector experience. Others have praised his service at the EEOC as "widely respected," "in the highest rung of the Agency's general counsels," and a "record of superlative performance." Those who have worked with Mr. Dreiband emphasize his strong commitment to protecting all Americans' civil rights.

In the words of one leader who is known and worked hard with the nominee for 15 years, "his commitment to fairly enforcing the law is without question."

After Dreiband will come James Stewart, the President's choice to serve as Secretary of Defense for Manpower and Reserve Affairs. Mr. Stewart's experience managing military manpower runs deep through his distinguished career at the U.S. Air Force, from which he retired as a major general.

He has most recently served on the North Carolina Military Affairs Commission and on the Secretary of Defense's Reserve Forces Policy Board.

Each of these nominees deserves confirmation, and I would urge our colleagues to approve all of them.

TAX REFORM

Mr. MCCONNELL. Madam President, it has been more than 9 months since Republicans passed the most sweeping tax reform in a generation. Here are just a few of the economic headlines we have seen since it took effect: consumer confidence at an 18-year high, faster year-on-year wage growth than at any point since 2009, and the lowest national unemployment since 1969—almost 50 years ago.

Behind all of these numbers are middle-class families whose lives are changing for the better, and the effects are reaching all kinds of communities—even the places most neglected for nearly a decade by the Obama administration's so-called recovery.

After years of investment and job creation being disproportionately concentrated in the biggest metropolitan areas, 2018 has been a different story. So far this year, it has been smaller and rural communities—smaller and rural communities—that have led the Nation in relative job growth. Out across the heartland, empty storefronts and stagnant local economies are giving way to vibrant transformation and new opportunities.

So when we hear that States like Missouri are thriving again on the watch of the Republicans' pro-growth, pro-opportunity agenda, it really shouldn't come as a surprise. It shouldn't surprise us that Missouri's statewide unemployment rate has

reached its lowest level since 2000—the lowest unemployment in 18 years.

News like this will not surprise anyone who has been listening to the accounts of Missourians, like Mary Beth Hartman, who runs a small construction company in Springfield. She says the new tax law has given her the flexibility to expand vacations and bonuses for her employees and invest half a million dollars in new equipment.

Or Brandon Pister—he used his tax reform bonus to help his family cover medical expenses and put money into savings.

The junior Senator from Missouri can be proud that he voted for the historic policies that helped unleash all of this good news. It is a shame that his colleague, the senior Senator from Missouri, chose to vote in lockstep with Senate Democrats and try to block tax reform from taking effect.

Republicans will keep sharing success stories like these from Missouri and keep helping the American people write more.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

HURRICANE RECOVERY

Mr. SCHUMER. Madam President, let me say to the people of Florida, Georgia, and everyone else affected by Hurricane Michael that our thoughts and hearts are with you. Having worked and lived through the recovery of Hurricane Sandy in my home State of New York, I remember vividly the anguish of families who lost their homes and businesses the day or two after and then realizing it took years for areas of New York and Long Island to recover. We are still in the process of recovering. I know, A, your pain and suffering and, B, the challenges that await you.

So we hope everyone stays safe as the storm passes through the country. We know that Americans and the Senate will pull together, as they always do, to help one another build and recover.

CLIMATE CHANGE

Mr. SCHUMER. Madam President, this year has seen a huge number of powerful storms and hurricanes both on the Atlantic seaboard and in the gulf. Hurricanes Harvey, Irma, Maria, Florence, and now Michael have wrought severe damages. According to

NOAA, 2017 was the most expensive year on record for disasters in the United States. At some point, we have to acknowledge that the intensity of these storms is much greater than in past years and is a symptom of changing climate.

Climate change is real. It is being driven by human activity. It is happening right now. These are facts. They are not in dispute. Our scientists know it, our businesses know it, the world knows it, and the American people know it. But too many Senators on the other side of the aisle just put their heads in the sand. It costs us more and more and more. We are not going to leave these people high and dry, but if we would do more on climate change, we would have fewer of these hurricanes and other types of storms.

Everyone knows that, except a few. Why? Why don't they admit the truth? Maybe there are two words that explain it: oil industry.

Just this week the U.N. released a report on climate change, saying that the world has only a short time—maybe a little more than a decade—to get a handle on carbon emissions. So far, the current administration has done nothing but move the issue backward. It is amazing that we, the leading country that is supposed to be the moral force—the economic, political, and military leader—are the ones who pull out of the Paris climate accords, and then the administration has been repealing environmental protection after protection.

So while we are thinking about the people of Florida, Georgia, South Carolina, and North Carolina and everyone in Hurricane Michael's path, let's remember we are running out of time to do something about climate change. The kinds of storms we are seeing now will only increase if this body continues to keep its head in the sand ostrichlike and ignore the scientific realities.

HEALTHCARE

Mr. SCHUMER. Now, on another matter—healthcare—yesterday, 50 of my Republican colleagues voted against ensuring protections for people with preexisting conditions—people with asthma and cancer, people with diabetes and all kinds of gynecological problems. Republican Senators sided with the Trump administration to expand the ability of insurance companies to sell cutrate, junk insurance to Americans—to dupe Americans. These plans will destabilize the healthcare market and raise the cost of insurance for people with preexisting conditions who may end up being priced out of insurance altogether.

Let me say that again. Republicans yesterday voted to let insurance companies offer junk insurance plans that don't cover essential health benefits, allowing them to nickel-and-dime patients out of the medical care they deserve.

Our constituents—Democrats, Republicans, north, west, east, and south—say they want better healthcare at a lower cost, and what do Republicans do? They offer worse healthcare coverage at a higher cost, ultimately, to people, because the plans don't cover anything and then you have to pay out of your pocket.

What did they do it in the name of? Freedom. Freedom. This is like the 1890s. Who is going to have freedom? The insurance companies, the big shots. Who is going to have no freedom from illness and disease? Average folks. It is terrible thinking, once again siding with big, powerful special interests, not the average person.

The only people who want these junk insurance plans are two groups—the insurance companies and the rightwing ideologues who believe the government shouldn't be in healthcare at all. They want to cut Medicare. They want to cut Medicaid. They want to cut Social Security. That is who it is.

So let us remember that the junk insurance plans are hardly worth the paper they are printed on. They lure consumers in with low premiums, but the deductibles are so high, the copays are so high, and the coverage so skimpy that the plans hardly offer any benefit to the consumer at all.

While every Republican save one voted to hand the keys to the insurance companies, every single Democrat—every single Democrat—stood up to the sabotage from the Trump administration and voted to not allow the expansion of junk insurance across America.

I warn my colleagues that these are the kinds of issues that voters remember come election time. Healthcare is the No. 1 issue in America to the broad majority of voters. The American people will head to the polls in November and ask themselves: Which party will defend the people's right to quality healthcare? Which party will not?

The answer to that question could not be clearer. Democrats have spent the past 2 years offering several plans to reduce the cost of healthcare while maintaining or increasing the quality, while President Trump and Republicans in Congress have done nothing but drive costs up and quality down in obeisance to the big special interests—the insurance industry.

They have tried to repeal the healthcare law. They have tried to gut Medicaid, eliminate healthcare for millions of Americans, and put the insurers back in charge. They have eliminated the program to help low- and middle-income Americans afford insurance and, worst of all, Republican attorneys general—including two running for the Senate, one in Missouri and one in West Virginia—are suing, as we speak, to eliminate protections for Americans with preexisting conditions.

These actions are undergirded by a belief on the other side of the aisle that the American people just don't deserve help affording adequate healthcare. Re-

publicans have believed, continue to believe, and have acted on, unfortunately, that insurance companies should rule the roost, just as in the 1890s. The consequences are severe.

As a result of the Republican healthcare agenda, premiums are up by double digits in several States and quality is down. As a result of the Republican healthcare agenda, Americans are paying more and getting less.

I say to the American people that in a few short weeks you will have a choice. You can vote for 2 more years of healthcare sabotage from a Republican Congress, more attempts at repealing the healthcare law, more premium increases and uncertainty, more actions that undermine protections for patients with preexisting conditions or the American people can vote to flip the script and support Democratic candidates who will not only protect the care that Americans have today but who will work every single day to make it better.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Jeffrey Bossert Clark, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Missouri.

FAA/CONSUMER PROTECTIONS

Mr. BLUNT. Madam President, I think by any standard, as we conclude this Congress, the House and Senate, working together, have put more legislation on the President's desk that has long-term impact than at any time in a long time, whether it was the opioid legislation or healthcare research funding.

I want to talk a little bit today about the Federal Aviation Administration extension that, just last week, the Senate passed and the President signed. I believe the 5-year reauthorization is the longest reauthorization since the 1980s. So the traveling public, the FAA itself, the Department of Transportation, and the airline carriers of both people and freight have an understanding of what the next 5 years should look like.

One of the things that will happen during the time that begins right now—the Senate and the House listened and the President listened to the traveling public about their concerns about what happens on airplanes and in airports. This is a bill that I worked on in the Aviation Subcommittee, along with Senator CANTWELL, Senator THUNE, and Senator NELSON. We worked for almost 2 years to get this bill to where it was when the President signed it, to address the safety, security, and comfort of the traveling public.

In the wake of consumer complaints about the shrinking seat size on airplanes, the law directs the FAA to set minimum legroom standards and width and length requirements for airline seat size to ensure passenger comfort and safety. I think all of us have had some experience with seeing seats get smaller all the time. Like every other Member of the Senate, when I am flying back and forth every week, usually in one of those coach seats, somebody says: I thought you came back and forth on a private plane. Actually, only a few Members—maybe less than a handful—are able to do that. Most of us fly just like everybody else does, with no particular benefit. But you can sense those seats getting a little smaller and the legroom getting a little tighter. We have given new responsibility for the FAA to set standards, so the traveling public knows somebody is paying attention to them and how long they are going to be in that seat and what it is going to be like when they are there.

We also have a provision that you can't take somebody off an airplane once they have been allowed to board because you somehow oversold. If somebody is on that plane, they can't be taken off that plane unless they agree to be taken off that plane or the passenger acts in a way that the safety and security and the health of other passengers could be a problem. So there is no more involuntarily bumping of passengers who are on a plane.

The law prohibits placing live animals in overhead compartments. More and more people seem to travel with pets, and people have had bad experiences with that in the last few years. So overhead storage is not appropriate storage any longer for your pet if you are traveling with a pet.

It also sets minimum standards for service animals that are allowed on flights. We all see that more all the time, too—a pet not in a cage but important to the individual who has a service animal. Many veterans now have a service animal. There are now standards on what that animal can be and how it has to behave on a plane.

It bans in-flight cell calls. If you have ever sat by somebody before the plane takes off and learned way more about them than you want to know, you can imagine what it would be like if you had to learn way more about them based on every call they could

make all the time you were flying. So that is not going to happen. The next time you are on the ground and somebody continues to talk until they are told they can't do that any longer, just be grateful that can't continue once the plane gets in the air for the whole time of the flight, which would technically have been allowed with Wi-Fi or whatever allowed that phone to be connected. That is not going to be the case now.

Airline fees have changed. I don't like airline fees. Most people don't like airline fees. But if you pay a fee and you don't get the service—if you pay for a seat assignment that doesn't work out to be the kind of seat you paid for or early boarding, and that didn't happen or baggage that somehow wasn't handled the way your special fee was charged—the airlines now have to keep track of that and get you that money back as soon as they reasonably can or face a penalty.

The law requires air carriers to submit to the Department of Transportation a one-page summary of passengers' rights, including compensation for flight delays, cancellations, and mishandled bags. Every airline has to have that available for you to look at.

By the way, the Department of Transportation is going to have a Consumer Aviation Advocate. There will now be somebody at the Department of Transportation—it will be their job, their only job, to respond to you; they and their team will respond to you if you have had a problem on an airline and want to see what can be done about it.

Provisions are included to address disability issues on planes, whether restrooms are accessible, whether anything happens that would harm a disabled passenger or damage their wheelchair or the other aids they have.

We have a 3-year reauthorization of the Transportation Security Administration. There are some real needs there in both TSA Precheck and TSA generally that are met with this. One of those needs is more access to dogs. We all see dogs in airports, but every study since 9/11—and there have been a lot of them—indicates that nothing is more effective than a dog for finding most of the things you are looking for. Some of us have gone through security lines lately where the line moves pretty fast, but a dog checks everybody in that line. We will see what happens there, but dogs generally are doing the kinds of things that need to be done.

So whether it is the FAA Reauthorization Act or America's Water Infrastructure Act, which we passed yesterday—I think the vote on that was 99 to 1, but that doesn't mean it was easy to get it to the floor, and it doesn't mean it normally gets done by a Congress. But that has happened as well.

The insurance policies that Democrats voted to take away yesterday have been mentioned here this morning. Those short-term health policies

were available until the very last days of the Obama administration. I don't know the reason the administration had to suddenly decide that it didn't want that ability that several hundred thousand—maybe a couple of million—people had to get short-term coverage at a rate they could afford. For people in a job transition or something else, those were available that entire time.

The Urban Institute says that 1.5 million people who otherwise would have no insurance will be able to have insurance under those short-term policies. The policies under the Affordable Care Act are still available; they are still subsidized; they still do everything that is the maximum of ObamaCare. If that is what you want to have, particularly if you are subsidized in that marketplace, that is probably where you should be. But a lot of people aren't, and a lot of people don't have immediate access, and a lot of people are in transition.

The Urban Institute is not normally seen as a conservative watchdog, but they said that 1.5 million people will have insurance with these policies, which will continue to be available for people who wouldn't have insurance if they hadn't have been. So you can say anything you want to say. You are entitled to your own opinion, but you are not entitled to your own facts, and I think the facts on the vote we took this week on those short-term policies are pretty clear.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

MR. ISAKSON. Madam President, I want to acknowledge what Senator BLUNT just said about the success of this Congress over the last 2 years. It has been remarkable. What they did on FAA is tremendous. I enjoyed working with them on that. But I want to rise and talk about our veterans and what we have done for our veterans and what we need to do for our veterans.

Before I do, my State of Georgia had a tough day and a tough night last night. The hurricane hit about 10 o'clock last night. Unfortunately, we lost one 11-year-old with a tree crashing through the roof. The Governor has declared a state of emergency for 108 of our 159 counties. We have 1,500 National Guard troops activated and ready to deploy if needed to help law enforcement, emergency medical, and hospitals to see to it that we meet the needs of the people in our State. There is a lot of search and rescue going on. We are blessed that a lot of things didn't happen, but we were certainly hurt by those that did.

For families who have lost property and families who need help, our sympathy is with them, and we are taking action. GEMA and FEMA are working hard. Governor Deal is working extremely hard. We have recovered a couple of times already in the last 5 years from hurricanes, and we will do it again. But on behalf of myself, Senator PERDUE, and the United States Senate,

I send our best wishes to our people back in Georgia and also to our people in South Carolina, North Carolina, and Florida. Florida was hit worse last night. But now the storm has passed Atlanta and is going over South Carolina, and then North Carolina, which just came back from almost the worst storm in history, in which we had 48 inches of rainfall in one county. I couldn't believe that much water fell in one day, but it did. They are recovering and doing it nicely. They have done a good job. But all of us know these acts of nature and acts of God we have gone through affect our citizens, and we need to keep them safe. I urge all of our citizens in Georgia and in every State in the Union to play close attention to what their Federal emergency management people say. If they tell them to evacuate, they should. If they tell them to hunker down, they should. They should do whatever they can to follow the rules the best they can. Everybody we have to rescue takes a law enforcement officer and a medical person out of play to help somebody else.

VETERANS

Madam President, as chairman of the Veterans' Affairs Committee, I have the honor of representing the U.S. Senate to our veterans and responding, along with the House committee chaired by Chairman ROE of Tennessee, on veterans' issues. All of us are for veterans. There is one place you never have an argument on appropriations, and that is for veterans. We don't have partisan arguments about veterans either. On the battlefield, you don't see Democratic veterans or Republican veterans; you see American veterans. We are all for the veterans.

We have had some great successes with our veterans, but we have had some failures over the last decades. Sometimes they are on the front page of the newspaper, most recently last week when the hospital ratings came out. Two of the three hospitals servicing my State fell from three stars to one star, which meant they failed in their performance for our veterans, and we want to work to see that improve.

But we also want everybody to understand how big the problem is, what we have done the last 2 years to address the problem, and what is coming soon for all of us, which I think is good news for everybody.

First of all, starting 2 years ago, Senator TESTER, the ranking member on the committee, and I sat down and made a pledge that we were going to work together from the beginning to address the tough issues that had been put behind the backdoor for a long time and hadn't been dealt with. We have done that. In fact, we have tackled every single one of them, except one that we are going to tackle in a couple of weeks. In so doing, we have helped our veterans.

We had the help of the President as well. President Trump embraced our committee's work from the beginning.

We had to find a new Secretary because the old Secretary resigned, and we worked hard to do that. We had a few bumps in the road. The President gave us his full support. Robert Wilkie, who is the new Secretary of the VA, is a terrific guy. He has a family history in the military. He loves the VA and worked for DOD, or the Department of Defense, which is the precursor in working for the VA if you are a veteran, because you have to be in DOD first to be a veteran, second. In fact, Robert Wilkie is a godsend for us. In a few short weeks, he has already proven to be a big help for our veterans. He is not unwilling to tackle the hard problems. In fact, he is willing to tackle them.

Interoperative software for medical information has been a problem at the VA for years. The DOD and VA software didn't talk to each other.

We have a guy who left the battlefield in Afghanistan, came back to Georgia, and went to Fort Benning. He decided to leave the military and retire and go into veteran status, and we couldn't get his records transferred from Active Duty to veteran status because we didn't have interoperable software. We didn't have a way to do it.

This committee worked hard. We developed the largest contract in history with Cerner, a great software company. Cerner has a tremendous medical outreach product, and they are now installing that. Hopefully, over the next 15 years, we will have an interoperative system around the world that services our veterans who need medical service and have their records available instantaneously and immediately.

We have a 20th century soldier in the battlefield, but we have a 15th century VA when it comes to information technology. We have invested the money now with Cerner to put in the system, and we are going to get it done. I will stay on their back every day to see to it they do it.

I appreciate the cooperation of the employees of the VA. I tell them, as I make these remarks, that we are going to see to it they have every bit of backing they can get from us. We had too many vacant spaces in the VA. We had too many "acting this" and "acting that." I hate it when we appoint acting directors and acting bankers and acting soldiers. We don't need them to act. We need them to take action. We will start to do that as soon as we fund the places that go vacant, where it hurts our veterans.

I thank President Trump and Secretary Wilkie for their work and their support. It has been complete and seamless. We signed the VA MISSION Act in the Rose Garden a couple of weeks ago. The President came out and talked about his pride in the VA and what the veterans did for all of us and what he was going to do as President, as long as he was there, to see to it that he gave them at least the best of all of us like they have given us the best as veterans.

President Trump has been a great leader for our VA, and he understands the problems and has been supportive of our trying to make the changes we want to make.

Senator TESTER has been a great ranking member and a great partner with me on those things, and we made sure everything we did was bipartisan. To be honest with you, we passed 22 pieces of legislation and made 14 appointments. We had one "no" vote on one bill. We had complete unanimity on the committee—Republicans and Democrats—all the way through because we worked together, we set our goals, and we decided to make this work as seamlessly as our military works for us.

Let me talk about a few of those things we have done because I think they are impressive when you look at them. We passed 22 pieces of legislation, which include the VA MISSION Act, most recently passed a month ago. We redefined the mission and the actions of the VA to see that it does everything it needs to do to be a 20th century benefit program, like the new modern-day GI bill, which is a part of that.

The new GI bill says the old rule in the VA that you have to use your VA benefits within 15 years or you lose them on education is gone. We all know people's skills are changing about every 5 years or 6 years. If a person doesn't keep up with their continuing education, they are going to lose their job. They would lose their benefits because they have been in the VA 15 years. That is ridiculous. We removed that cap. Now they can take new courses and new training with their GI benefits for 25 years if they want to, if they are still eligible. We are not putting any time limit on it. There is no time limit on education. Education is the necessary product we have to use to produce the military of the 21st century.

It used to be that we drafted our soldiers. We can't draft the soldiers anymore. The average draftee can't operate the type of equipment our men and women operate in the battlefield. You have to have people who understand technology, understand the STEM subjects, and are good with games. Video games is one of the biggest qualifications now for pilots because all of our airplanes are like video games. It looks like Pac-Man when you get in the cockpit. It is because of high technology, and they are training for that. We have to have an attractive job for them and attractive VA benefits for them if they want to come to work for the United States of America and stay with us, or else we will never be able to keep the military we have today as strong and powerful as it is.

We also put a new law in on accountability. I served in the National Guard, and I understand accountability. In the military, you really understand accountability. You don't ask questions in the military. You give answers. If

your drill sergeant tells you to do 20, you drop and you do 20. If you can't do 20, you practice until you can and you get it right. That is what we have to do in the military because you don't fight wars for people who say: I am not interested today; I am not going to fight. You have to know what we are doing and do it right.

We have to do the same thing and provide services to those veterans once they leave. We don't need to be casual about it. We need to be committed about it and make sure we are doing everything we can to see our veterans get the services they want, the services they need, and the information they need.

Veterans Day is coming up in about 4 weeks. Every Veterans Day we are usually here, but I don't think we are going to be here on Veterans Day this year, if I understand the calendar right. I will be making speeches back home. Every year I have been here, I have made a speech on this floor about our veterans and how important they are to us. I try to point out a few people I have known in my lifetime who are veterans of the U.S. military and made a difference in my life forever.

I talked about my friend Jack Cox, of the U.S. Marine Corps. He was killed by a sniper in Vietnam in 1968. He was my best friend. He volunteered. He came to the fraternity house. He was 2 years older than me. So I was still in school when he got out and graduated.

After graduating, he went from the University of Georgia into the Marine Corps recruiting office and signed up for OCS. He went to Parris Island. From there, he went to Vietnam. On the 12th month of his 13-month assignment, he was, unfortunately, killed by a sniper in Vietnam.

He went to Vietnam because he wanted to represent his country, fight for his country, pay his price, and do his due diligence. Jack was a great man.

I have a bracelet on—two, as a matter of fact. One is a bracelet for Matt Cooper, a law enforcement officer who was killed a couple of weeks ago. The other one is for John McCain—John McCain, a former Member of this body, who a few weeks ago was buried at the Naval Academy, and his funeral was at the National Cathedral. He was a pilot in the Vietnam war and was captured. He was held captive by the North Vietnamese for 6 years. When he got out, he was badly wounded, badly injured, badly hurt. He came back to the military, rehabilitated himself, and went into the VA healthcare, and they rehabilitated him from his broken arms, his broken back, and all the other problems he had. He ran for the U.S. Senate, came to the U.S. Senate, and was a star, as you know, in this Senate Chamber from the day he got in the Senate until the day he died. He had a pervasive commitment to his country. He was exactly for our country what I want all of us in the Senate to be for this body—committed to the job, committed to the task, always ready, al-

ways prepared. Marines are that way. The Army is that way. The Air Force is that way, and the Senate ought to be that way. We are committed that way to our veterans in what we do today.

We also have to hold them accountable in the military. Accountability is important. Veterans want us to hold the VA accountable. That is why we put in the accountability bill, which, among other things, allows us to fire senior executives in the VA for not doing their job. You can't do that in many government jobs. As a matter of fact, people were surprised that we were able to pass it, and we passed it bipartisan. It passed bipartisan because everybody knew if your job wasn't subject to your doing your job, you didn't have accountability.

The first person taken to court for violating the law by not doing their job was in Georgia. I saw to it we prosecuted that case and used our lawyers to be able to do it. I wanted people at the VA to know we are not going to take bad behavior—break-the-law behavior—or bad attitudes in the VA. We are only going to give the best to our veterans.

We have a number of title 38 veteran leaders who have been suspended, moved, or otherwise fired because they weren't accountable for their job. We have some openings now that need to be filled because we got rid of them. We got rid of people who weren't doing the job and put in people who did the job. In the military, your accountability is doing the job, and there are no excuses if you don't.

We have done a lot of other things to help our veterans and help our country. I commit that we will continue to do so and make sure this Congress is as helpful and beneficial as we can.

There are three quick things I want to talk about. I want to thank the private sector for its support of our veterans. Morehouse School of Medicine in Atlanta, GA, is helping the Atlanta VA now with our doctor shortage in the VA. Yes, we have a doctor shortage. We need the doctors to do the jobs. Some of these waiting times you have heard about from a lot of our veterans are not because we are making them wait because we are slow. We are making them wait because we don't have enough doctors. We are working on joint ventures with medical schools to do so.

Seventy-two percent of the doctors in the United States did a residency or an internship at the Veterans Administration. It is the key training center of all our doctors, and we have to expand that and improve it.

On the appeals process for benefits, there are people who are having to wait 2 and 3 years. We have one veteran whose case has been on appeal for 25 years. You can keep it on appeal as long as you file new information every year. He has found a way to file new information for every year. For 25 years, he has been putting something new in his file. He is blocking other veterans

who need to get their attention to get their service because he is making the line longer than it should be.

We put an accountability on the Veterans' Administration, as well, to see that our benefits are handled quickly and expeditiously and that the appeals are fair, and veterans can get an answer. We are cutting the average time of wait, and we are going to get it down to below half a year pretty soon. Pretty soon, we will have it as instantaneous as you can make it. You shouldn't have to wait to have a benefit paid if you didn't wait to complete an order from the officer whom you worked for.

Lastly, I want to thank Shepherd Center in Atlanta, GA. That is my hometown and my home State. Shepherd takes the most seriously injured veterans in the United States who we no longer can help because we don't have the expertise. They take them and help them. More often than not, they turn their lives around and make it where they can communicate, they can work, and they can do their job. In other words, the veterans are getting the best of care and the best of attention because the Committee on Veterans' Affairs in the Senate is giving 100 percent of their attention to them.

I am proud of what we have done, proud of what the Senate has done, and I am proud of our military and proud of our country. I hope we continue doing in the Senate as we have always done: do our job, do it well, and support our country.

May God bless the United States of America.

I yield back.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

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

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

NO INTERNMENT CAMPS ACT

Mr. MERKLEY. Thank you, Mr. President.

Today I rise to bring attention to the No Internment Camps Act. This is an important bill to make sure that America does not repeat the mistake of World War II and develop and expand internment camps here in the United States of America.

One may think that this is something that is farfetched, that of course the United States would not establish internment camps, but the fact is, we already have 3, and the House passed a bill to greatly expand those internment camps. We have 35 sponsors of a bill here in the Senate to expand internment camps. We have the President issuing an Executive order asking Congress to expand internment camps. Recently, the President put forward a draft regulation to expand internment

camps without the consent of Congress. So it is all very real.

Where did this story begin? It began, as far as public awareness, on May 7, when Attorney General Jeff Sessions gave a speech. He called this his zero-tolerance policy. I listened to the description of the zero-tolerance policy on arresting people at the border, and I said: You know, when you take away the fancy rhetoric, it sounds like he has criminalized families who are fleeing persecution from overseas. I thought, that is a pretty stunning situation because we in America often look to Lady Liberty and the words inscribed on the base or pedestal of Lady Liberty that say "Give me your tired, your poor, your huddled masses yearning to breathe free."

The idea that our Attorney General is saying we are going to criminalize flight from persecution—and it was found, furthermore, that they were going to immediately throw adults into jail and rip away the children from their families. That is not possible. That is not possible here in the United States of America.

So I arranged to go down to the border. I went down on June 3 and visited the McAllen processing center. The McAllen processing center is a location that the press had never been allowed into, so they were stationed outside saying: What are you going to find inside? What are you going to see? What is in there?

I expressed surprise that the press here in America was excluded from this facility to see what was going on.

I went in. I was given a tour. What I found was pretty shocking—a room in which huddled masses of families were shoved into wire link cages with nothing but an aluminum foil Mylar blanket. Then in an adjoining larger space, a warehouse space, we saw larger cages, 30-by-30 foot cages where families were being separated into fathers in one cage, mothers in another, daughters in a third, and sons in a fourth.

I stood in front of one 30-by-30 foot chain link cage and said: These young boys, who are lining up by height to prepare for being fed; these young boys, with the smallest being just knee-high to a grasshopper, maybe 4 years old; these young boys have been separated from their parents?

The answer was this: Well, Senator, not all of them. Some of them arrived unaccompanied.

I said: But many of these boys in this cage were taken away from their parents?

They said: Yes.

I said: Well, where did that happen?

They said: Well, we brought the family in that door over there, and then, with some explanation, we said, "We need to take your son away. We need to take your daughter away. We need to take your spouse away."

And they were locked up in these various locations inside that warehouse.

So it turned out it was real. The administration was criminalizing a flight from persecution, a flight that our ancestors know all too well, fleeing from civil war, from religious persecution, from famine to come here to the United States of America and see that beautiful, welcoming Statue of Liberty—"Give me your tired, your poor, your huddled masses yearning to breathe free"—but instead of that welcoming embrace, prison for the parents and, quite frankly, prison for the children, separating them.

I went from there up to Brownsville. I had been told by immigration advocates that many of these young men were being stuffed into a single building up in Brownsville, a former Walmart run by a nonprofit called Southwest Key. I had asked permission to visit this location, and I had been told: No, no, no. You have to give 2 weeks' advance notice.

They had a waiver system, so I asked for a waiver to be able to see what was going on inside this former Walmart. The waiver was turned down. Clearly the administration did not want any Member of Congress to see what was going on inside that building.

Since I was there in Texas, I drove up the road to Brownsville and said: Well, I will just call them up when I get there and say, "Surely you have enough members on your staff that one of them could come out and talk to me, or maybe one of them could give me a tour of what is inside."

When I arrived and walked up to the door of this former Walmart, there was a phone number posted on the front of it. I proceeded to call that phone number and talk to the assistant to the supervisor of the facility. The assistant said: Yes, the supervisor would be happy to come out and talk to you.

I waited 10 minutes. No supervisor appeared. I called again, and they said: Oh, no, the supervisor is on his way.

Well, what the supervisor was really doing was waiting for the police to arrive. They called the police to come and arrest me. Very interesting—you are arrested for knocking on the door and asking to have a supervisor talk to you? Well, they didn't arrest me. They hadn't actually formally asked me to leave the property, but they certainly weren't going to let me inside to see what was going on or even talk to me about what they were doing.

The immigration advocates have said: We have heard a rumor that possibly up to 1,000 young boys have been stuffed into that Walmart. I thought, that is not possible. As I was standing there and talking to the press, I repeated that. I thought, I shouldn't say this. I shouldn't say this because that is so outlandish. Surely no administration would try to stuff 1,000 boys into one building.

So I was refused entry. I brought attention to this scandalous child-separation strategy—this strategy of deliberately inflicting trauma on children in order to send a political message. No

one in the world can justify inflicting trauma on children to send a political message. It is not acceptable under any moral code. It is not acceptable under any religious tradition. But the dark heart of this administration had hatched this evil plan, and it was being implemented.

I went back 2 weeks later, on June 14, and I went back with reinforcements—other Members of Congress. We went to that facility, and this time they granted a waiver and said: Yes, you may see what is going on. They allowed the press in as well. So we went in for a tour.

I asked "How many boys are here?" thinking, at most a couple hundred.

They said: Well, we are now ready to put 1,500 boys in this facility, and we are one busload short of filling it.

I think they said there were 1,467 residents in this one building.

They took me out to the outside area, where they had set up a soccer field. They said: Isn't this wonderful? We have a soccer field.

Imagine how long it takes for nearly 1,500 young boys to circulate through a soccer field.

They took me to a game room, and there was a broken Foosball machine. I thought, how long does it take 1,500 boys to circulate through a single broken Foosball machine? Maybe there were a couple of them; I remember seeing one. They were very proud that they had this soccer field and this game room.

I said: You know, you expanded so fast. At the beginning of the year, how many boys did you have?

They said: Well, we planned for 300. We had 300 bedrooms and 300 boys.

They said that 2 months ago, they had increased to 500, and now they have 1,500 or almost 1,500.

I asked: This rapid expansion—did you plan carefully for this?

They said: Oh, yes.

I said: Was there anything that you needed that you fell short on?

The director of Southwest Key said: Yes. We don't have mental health counselors, or at least we are short.

I said: How many are you short?

They said: Ninety mental health counselors.

Ninety? Wow. That is a big shortfall. Realize that these boys were fleeing persecution from overseas. So they had experienced trauma in their lives abroad, they probably experienced trauma en route, and now they are experiencing the trauma of being ripped away from their families and shuttled off to this warehouse. Yet there was no plan to have the mental health counselors needed for this population. This is one feature of the incompetence and callousness of this administration in implementing this policy.

Public outcry was significant. I thank all Americans who participated in that public outcry, saying that this is not our America—criminalizing a flight from persecution, locking people up while they await asylum hearings—

that is not our America and you must stop. The courts said the same thing because it is actually illegal to lock up children for more than 20 days under the Flores consent agreement.

So President Trump sent a message. He sent an Executive order titled “Affording Congress an Opportunity to Address Family Separation.” Oh, how nice. The President is giving us an opportunity to address family separation. And what did the President ask for in that Executive order? He asked for us to pass a law to overrule the Flores consent agreement and allow the administration to establish family internment camps. Imagine—family internment camps here in the United States. That is what the President was asking for, that is exactly what the House of Representatives passed, and that is exactly what 35 Members of this body have signed on to cosponsor—family internment camps in the United States of America. That is absolutely wrong, it is absolutely unacceptable, and it is absolutely unneeded.

You may say: Wait. You are saying that the children shouldn’t be separated from their parents and that you shouldn’t lock up families together, so what do you propose, Senator MERKLEY? What do you propose that we do?

Well, the answer is, we had a very good program. It was called the Family Case Management Program. This Family Case Management Program said that when a family comes and is seeking asylum, they will be placed into the community and they will have intensive case management with somebody who speaks and writes their language, an individual who is in continuous contact with them, who makes sure they know exactly when their check-ins are and how to attend them and who knows exactly when the court hearing is and how to get to those court hearings.

So I wondered, did this work? How well did this program work? It turns out that there is an inspector general report from Homeland Security that came out—I think the date was November 30, 2017. Here is what the inspector general found: “According to ICE, overall program compliance for all five regions is an average of 99 percent for ICE check-ins and appointments, as well as 100 percent attendance at court hearings.” So 100 percent—you can’t get better than that. The Family Case Management Program—the inspector general under this administration said that there was 100 percent attendance at court hearings. So if you hear a Member of the Senate say “Well, we are concerned about this catch-and-release because people don’t show up for their hearings,” that is a lie. That is inaccurate.

That is inaccurate. If you hear the President saying, well, we are going to lock families up if they don’t appear for their court hearings, that is inaccurate. That is a lie. The inspector general of this administration found 100 percent attendance at court hearings.

Fortunately, Members of this body have come to their senses and rejected the language from the House establishing internment camps, expanding them, authorizing them. Fortunately, Members of the Senate have come to their senses and abandoned their effort—for now, at least—to establish permission, authorization, and funding for internment camps, as well they should because it doesn’t fit the vision of America: a nation where most of us are the children of immigrants, if not immigrants ourselves; a nation where in our family tree we have individuals who fled persecution, religious persecution, who fled famine, who fled conflict to be welcomed by the vision of the Statue of Liberty.

The story, unfortunately, doesn’t end here. The President has now issued a draft regulation. That draft regulation says we in the executive branch are granting ourselves the authority to establish internment camps without permission or direction from Congress.

Are you kidding me? A lengthy regulation designed to authorize themselves, without Congress acting, to establish family internment camps is totally out of sync with the traditions of America, with the values of America, or the law as it exists under the Flores consent agreement.

Let me put this as simply as I can: Children belong in homes and playgrounds and schools. They don’t belong behind barbed wire. I will fight as fiercely as I possibly can any proposal to put children behind barbed wire as they wait their asylum hearing. It is wrong. It is morally wrong. It is, from a policy perspective, totally unjustified, as was child separation.

That is why I am introducing the No Internment Camps Act. Let us not repeat the mistakes of World War II. This act ensures that no Federal dollars will be used for the operation and construction of family internment camps. It creates a 1-year phaseout of three family detention centers currently in operation, and it saves money from the family detention centers and transfers it to the Alternatives to Detention Program in order to reestablish the Family Case Management Program—the program that had a 100-percent success rate in getting people to their hearings. Put money into programs that work, not into prisons that afflict children.

There are many groups that have said how important this is and have endorsed the no internment camps legislation: Japanese American Citizens League, Human Rights Watch, Asian Americans Advancing Justice, Women’s Refugee Commission, the Anti-Defamation League, the Asian Pacific American Network of Oregon, the American Immigration Lawyers Association of Oregon, Human Rights First, the Leadership Conference on Civil and Human Rights, Karen Korematsu, the daughter of Fred Korematsu, the lead plaintiff in the Supreme Court case that challenged Japanese internment camps in World War II.

Let us put an end to the prospect of the administration expanding on its own, through Executive order, internment camps in the United States. Let’s do so by passing the No Internment Camps Act.

The PRESIDING OFFICER. The Senator from Texas.

REPUBLICAN AGENDA

Mr. CORNYN. Mr. President, after the vote was called on the Kavanaugh nomination—I should say immediately before it—the minority leader, the Senator from New York, told America that the most important thing they could do in response to that vote is go to the polls in the midterm elections. It is true that on November 6, Americans will head to the polls and select their Members of Congress, including the Senate, and as Ronald Reagan’s famous speech said, it will be “a time for choosing.”

Many people are wondering how they should choose, how they should exercise that most fundamental privilege of American citizenship, and that is the right to vote. Should they choose to vote for mob rule or do they choose to vote for the rule of law? Do they choose to endorse threats, intimidation, and incitement or do they choose to treat everybody—no matter how much you disagree with them—with dignity and respect? I believe those are our choices.

I was very disappointed to hear the former Secretary of State Mrs. Clinton say that you cannot be civil with a political party that wants to destroy what you stand for and what you care about. She said civility is only possible if Democrats were to win back the House or the Senate. In other words, her commitment to civility in our political discourse is contingent upon political outcomes. Did you notice the verb she used? She used the word “destroy,” which I think is telling.

It is not that people may disagree with her or her party, it is that people who disagree with her want to destroy what you stand for and what you care about. In other words, this mindset, I think, is very disturbing and should be of concern to all of us who want to restore some civility, and decorum, and bipartisan cooperation.

We are going to have our differences, there is no doubt about it. I welcome the opportunity to debate those differences. That is what the Senate is all about, but there is a line we saw crossed last week during the confirmation hearing. We learned it is our Democratic colleagues, unfortunately, who have associated themselves with special interest groups that are willing to go to just about any length to achieve their desired ends. In other words, the ends justify the means. That includes climbing statues, disobeying Capitol Police, getting arrested, chasing Senators and their spouses from restaurants, screaming at Members in elevators, sending coat hangers to Senators at their offices, and offering what amounts to a bribe. That doesn’t sound very civil to me.

Then you have former Attorney General Eric Holder, who was captured on video saying things that I, frankly, am shocked about. You would think the former head law enforcement officer for the U.S. Government, the Attorney General, would understand the need to be careful with your words and not stoke the ambers of conflict and civil unrest, but apparently disregarding that, he intentionally poured gasoline on the fire. He said last week, it is time to ditch the old slogan “when they go low, we go high.”

He attributed that to Michelle Obama, and good for her.

He said instead: “When they go low, we kick them.”

That is what the new Democratic Party is all about. The Washington Post has said Holder is proposing “the party pursue a meaner, more combative approach,” and noted he was alluding to metaphorical violence. This is from the former Attorney General of the United States.

I believe former First Lady Michelle Obama rightfully condemned this ugly and shameful statement.

Meanwhile, one Democratic Member of the Senate has recommended activists get up in the face of your Congresspeople. Another one has justified mob rule as entirely appropriate to our current political situation.

We had members of the Senate Judiciary Committee, during the Kavanaugh hearings, say: I am violating the rules intentionally. I am releasing committee-confidential information in violation of the rules, and, apparently, they were proud of it.

I hope the voters are listening. I think they are. They are coming from some of the most powerful voices of the Democratic Party, voices that could represent you in the next Congress. That is the choice—between incitement, intimidation, mob rule, or civility and treating people you disagree with, with the respect all of us are entitled to in a democracy.

I don't think the voters will reward a party that is spitting out this sort of venom about what our politics should be about: sowing division, alluding to violence, rejecting civility. Is that what supposedly passes for leadership? Should the voters reward that in this midterm election? I think our forefathers would be shocked, but this election is about more than just the rhetoric.

I think the voters also have a choice when it comes to looking at who is interested in solving the problems that confront our country, who is willing to work on a bipartisan basis together with the administration to make the country a better place, more prosperous place, a safer place. All they need to do is look back at the last 22 months.

Yesterday, for example, we passed a major water infrastructure bill that will keep our communities safe by maintaining dams and levees and addressing drinking water and waste-

water systems across the country. It will also expedite, in my part of the world, an important coastal study and authorize flood mitigation projects back home.

Then the President signed, just 2 days before that—I am sure most of this was lost in the furor over the Kavanaugh nomination—but just 2 days before that, the President signed another bipartisan bill I cosponsored called the Justice Served Act that will provide funds to prosecute cold cases solved by DNA evidence obtained from rape kits.

Then, of course, there was the Supreme Court confirmation last Saturday.

In the last 6 days, we have accomplished three major things: water infrastructure, funding cold case prosecutions, and filling Justice Kennedy's seat on the U.S. Supreme Court.

I would say that is a pretty good week, but our record of success is much lengthier than that. Judge Kavanaugh was far from the only Federal judge we have confirmed. Last year, we confirmed another superb Justice, Neil Gorsuch. On top of that, we have confirmed 69 judges under President Trump. That includes three Texas judges on the Fifth Circuit Court of Appeals and four that preside over Texas district courts.

Those numbers begin to show you that since President Trump took office in January of last year, we haven't taken our foot off the gas when it comes to doing the people's work. Under this Congress, we have confirmed the most appellate judges ever during a President's first 2 years. Of course, these nominees, once confirmed, have a lifetime tenure, so they will be there long beyond this President's term or maybe our term in the Congress.

Our work extends far beyond filling the courthouses of this country. What we have done, working together with the entrepreneurs and the investors and the small businesses of America, is we helped reenergize the state of the American economy.

This started with tax reform, which has been the biggest game changer. This is the first major overhaul of the Tax Code in 31 years. It lowered rates, doubled the child tax credit to help working families, and made American businesses more internationally competitive. I am sorry we had to do that all by ourselves without a single Democratic vote, but we thought it was so important to do that we stepped up, and we did it. I think the benefits are pretty manifest.

Ms. PELOSI likes to say the savings individual taxpayers got were merely “crumbs,” but I would like to tell her about some of my constituents and what they told me.

One of them, Kim Ewing from Mesquite, wrote me and talked about how tax reform was hugely helpful because she hadn't had a raise in 7 years. Now she enjoys a boost in her paycheck

each month. She called tax reform a no-brainer or what she referred to as merely “common sense.”

Then there is Claudia Smith, owner of the Aggieland Carpet One in College Station, who told me earlier this year that she has been able to reinvest the savings she received under the new tax law to buy new equipment for her small business, as well as provide healthcare coverage for her employees. She says she will also have enough left over to hire more people.

Claudia's story is the same one that is being told all across the country. More than 700 businesses have used the tax savings to benefit their employees and customers. They have announced pay raises, 401(k) match increases, cuts to utility rates, bonuses, and other benefits to American workers.

These developments are just part of the reason this economy is growing again and why people have renewed confidence and optimism in their future.

As the majority leader reported yesterday, unemployment in this country has now fallen to 3.7 percent, which is the lowest rate since 1969. People are going back to work; they are earning more; they are keeping more of what they earn; and they are investing. This is what it looks like when that sleeping giant of the American economy wakes up and is unleashed from the constraints of high taxation and overregulation.

It is not just the economy that deserves mention. One of our accomplishments has been repealing burdensome regulations—I have mentioned that overregulation—and we have done that through the Congressional Review Act.

Previously, it had only been used 1 time, but we have used this device 16 times to eliminate Agency rules which really had been the ropes that tied down that sleeping giant of the American economy. It allowed it to come roaring back.

We have repealed the Independent Payment Advisory Board under ObamaCare, which will allow seniors and their families to take greater control of their healthcare decisions without being subject to the whims of unelected bureaucrats. We have also eliminated the root of ObamaCare—the individual mandate. This was literally a coercion by the Federal Government, forcing people to buy something that, in many cases, they couldn't afford, and they didn't want.

We literally made ObamaCare voluntary now so people have choices, but this was essentially a tax on some of the most disadvantaged people in the country who were coerced into buying healthcare they didn't want or couldn't afford, and if they were unable to even do that, they were forced to pay a tax or a penalty.

Recently, we have been accomplishing a lot more for our men and women in uniform, our intelligence officers, and our veterans. We have helped restore America's defense with

the greatest investment in the military in decades, including the largest troop pay raise in nearly 10 years.

We have reauthorized important intelligence-gathering tools, like section 702 of the Foreign Intelligence Surveillance Act—a vital tool in tracking foreign terrorists abroad who try to hurt us at home.

For our veterans, we passed the VA MISSION Act, which will make significant reforms to the Department of Veterans Affairs by strengthening healthcare and community care options that are available to those who have served our Nation in uniform.

Last, but not least, is our series of accomplishments. We have taken other important steps, like passing the Federal Aviation Administration Reauthorization Act just last week. It is legislation that modernizes our airports, improves service for travelers, enhances safety, and boosts industry innovation.

Then, almost without anybody paying any attention at all, we passed a huge bipartisan bill to address the opioid crisis. Senator ALEXANDER, the chairman of the Health, Education, Labor, and Pensions Committee, ushered this bill through the House and the Senate, along with Senator MURPHY and others. It has contributions from 70 Members of the Senate and 5 standing committees. That takes a lot of hard bipartisan effort, but it is important because it combats the nationwide epidemic that has led to the death of 49,000 Americans in just 2017 alone.

We have done important work in terms of improving public safety by enacting a bill I sponsored and that was supported by our colleagues here called Fix NICS; that is, the National Instant Criminal Background Check System. We also passed a bill sponsored by Senator HATCH called the STOP School Violence Act.

The Fix NICS bill helped fix our broken background check system and ensures that criminals aren't able to purchase or possess firearms after they are convicted.

In the wake of the Texas shootings at Santa Fe and Sutherland Springs, we know there were a lot of people crying out for Congress to do something, and this was the one thing we could all agree to, on a bipartisan basis, across the ideological spectrum. These two bills—mine and Senator HATCH's—are a part of the way we have answered that call.

We have tried to protect our young people—especially women—in another important way as well. We enacted what is known as SESTA, the Stop Enabling Sex Traffickers Act. This legislation by the junior Senator from Ohio helps to stop online trafficking and adds to a bill I sponsored called the Abolish Human Trafficking Act. It strengthens programs and supports survivors of human trafficking and provides resources to law enforcement officials on the frontlines of the fight against modern-day slavery.

I understand why most Americans have not heard of all or many of these accomplishments, but I think it is important to note what we have been able to do while we have fought mightily over some things, like judicial nominations.

We have also worked in a bipartisan way to get the people's work done. I believe we have done so mainly by treating each other respectfully and by demonstrating civility, not by yelling at each other, by making threats, or inciting people to violence. That is not the American way.

I am hopeful that after the scenes we saw here last week during the confirmation proceedings for the Supreme Court, that the American people will reject that sort of conduct and demand that their elected officials act in a way they can be proud of.

Yes, we put money back into America's pockets. We have rolled back regulations to make their lives a little bit easier. We have strengthened our military, given our veterans access to better healthcare, and protected our communities from harm.

As the minority leader, the Senator from New York, said right before the confirmation vote on Judge Kavanaugh, the people need to vote. They will, I hope, exercise that franchise—that right of every American citizen to determine the direction of our country and who will represent them in the Halls of Congress.

It is my sincere hope that they will remember some of these accomplishments we have made together during this administration and know we can continue to do more for them in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

FREEDOM OF SPEECH

Mr. DURBIN. Mr. President, this morning the front page of the Washington Post tells the story about our intelligence agencies intercepting some communications among the Saudi Government officials. It appeared they were exchanging information about how to lure a man named Khashoggi back into Saudi Arabia. Khashoggi is a person who has been openly critical of the Saudi Arabian leadership. He has published articles around the world, including in the Washington Post.

We have a video that shows Mr. Khashoggi entering the Saudi consulate in Istanbul, Turkey. We have no video that shows him exiting that same building. He has disappeared.

This intelligence data, as well as other information, leads us to believe he has been assassinated—assassinated because he was critical of the leadership of the Saudi Arabian kingdom. That is what happens in a country of authoritarian rule that does not protect the right of dissent.

We see it over and over in history—strong authoritarian rulers can't stand dissenters. Many of them are killed, imprisoned, tortured, or run out of the

country. It still happens in China. It still happens in Russia. It happens, obviously, when it comes to Saudi Arabia, Turkey, and other countries.

We are different. I hope we are. The reason we are different is because of 45 words—45 words—that were written over 200 years ago. They are worth repeating. These are 45 words that have guided our country and still should guide us today.

I am going to take a minute to read them. It is the First Amendment to the Constitution of the United States, the First Amendment to our Bill of Rights, credited to James Madison. Here is what it says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

These are 45 words that distinguish us from virtually every other country in the world, where we expressly guarantee to ourselves and our posterity freedoms that are fundamental to being an American.

I have heard my friend the senior Senator from Texas come to the floor repeatedly now to talk about what happened last week during the Kavanaugh nomination and in the weeks before, during the committee hearing, and there were people who came to this Capitol because of their intense personal and political feelings about that nomination and what it meant to them personally and what they believed it meant to the country. They brought their emotions to this place, and they did it because they are guaranteed the right to do it in this Constitution.

Each of us is guaranteed the right to peaceably assemble and to petition the government for a redress of grievances. The Senator from Texas has referred to this as "mob rule." I will tell you, if you believe these 45 words and what the First Amendment in the Bill of Rights instructs us in terms of this democracy, then it gives these people—all people in this country—the right to speak, the right to express their opinion, and the right to petition their government for a redress of grievances.

Now, of course, that should never—never—condone violence nor the incitement to violence. That is where we must draw the line.

If you are going to stand and defend this article of the Constitution, which we have all taken an oath to defend, then you are going to defend the right of individuals to speak in this country and say things that are unpopular and maybe even unacceptable to you personally.

I have found myself in that position, gritting my teeth and thinking I wish to heck that person wasn't saying what they were saying, but they have a constitutional right to do so. They don't have a constitutional right to be violent or to incite to violence.

I might add, I think they cross the line when they go after politicians'

family members and others. That clearly crosses the line. I have seen it happen in my political life, and I am sure all my colleagues can tell a similar story.

To call this mob rule is to take the actions of a few and to really use those as a standard to judge everyone. That is fundamentally unfair. There were people on both sides of the Kavanaugh nomination who had intense, strong personal feelings and used their constitutional rights under the Bill of Rights to express that. They did it peaceably. They did it in a constructive way. As far as I am concerned, they have a constitutional right to do it.

For those who crossed the line, they need to accept whatever consequences come their way. For some, it means being arrested and maybe more, but for those who complied with this article in the Bill of Rights, I think we all ought to stand up and say, regardless of party, this is the Constitution both parties swore to uphold.

To say that what happened last week—even in this Chamber and even in this Gallery here—is really the whole story is ignoring the obvious.

When the Senator from Texas asks about mob rule, my response is to say three words: “Lock her up.”

This week in Iowa, the President held a rally. During the course of that rally, he was critical of the senior Senator from California. As he was critical of her, the people attending the rally started chanting “Lock her up. Lock her up,” referring to my colleague from California.

I am sure the Senator from Texas heard about this. I hope that when he heard about it, he realized that an incitement to hold someone criminally liable for using their office in a legal way really steps over the line.

Let's be honest about this. In the last 2 years, we have seen a coarsening of the rhetoric in politics in America. Things are being said now that have never been said before. Oh, they were said in private or maybe on some website, but now they are being said openly on a regular basis.

If someone speaks up at a rally, to have a Presidential candidate say: Let the crowd take care of that, and I will pay the legal fees of whoever does it—that happened. It suggests to me a coarsening of our rhetoric in this political world that we live in that is not conducive to a civilized and constructive democracy. As the Senator from Texas suggested, we need to really reward civility, and we need to show it ourselves in the things we say and do as Members of the U.S. Senate.

No, I don't think it is evidence of mob rule in America. It wasn't a mob that voted here on the floor of the Senate. One hundred Senators voted, as the Constitution requires us to do, and we did it in an orderly, democratic way, regardless of whether you agree with the outcome. The mob didn't rule; the Constitution ruled, and the Constitution needs to continue to rule.

There are limits to speech. The courts have talked about this for 200 years. But let us never forget that the first 45 words of the Bill of Rights guarantees to us the right of free speech, peaceful assembly, and the right to petition our government for redress of grievances.

CLIMATE CHANGE

Madam President, on Monday, two things were made clear. This last Monday, we came to realize that we need to take immediate action—immediate action—to deal with human-caused global warming. Secondly, American innovation has already given us many of the tools to do so.

I know there are those who think that climate change is an issue that will only affect us in the far-distant future or that the challenge is so big that we can't really do much about it, but the truth is that we are already dealing with the effects of climate change, and we have it within our power to address them with technology that already exists.

Earlier this year, rainstorms and melting snow caused flooding across my State of Illinois. More than 20 counties throughout the State were placed under flood warning. As the water level of rivers continued to rise, several communities in Illinois had to evacuate their homes for their own safety. Illinois farmers know all too well that changing weather is impacting the way they farm and the crops they produce.

As I speak, recovery efforts are already underway after Hurricane Michael left the Panhandle region of Florida in ruins. Our hearts go out to the families who are waking up this morning and don't know whether their loved ones are safe or whether they have a home to return to.

Earlier this summer, in the western part of our country, we saw vast acreage destroyed by wildfires, and it has been one year since Hurricane Harvey hit Texas and Hurricane Maria devastated the entire island of Puerto Rico.

It is obvious to anyone that natural disasters are becoming more powerful, more costly, and more deadly, and it is time we take climate change's role in causing them seriously, or it will get worse.

On Monday, the United Nations Intergovernmental Panel on Climate Change released a report stating that we have just over a decade—less than 10 years—to drastically reduce our carbon emissions if we want to maintain life on Earth as we know it today. It is an ominous warning but a serious one. The U.N. report states that we must reduce global emissions by 45 percent by the year 2030 and reach net zero emissions by 2050 if we want to avoid a world where deadly storms, unbreathable air, widespread famine, and multiyear droughts become the norm.

According to the national security community that we count on to keep

Americans safe, failing to address climate change will inundate our military bases and installations, and it will incite international conflicts and put our military—the men and women serving our country—at risk in terms of readiness, operations, and strategy.

The fact is, no one can claim to be serious about our national security if we don't face the reality of climate change. That isn't a declaration by the Sierra Club or some liberal Democratic Senator; it is a declaration of our defense community.

We will continue to face weakened states and unprecedented refugee migration in the decades to come if we ignore this reality.

There is good news, though. We have the tools and the technology to prevent this dystopian future, and the United States can lead in this effort. America is already showing the world how to reduce emissions and grow our economy by increasing energy efficiency measures and renewable energy usage and switching to electric vehicles.

Think about the gains we have made, the progress that has been made when it comes to the fuel efficiency of the cars and trucks we drive today. There was a time in the Senate not that long ago when Detroit automobile and truck manufacturers were in complete denial. They said that there is just no way to hit these targets in terms of miles per gallon. We are doing it, and we see it every day. It is the same American innovation that can power us to make the far-reaching transitions in energy and infrastructure we need to limit our emissions to meet the recommendations of this United Nations panel.

On Monday, the Nobel Prize in economics was given to two Americans—William Nordhaus and Paul Romer—for their work on innovation, climate, and economic growth. Their work shows that addressing climate change can be an incredible opportunity for job growth and new investments in American competitiveness. New jobs can be created designing more efficient solar panels, wind turbines, and batteries, as well as manufacturing the components for export all over the world.

If you visit downstate Illinois—an area which is one of our most bountiful agricultural areas—you can't help but be struck by the number of wind turbines that have been built all around my State. The farmers love it because they are receiving monthly checks for the wind turbines located on their property, and the wind turbines are generating electricity for nearby communities without polluting. Twenty years ago, no one would have thought of that as a serious alternative. Today, it is. It is an alternative renewable source of energy that is not going to make the world worse for future generations.

There was a Paris Agreement in terms of setting global goals that all the countries in the world would sign up for to reduce carbon emissions and

to work together to develop a world-wide clean energy economy, and 195 countries—every country in the world—has agreed to this Paris Agreement and signed on, including the United States. However, last year President Trump decided that the United States would step away from the rest of the world, step away from our allies and trading partners, and leave this agreement.

When I think about the decisions being made by this Trump administration, this may be one of the most long-term, disastrous decisions he has made. To think that this great Nation, with its great economy, its great technology and innovation, would step away from an agreement that every country in the world has signed to deal with our climate challenges is unthinkable.

I hope that after this week's announcement from the United Nations, at least someone at the White House will have second thoughts about this disastrous decision. We should not give up U.S. leadership and risk the world moving forward without us. If we step aside from this responsibility, others will step into our place—starting with China—leading the rest of the world outside of the United States into new technology innovations to deal with climate change.

It is clear that it is in America's best interest to take immediate action to limit our greenhouse gas emissions and face the realities of climate change head-on. Will it result in a change in our lifestyle? Perhaps, but only on the margins. Is it worth it? This weekend, I am going to get a treat: I get to visit my grandkids. They are 7 years old, twins, a little boy and a little girl, and I have a lot of fun with them. I think about what I do for a living and how it might impact the world they will live in for years to come. I would like to let them know that I am doing my part in the Senate and others are doing their part in Washington to leave them a world that they can live in—one that is not compromised by the selfishness and political agendas we see today.

The livelihood of people in my State, including the farmers in my home of Illinois, depend on us.

The PRESIDING OFFICER (Mrs. FISCHER). All time has expired.

Mr. DURBIN. Madam President, I ask unanimous consent for 60 additional seconds.

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

Mr. DURBIN. The livelihoods of farmers in my home of Illinois depends on our acting and preventing an endless cycle of historic storms, floods, and droughts, causing millions of dollars in damage and crop loss. We have a moral obligation to our kids and grandkids to leave future generations with a planet that is not plagued by catastrophic drought, famine, wildfires, hurricanes, and sea level rise. We have the tools, and we know how to do it. It is time we rise to the challenge.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I ask unanimous consent to speak.

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

FAA REAUTHORIZATION

Mr. MORAN. Madam President, I am here to speak and once again highlight the importance of aviation to my State, to the country, and to the world, but also to point out the significance of the 5-year FAA reauthorization bill the Senate passed last week. I have come to the floor many times on this topic.

I am pleased to be here today to tell about the many wins that are included in this legislation. They are beneficial to the country, and they are certainly beneficial to my home State.

I am most pleased to highlight the fact that this legislation does not include—excluded from this legislation are any efforts to privatize our Nation's air traffic control system.

Kansas is the air capital of the world and for good reason. Kansans have built three out of every four general aviation aircraft since the Wright brothers' first flight at Kitty Hawk. Today, over 40,000 Kansans make a living manufacturing, operating, and servicing the world's highest quality airplanes. I cannot overstate the importance of this reauthorization and the stability it provides to the aviation community.

We are doing something that we have been unable to do for years: a long-term FAA reauthorization. In the ongoing efforts to pass the long-term bill, Republicans and Democrats in both Chambers of Congress have found common ground and consensus among the entire aviation community on a wide range of important issues. The chairman of the Commerce Committee, Senator THUNE from South Dakota, as well as the ranking member, Senator NELSON from Florida, deserve credit for the bipartisan manner in which they have worked through the FAA reauthorization process in recent years and their efforts to negotiate a final piece of legislation with the House that was strong enough to receive 93 votes in the Senate.

I am pleased that included in this legislation are numerous provisions that I have introduced and supported and advocated for since the reauthorization process began, and I look forward to sharing these accomplishments in short fashion. I thank the many aviation and aerospace leaders in my State for informing my work on this topic.

First, the FAA reauthorization bolsters FAA manufacturing by streamlining the aircraft certification process.

With the short amount of time before a vote, I will highlight these for the RECORD.

In addition, it authorizes the FAA Center of Excellence for Advanced Materials at Wichita State University. This research has played a critical role

in the evolution and integration of aircraft materials and technologies by providing valuable research to validate the safety and integrity of new aircraft to the general public.

This bill helps close the skills gap for the aviation workforce. Senator INHOFE and I have worked to provide legislation to create a pilot program within the FAA through which grants would be authorized to support tech education and career development. The grants would encourage collaboration between businesses, schools, and local governments, and these entities would develop innovative workforce programs to help close the skill gap in the aerospace industry.

The FAA Reauthorization Act reduces regulatory barriers for educational use of drones—unmanned aerial vehicles or systems. Last Congress, I was co-lead on this legislation with Senator PETERS of Michigan to reduce barriers for the use of small UASs at institutions of higher education. This bill accelerates the safe integration of innovative UAS technology, another significant development.

This legislation strengthens the Federal Contract Tower Program. Kansas is home to eight air traffic control towers that participate in FAA's FCT Program, which provides important safety services at small airports nationwide in a cost-effective manner that saves the taxpayers \$200 million annually. This FAA reauthorization includes several reforms that strengthen the Contract Tower Program, and I am pleased to be able to report that.

It provides access and flexibility for additional airport construction funding. Again, this is something that is important in all of our communities that have an airport. How do we make certain that we have the latest infrastructure available for safe flights to and from our airports?

It improves child safety on commercial airlines, legislation that Senator SCHATZ from Hawaii and I introduced to advance the safety of children who fly with their parents.

This bill reauthorizes the FAA's Essential Air Service Program, connecting rural airports to the national system. That is something which is important to many of us who represent rural States.

It safeguards small airports in the event of sudden loss of commercial service.

Last Congress, I sponsored the Small Airport Regulatory Relief Act that is included in this legislation. It is to make certain that certain airports, such as the Hays Regional Airport and the Liberal Mid-America Regional Airport, would not lose Federal Airport Improvement Program funding due to inconsistent commercial service through no fault of their own.

Unfortunately, regional airlines continue to struggle because of a lack of pilots. There is a pilot shortage, and our airports and the traveling public ought not be damaged as a result of the

inability of the airlines to hire a sufficient number of airline pilots.

It also increases the fairness and reduces regulation for general aviation projects and activities. This is legislation that was originally introduced, which I am a sponsor of, called the FLIGHT Act. It effectively targets AIP funding to general aviation airports and provides those airports with flexibility on their use of passenger facility charges. It has a provision that fosters the exchange of aircraft through fair regulatory treatment in airplane joint ownership—again, another small but important development. It includes provisions that preserve the Contract Weather Observers Program, something that was at risk over the last several years.

There are many things to highlight in this legislation. I would also point out that it has provisions to help provide for talented women in the aviation workforce and facilitate their recruitment. Women currently comprise only 4 percent of flight engineers, 6 percent of pilots, and 26 percent of air traffic controllers, representing a huge untapped pool for talent in the aviation industry.

I am grateful to my colleagues for coming together and creating this compromise bill that will have a positive and immediate effect upon the economy and the Kansas aviation community. It is a good day for the Senate, it is a good day for Congress, it is a good day for the country, and it is especially a good day for me and for Kansans.

I yield the floor.

NOMINATION OF JEFFREY CLARK

Mr. VAN HOLLEN. Madam President, Mr. Clark's nomination is yet another example of the Trump administration nominating individuals to lead government offices whose missions they have opposed.

The Environment and Natural Resources Division of the Department of Justice is uniquely charged with the "stewardship of the nation's natural resources and public lands." Yet, in the face of the overwhelming evidence of climate change, Mr. Clark says the science is debatable. It isn't, and this is not the time to have someone in this position who refuses to acknowledge facts and confront the costs and risks of inaction.

In addition, like many Trump nominees, Mr. Clark is skeptical of the long-standing Chevron doctrine which states that courts must give deference to agency regulations because agencies are staffed with subject matter experts and that judges, who are only supposed to interpret the law, are not qualified to substitute their opinions. Large corporate polluters frequently challenge EPA regulations designed to safeguard our waters, endangered species, and natural resources, and we need a person in this position who will side with the scientists and public health experts, not big polluters.

Americans deserve an associate attorney who is committed to protecting

their interests and not big-monied special interests. I do not believe that Mr. Clark is that person, and I will be voting against his nomination.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

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

Mr. ROUNDS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 228 Ex.]

YEAS—52

Alexander	Gardner	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Perdue
Boozman	Hatch	Portman
Burr	Heller	Risch
Capito	Hoeven	Roberts
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Kyl	Thune
Cruz	Lankford	Tillis
Daines	Lee	Toomey
Enzi	Manchin	Wicker
Ernst	McCaskill	Young
Fischer	McConnell	
Flake	Moran	

NAYS—45

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Jones	Shaheen
Cardin	Kaine	Smith
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—3

Heitkamp	Nelson	Rubio
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The nomination was confirmed.

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The assistant bill 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 nomination of Eric S. Dreiband, of Maryland, to be an Assistant Attorney General.

Mitch McConnell, James Lankford, John Hoeven, James M. Inhofe, Johnny Isakson, David Perdue, John Cornyn, Steve Daines, John Barrasso, Mike Rounds, Thom Tillis, Lamar Alexander, James E. Risch, Jeff Flake, Richard Burr, Roy Blunt, Deb Fischer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Eric S. Dreiband, of Maryland, to be an Assistant Attorney General shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 47, as follows:

[Rollcall Vote No. 229 Ex.]

YEAS—50

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heller	Roberts
Cassidy	Hoeven	Rounds
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Sullivan
Crapo	Kennedy	Thune
Cruz	Kyl	Tillis
Daines	Lankford	Toomey
Enzi	Lee	Wicker
Ernst	McConnell	Young
Fischer	Moran	

NAYS—47

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—3

Heitkamp Nelson Rubio

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Eric S. Dreiband, of Maryland, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from North Carolina.

CALLING FOR THE RELEASE OF PASTOR ANDREW BRUNSON

Mr. TILLIS. Mr. President, I am here for what I hope will be the last time to talk about a subject I have come to the floor and discussed virtually every week we have been here since I went and visited a man who has been in a Turkish prison since October 7, 2016.

His name is Andrew Brunson. He is a Presbyterian minister from North Carolina who, in 2016, under emergency orders in Turkey, President Erdogan ended up ordering the arrest of a number of people, many of whom I think were probably involved in the illegal coup attempt.

To the extent that evidence demonstrates they were, they should be held accountable for their actions, but, unfortunately, thousands of people—journalists, people of faith, and a number of other people who were in the wrong place at the wrong time, like a NASA scientist who already spent 2½ years in prison—were also arrested. They were also put in prison.

In the case of Pastor Brunson, he spent almost 17 months in a Turkish prison, in a cell designed for 8 people that had 21 people in it. None of the others were even English-speaking. Then, about 17 months into it, he had an indictment against him. It was about a 70-page document. It is a document I have read. Quite honestly, I don't think a first-year law student or a magistrate anywhere would consider the allegations in this indictment as worthy of any prosecution—certainly not enough to keep somebody in our U.S. justice system in prison overnight, let alone now 734 days.

The 2-year anniversary was just on Sunday. I called Pastor Brunson Sunday morning to speak with him, to see how he is doing and how his wife Noreen is doing. Noreen has been in the country the whole time because she is afraid that if she leaves the country, they will not let her come back.

After the last hearing, the Turkish officials allowed Pastor Brunson to be placed under house arrest. He can't leave his house. He has an electric monitor, but the fact is, he is still incarcerated. He is still worried about the very real possibility that he could be convicted for up to 35 years in prison.

The reason I hope this is the last speech I have to give is, tomorrow is

what many of us believe may be the last time that he is in a courtroom. I hope President Erdogan and their justice system find justice for Pastor Brunson. What that justice looks like to me, regardless of whatever conclusion the Turkish courts draw—innocence or guilt—is that they simply complete the judicial process in Turkey and return Pastor Brunson and his wife Noreen back to the United States, most likely back to Western North Carolina.

I visited Pastor Brunson in a Turkish prison about 6 months ago, after I heard he was concerned that once the indictment was issued against him, the American people would read that indictment and just forget about him. It was important for me to go to Turkey, to go to that Turkish prison just outside of Izmir, Turkey—one of the major cities in Turkey—and look him eye to eye and say: I will never forget you.

Since that meeting, and after that meeting in prison, we had some 70 Members of the U.S. Senate from both sides of the aisle sign on to a letter to send a very clear message to Pastor Brunson that we are not going to forget him and also a very clear message to Turkey that there will be a consequence if we have a miscarriage of justice in this case.

I went back to the Turkish courtroom almost 2 months after I met him in prison, and I saw firsthand how the Turkish justice system works. It is not like ours, which is largely devoid of any political influence or what I view as completely devoid of political influence. The President can't call a judge and tell them to put their thumb on the scale of justice here in the United States, but sometimes it looks that way in Turkey.

I am asking President Erdogan, the Turkish judiciary, the Foreign Ministers, and the others I have spoken with over the past several months: Please, let's have justice for Pastor Brunson. Regardless of what the outcome is tomorrow in the courts, get him home. I hope that happens tomorrow or early next week.

If, on the other hand, his hearing is continued again or he is found guilty and is likely to be sentenced to 35 years, I will have to take a different tack—a tack very similar to what we took in putting a provision in the National Defense Authorization Act, really questioning our long-term relationship with Turkey in terms of sharing technology with the Joint Strike Fighter. When we went through that process, we identified a number of other measures where I believe we can get strong support in the House and Senate that would take our relationship with Turkey in the wrong direction.

I want Turkey to be a strong NATO ally. I want Turkey to be a strong trading partner. I want the Turkish people to have a vibrant economy, but at the end of the day, I will have to be motivated to convince the Members of Con-

gress and the President, who has been very helpful to this point, and Secretary of State Pompeo that absent a just outcome for Pastor Brunson, we will have to take a look at how we can continue to fight for justice. I sincerely hope I will never have to go down that path.

Over the next 24 hours, Pastor Brunson is scheduled to be in a courtroom—within about the next 16 hours. I hope the American people will keep him in their prayers. I hope the Turkish people and the Turkish leadership will do the right thing—and the right thing is having Pastor Brunson and Noreen come home.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FLAKE. Mr. President, I ask unanimous consent that all postcloture time on the Dreiband nomination expire at 2 p.m. today and that the Senate vote on confirmation of the Dreiband nomination with no intervening action or debate; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GUARDIANS OF DEMOCRACY

Mr. FLAKE. Mr. President, there are no more consequential words spoken than those spoken by the President of the United States.

The words of a President reverberate around the world like no other world leader's, and as attentive as Americans are to what our President says, the rest of the world is probably paying even closer attention, as it is often their fate that hangs in the balance when our President speaks.

Americans can ignore certain utterances from the President. The rest of the world often has no such luxury.

Another audience for Presidential utterances is the despot, the strongman, the authoritarian, and the dictator. From this President, that horrible focus group has received a great deal of sustenance.

In fact, the oppressors of the world have taken to parroting some of their favorite lines from the White House. Anything critical of their regimes has become "fake news," and the press is the "enemy of the people," just to name two of our President's greatest hits.

As I mentioned in this Chamber in January of this year, a State official in Myanmar recently said:

There is no such thing as Rohingya. It is fake news.

He was, of course, referring to the persecuted ethnic group.

In February of last year, Syrian President Bashar al-Assad brushed off an Amnesty International report that some 13,000 people had been murdered in his military prisons by saying:

You can forge anything these days. We are living in a fake news era.

In the Philippines, President Rodrigo Duterte has complained of being “demonized” by “fake news.” Last year, according to a news report, with our President “laughing by his side,” Duterte called reporters “spies.”

In July 2017, Venezuelan President Nicolas Maduro complained to the Russian propaganda outlet that the world media had “spread lots of false versions, lots of lies” about his country, adding: “This is what we call ‘fake news’ today, isn’t it?” And on and on. This feedback loop is appalling.

We are in an era where the authoritarian impulse is reasserting itself to challenge free people and free societies everywhere. We cannot give convenient language to authoritarians, language that is used against their own people.

Now, with the apparent brutal murder of journalist Jamal Khashoggi, some of the real enemies of the people and enemies of freedom seem to have taken license to eliminate a man their regime viewed as a threat.

We need to know exactly what happened in that Saudi consulate in Turkey earlier this month. Put bluntly, we cannot do business with the Saudi Government if they directed or were complicit in the murder of Jamal Khashoggi. We in this body had best be very careful about who the enemies of the people are and who they are not.

The free press is the guardian of democracy and the enemy of tyrants, and the man or woman who speaks from behind the Presidential Seal needs to remind the country and the world of this truism again and again, as long as the world will listen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

RECOGNIZING ARKANSAS BLACK HALL OF FAME INDUCTEES

Mr. BOOZMAN. Mr. President, I rise today to recognize the Arkansas Black Hall of Fame Class of 2019 inductees and celebrate their contributions to our State, country, and literally the world.

Founded in 1992 by Charles Stewart and Patricia Goodwin to recognize the gifts of African Americans with Arkansas roots, the first induction ceremony in 1993 honored six individuals, including acclaimed poet, author, and activist Maya Angelou and civil rights advocate and Little Rock Nine mentor Daisy Bates.

We are probably all familiar with Arkansas’ role in the movement for public integration. The African-American students who were threatened and intimidated by fellow classmates and community members as they tried to enter Little Rock Central High School quickly became icons of the civil rights movement because of their courage in the face of overwhelming adversity.

These nine students, known as the Little Rock Nine, were inducted into the Arkansas Black Hall of Fame in 2007. They, along with other individ-

uals who are members of the Arkansas Black Hall of Fame, represent diverse areas of advocacy, interest, and expertise. More than 150 people are part of this select group because of their contributions to American culture and Arkansas history.

This year, six individuals will join this distinguished group when they are inducted on Saturday, October 27, 2018. I want to take a moment to recognize the inductees and their accomplishments.

Kevin Cole is a renowned mixed-media visual artist from Pine Bluff, AR. He graduated from the University of Arkansas at Pine Bluff with a degree in art education and continued his education, earning advanced degrees from the University of Illinois at Urbana-Champaign and Northern Illinois University.

His artwork often reflects the history of racial violence and social issues. When he was 18 years old, after Cole expressed his reluctance to vote, his grandfather told him the story of African Americans who were lynched by their neckties on their way to vote. That knowledge has inspired his artwork. He is well known for his abstract “necktie” pieces that reflect on the painful past while also, very importantly, looking toward a hopeful future.

Cole is an award-winning artist whose work has been displayed in galleries literally all over the world, including the Smithsonian’s National Museum of African American History and Culture.

Brent Jennings is a native of Little Rock. He is an accomplished actor and educator. In the sixth grade, he was encouraged by a teacher who was directing his school’s annual vaudeville-style review to become an actor.

He took acting classes at the Arkansas Art Center, where he was the first African-American actor to land the lead role in a children’s theater production. He pursued an acting career that took him to New York and Boston before moving to Los Angeles.

While a student at Emerson College, he was recognized for his acting and directing, earning the Carol Burnett Award and the New England Theater Award.

He has acted alongside Academy Award-winning actors and those who have claimed the spotlight of Hollywood. You may have seen him most recently in AMC’s “Lodge 49.” In addition, he shared his passion for acting as an adjunct faculty member at the American Academy of Dramatics.

LTG Aundre Piggee is a native of Stamps, AR. He graduated from the University of Arkansas Pine Bluff. As a student, he served in ROTC and chose to pursue a career in the military. He says he mentors his soldiers as his UAPB instructors mentored him.

He has proudly served in uniform for 37 years. His military career has taken him literally all over the world, where he has commanded thousands of sol-

diers, as well as worked to equip missions in Syria and Afghanistan.

Today he serves at the Pentagon as the Deputy Chief of Staff in the U.S. Army, overseeing logistics. He is an individual I have really enjoyed getting to know and working with, and he is certainly somebody we can be very, very proud of.

Darrell Walker’s name is synonymous with Arkansas basketball. He played at the University of Arkansas—Fort Smith before transferring to play for the Razorbacks for three seasons. He helped the team reach the Sweet 16 in 1981 and 1983. He ranks 18th all-time on the Razorback’s scoring list.

Following a successful collegiate career, he was drafted 12th overall by the New York Knicks and was named to the 1984 NBA All-Rookie Team. He played in the NBA for 10 years, including winning a championship with the Chicago Bulls in 1993.

Walker has continued his involvement in basketball as a coach for college teams and in the NBA. Earlier this year, he became head coach of the University of Arkansas at Little Rock men’s basketball team.

Mary Louise Williams is an education advocate and political activist. She spent 42 years as an educator, 30 of those years as an administrator and music teacher in the Little Rock School District. She has spent her life actively involved in the community as a volunteer on numerous boards and commissions and as an elected official, sometimes as the only woman or only African American.

She was the first African-American chairperson of the Pulaski County Election Commission, the first African-American chairperson of the Pulaski County Democratic Committee, and the first African-American woman from Arkansas to serve on the National Association of County Officials Board.

She has mentored numerous Arkansans through her civic involvement and earned many awards for her commitment to the community. She was recently recognized by the Women’s Foundation of Arkansas as the recipient of the 2018 Brownie Ledbetter Civic Engagement Award for her service and her activism. At 90 years of age, she continues to be active in the community.

Florence Price will be posthumously inducted into the Arkansas Black Hall of Fame. She grew up in Little Rock, where she learned to love music at a young age. Her mother taught her piano, and she became an accomplished musician as a youth. By the time she graduated high school, Price was a published composer. She pursued her passion for music as a student at the New England Conservatory of Music.

In 1932, she won the Wanamaker Prize for her “Symphony in E minor.” The next year, the Chicago Symphony Orchestra performed that piece, making Price the first African-American woman to have a composition played by a major orchestra.

In 1940, Price was inducted into the American Society of Composers, Authors and Publishers. She had composed more than 300 works by the time of her death in 1953.

We can be very, very proud of these men and women. Their lives and legacies are important to the history of our country and the fight for equality. The honor being bestowed upon them later this month is just one more tribute to their significant contributions to Arkansas and America.

I congratulate each and every one of them on being inducted into the Arkansas Black Hall of Fame and extend my sincere thanks for the impact they have had on the State that we all love and want to make better.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF ERIC DREIBAND

Mr. DURBIN. Mr. President, I rise to oppose the nomination of Eric Dreiband to be the Assistant Attorney General for the Civil Rights Division of the Justice Department.

Mr. Dreiband has no experience working on many of the most important duties of the Civil Rights Division, such as protecting voting rights, combating hate crimes, and ensuring that police departments respect the Constitution and civil rights laws.

Instead, he has extensive experience representing corporations who have been accused of employment discrimination and advocating against legislation to protect civil rights.

In his personal capacity, he has testified against the Lilly Ledbetter Fair Pay Restoration Act and against legislation to protect older workers from discrimination.

We need a head of the Civil Rights Division who will demonstrate independence and a willingness to preserve the right to vote and civil rights laws in the face of this administration's regressive agenda.

I am not confident that Mr. Dreiband will be the independent leader that the Civil Rights Division needs. I cannot support his nomination.

Mr. VAN HOLLEN. Mr. President, I rise to oppose the nomination of Eric Dreiband to serve as Assistant Attorney General of the Civil Rights Division. His nomination is an affront to the mission of the Civil Rights Division, the career attorneys, and to everyone in our country dedicated to advancing civil rights.

Created in 1957, the mission of the Civil Rights Division is to "enforce[e] federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin." The Civil Rights Division

has been indispensable in helping our country combat housing discrimination, voting rights abuses, and hate crimes. It has also intervened in cases of police misconduct in certain situations.

Mr. Dreiband is the wrong person to lead the Civil Rights Division. He has spent his entire career advocating for weaker antidiscrimination laws. He has testified in Congress against the Lilly Ledbetter Fair Pay Act, the Protecting Older Workers Against Discrimination Act, and ban-the-box regulations.

Looking at this record, Mr. Dreiband will do more to undermine than to protect efforts to prevent discrimination. How can someone devoted to fighting against antidiscriminatory laws now be charged with leading an agency that enforces antidiscrimination laws? It is almost as if the Trump administration is "trolling" the agency itself with Mr. Dreiband's nomination.

Unfortunately, under Attorney General Sessions, the Department of Justice has already rolled back Obama-era guidance that terminated the Federal Government's use of private prisons, helped protect vulnerable transgender students, and the Cole memo which allowed prosecutorial discretion in sentencing for drug cases. Mr. Dreiband's record suggests he will continue these attacks on civil rights.

The Assistant Attorney General of Civil Rights Division should be someone that will vigorously protect minority rights and aggressively expand civil rights for all Americans. Mr. Dreiband has shown that he is not that person.

THE PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the nomination of Eric S. Dreiband, of Maryland, to be an Assistant Attorney General?

Mr. CASSIDY. 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 Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 230 Ex.]

YEAS—50

Alexander	Boozman	Cassidy
Barrasso	Burr	Collins
Blunt	Capito	Corker

Cornyn	Hoeven	Portman
Cotton	Hyde-Smith	Risch
Crapo	Inhofe	Roberts
Cruz	Isakson	Rounds
Daines	Johnson	Sasse
Enzi	Kennedy	Scott
Ernst	Kyl	Shelby
Fischer	Lankford	Sullivan
Flake	Lee	Thune
Gardner	McConnell	Tillis
Graham	Moran	Toomey
Grassley	Murkowski	Wicker
Hatch	Paul	Young
Heller	Perdue	

NAYS—47

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markley	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—3

Heitkamp	Nelson	Rubio
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The nomination was confirmed.
The PRESIDING OFFICER. The Senator from Georgia.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. ISAKSON. Mr. President, I ask unanimous consent that the cloture motion for the Stewart nomination be withdrawn and the Senate vote on confirmation of the Stewart nomination and, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of James N. Stewart, of North Carolina, to be an Assistant Secretary of Defense.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is on agreeing to the Stewart nomination.

The nomination was agreed to.

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

MORNING BUSINESS

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

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

REMEMBERING MATTHEW SHEPARD

Mr. CASEY. Thank you, Mr. President. I rise to speak to commemorate the horrific death of Matthew Shepard 20 years ago. On October 7, 1998, Matthew Shepard, then a 21-year-old student at the University of Wyoming, was kidnapped, brutally beaten, and left tied to a fence in a field outside of Laramie, WY. He passed away 5 days later in a hospital.

Matthew was attacked because of his sexual orientation. His murder was an act of pure evil, borne of hate.

Since his passing, Matthew's family has worked to share his story in the hope that no other family suffers a similar tragedy. His parents, Judy and Dennis Shepard, started the Matthew Shepard Foundation to honor the life and aspirations of their son. Judy has made countless personal appearances around the country and around the world, sharing Matthew's story, to shine a light on the importance of supporting the LGBT community and eradicating hate. She has relived the horror of his death so that others may not ever know such pain.

I had the opportunity in 2005 to meet Judy Shepard here in Washington, and I was impressed and inspired by her strength. The foundation that the Shepard family has organized has worked to end hate in all forms around the country, starting dialogues at schools, corporations, and communities to promote human dignity for all individuals. They have also provided an online resource center for LGBT youth, helped to create a dialogue about hate crimes through support for The Laramie Project, and helped to advocate for legislation to end hate crimes.

Judy Shepard's work has been successful, and I think that is an understatement. Matthew Shepard's story has resonated with people across the country and inspired change, including the 2009 passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, which I was proud to cosponsor. This legislation added perceived gender, sexual orientation, gender identity, or disability as protected classes under existing Federal hate crimes law.

Though we made a great deal of progress over the last 20 years, there is still so much work to do. In 2016, 6,121 hate crime incidents were reported, and of these incidents, 1,076 were based on sexual orientation bias, and 124 were based on gender-identity bias.

In order to help to stop this violence, I am the author of the Disarm Hate Act. This legislation would prevent those convicted of a violent misdemeanor hate crime or those who have received a hate crime sentence enhancement from buying or possessing a gun.

It is critical that we work not only to address hate crimes but to stop the culture of violence or prejudice that often begins as bullying and harassment in our schools. According to a Human Rights Campaign report, LGBT youth are more than twice as likely—twice as likely—as non-LGBT youth to be physically attacked at school.

Similarly, a report by the Gay, Lesbian, and Straight Education Network found that four out of five LGBT students reported experiencing harassment frequently in school based on their appearance or perceived sexual orientation. That is why I have consistently introduced the Safe Schools Improvement Act, which would prohibit in K–12 schools bullying and harassment based on sexual orientation or gender identity.

I am also a proud cosponsor of the Equality Act, a landmark civil rights bill that would amend existing civil rights laws to prohibit discrimination on the basis of sexual orientation and gender identity in education, employment, housing, credit, and Federal jury service.

Matthew Shepard's life and death has inspired great change across our Nation over the last 20 years. His life continues to inspire me and so many others, so many Members of Congress, and, indeed, so many Americans to continue the fight against hate and violence in all its forms.

We just read today, just hours ago, a story in the Washington Post which told us that Matthew Shepard's remains will be interred in the next couple of weeks inside the crypt at the National Cathedral here in Washington. May he rest in peace.

I yield the floor.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from Louisiana.

HEALTHCARE INSURANCE PLANS

Mr. KENNEDY. Mr. President, I want to talk for just a few minutes about our efforts to get control of health insurance costs in America. With me today is one of the colleagues from my office, Ms. Katie Dwyer.

The Affordable Care Act has not worked for the American people. I wish it had. I am disappointed that it hasn't. We were promised upon the passage of the Affordable Care Act that our lives would be better. Our lives are worse. We were promised upon passage of the Affordable Care Act that health insurance would be cheaper and more accessible. It has been neither.

As you know, the Senate has tried to come up with a health insurance reform effort to replace the Affordable Care Act. We have not been able to do that, but we didn't quit, as you well know. We have started, through a number of small but meaningful measures, along with the Trump administration, to lower the cost of health insurance for the American people, and we have made substantial progress. It has been lost in the noise, but it is real, none-

theless. I want to briefly talk about two such efforts.

First, association health plans. As you know, one option that has often been missing from our array of health insurance choices is the ability to get together as a group of people, sometimes across State lines, and buy health insurance. Let me explain what I mean by that. Let's suppose you have a chamber of commerce, as many cities and towns do. Those chambers of commerce in my State would join with chambers of commerce in Mississippi, which would join with chambers of commerce in Arkansas, and they would pool all of their members and say to a health insurance provider: Here are all these people who want to buy health insurance. Give us the best deal you can.

Through the economy of scale, we could lower the cost of health insurance. It makes sense, but forever and a day, it hasn't been legal in the United States of America. It now is. In 2017, President Trump issued an Executive order directing Federal agencies to draft regulations to allow the American people to enjoy the fruits of association health plans. In January of this year, the Department of Labor proposed a rule expanding the scope of groups and individuals eligible for banding together as associations and purchasing coverage through an association health plan. The rule was finalized on June 21 of this year, and it became effective on August 20, 2018.

I am not suggesting that association health plans are going to solve all the problems of access to insurance and cost of health insurance in America, but they will help, and they will help because the principle underlying association health plans is that they allow the free market to work.

If you are a member of a Rotary Club, and you want to join with Rotary Clubs in other States or other parts of your State, pool a large group of people together, and go to a health insurance provider and say "I have a lot of potential customers here, and I want to buy major medical insurance. What kind of deal will you give me?" that would be legal in our country.

The second thing we have done, Mr. President, as you are well aware—I consider you an expert in healthcare and in healthcare insurance—has to do with what we call short-term, limited-duration health plans.

What is a short-term, limited-duration health plan? Well, let's suppose that I leave my job and I have employer-provided insurance and I am not sure what I am going to do next. I have some ideas and I have some prospects, but it will probably be 6 months before I will take a new job with a new company that will provide health insurance. There will be a 6-month gap where I and my family will not have health insurance. That is the purpose of short-term, limited-duration health plans.

There are plans offered throughout our country where, if I am in between

jobs, for example, and I don't have insurance and I don't want to pursue my prior health insurance through COBRA, I can go buy one of these short-term, limited-duration health plans. It is sort of gap coverage, if you will.

Short-term, limited-duration health plans have been around for a long time. The problem is, for all practical purposes, the Affordable Care Act made them illegal. That is a bit of an overstatement. You could still purchase a short-term, limited-duration health plan but for a very short period of time, so they were rendered ineffective.

Under changes made, these plans will allow families and individuals to purchase these short-term plans for up to 12 months and in some cases, for up to 36 months. That is the result of a new rule promulgated by the Trump administration which reverses the Obama-era policies that limited these short-term plans to only 3 months with no option to renew.

Why are short-term, limited-duration health plans important? Why are they helping to contribute to our efforts to lower the cost of health insurance? Here is the problem we are trying to solve, as you well know.

These are the increases in premiums—the cost you pay—to purchase health insurance through the Affordable Care Act.

In Texas, from 2017 to 2018, the price of the silver plan—to buy a silver plan through the Affordable Care Act—went up 41.3 percent; in my State of Louisiana, 12.9 percent; in Oregon, 31.9 percent; in Wisconsin, 43.5 percent; in Pennsylvania, 30.6 percent. I could go on and on. That is why the Affordable Care Act hasn't worked. No one can afford it. I wish it had worked. It gives me no pleasure to say that. But we were told health insurance premiums would go down. They have gone up.

By making these short-term, limited-duration health plans available for a longer period of time, we are giving people the flexibility to extend them. The Trump administration, in my judgement, is making sure American families have access to a reliable, affordable health care option.

We had a vote yesterday. Some of my friends on the Democratic side of the aisle decided they wanted to end short-term, limited-duration health plans. They promulgated a proposal through the Congressional Review Act to end them. Fortunately, we defeated that effort.

What has been the effect in terms of price and availability? Well, short-term, limited-duration health plans, in many cases, are 50 to 80 percent cheaper than plans purchased under the Affordable Care Act.

You say: Why is that?

Well, there is no free lunch, and you are not going to get one now. If you purchase a short-term, limited duration health plan, it oftentimes does not have the same coverage a company is required to offer if it is a health insur-

ance company offering health insurance under the Affordable Care Act. You don't get the same coverage. That doesn't mean you get no coverage. That doesn't mean the short-term, limited-duration plan is junk insurance, because it is not. It is considered major medical insurance, and issues like lifetime limits, annual limits, coverage of preexisting conditions—there are a variety of plans out there offered. If you want to purchase a plan that is still cheaper than you could buy under ObamaCare that covers preexisting conditions, you can.

This idea that these short-term, limited-duration health plans are not insurance at all, or so-called junk insurance, is simply a bunch of nonsense. I will give an example. In the last quarter of 2016, a short-term, limited-duration health plan cost an individual about \$124 a month. That is a lot of money for a lot of Americans, but it is much better when you compare it to an unsubsidized ObamaCare plan that costs \$393 a month. You could save 70 percent by buying a short-term, limited-duration health plan.

Again, the problem was that under ObamaCare, you could only buy one of these short-term plans for 3 months. Now you can buy them for much longer.

The self-styled betters of Washington, DC, the cultured, cosmopolitan crowd up here who think they know better than everybody else in America, who think they are smarter than all Americans, would do away with short-term, limited-duration health plans if they could because they think the American people are not smart enough to understand what they are buying. We are not going to give them the choice. We are smarter than they are. They need to look to us here in Washington, DC, to run their lives.

We saw that effort yesterday on the floor of the Senate. Fortunately, we defeated it. The American people are plenty smart. They may not have time to read Aristotle every day because they are too busy earning a living, but they get it. They watched their health insurance premiums rise through the roof as a result of the Affordable Care Act, and many of them have sought out this alternative, a short-term, limited-duration plan, and said: Hey, we know it doesn't cover as much as some policies, but it is a heck of a lot cheaper, and we would like to buy it and try it for a while.

As Americans, they are entitled to do that. I am pleased that we could reserve the option for them. It was a win for American families, in my book.

We are not giving up on replacing the Affordable Care Act. Again, it gives me no joy to say we have to replace it, but it just hasn't worked. Any fairminded person who is at all objective would have to look at a plan that promised us cheaper policies and more accessibility and ended up with more expensive policies and less accessibility and say: It just didn't work. We have to replace it, and we are going to keep working on it.

In the meantime, I wanted to point out to my colleagues that we continue to chip away at the rising cost of health insurance in America.

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

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

THE ECONOMY

Mr. PORTMAN. Mr. President, today I rise to talk about the economy; that is, what is going on out there in terms of jobs and wage growth. It is a positive story. I have seen it firsthand back home in Ohio. Every weekend I go back to Ohio, and I meet with small business owners, and they tell me the same thing, which is that things are good. Their biggest concern is finding workers. They are growing and expanding. We see this in the national numbers as well.

These small businesses tell me it is primarily because of the tax reform and tax cuts legislation and, second, because of the regulatory environment that makes it easier for them to be able to create more jobs.

I want to start by talking about tax reform. We remember that before this legislation was passed, going back really for several years, our economy had been relatively weak. We had seen economic growth of between 1.5 and 2.5 percent, and a lot of people were saying that 2 percent growth is kind of the new normal.

In fact, the Congressional Budget Office, which is the nonpartisan group here that tells us what our growth numbers are likely to look like and then tells us what they actually are, said last year that they believed economic growth this year—the calendar year 2018—would be 2 percent. That is pretty discouraging, really. With 2 percent growth, we are not going to see the kind of growth in wages we all want to see, and we are not going to see the job expansion we all want. That 2 percent growth was before the tax legislation was passed.

They also predicted that employment would increase by an average of 107,000 jobs per month; again, that is not bad, but not something to write home about.

Now our economy is up and going, and it is moving toward its full potential.

Shortly after tax reform passed, CBO changed its estimate. They said: OK, with tax reform, this is our new estimate. We are going to say that the growth is going to be, instead of 2 percent, 3.1 percent. That is more than a 50-percent increase in growth. That is incredible. They were pretty optimistic about what would happen. They said that it was attributable to tax reform,

which was a big part of this upward revision, as they called it.

They also changed their projection on monthly unemployment. They said that instead of 107,000 jobs, we are likely to see 210,000 jobs per month.

Well, what has happened? It turns out the Congressional Budget Office, despite their optimistic projections, was wrong. We have seen numbers even better than their optimistic projections. Economic growth for the second quarter of 2018 was 4.2 percent, and a record 876,000 new businesses were created. The Federal Reserve now estimates that growth in this quarter we are in is likely to be 4.1 percent. Wow. We will see what the final numbers are, but if it is anywhere close to that, that is extraordinary.

So we have gone from 2 percent to 3 percent to 4 percent. And with 4.2 percent, 4.1 percent growth, what else is happening? Unemployment is going down. The unemployment rate was 3.7 percent last month. That is the lowest it has been since December of 1969, so it is a big deal.

The pro-growth policies that some of us have been promoting here on this side of the aisle, including tax reform and regulatory relief, have made a difference. Small business optimism is at an all-time high, according to the National Federation of Independent Businesses—NFIB. Most important to me, wages are finally going up. Over the last 10 years, it isn't just that the economy has been relatively flat, it is that wages have not increased.

In fact, if you take inflation into account, wages have been flat or even declining, on average. That is why a lot of people feel the middle-class squeeze: higher expenses, particularly healthcare costs, but also everyday costs. Healthcare costs are driving it but also housing costs, the cost of food, the cost of education.

By the same token, we had wages that were flat. That is a squeeze. So your take-home pay is not going up, but your expenses are going up. There was a lot of frustration around the country over the last several years about that.

Now we see wages going up. So 2.8 percent was the wage growth last month. That is the highest wage growth since mid-2009. So since mid-2009, which is, remember, before the recession, we have not seen wage growth like this.

This is great news. I hope we continue to see that solid wage growth because that, ultimately, is what we ought to be looking for.

Since the first of last year, I have held over a dozen small business roundtables around Ohio, where you bring small businesses in to talk about the tax reform bill regulations and other issues they care about. Every single one of the small businesses that comes to these roundtables has a story to tell about how the tax reform helped them.

These companies are passthroughs, meaning they pay taxes individually,

which is the case for the vast majority of small businesses. So they are seeing lower rates, but they are also seeing an advantage to the new laws on investment. If you invest money in your company, you can deduct it from your taxes now. You had bonus depreciation before; now you have 100 percent depreciation, and you can write things off immediately. That makes a huge difference, and it is exciting.

The Presiding Officer was talking today at lunch about being at one of the small businesses in Louisiana. It is the same story I have heard all over our States. This was a distillery, as I recall. In Ohio, our breweries and our distilleries are taking advantage of a specific part of the new tax bill that helps them on their excise taxes but also just the overall lowering of the rate, investing in their business, investing in technology, increasing the productivity of their workers as a result, which all economists say is the key to getting wages up. We are beginning to see that, and it is exciting.

This is the first year I have also visited 22 businesses directly—not a roundtable discussion as I have done with small businesses. But I go to these businesses and talk to them about how they are using this tax bill. Again, everyone has good stories to tell. Some have added more jobs; some have increased wages and gone public about that. Fifth Third Bank would be an example or the Kroger Company in my hometown of Cincinnati—big businesses.

A lot of smaller businesses have done that as well, but they have done other things too. Some have delivered bonuses, some have expanded retirement benefits, and some have bought new equipment.

For a lot of small businesses, I will talk to them and say: What are you doing with this?

They say: We are actually taking these older pieces of equipment we have, these machines, and we are upgrading them, which, again, makes workers more productive, makes the company more successful, and allows wages to go up.

One small business I visited had a machine that was roughly 31 years old. They got the machine in 1986. I thought it was an amazing coincidence that this Tax Code, which hadn't been updated since 1986, was updated, and they were using the tax savings they got from that to take a machine that was bought that same year and upgrading it, modernizing it. It was about a \$1 million investment for them, which they never could have made in a small business without the tax reform and tax cuts legislation. So it is working.

Sometimes companies are doing a combination of these various things. They might be increasing the 401(k) match and also adding more to their entry-level pay. So it is doing what was intended.

In the first quarter, we have numbers already for the amount of money that

came back to our country—over \$300 billion. Over \$300 billion came back to the United States from overseas. That is what they call repatriation, money earned overseas that companies were keeping overseas before because they had no incentive to bring it back. Now they have an incentive to bring it back. What does that mean? It means it gets invested here, sometimes in new equipment and new plants, sometimes in people's wallets and pocketbooks back here. That money is being used to help create this better economy we are talking about.

By the way, that \$300 billion, when compared to last year in the first quarter, is about 10 times more. This is because of the tax bill.

The lower tax rates for individuals mean that 90 percent of the people in America got a statement from their employer saying: Guess what. Uncle Sam is going to take less out of your paycheck. Their withholding changed. So 90 percent of workers in America have gotten something saying: You are going to have more of your hard-earned money staying in your pocket. You are going to be able to take it home, rather than have Uncle Sam take it out as part of your taxes.

As I said during the tax reform debate, when we had very spirited debates, some on the other side were saying that there was no middle-class tax relief in this legislation. I said that the proof is in the paycheck. Lower rates, doubling the standard deduction, doubling the child tax credit—those are tax cuts. They are real. Sure enough, 90 percent of Americans saw that in their paychecks. The proof is in their paycheck.

It is not really a political debate; it is a real life situation for people who are living paycheck to paycheck—most of the people I represent. So it is a big deal. For the median-income family in Ohio, that is \$2,000 a year on average. That \$2,000 a year means a vacation they otherwise couldn't take. It means investing more in their healthcare, investing more in their retirement, investing more in their kids. So it is working.

I noted earlier that wages are rising at the fastest year-over-year rate since mid-2009 and that wage growth is accelerating. Along with these lower tax rates—along with the changes we talked about in terms of doubling the standard deduction and doubling the child tax credit—people are feeling more hope and opportunity and, due in part to this lower business rate and more competitive international tax system, companies are looking to hire more.

I mentioned that what I hear back in Ohio mostly now is this: We are looking for more workers. We are willing to hire people. We need the skills.

There was a Gallup Poll taken in May, and a record number of Americans said, "Now is the time to find a quality job"—a record number of Americans because they see the help

wanted signs. In fact, the number of Americans who are employed part-time for economic reasons—who want to work full-time but can only find part-time work—is now the lowest it has been since December of 2007. So you have to go back more than 10 years to find the number of people employed part-time who want full-time work. That is the lowest it has been since December of 2007. That is good. We want people to work full-time, not part-time.

I believe we are going to continue to see this rising tide in our economy. I think there are some newer provisions in the Tax Code that are yet to be implemented that will help even more.

There is a provision in the tax bill called opportunity zones where, if you invest in some of the neighborhoods in Ohio that have had the highest, persistent, stubborn rates of poverty, then you get a tax break. That is going to help increase investment in some of the poor neighborhoods. Those opportunity zones are just getting started now, and that is going to help ensure that people who have fallen behind have a chance to catch up.

John F. Kennedy once famously said that a rising tide lifts all boats. It can. But you have to be sure that you are going into those kinds of neighborhoods and ensuring they have the opportunity to be lifted too. I think opportunity zones will help there.

Despite the strong and growing economy, there does remain a weakness in our workforce that will continue to hold us back; that is, a lot of Americans are not looking for work. They are literally on the sidelines. Labor economists call that a low labor force participation rate. It means that the percentage of people in the workforce looking for a job is relatively low.

So we have this strong economy, the lowest unemployment numbers we have had in years, going back to 1969; yet we have a lot of people in the shadows, on the sidelines, who aren't even looking for work, so they don't show up in the unemployment numbers.

If you took the labor force participation rate—again, the percentage of people in the workforce—and go back 10 years ago to just before the great recession and compare it to today, use the same labor force participation rate, what would you guess the unemployment rate would be today? It is not 3.7 percent. It is more like 8.5 percent.

As strong as this economy is, as good as things are, as optimistic as people are, the fact that wages are going up—all good things, and the tax bill is hugely responsible for that. It is helpful. It has pulled a lot of people back into work who had part-time work or were underemployed. It hasn't pulled people back into work altogether; there is still a big group of Americans, historically high numbers—probably 8 million men, as an example, between the ages of 25 and 55, able-bodied men who aren't working. That is wrong, and it is wrong for them because they are

not getting the dignity and self-respect that comes from work, helping them to be productive members of society. The numbers for women are perhaps not quite as high—but also at relatively high levels.

It is also bad for our economy. We need these workers. We want these people in the workforce.

Why has that happened? I think there are a few reasons. I think one reason is that Americans don't have the skills we would hope they would have in order to meet the job requirements of today. What do I mean by that? Today, if you don't have a technical skill—whether you are in healthcare, whether you are in manufacturing, or whether you are in one of the service industries—it is hard to find a job. So to our young people here today: Get that skills training.

If you look at the unemployment in Ohio right now—OhioMeansJobs is a website you can go on and see that there are a lot of jobs being offered online right now, yet there are a lot of people unemployed. Why is that? You see that a lot of these jobs being offered are for things like a machinist or a welder or someone with IT skills—information technology skills. Coding is an example. If you have coding skills, you can get a job in Ohio. In healthcare, there are a lot of people who are being hired who have those technical skills, including coding skills, to provide for digitized healthcare records, as an example.

If you look at the jobs that are being offered and you look at this high unemployment, you say it doesn't make sense. Part of it is because the job skills aren't there.

There is a lot of exciting stuff going on in my State and in other States where there are colleges—particularly some of our community colleges—that are working closely with some of our businesses and also with some of our high schools. High schools have career and technical education now that is expanding in Ohio. I think we are doing a good job of getting more and more young people interested in career and technical education.

Senator KAINE, on the other side of the aisle, and I started a caucus to promote CTE. We passed legislation recently to expand Federal incentives for career and technical education and to improve the standards. That is good. We are making progress, but we are not there yet. There is still a lot of skills training that should and can go on in order to provide people with the tools they need to ultimately be successful in today's economy. So that is part of it.

Part of it I think is the dependency trap. What do I mean by that? There is an issue when you are on government support, when you are dependent on government, and you want to go to work. It is both the fact that there is a cliff in terms of losing the benefits, and also there is a mountain in terms of higher taxes.

One thing that some of us have worked on here—and we need to do more—is to say: How do you work with the States to provide for that transition? If someone wants to go to work and leave a government program, how do you have some way to transition so that you don't have this big cliff and this mountain ahead of you? That creates a disincentive.

I do think there is work to be done there, but I will tell you, I think the biggest single issue in terms of these relatively high numbers of people who are out of work altogether—the people who are on the sidelines—is actually the opioid crisis and the drug issue. Why do I say that? One, I see it back home. I go around my State; I spend a lot of time talking to people at treatment centers. I talk to people who are in recovery. I talk to people who are addicted. I talk to people who are experts in providing treatment for that longer term recovery. I talk to first responders. There are a lot of people in my State; we are probably in the top five in the country in terms of the percentage of people addicted, the number of overdoses per capita, the number of deaths per capita.

In America as a whole, we lost 72,000 people last year to drug overdoses. These are historically high numbers. These are record numbers, grim statistics. More people died last year of drug overdoses than we lost in the entire Vietnam conflict. Think about that.

A lot of these people are addicted, but they aren't part of the statistics you read about—the overdoses and deaths, as tragic as they are. There is another part of the statistic, which is the people who are not productive in life because they are not engaged anymore with their friends, their family, or their work. The drugs have become everything.

I can give you a couple of statistics that I think are shocking. One is from the U.S. Department of Labor. They did a study of men between 25 and 55 who are out of the workforce, asking: How could this be—over 8 million men out of the workforce altogether—particularly with low unemployment, the opportunities out there, the jobs that are being offered? They found that almost half of those men acknowledged taking pain medication on a daily basis—on a daily basis.

What does that mean? There was another study by the Brookings Institute. Brookings said that almost half of the people they surveyed said that they were taking pain medication on a regular basis. One said the day before; one said on a daily basis.

They also asked another question: How many of you are taking prescription drugs? Two-thirds of the people acknowledged taking prescription drugs, pain medication.

These are shocking statistics. By the way, I do not believe this is overreported; I believe it is underreported. Who is going to say that they are addicted to pain medication? That is one

reason within the legal system not to do that, but there are also other reasons not to do it. A lot of people still feel it is something they can't talk about. We have changed that to a certain extent. The stigma has been removed to a certain extent. In this body, I think we have helped by talking about drug addiction as a disease, which I believe it is. You need to treat a disease as you would other diseases. It is not a moral failing; it is a disease that has to be medically treated. But there are people who are not coming forward who feel that stigma, there is no question about it. Probably 8 out of the 10 people in my State who are addicted are not getting any kind of treatment.

I think this is another issue we have to face for all the right reasons—to help these people get their lives back on track, to help these people be able to achieve what God's purpose is for them, which certainly is not to be an addict and not to be actively using and not to be causing all the pain and destruction it causes all through our society.

The No. 1 cause of crime in my State of Ohio, in pretty much every county I represent, is this issue. It is not necessarily the drug use; it is the crime that goes along with it—the property crimes, theft, fraud, and so forth—to pay for the drug habit.

If you go to the emergency room in Ohio, it is a normal issue they talk about. In our neonatal units—sad but true—more and more babies are being born with what is called neonatal abstinence syndrome, which means their moms were addicted. These kids have to be taken through withdrawal as babies, provided morphine and other drugs just to get them through withdrawal. It is incredibly sad. We don't know what the long-term impact will be on these kids, but it is a huge problem. It is the No. 1 problem I see back home in our hospitals in taking care of our babies.

If you go to our prisons, our jails, go to our courtrooms, what is the No. 1 issue? Drugs, primarily opioids. Of the 72,000 people who died of overdoses last year, the biggest single killer was not just opioids, it was fentanyl—this new synthetic opioid that has come in mostly from China, mostly through the Postal Service. It is outrageous that that continues to happen. We are taking steps to address it.

My point is, all of us are affected by this. You may not think you are, although more and more people see it directly because their friends or family or they themselves are caught up in this, but all of us are affected, including our economy.

As good as the economic numbers are, I am so glad we passed the tax reform legislation because I really think it has helped spur this economic growth, and there is opportunity for so many people. It is increasing wages. It is doing so many good things.

The next step is, as I see it, to say: OK, how do we take these people who

are not in a position to get on that first rung of the economic ladder, much less the second and third, and climb up because of their addiction—how do we get them back on track, get them to face up to their addiction and get into treatment, get them into that longer term recovery, which we know works better to get them off of their addiction and get them back into a productive life where they can reconnect not just with work but with their families, friends, their community, and their faith? The drugs become everything, as I have heard from so many addicts and recovering addicts.

The American Action Forum released a report earlier this month that found that Ohio lost about 86,000 workers and about \$72 billion in economic growth from 1999 to 2015 due to opioid addiction. This affects all of us, and it certainly affects our economy. That is the next step we must make.

In 2016, Congress started to get much more engaged in this issue. We passed two great bills, one called the Comprehensive Addiction and Recovery Act. Senator SHELDON WHITEHOUSE and I were the coauthors. This is broad, comprehensive legislation. Today, we were able to announce a number of grants to Ohio that are working to expand treatment to ensure that some of these gaps are filled where people get addicted, overdose, Narcan is supplied—the miracle drug that reverses the effects of that overdose—and yet they go right back into the community. We don't want that. We want to get them back into treatment. These grants will help.

We also passed legislation called the 21st Century Cures Act, which provides funding directly back to the States. CARA goes to these nonprofits and other programs that are working, evidence-based programs to help with treatment and recovery and prevention. Cures goes to the States directly and allows the States to spread out that funding where it will help. Every State is a little different and has different kinds of needs.

We started to see progress on the ground. Again, the fentanyl has come in and overwhelmed a lot of the progress I have seen. On the fentanyl side, we passed legislation just last week that finally says to our post office: You must screen these packages coming in from overseas because we know this poison is the No. 1 killer. There has been a 4,000-percent increase in fentanyl overdose deaths in my State of Ohio in the last 5 years. It is the No. 1 killer now. We know it is coming from the post office. It is coming to your P.O. box. It is coming to an abandoned warehouse from our post office. We finally said to them: You have to close this loophole because if there is a loophole, they don't have to provide law enforcement the data on these packages that they need to find the needle in the haystack, which is too hard to find without that data. Private carriers have to provide that data to

law enforcement; the post office does not. That is all going to change when the President signs this legislation next week. We are going to start to push back to keep some poison out of our communities, but we need to do much more.

The legislation we passed this week also provides more funding for treatment. It gets rid of an outdated rule that says there can be only 16 beds in a treatment center if it gets Medicaid reimbursement. That is a vestige of years past during the deinstitutionalization of folks who had mental health issues, behavioral health issues, but it doesn't work today because we want these good treatment centers that are doing a good job to be able to expand the number of beds they have for residential treatment because that is what works for some people.

Unbelievably, today they have to turn people away, even though they are there, they are ready, and they can take these people, because there is a 16-bed limit. There are too many cases. I know of people in Ohio who have told me that when they were ready—in one case, a father told me that when his daughter was finally ready to go to a treatment center, he walked her down there. They went to the treatment center. She was ready to enter. She had come to that point in her life where she realized she needed to do this. They told her there was no room—no room at the inn—because of the 16-bed limit. In the next 2 weeks, while she was waiting to get into that treatment center, you know what happened—she used again. She was addicted. She overdosed, and she died in her parents' home. That father is very happy about this legislation.

It also includes language to help with regard to these moms and kids we talked about earlier. That is important as well. It helps to ensure that there is a safe plan for these mothers who are addicted to taper off from their use of drugs so that their babies are born in a healthy state and don't have to go through what I talked about earlier, which is incredibly sad to see, tragically, where literally these babies born with neonatal abstinence syndrome have to be taken through withdrawal.

It also includes the CRIB Act legislation, which is bipartisan, as were all these bills I am talking about. Senator DICK DURBIN and I have worked on the IMD exclusion—the issue with the 16 beds—for many years. We finally got it done. The CRIB Act is one that provides support for these babies we talked about because often the babies can't go back to their folks. Their parents are addicted. Where are they going to go?

There are nonprofits that have sprung up that provide help for these babies, help to get them into the right foster care, perhaps to get them with a grandparent or a great-grandparent, which is happening more and more in my State because the parents are not

capable or able to take care of these kids. The parents need to focus, one would hope, on their own treatment and recovery. Sometimes they do, and sometimes they don't. The point is, the baby can't be with them, and these organizations are in a position to help. These organizations, like Brigid's Path in Dayton, OH, have volunteers who come in just to hold the babies, just to show the babies the love they need so desperately. They couldn't get reimbursement from the Federal Government. Now they can under the CRIB Act that we just passed. This will help the babies, the moms, with treatment, and keeping the poison out. It is helpful.

As we discussed this afternoon, in combination with a stronger economy that comes from the kinds of fiscal and economic policies we have pursued here, especially the tax reform and regulatory relief—that combination can lead to great things because it can provide an opportunity, if people are ready to get on that next rung of the ladder, for them to find an opportunity for themselves and their family because they have dealt with their addiction. A rising tide can lift all boats, and this growing economy gives us an opportunity to bring people out of the shadows and into a productive life of work, family, and faith.

In the midst of the opioid epidemic, we have to do more to catch those who fall through the cracks and help those who are gripped by addiction find more meaning and purpose in their lives, and we now have that opportunity. That is what is exciting about it.

I am pleased that our new opioid legislation is going to be signed into law by the President next week. I am pleased to see the progress with the economy based on the policies we have passed here, to provide people with a little more take-home pay, to be able to give companies more incentive to invest, and to level the playing field internationally for American workers who are being disadvantaged. It is coming together, and it is working. Let's combine that with an equal focus on dealing with the opioid crisis, and we will see so many other people take advantage of their American dream.

I yield back my time.

The PRESIDING OFFICER. The Senator from Ohio.

OHIO BLUE RIBBON SCHOOLS

Mr. BROWN. Mr. President, each year the Department of Education honors schools around the country that have a clear record of serving students of all backgrounds and helping all students excel.

This year, 16 Ohio schools were among 349 National Blue Ribbon Schools, honoring the hard work of students, teachers, parents, and everyone in the community who works to make these schools a success—from cafeteria workers to principals, to students, to parents, to neighbors.

These schools represent the great diversity in our State—rural and small-

town schools, urban and suburban schools, all designated as "exemplary high performing schools."

I would like to read the names of these 16 schools in Ohio: Bath Elementary School, Bluffton Elementary School, Brecksville-Broadview Heights Middle School, Central Elementary School, Hazel Harvey Elementary School, Indian Riddle Elementary School, John Foster Dulles Elementary School, Maplewood Elementary School, Mariemont Elementary School, Mother Teresa Catholic Elementary School, Notre Dame-Cathedral Latin School, Oakwood Elementary School, Saint Andrew-Saint Elizabeth Ann Seton Catholic School, Stadium Drive Elementary School, and Twin Oak Elementary School.

The other school, in addition to these 16, is particularly close to my heart. It is called the Mansfield Spanish Immersion School. It sits on Euclid Avenue. It is the new school in the building where I went to elementary school, then called Brinkerhoff Elementary. It has since become a Spanish immersion school. Brinkerhoff was built, I believe, in the 1950s. I attended there and both of my brothers attended there from kindergarten through the sixth grade.

The school reopened as a public magnet school a decade ago, with a class of 11 kindergartners, under the leadership of our neighbor Jody Nash.

Over the past 10 years, under Principal Nash, and now under the current principal, Gabe Costa, the school has grown to more than 250 students across 9 grades.

Last year the school expanded to add seventh and eighth grade for the first time and had a third section of kindergartners.

Core subjects are taught in Spanish, helping Richland County students learn a second language from a young age. These students don't just excel in Spanish. The school is consistently ranked a top school in the State and has gotten high marks for serving students from diverse backgrounds.

I would add that there are not a huge number of people in Mansfield, OH, my hometown, whose parents are speaking Spanish at home. Most of these students are learning Spanish for the first time in their families.

Two years ago, the Brinkerhoff School, or the Mansfield Spanish Immersion School, was 1 of 2 schools in Ohio and 100 across the Nation to receive a National Title I Distinguished Schools Award for making progress in closing the achievement gap between disadvantaged students and their peers.

Awards like this mean so much to a community. They are a reminder that academic excellence isn't limited to exclusive private schools or wealthy communities on the coasts.

Too many people in this town of Washington want to refer to us as the Rust Belt—that outdated, offensive term that demeans our workers and devalues who we are. It devalues the incredible work schools like this are

doing in our State, preparing our students for the global economy of the future. These schools are not rusty. They are thriving.

Congratulations to all 16 of this year's Ohio Blue Ribbon Schools—all examples to our State and to our country and why we are so proud of them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 4:45 p.m. today, the Senate proceed to executive session for the consideration of the following nominations: Executive Calendar Nos. 1007, David James Porter; 1081, Ryan Nelson; 1082, Richard Sullivan; 627, William Ray; 628, Liles Clifton Burke; 629, Michael Juneau; 634, Mark Norris; 638, Eli Richardson; 894, Thomas Kleeh; 907, Jeremy Kernodle; 895, Peter Phipps; 905, Susan Brnovich; 906, Chad Kenney; 945, James Hanlon; 947, Lance Walker; further, I ask consent that the Senate vote on the nominations in the order listed, with 2 minutes of debate equally divided prior to each vote; that for each nomination that is confirmed, the motion to reconsider be considered made and laid upon the table, 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. Is there objection?

Without objection, it is so ordered.

NOMINATION OF DAVID PORTER

Mr. TOOMEY. Mr. President, I rise to speak in support of the nomination of David James Porter, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

Mr. Porter has deep roots in Pennsylvania. It is where he was born and raised by two public school educators who taught him and his siblings the value of hard work and education. Mr. Porter and his wife Valerie settled in western Pennsylvania and have raised their six children there during their 28 years of marriage.

He is widely regarded as one of the preeminent attorneys in western Pennsylvania. Mr. Porter has a wealth of legal experience that will make him an outstanding judge. Currently, he is a shareholder in the Pittsburgh office of Buchanan Ingersoll & Rooney, a leading national law firm. During his 23 years at that firm, he has worked as a litigator on numerous complex commercial, regulatory, and constitutional

matters in both State and Federal courts, including the Third Circuit. He has represented a diverse set of clients, including the New York Times and Pennsylvania's former Democratic Governor Ed Rendell.

Prior to joining Buchanan Ingersoll, Mr. Porter served for 2 years as a law clerk for current Chief Judge D. Brooks Smith of the U.S. Court of Appeals for the Third Circuit, while he was serving as a U.S. District Judge for the Western District of Pennsylvania. In addition to his law firm practice, Mr. Porter has served in numerous professional service and other organizations. For example, he has been a leader in the Allegheny County Bar Association. His peers elected him to serve as the chair of two of that association's preeminent sections: the Federal court section and the civil litigation section. He also served on the Pennsylvania State Advisory Committee of the U.S. Commission on Civil Rights.

During his distinguished legal career, Mr. Porter has developed an outstanding reputation for professionalism, fairness, and integrity. His nomination is supported by a diverse group of attorneys and organizations, including the Pittsburgh firefighters union—IAFF Local No. 1—the current president and a past president of the National Organization of Black Law Enforcement Executives, and the president of the Pittsburgh Steelers.

Mr. Porter has all the essential qualities needed to excel as a Federal judge: experience, intelligence, integrity, and respect for the limited role of the judiciary in our constitutional system. I am pleased to support this highly qualified nominee and urge my colleagues to do the same.

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 senior assistant legislative clerk read the nomination of David James Porter, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

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

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

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

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 231 Ex.]

YEAS—50

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heller	Roberts
Cassidy	Hoeven	Rounds
Collins	Hyde-Smith	Sasse
Corker	Inhofe	Scott
Cornyn	Isakson	Shelby
Cotton	Johnson	Sullivan
Crapo	Kennedy	Thune
Cruz	Kyl	Tillis
Daines	Lankford	Toomey
Enzi	Lee	Wicker
Ernst	McConnell	Young
Fischer	Moran	

NAYS—45

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Donnelly	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the votes in this series be 10 minutes in length.

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

Mr. MCCONNELL. I yield back all time.

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

EXECUTIVE CALENDAR

The clerk will report the next nomination.

The assistant bill clerk read the nomination of Ryan Douglas Nelson, of Idaho, to be United States Circuit Judge for the Ninth Circuit.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. WICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 232 Ex.]

YEAS—51

Alexander	Flake	Moran
Barrasso	Gardner	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heller	Risch
Cassidy	Hoeven	Roberts
Collins	Hyde-Smith	Rounds
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Jones	Sullivan
Cruz	Kennedy	Thune
Daines	Kyl	Tillis
Enzi	Lankford	Toomey
Ernst	Lee	Wicker
Fischer	McConnell	Young

NAYS—44

Baldwin	Harris	Reed
Bennet	Hassan	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Donnelly	Merkley	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The assistant bill clerk read the nomination of Richard J. Sullivan, of New York, to be United States Circuit Judge for the Second Circuit.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North

Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 233 Ex.]

YEAS—79

Alexander	Flake	Paul
Baldwin	Gardner	Perdue
Barrasso	Graham	Peters
Bennet	Grassley	Portman
Blumenthal	Hassan	Reed
Blunt	Hatch	Risch
Boozman	Heller	Roberts
Burr	Hoeven	Rounds
Capito	Hyde-Smith	Sasse
Cardin	Inhofe	Schatz
Carper	Isakson	Schumer
Casey	Johnson	Scott
Cassidy	Jones	Shaheen
Collins	Kaine	Shelby
Coons	Kennedy	Sullivan
Corker	King	Tester
Cornyn	Kyl	Thune
Cotton	Lankford	Tillis
Crapo	Leahy	Toomey
Cruz	Lee	Van Hollen
Daines	Manchin	Warner
Donnelly	McCaskill	Whitehouse
Duckworth	McConnell	Wicker
Durbin	Menendez	Wyden
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Murphy	

NAYS—16

Booker	Hirono	Smith
Brown	Klobuchar	Stabenow
Cantwell	Markey	Udall
Cortez Masto	Merkley	Warren
Gillibrand	Murray	
Harris	Sanders	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The assistant bill clerk read the nomination of William M. Ray II, of Georgia, to be United States District Judge for the Northern District of Georgia.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. CORNYN. 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 Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 234 Ex.]

YEAS—54

Alexander	Flake	Moran
Barrasso	Gardner	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heller	Risch
Cassidy	Hoeven	Roberts
Collins	Hyde-Smith	Rounds
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Jones	Sullivan
Cruz	Kennedy	Tester
Daines	Kyl	Thune
Donnelly	Lankford	Tillis
Enzi	Lee	Toomey
Ernst	Manchin	Wicker
Fischer	McConnell	Young

NAYS—41

Baldwin	Harris	Reed
Bennet	Hassan	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Leahy	Stabenow
Carper	Markey	Udall
Casey	McCaskill	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Merkley	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Liles Clifton Burke, of Alabama, to be United States District Judge for the Northern District of Alabama.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. TILLIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 235 Ex.]

YEAS—55

Alexander	Boozman	Cassidy
Barrasso	Burr	Collins
Blunt	Capito	Corker

Cornyn	Hyde-Smith	Portman
Cotton	Inhofe	Risch
Crapo	Isakson	Roberts
Cruz	Johnson	Rounds
Daines	Jones	Sasse
Donnelly	Kennedy	Scott
Enzi	Kyl	Shelby
Ernst	Lankford	Sullivan
Fischer	Lee	Tester
Flake	Manchin	Thune
Gardner	McCaskill	Tillis
Graham	McConnell	Toomey
Grassley	Moran	Wicker
Hatch	Murkowski	Young
Heller	Paul	
Hoeven	Perdue	

NAYS—40

Baldwin	Harris	Sanders
Bennet	Hassan	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Shaheen
Brown	King	Smith
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Udall
Carper	Markey	Van Hollen
Casey	Menendez	Warner
Coons	Merkley	Warren
Cortez Masto	Murphy	Whitehouse
Duckworth	Murray	Wyden
Durbin	Peters	
Gillibrand	Reed	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Michael Joseph Juneau, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 236 Ex.]

YEAS—54

Alexander	Cornyn	Flake
Barrasso	Cotton	Gardner
Blunt	Crapo	Graham
Boozman	Cruz	Grassley
Burr	Daines	Hatch
Capito	Donnelly	Heller
Cassidy	Enzi	Hoeven
Collins	Ernst	Hyde-Smith
Corker	Fischer	Inhofe

Isakson	McConnell	Sasse
Johnson	Moran	Scott
Jones	Murkowski	Shelby
Kennedy	Paul	Sullivan
Kyl	Perdue	Thune
Lankford	Portman	Tillis
Lee	Risch	Toomey
Manchin	Roberts	Wicker
McCaskill	Rounds	Young

NAYS—41

Baldwin	Harris	Sanders
Bennet	Hassan	Schatz
Blumenthal	Hirono	Schumer
Booker	Kaine	Shaheen
Brown	King	Smith
Cantwell	Klobuchar	Stabenow
Cardin	Leahy	Tester
Carper	Markey	Udall
Casey	Menendez	Van Hollen
Coons	Merkley	Warner
Cortez Masto	Murphy	Warren
Duckworth	Murray	Whitehouse
Durbin	Peters	Wyden
Gillibrand	Reed	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The assistant bill clerk read the nomination of Mark Saalfeld Norris, Sr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. ROUNDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—51

Alexander	Ernst	Kyl
Barrasso	Fischer	Lankford
Blunt	Flake	Lee
Boozman	Gardner	McConnell
Burr	Graham	Moran
Capito	Grassley	Murkowski
Cassidy	Hatch	Paul
Collins	Heller	Perdue
Corker	Hoeven	Portman
Cornyn	Hyde-Smith	Risch
Cotton	Inhofe	Roberts
Crapo	Isakson	Rounds
Cruz	Johnson	Sasse
Daines	Jones	Scott
Enzi	Kennedy	Shelby

Sullivan	Tillis	Wicker
Thune	Toomey	Young

NAYS—44

Baldwin	Harris	Reed
Bennet	Hassan	Sanders
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Leahy	Stabenow
Carper	Manchin	Tester
Casey	Markey	Udall
Coons	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Donnelly	Merkley	Warren
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Eli Jeremy Richardson, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Thereupon, the Senate proceeded to consider the nomination.

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

Mr. ROUNDS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—52

Alexander	Gardner	Murkowski
Barrasso	Graham	Paul
Blunt	Grassley	Perdue
Boozman	Hatch	Portman
Burr	Heller	Risch
Capito	Hoeven	Roberts
Cassidy	Hyde-Smith	Rounds
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Kyl	Thune
Cruz	Lankford	Tillis
Daines	Lee	Toomey
Enzi	Manchin	Wicker
Ernst	McCaskill	Young
Fischer	McConnell	
Flake	Moran	

NAYS—43

Baldwin	Blumenthal	Brown
Bennet	Booker	Cantwell

Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Smith
Coons	Leahy	Stabenow
Cortez Masto	Markey	Tester
Donnelly	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Gillibrand	Murray	Warren
Harris	Peters	Whitehouse
Hassan	Reed	Wyden
Hirono	Sanders	
Jones	Schatz	

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Thomas S. Kleeh, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Thereupon, the Senate proceeded to consider the nomination.

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

Mrs. CAPITO. 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 Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from North Dakota (Ms. HEITKAMP), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 239 Ex.]

YEAS—65

Alexander	Graham	Murphy
Barrasso	Grassley	Paul
Blunt	Hassan	Perdue
Boozman	Hatch	Portman
Burr	Heller	Reed
Capito	Hoeven	Risch
Carper	Hyde-Smith	Roberts
Cassidy	Inhofe	Rounds
Collins	Isakson	Sasse
Coons	Johnson	Scott
Corker	Jones	Shaheen
Cornyn	Kennedy	Shelby
Cotton	King	Sullivan
Crapo	Kyl	Tester
Cruz	Lankford	Thune
Daines	Leahy	Tillis
Donnelly	Lee	Toomey
Enzi	Manchin	Warner
Ernst	McCaskill	Whitehouse
Fischer	McConnell	Wicker
Flake	Moran	Young
Gardner	Murkowski	

NAYS—30

Baldwin	Booker	Cardin
Bennet	Brown	Casey
Blumenthal	Cantwell	Cortez Masto

Duckworth	Markey	Schumer
Durbin	Menendez	Smith
Gillibrand	Merkley	Stabenow
Harris	Murray	Udall
Hirono	Peters	Van Hollen
Kaine	Sanders	Warren
Klobuchar	Schatz	Wyden

NOT VOTING—5

Feinstein	Heitkamp	Rubio
Heinrich	Nelson	

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Jeremy D. Kernodle, of Texas, to be United States District Judge for the Eastern District of Texas.

Thereupon, the Senate proceeded to consider the nomination.

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

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Peter J. Phipps, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Thereupon, the Senate proceeded to consider the nomination.

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

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Susan Brnovich, of Arizona, to be United States District Judge for the District of Arizona.

Thereupon, the Senate proceeded to consider the nomination.

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

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Chad F. Kenney, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Thereupon, the Senate proceeded to consider the nomination.

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

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of James Patrick Hanlon, of Indiana, to be United States District Judge for the Southern District of Indiana.

Thereupon, the Senate proceeded to consider the nomination.

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

The nomination was confirmed.

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read as the nomination of Lance E. Walker, of Maine, to be United States District Judge for the District of Maine.

Thereupon, the Senate proceeded to consider the nomination.

Ms. COLLINS. Mr. President, I rise to support the nomination of Justice Lance Walker of Maine to serve on the U.S. District Court for the State of Maine. With nearly two decades of experience as both an attorney and as a judge in Maine, Justice Walker is well-qualified for the Federal bench.

Justice Walker is a lifelong Mainer, where he lives with his wife Heidi and their two daughters, Ava and Dylan. He was born in the small town of Milo and raised in Dover-Foxcroft. He graduated from the University of Maine and from the University of Maine School of Law, with honors. He clerked for the Maine Superior Court before entering private practice.

Early in his career, Justice Walker distinguished himself as a skilled trial and appellate attorney at the law firm of Norman, Hanson & DeTroy, one of the premier law firms in Maine. He tried cases before juries and judges throughout Maine and in Federal Court and was selected for recognition in respected peer-reviewed legal publications such as Benchmark Litigation, Super Lawyers, and Best Lawyers in America.

In 2014, Justice Walker was unanimously confirmed to the Maine District Court by the Maine State Senate. He adjudicated a wide variety of cases primarily in Androscoggin and Oxford Counties. A year later, Justice Walker was nominated to serve on the Maine Superior Court, Maine's trial court of general jurisdiction, a post to which he was also unanimously confirmed. Justice Walker has presided over complex criminal and civil cases, appeals, postconviction reviews, and jury trials.

As a judge, Justice Walker has spoken with recovering addicts and caregivers about opioid addiction and its intersection with the criminal justice system, an issue that is of urgent importance to communities across Maine.

The Judiciary Committee received several letters of support from legal professionals in Maine who know Justice Walker well, including from attorneys who have appeared before him, and from the Maine Trial Lawyers As-

sociation. Justice Walker has a reputation for fairness and respect for the law. As Daniel Wathen, former chief justice of the Maine Supreme Court, wrote: "I have known a lot of lawyers and judges in my fifty three year legal career in Maine, and I can think of no one who is better qualified to assume the trial bench in the federal court system. Having served on the Supreme Court of Maine for more than twenty years, I believe that I can recognize a good judge. Lance's nomination is well deserved and if confirmed, he will serve with integrity, competence, and humanity. In short, he will add to the strength and stature of the distinguished federal bench in Maine."

Justice Walker has the intellect, experience, integrity, temperament, and respect for the Constitution and the rule of law that are essential in a Federal judge. His experience in private practice and as a State judge makes him well-qualified for the Federal district court, and if confirmed, he will serve the people of Maine and the Nation fairly and capably.

I urge my colleagues to support this nomination.

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

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, for all the nominations confirmed, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's actions.

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

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

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2018

Mr. DAINES. Mr. President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6896 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6896) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

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

and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 6896) was ordered to a third reading, was read the third time, and passed.

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

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

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

The motion was agreed to.

AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

Mr. MCCONNELL. Mr. President, I understand the Senate received a message from the House to accompany S. 140.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message from the House to accompany S. 140.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, that the bill from the Senate (S. 140) entitled "An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund" do pass with an amendment.

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 2232 (to the amendment of the House to the bill), in the nature of a substitute.

McConnell amendment No. 2233 (to amendment No. 2232), to change the enactment date.

McConnell motion to refer the message of the House on the bill to the Committee on Commerce, Science, and Transportation, with instructions, McConnell amendment No. 2234, to change the enactment date.

McConnell amendment No. 2235 (to the instructions) amendment No. 2234), of a perfecting nature.

McConnell amendment No. 2236 (to amendment No. 2235), of a perfecting nature.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to concur, the motion to concur with further amendment, and the motion to refer with instructions be withdrawn.

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

MOTION TO CONCUR—S. 140

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment with a further amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 140 with further amendment No. 4054.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment in the nature of a substitute is as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk on the motion to concur on the further amendment.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to accompany S. 140, an act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund with a further amendment.

Mitch McConnell, John Thune, Roy Blunt, Johnny Isakson, Mike Rounds, Jon Kyl, Tom Cotton, Roger F. Wicker, Thom Tillis, John Boozman, Steve Daines, John Barrasso, David Perdue, Pat Roberts, John Hoeven, Mike Crapo, Lindsey Graham.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur at 5:30 p.m. on Tuesday, November 13; further, that no further amendments or motions be in order, and that if cloture is invoked, all postcloture time expire at 2:15 p.m. on Wednesday, November 14.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 909.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michelle Bowman, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

CLOTURE MOTION

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

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

The 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 nomination of Michelle Bowman, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

Mitch McConnell, Mike Rounds, Jon Kyl, Tom Cotton, John Thune, Roger F. Wicker, Thom Tillis, John Boozman, Steve Daines, John Barrasso, David Perdue, Johnny Isakson, Pat Roberts, John Hoeven, Mike Crapo, Lindsey Graham, Jerry Moran.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

Mr. MCCONNELL. I ask unanimous consent that this cloture motion ripen following disposition of the motion to concur with respect to S. 140.

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

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. 1093 and 1094.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Jason R. Dunn, of Colorado, to be United States Attorney for the District of Colorado for the term of four years; and Dallas L. Carlson, of North Dakota, to be United States Marshal for the District of North Dakota 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. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Dunn and Carlson 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. 694, 920, and 921.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Adam I. Klein, of the District of Columbia, to be Chairman and Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2024; Edward W. Felten, of New Jersey, to be a Member of the Privacy and Civil Liberties Oversight Board for the remainder of the term expiring January 29, 2019; and Jane Nitze, of the District of Columbia, to be a Member of the Privacy and Civil Liberties Oversight Board for a term expiring January 29, 2023.

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. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Klein, Felten, and Nitze 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 the following nomination: Executive Calendar No. 1077.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of James Morhard, of Virginia, to be Deputy Administrator of the National Aeronautics and Space Administration.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Senate vote on the nomination with no inter-

vening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; 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 nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The nomination was confirmed.

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. 1031, 1032, 1057, 1097, 1098, 1100, and 1101.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Kimberly Breier, of Virginia, to be an Assistant Secretary of State (Western Hemisphere Affairs); Denise Natali, of New Jersey, to be an Assistant Secretary of State (Conflict and Stabilization Operations); John Cotton Richmond, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large; Karen L. Williams, of Missouri, 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 Suriname; Kevin K. Sullivan, of Ohio, 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 Nicaragua; Donald Y. Yamamoto, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Somalia; and Earl Robert Miller, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

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 state-

ments relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Breier, Natali, Richmond, Williams, Sullivan, Yamamoto, and Miller 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. 1111.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Robert H. McMahon, of Georgia, to be an Assistant Secretary of Defense.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; 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 nomination 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 McMahon nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 1105.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Harold B. Parker, of New Hampshire, to be Federal Cochairperson of the Northern Border Regional Commission.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; 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 nomination 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 Parker nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 1126.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter Gaynor, of Rhode Island, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security.

Mr. McCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; 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 nomination 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 Gaynor nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: PN2386.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Mary Elizabeth Taylor, of the District of Columbia, to be an Assistant Secretary of State (Legislative Affairs).

Thereupon, the Senate proceeded to consider the nomination.

Mr. McCONNELL. I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; 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 nomination 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 Taylor nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1130 to 1133 and all nominations placed on the Secretary's desk in

the Air Force, Army, and Navy; 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; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

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 general

Gen. Robert B. Abrams

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 admiral

Vice Adm. Craig S. Fallor

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force 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. Jerry D. Harris, Jr.

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

Vice Adm. Andrew L. Lewis

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN2158 AIR FORCE nominations (173) beginning BRUCE A. ABBOTT, and ending SHIRLEY B. ZISER, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2018.

PN2535 AIR FORCE nominations (4) beginning PATRICK C. DEGRAAF, and ending CHRISTOPHER L. PRIDGEN, which nominations were received by the Senate and appeared in the Congressional Record of September 24, 2018.

IN THE ARMY

PN2203 ARMY nominations (14) beginning GARY W. BROCK, JR., and ending JOHN M. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 20, 2018.

PN2536 ARMY nomination of John J. Kaikkonen, which was received by the Senate and appeared in the Congressional Record of September 24, 2018.

PN2537 ARMY nomination of Marc A. Patterson, which was received by the Senate and appeared in the Congressional Record of September 24, 2018.

PN2539 ARMY nomination of James B. Elledge, which was received by the Senate and appeared in the Congressional Record of September 24, 2018.

PN2551 ARMY nominations (11) beginning MICAH B. BELL, and ending TANYA R.

TROUT, which nominations were received by the Senate and appeared in the Congressional Record of September 28, 2018.

IN THE NAVY

PN2474 NAVY nominations (2) beginning MARCUS N. FULTON, and ending FRANK D. HUTCHISON, which nominations were received by the Senate and appeared in the Congressional Record of September 11, 2018.

PN2540 NAVY nomination of Tilford L. Clark, which was received by the Senate and appeared in the Congressional Record of September 24, 2018.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to 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.

RECOGNIZING KENTUCKY HIGHLANDS INVESTMENT CORPORATION

Mr. McCONNELL. Mr. President, I would like to take a moment to recognize the 50th anniversary of one of the great economic development organizations in my home State, the Kentucky Highlands Investment Corporation, KHIC. Throughout 22 counties in southeastern Kentucky, this community development institution provides the necessary assistance to groups by bringing new opportunities to the region.

Since its creation in 1968, the KHIC claims a remarkable record of financial investment and job creation. In fulfillment of its founding mission, the organization has invested more than \$350 million and helped create or maintain approximately 22,000 jobs. A significant amount of the KHIC's success has occurred in Promise Zones, federally designated regions of high poverty. I applaud organizations that are able to encourage economic growth in the areas of greatest need, and I am especially proud of the KHIC for doing just that.

To accomplish its goals, the KHIC focuses its efforts on four main areas: providing loans and giving equity investments, building housing solutions and driving innovation. The KHIC collaborates with experienced entrepreneurs and community leaders who offer guidance and support to a wide variety of small businesses in this region, and it is easy to see the half-century of success that has resulted.

I have proudly supported the KHIC's work in its applications for competitive Federal grants. Much to my delight, their programming has been awarded Federal grant resources to bolster its successful work in Kentucky. I will continue to work with the KHIC and other groups to make a difference in our Commonwealth.

It is my privilege to congratulate the men and women of the KHIC for their golden anniversary. Under the leadership of the chairman of the board of directors William Singleton and president and CEO Jerry Rickett, the people of southeastern Kentucky have strong advocates working tirelessly on their behalf. In particular, I want to thank Jerry Rickett for his many years of outstanding work for the people of southeastern Kentucky. I would like to extend my sincere congratulations to the KHIC and its staff and supporters, as the organization celebrates 50 years of accomplishment. Along with my Senate colleagues, I wish them the best and look forward to the KHIC's many future successes.

PURDUE GLOBAL UNIVERSITY

Mr. DURBIN. Mr. President, more than a year ago, Senator SHERROD BROWN of Ohio and I sent a letter to Purdue University President Mitch Daniels in which we expressed our concerns about Purdue's proposed acquisition of the predatory, for-profit Kaplan University.

Kaplan was notorious in the for-profit college industry for their mistreatment of students.

They had been the subject of numerous State and Federal investigations and lawsuits for misleading marketing claims, inflated job placement numbers, and unfair recruiting.

As Senator BROWN and I cautioned at the time, Kaplan's troubled history posed major risks for Purdue's current students and the institution's reputation as a top public university.

We suggested that at the very least Purdue should commit to clear protections and reforms for students if it intended to press on with the transaction.

Among our suggestions was an end to the use of predispute mandatory arbitration in student enrollment.

Predispute mandatory arbitration clauses prevent students from bringing suit against a school in a court of law when the school harms a student, like misleading them about job placement rates or luring them with other false information.

Instead, students are forced into a dispute resolution process, known as arbitration, which lacks the procedures and precedents of the court system and is often stacked against students.

The proceedings themselves, including the outcome, are secret which hides misconduct from regulators and accreditors.

The clauses are often buried in the fine print of stacks of enrollment documents that students must sign in order to enroll.

The practice, along with class action bans which prevent students from bringing suit as a group, are a hallmark of the for-profit college industry; schools like Corinthian, ITT Tech, and Kaplan notoriously used the practice to shield themselves from being held

accountable while exploiting students and taxpayers.

But predispute mandatory arbitration and class action bans are almost unheard of at public and legitimate not-for-profit institutions of higher education.

In fact, in an August 30 public comment letter to the Department of Education, the Association of Public and Land-Grant Universities, APLU, of which Purdue is a member, and other education organizations wrote, "We fail to see how allowing [pre-dispute mandatory arbitration and class action bans] is beneficial to the public."

Since the Purdue-Kaplan deal was finalized, creating Purdue Global University, it turns out that the new school continues to use predispute mandatory arbitration and class action bans.

In response to it coming to light, a Purdue spokesman said that the practice was "inherited from Kaplan," in an apparent attempt to deflect responsibility.

The spokesman went on to assert that the Purdue board "has complete control over Purdue Global, and has the final say as to which policies it retains, and which it alters . . . and to enact whatever policies it deems to be in the interest of students . . ."

Well, Purdue can't have it both ways.

Either the continued use of predispute mandatory arbitration and class actions bans are a remnant of Kaplan that the board disavows—in which case, the board should use its authority to immediately end the practice—or the board must accept responsibility for the practice continuing under its control and acknowledge predispute mandatory arbitration as an affirmed Purdue policy that it "deems to be in the best interest of students."

As Senator BROWN and I told the Purdue Board in a new letter recently, they have to choose.

We will be waiting.

I want to be clear: Anything short of meeting the high bar set by Purdue's fellow public universities and APLU institutions—not using predispute mandatory arbitration and class action bans in student enrollment—will be a betrayal of students and Indiana taxpayers.

VOTE EXPLANATION

Mrs. FEINSTEIN. Mr. President, due to an excused absence on October 11, 2018, I was unable to vote on several judicial nominations. Had I been present I would have voted in the following matter:

On Executive Calendar No. 1007, on the nomination of David James Porter, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit, I intended to vote nay.

On Executive Calendar No. 1081, on the nomination of Ryan Douglas Nelson, of Idaho, to be U.S. Circuit Judge for the Ninth Circuit, I intended to vote nay.

On Executive Calendar No. 1082, on the nomination of Richard J. Sullivan, of New York, to be U.S. Circuit Judge for the Second Circuit, I intended to vote yea.

On Executive Calendar No. 627, on the nomination of William M. Ray II, of Georgia, to be U.S. District Judge for the Northern District of Georgia, I intended to vote nay.

On Executive Calendar No. 628, on the nomination of Liles Clifton Burke, of Alabama, to be U.S. District Judge for the Northern District of Alabama, I intended to vote nay.

On Executive Calendar No. 629, on the nomination of Michael Joseph Juneau, of Louisiana, to be U.S. District Judge for the Western District of Louisiana, I intended to vote nay.

On Executive Calendar No. 634, on the nomination of Mark Saalfeld Norris, Sr., of Tennessee, to be U.S. District Judge for the Western District of Tennessee, I intended to vote nay.

On Executive Calendar No. 638, on the nomination of Eli Jeremy Richardson, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee, I intended to vote nay.

On Executive Calendar No. 894, on the nomination of Thomas S. Kleeh, of West Virginia, to be U.S. District Judge for the Northern District of West Virginia, I intended to vote nay.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)

HURRICANE MICHAEL

• Mr. RUBIO. Mr. President, due to Hurricane Michael's direct hit on Florida's panhandle, I am traveling to northwest Florida to survey the devastation that has occurred in my home State. Yesterday, Hurricane Michael made landfall as a devastating, high-end Category 4 hurricane, near Mexico Beach. Initial reports indicate more than 400,000 utility customers in Florida are without power and areas within the storm's path have been decimated.

Therefore, given these circumstances and the fact that my vote would not have been determinative of the outcome of the measures before the Senate, I will survey the damage firsthand and help coordinate efforts between Federal, State, and local officials. •

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD NOMINEES

Mr. WYDEN. Mr. President, I rise today to comment on the confirmation of three nominees to the Privacy and Civil Liberties Oversight Board, often called the PCLOB. The PCLOB is a vital oversight mechanism, empowered by Congress to investigate and write public reports on some of the government's most secretive and controversial programs.

Today, three board member nominees were confirmed to the PCLOB: Edward Felten, a computer science professor at Princeton; Jane Nitze, a former lawyer

at the Department of Justice Office of Legal Counsel; and Adam Klein, nominated to be chair, who is a fellow at the Center for New American Security.

I have concerns about some of the policy perspectives the Republican nominees hold. In this case, however, a functioning PCLOB with board members who listen to dissenting views is better than the status quo, where the five-member board has only one member. The PCLOB has been dormant for most of the current administration and regrettably—and in contrary to its statutory mission—has not made all of its previously investigated and written reports public. I look forward to working with the new board members to returning the PCLOB to its core mission of public oversight of classified programs.

Additionally, I am particularly grateful for Professor Felten's confirmation. The presence of a true public servant technologist on the PCLOB will hopefully raise awareness and understanding surrounding controversial surveillance programs that use advanced technology.

In the coming weeks and months, I will be working with the new board members on the critical issues of privacy, security, and secret interpretations of public law. It is my sincere hope that the new members share my deeply held belief that the government should not have classified interpretations of public laws that cause the programs to operate differently than the public understands.

S. 3021

Mr. WHITEHOUSE. Mr. President, the passage of the bipartisan America's Water Infrastructure Act, more commonly called the 2018 WRDA bill, is celebrated by a wide spectrum of supporters, including environmental organizations, national associations representing cities and counties, and water and coastal business associations.

I would like to commend the chairman, the ranking member, and the staff of the Environment and Public Works Committee for their hard work on this bill. I appreciate their consideration of my requests and their willingness to work with my staff in ensuring Rhode Island's needs are well represented in the final WRDA bill.

In particular, the American Water Infrastructure Act includes my provision directing the Army Corps of Engineers to study the resiliency of harbors of refuge and hurricane barriers in the North Atlantic, like the Fox Point Hurricane Barrier in Providence, that are under threat from rising sea levels and stronger storm surge. Though they may be able to endure current conditions, extra feet of sea level rise coupled with stronger storm surges will overpower the capabilities of many of these structures. We need to get ahead of these consequences of climate change and protect our coastal commu-

nities, instead of waiting for these barriers to fail and imperil coastal homes and businesses.

As oceans overtake our coastal infrastructure, we will also need to look to new and innovative building materials and techniques that can endure corrosive saltwater and other harsh environmental conditions. This WRDA bill also includes my provision requiring the Corps to submit a report to Congress summarizing its research and investments in innovative materials, like Rhode Island-created composites, in-water infrastructure projects, and recommend in which Army Corps projects those materials could be used.

This year's WRDA bill also instructs the Corps to study the extent to which it has made use of its authority to clean up waterways littered with marine debris, like the deteriorating wooden pilings in the Providence River. It also expedites the completion of important projects and studies in Rhode Island, like the Providence River dredging project, Pawcatuck coastal risk management study, and the Rhode Island historical structure flood hazard vulnerability assessment that will bolster Rhode Island's coastal economy and prepare it for future conditions.

Overall, the bill does well to give special consideration to coastal communities, also requiring the Corps to consider natural infrastructure solutions to flood and storm damage risk reduction projects, prioritize coastal erosion mitigation projects in New England, and assess coastal resiliency needs for the Great Lakes. Though only 17 percent of total land area, the United States' coastal counties are home to over half of the U.S. population and were responsible for 48 percent of the country's GDP in 2017. Investing in our coasts is an investment in the well-being of the entire country's economy.

I am also grateful this bill includes a focus on our water infrastructure. In addition to reauthorizing the Drinking Water State Revolving Fund and WIFIA programs, it also creates a new water financing opportunity that will better support water infrastructure projects in small-and medium-sized communities. I am, proud to be a co-sponsor of the SRF WIN Act which creates this new program and thank Senators BOOZMAN and BOOKER for their leadership on this issue.

I look forward to working with my colleagues, the Corps of Engineers, the Environmental Protection Agency, and Rhode Islanders as we move towards implementing this important infrastructure bill.

Mr. VAN HOLLEN. Mr. President, this week the Senate completed work on America's Water Infrastructure Act of 2018, a new water resources development bill that authorizes U.S. Army Corps of Engineers civil works activities and drinking water and wastewater infrastructure improvements.

The legislation will invest in numerous infrastructure projects in Mary-

land and across the country and includes funding to repair aging drinking water, wastewater, and irrigation systems, protect Americans from dangerous floodwaters, and increase public participation and State funding flexibility in local infrastructure projects.

This bill rejects the Trump administration's proposed reclassification of the Poplar Island restoration project, which could imperil the progress of this national model for restoration success located in Talbot County and extends the original 7-year authorization of the Mid-Bay Islands Ecosystem Restoration Project, focused on James and Barren Islands in Dorchester County, by an additional 3 years, to total 10 years.

To allow for greater involvement of local governments in project selection, the bill requires the Army Corps of Engineers to increase public participation by, at a minimum, holding annual public meetings at the district level, providing information about the administration's budget requests, and allowing non-Federal interests the opportunity to collaborate and share in concept development and decision making to solve problems.

The bill also authorizes \$8 million in new EPA grants through a Drinking Water System Infrastructure Resilience and Sustainability Program for water systems that will assist in planning, design, construction, implementation, operation, or maintenance to improve resilience to natural hazards.

I am pleased to support this bill, and I look forward to working with the Army Corps of Engineers to ensure more transparency in the process.

CONFIRMATION OF BRETT KAVANAUGH

Ms. COLLINS. Mr. President, I rise today regarding remarks I made on October 5, 2018, on the nomination of Brett Kavanaugh. In reference to Justices O'Connor, Souter, and Kennedy, I misspoke and should have said that pro-choice groups opposed two of the nominations, not each.

My remarks should have read, "Furthermore, pro-choice groups vigorously opposed two of the Justices' nominations."

TAX REFORM

Mr. RISCH. Mr. President, as you may know, small businesses are thriving in one of the best economic climates that we have seen in several years. The National Federation of Independent Business's Small Business Optimism Index for August saw its highest reading ever over its 45-year history and the MetLife and Chamber of Commerce's most recent quarterly Small Business Index found that a substantial majority of small business owners have a positive outlook of their business and of the overall economy.

I believe that this uptick in small business confidence is due in large part

to the Tax Cuts and Jobs Act that passed the Senate and was signed into law last year. Over the 9 months since its passage, our country has witnessed the positive impact that the law has had on our economy. Companies of all sizes have directly benefited from various provisions of the law and as a result are paying out bonuses, raising wages, and purchasing new equipment for their businesses. As chairman of the Senate Committee on Small Business and Entrepreneurship, I was a strong supporter of the tax law because I believed it would allow small business owners to keep more of their hard-earned money, make more investments in their businesses, and increase the overall health of our economy. Over the last few months, I have been making this series of speeches to draw attention to the benefits this law provides for small businesses.

Since passage of the law, many observers have given too much attention to individuals and corporations that have benefited from certain provisions of the law, but not nearly enough attention has been given to the benefits that small businesses have received. I rise today to spotlight how tax reform is benefiting Sko-Die, Inc., a small business located just outside of Chicago in Morton Grove, IL. Sko-Die, Inc., provides their customers with high-quality steel laminations, heavy gauge metal stampings, and machining services. From design to production, the company provides original equipment manufacturing services for a variety of sectors including the food, power generation, medical, and aerospace industries. Sko-Die is a family-run business started in 1947 by the Steininger family. The current president, Patrick Steininger, has led the company since 2002 and is the third generation of the family to helm the company. Sko-Die has about 70 employees, boasts a 60,000-thousand-square foot production facility, and operates numerous punch presses ranging in size from 5 to 300 tons.

Because of the Tax Cuts and Jobs Act, this family-owned custom metal stamping business has been able to pass on some its tax savings to employees, raising the average wages of its employees by about 3 percent. Sko-Die also made a \$1 million investment in new equipment, which included a new die grinder and a new metal press. Before the implementation of the new tax law, small businesses had to deal with a complex expensing formula that took many years to take advantage of, which made equipment purchases much less attractive to small business owners. The accelerated depreciation of equipment purchases for small businesses is one of the many reasons that I was a strong supporter of the Tax Cuts and Jobs Act.

Overall, the new tax law has been good for small businesses; has allowed many small businesses to increase their capital investments, hire additional workers, and increase wages;

and will lower small businesses' annual tax payments. I am happy to see that small businesses like Sko-Die, Inc., are able to reduce their tax burden by making use of this accelerated depreciation provision and are using those tax savings to raise its employees' wages. I look forward to watching the company's continued success.

THE KOREAN WAR

Mr. WYDEN. Mr. President, I want to take a few minutes to honor the 65th anniversary of the Korean War Armistice Agreement, which brought the active hostilities of the Korean war to an end.

Americans don't talk much about the Korean war today. As a result, too many have forgotten or never knew the history, how Kim Il-sung's forces invaded South Korea in June 1950; how the United Nations Security Council condemned the invasion; how American troops made an amphibious landing at Inchon, driving the North Korean forces back and helping shift the war's momentum; how 3 years later, representatives met in Panmunjom where they established a demilitarized zone and ended active hostilities.

Because this history is so often overlooked, American men and women who served in Korea have so rarely been given the recognition they deserve.

These are Americans who answered the call to take up arms again in a foreign country so soon after World War II, Americans who endured the bitter cold and harsh weather up and down the Peninsula and the lack of adequate food, Americans who gave their lives by the thousands on Korea's far-flung shores in service to their country. All told, more than 36,000 Americans perished in the Korean war, including more than 270 Oregonians and at least seven from Umatilla County, OR.

The Korean war is often called the Forgotten War.

Well, it isn't forgotten by me. It isn't forgotten by the U.S. Senate. I am proud to say that it isn't forgotten by the Oregonians I speak with as I travel around our State.

I have never met a Korean war veteran—or a veteran of any conflict—who walked onto the battlefield seeking personal recognition.

Today I am proud to recognize these brave servicemembers nonetheless.

This year marks the 65th year since the signing of the Korean War Armistice and the end of active hostilities.

As we follow new developments on the Korean Peninsula—and there have been many these past few months—let us reflect on the Americans who fought so bravely and endured so much in service to these United States.

I have always believed that the Federal Government owes these men and women a debt it cannot fully repay. The closest I think we can come is to honor our commitments to them and to do right by their brothers and sisters who continue to wear the uniform.

As we look forward to Veterans Day, let us all take a moment to thank those Korean war veterans still with us and to ensure that their service and their sacrifices are never forgotten.

HISPANIC HERITAGE MONTH

Mr. CARDIN. Mr. President, this month, I join the Nation in celebrating Hispanic Heritage Month and the invaluable contributions of the Latino community to our country. Hispanic Americans comprise an integral part of the United States and form our Nation's largest ethnic minority. An estimated 60 million Latinos and Latinas currently live in the U.S., making our country home to the world's third largest Latino population. More than half a million of my fellow Marylanders identify as Hispanic or Latino.

Some of our Hispanic residents are recent arrivals to this country, seeking safety and freedom unavailable in their countries of origin. Others trace their roots to our country's founding. All play a role in helping to shape our country for the better. Latino and Latinas form a crucial part of our Nation's Armed Forces, dutifully serve at all levels of government, play an active role in their local communities, and Hispanic-owned businesses contribute an estimated \$473 billion in revenue to our economy and employ millions of people. Diversity is America's strength, and our thriving Hispanic communities are evidence of this.

In spite of these contributions, many in the Latina and Latino community are suffering or being put at unnecessary risk due to the administration's policies. Cruel immigration practices have led to families being torn apart. Millions of Dreamers live in constant fear that they will be removed from the only country they have ever known. The decision to remove Temporary Protected Status, TPS, for El Salvador, Honduras, and Haiti worsens our national security and injects unnecessary fear and uncertainty into American families based on politics, rather than policy. Maryland alone would lose well over \$1 billion from our State's GDP without the workers who currently hold TPS. In Puerto Rico, over 3,000 American citizens died from the effects of Hurricane Maria, and the island still struggles to recover. Hispanic Americans increasingly face risks from prejudice, racism, and bigotry. Such policies and rhetoric directly undermine the values on which our country was founded.

Hispanics and Latinos bear the disproportionate effects of these policies, and the entire country suffers as a result. When some of our best and brightest young students and our Nation's hardest workers fear for their future or are forced into the shadows, it can have a lasting and harmful effect on our communities, our economy, and our security.

Hispanic Heritage Month marks a time to address these issues with

meaningful action rather than empty proclamations. Congress must finally pass a Dream Act to provide Deferred Action for Childhood Arrivals, DACA, recipients with the protections they deserve, so they can continue their contributions to this country. It is time for the Senate to take up and pass S. 2144, legislation I introduced with Senators VAN HOLLEN and FEINSTEIN, to provide a pathway to legal permanent residency for TPS holders in the United States. We are long overdue with respect to passing comprehensive immigration reform.

We must also address systemic issues in our healthcare, tax, and education systems, many of which are particularly harmful to Hispanic communities. Like all Americans, Hispanics deserve access to quality public schools, affordable and widely available medical care, and tax reform which reduces the burden for middle and low-income workers.

We must further provide Puerto Rico with the resources and support it needs to recover. More than a year after Hurricane Maria, the situation remains desperate. Our fellow American citizens on the island deserve real support in their time of need.

Hispanic Americans are facing immense challenges, but seek the same noble goals as all other Americans. Now is the time to stand with Hispanic, Latina, and Latino Americans against prejudice, divisive rhetoric, and harmful policies. In doing so, we will better uphold the ideals of our Nation and create a better country for all Americans.

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40TH ANNIVERSARY OF THE NATIONAL INSTITUTE ON DISABILITY, INDEPENDENT LIVING, AND REHABILITATION RESEARCH

Mrs. MURRAY. Mr. President, on behalf of millions of people with disabilities,

today I wish to celebrate the 40th anniversary of the establishment of the National Institute on Disability, Independent Living, and Rehabilitation Research, NIDILRR, and its 40 years of accomplishments and contributions to the lives of people with disabilities.

NIDILRR is the Federal agency supporting applied research, demonstration, training, and technical assistance to enhance the quality of life of people with disabilities. NIDILRR's mission is to generate new knowledge and to promote its effective use to improve the abilities of people with disabilities to perform activities of their choice in the community and to expand society's capacity to provide full opportunities and accommodations for our citizens with disabilities. NIDILRR carries out its mission by building the capacity of institutions and individuals to conduct high-quality research in the major life domains, including employment, participation in the community, community integration, and health.

NIDILRR plays a unique and critical role in Federal research. NIDILRR-sponsored projects and programs target populations that include all disability types and all age groups. While other Federal research entities fund prevention, cure, and acute rehabilitation research, which are vital for people with disabilities, NIDILRR invests in applied research meant to quickly translate to greater independence, community participation, and employment for people with disabilities.

The many contributions of NIDILRR's grantees cannot be overstated. Our Nation owes a debt of gratitude to the researchers and practitioners whose efforts empower people with disabilities to lead proud, productive lives in pursuit of independence, community living, and employment. During October, which is National Disability Employment Awareness Month, it is important to highlight the major role that NIDILRR has played in promoting and enabling the employment of people with disabilities. Over the past 40 years, NIDILRR-funded researchers have been extraordinarily productive, including in my home State of Washington. Across the United States, grantees have created more than 1,200 new products, including peer-reviewed publications, intervention protocols, measurement tools, and software and technologies that impact the field of rehabilitation and enhance the lives of people with disabilities.

NIDILRR-funded fellowship programs have trained and supported a substantial number of emerging scholars, researchers, and policy implementation experts, including a significant focus on scholars with disabilities and those from minority communities. NIDILRR-funded fellows have contributed to substantive policy development in Congress, including by serving as content experts on my staff at the Senate Committee on Health, Education, Labor, and Pensions. NIDILRR supports the ADA National Network, which provides

information, guidance, and training on the Americans with Disabilities Act to businesses, employers, State and local governments, architects, disability organizations, and individuals with disabilities. In addition, NIDILRR also supports AbleData, an information center hosting an extensive database of assistive technology products and resources to increase awareness of and access to assistive devices. Finally, NIDILRR supports the National Rehabilitation Information Center, NARIC, a research library and information center that promotes access to disability, independent living, and rehabilitation research information.

The need for NIDILRR's important work will only increase in the coming decades. Demographic trends indicate a substantial increase in the number of people with disabilities as a result of the effects of injuries, illnesses, chronic conditions, developmental disabilities, and an aging population. NIDILRR will continue to play a critical role in empowering this growing population of individuals with disabilities to live the American dream. The next 40 years of NIDILRR hold much promise for the future of addressing the emerging needs of people with disabilities and the need for disability, independent living, and rehabilitation research.

I congratulate the National Institute on Disability, Independent Living, and Rehabilitation Research on its 40th anniversary and the significant accomplishments and contributions it has made to enhance the quality of life for people with disabilities in the United States. I am proud of the work NIDILRR has funded and the dedicated researchers and practitioners that have improved employment, participation and community integration, and health and function for people with disabilities. I look forward to 40 more years of NIDILRR's continued contributions to our society.

30TH ANNIVERSARY OF THE MURDER OF MULUGETA SERAW

Mr. WYDEN. Mr. President, this November, my hometown of Portland marks a somber occasion: the 30th anniversary of the murder of Mulugeta Seraw, a 28-year-old Ethiopian college student, by racist skinheads. This horrific case galvanized the city, as well as the State of Oregon, to stand up to hate crimes and acts of violence by the neo-Nazi movement in the Pacific Northwest. While this brutal slaying happened 30 years ago, it remains fresh in the minds of many who lived through that time and for people who still experience discrimination and hate today.

Mulugeta's path to our country mirrors those of so many others who came to America. He came to the United States seeking an education. A college student in Portland, he worked multiple jobs and remitted money to Ethiopia to support his son, Henock.

Mulugeta, like many immigrants who come to America, was simply seeking opportunity. His family and friends describe him as a kind, hard-working man. He had friends and family whom he supported and loved. All this was ripped away by evil, cruel racism.

As a result of the cruelty done to Mulugeta, community members, civil rights lawyers, judges, elected officials, and nonprofits came together and demanded justice be served. They succeeded.

The case attracted national attention, and thanks in part to the great effort of the Southern Poverty Law Center, the White Aryan Resistance and its leaders who were behind this heinous crime were bankrupted and jailed. While no prison sentence could bring back Mulugeta, Oregonians stood and stand in solidarity with Mulugeta and his family and friends to make clear we will not let hate crimes and violence take over our communities.

We have to remain vigilant, and we have to continue the fight. We must recognize our own troubling present in Oregon, which unfortunately has an awful history as a home for White supremacists, because to not know our own history dooms us.

In the years since Mulugeta's death, there have been horrific acts of racially charged violence in Oregon. In May of 2017, a self-proclaimed White nationalist verbally attacked two women who were riding Portland's MAX light rail. One of these two women was wearing a hijab. The perpetrator stabbed three men who defended the women against the racist and Islamophobic rant, killing two of them.

There have been horrific racist acts throughout the Nation. The march and murder in Charlottesville is another clear example of how these White supremacist ideals and concepts continue to draw breath in our country. Like Oregonians speaking out in remembrance of Mulugeta Seraw, we must all speak out against hate. It has no place in our country, including in our White House.

This year, as we remember the 30th anniversary of the murder of Mulugeta Seraw and 50th anniversary of Dr. Martin Luther King, Jr.'s assassination, I would like to acknowledge the many organizations in Oregon that fight for peace and justice every day on behalf of marginalized communities. I would like to especially acknowledge members of these communities who are resilient and strong. I stand with them today and every day.

In a few weeks, Oregonians will come together to remember and celebrate the life of Mulugeta Seraw during a 30th year commemoration conference organized by the Urban League of Portland. I am honored to add to this remembrance with this CONGRESSIONAL RECORD. May Mulugeta and his story never be forgotten, and may we remember, learn, and change.

TRIBUTE TO MARGARET BALLARD

Mr. CRAPO. Mr. President, today I wish to honor a dedicated and treasured member of my staff, Margaret Ballard, and thank her for her more than 21 years of congressional service.

Margaret joined my congressional staff as an intern in 1997 when I served in the U.S. House of Representatives and as she was studying for her master's degree at Boise State University. She quickly proved herself to be bright, adept, and dependable, traits that have made her an integral member of my staff. She currently serves as administrative director and has served in this position since late 2001, but she has carried out many different tasks and filled in for various State positions as we developed as an organization. Her experience, knowledge, and skill from working in so many areas enable her to understand the roles of fellow staff and effectively connect office functions.

Margaret is the glue that holds my office together. As administrative director, she oversees the day-to-day administrative work that is so critical to office functions and responsiveness to the people of Idaho. Margaret keeps track of the intricate details and requirements of operating a Senate office, including the Senate rules. Margaret also recognizes staff achievements and finds opportunities to provide levity and boost morale. She has carried out meticulous work to enhance office operations and coordinate the efforts of the staff. Her long-term dedication to this effort has been vital to ensuring office efficiency. Every organization needs Margaret's kind of continuity and know-how.

To put the many changes Margaret has been a part of over the past 20 years into perspective, she recalls that, when she started back in 1997, all State offices had to share a dial-up internet connection and she had to coordinate when each office could call in and connect for internet service. With the technological advances since, those connection phases are a dim memory. Margaret has handled each new phase with tact and proficiency as she helped build our office administratively.

Prior to joining my staff, Margaret was the State emergency response commission chief of staff for 9 and a half years. Before that position, she was an administrative assistant for the mayor and city council of Glendale, CO, for 2 and a half years. She has worked in all three levels of government, local, State, and Federal Service. On a personal note, Margaret and her husband Troy Gugel have a son and daughter. They are grandparents to a grandson and have a granddaughter on the way.

Margaret, thank you for your steady, committed, and skilled work all these years. The adjectives I could list to describe you could go on and on: well-organized, resourceful, professional. Above all, I know that I have always been able to count on you to get the job done well for the people of Idaho.

This is the core of what it means to be an outstanding member of the staff and, more importantly, a friend. Congratulations on the work milestone you have surpassed, and thank for lending your talents to working on behalf of Idahoans all these years.

TRIBUTE TO BARRY CARPENTER

Mr. ROBERTS. Mr. President, I come to the floor today to recognize and congratulate Mr. Barry Carpenter, a longtime advocate for American agriculture, on his retirement from a career that spanned five decades. Last month, Barry retired his position as president and CEO of the North American Meat Institute, the Nation's largest and oldest trade association representing U.S. meat packers and processors. Barry's retirement concludes a career in both public service and private industry. His knowledge of the industry and his collaborative, affable disposition have allowed him to connect with everyone from CEOs to those just beginning their careers.

Barry's appreciation for U.S. agriculture, his drive to serve, and his work ethic were developed at an early age, working on his family's diversified farm in central Florida that produced cattle, hogs, corn, peanuts, and melons. After graduating from the University of Florida, Barry began his career as a meat grader with the U.S. Department of Agriculture. He also enlisted in the U.S. Army, earning the rank specialist fifth class. Barry carried with him the sense of duty and discipline learned in these formative years in each role he held.

Over the course of his 37-year career at USDA, Barry provided reasoned and steady guidance to Secretaries of both parties in multiple administrations. In his senior role at the Agricultural Marketing Service, Barry led programs critical to reestablishing U.S. beef export access following the first U.S. case of BSE in 2003. Barry further oversaw USDA's adoption of video technology used to assign beef quality grades, an important tool in identifying those high-quality prime steaks consumers around the world enjoy.

Upon retiring from USDA, Barry continued to serve American agriculture when he was named CEO of the National Meat Association in 2007. Barry has since provided steadfast leadership to the meat and poultry industry as CEO of the North American Meat Association and as president and CEO of the North American Meat Institute, following the completion of the merger, which he successfully guided, between the American Meat Institute and the North American Meat Association in January 2015.

Barry has earned numerous governmental awards, including Presidential Rank Awards, honors bestowed to less than 1 percent of senior career employees throughout the Federal Government, from Presidents Bill Clinton and George W. Bush. He has also received

recognition from the livestock and meat industries.

Throughout his career, Barry remained grounded and inspired by his wife Janet, four children, Mary Catherine, Jane, Michael, and Robert, and 11 grandchildren.

I feel fortunate to have known many distinguished public servants and industry leaders like Barry, who have dedicated their careers to advocating for U.S. agriculture. I thank Barry for his many contributions to American agriculture, and I congratulate him on a well-deserved retirement.

DISCHARGE PETITION—S.J. RES. 64

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Finance be discharged from further consideration of S.J. Res. 64, a joint resolution providing for congressional disapproval of the rule submitted by the Department of the Treasury relating to 'Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations' and, further, that the joint resolution be immediately placed upon the Legislative Calendar under General Orders.

Jon Tester, Claire McCaskill, Heidi Heitkamp, Tom Udall, Richard J. Durbin, Ron Wyden, Sheldon Whitehouse, Kirsten E. Gillibrand, Chris Van Hollen, Jack Reed, Richard Blumenthal, Tina Smith, Angus S. King, Jr., Joe Donnelly, Robert P. Casey, Jr., Debbie Stabenow, Martin Heinrich, Amy Klobuchar, Doug Jones, Jeanne Shaheen, Benjamin L. Cardin, Michael F. Bennet, Edward J. Markey, Bernard Sanders, Margaret Wood Hassan, Tammy Baldwin, Patrick J. Leahy, Gary C. Peters, Robert Menendez, Catherine Cortez Masto, Tim Kaine, Jeff Merkley, Mazie Hirono, Cory A. Booker, Christopher Murphy.

ADDITIONAL STATEMENTS

TRIBUTE TO PAUL J. SCHNEIDER

• Mr. CRAPO. Mr. President, today I wish to honor Paul J. Schneider, who is retiring from NewsTalk 670 KBOI, of Boise, ID, after more than 51 years in radio and television.

Paul J. Schneider, known as Paul J, started working for the station in 1967 and has been a mainstay of thoughtful reporting since. He called Boise State University football and basketball games for decades as "Voice of the Broncos." Idahoans and many others have no doubt taken solace during their morning commutes with Paul J's interesting and cheerful discussions. He has been a treasured voice underscoring significant local and world events.

Over the years, he has no doubt observed and taken part in many innovations in broadcasting and significant local and national happenings. When announcing Paul J's retirement, the station noted, "His storied radio career has seen plenty of benchmark moments, including but not limited to: the first radio interview with President

Richard Nixon in 1972 after Watergate; covering the prison riots at the Idaho Penitentiary in 1971 and 1973; and calling Boise State Football's first trip to the Fiesta Bowl in 2007."

Descriptions of him are peppered with words such as greatly respected, trusted, professional, iconic, wise, and humorous. His experience and affection for the community he has chosen to make his home all these years comes through in his commentary. He has received numerous honors throughout his career that include being inducted into the Boise State Athletic Hall of Fame in 2018, more than 50 Idaho State Broadcasting Association awards, and Boise's Key to the City in 2017. The press box at Albertsons Stadium and the Cumulus broadcast building have been named in his honor.

I understand he is looking forward to sleeping in during his retirement, and I hope he gets some well-deserved rest for all the years he has devoted to keeping Idahoans informed. It is also good to hear that he will still be using his talents to produce, blog, and cover sports. Knowing that Idahoans will still get to benefit from his humor, skill, and engaging commentary is heartening, as I wish him well in his retirement.

Paul J, congratulations on your extraordinary career and leaving a lasting mark in Idaho radio and the lives of countless Idahoans. I wish you all the best.●

TRIBUTE TO ETHAN DAVIDSON

• Mr. DAINES. Mr. President, this week I have the honor of recognizing Ethan Davidson of Lewis and Clark County for his outstanding academic achievements.

Ethan Davidson epitomizes hard working Montanan's, his work ethic has shown in his academics Ethan recently received a perfect score on his ACT, being one of the 2,760 high school students across the United States who received a perfect score of 36. About 2 million high school students take the test each year.

At a young age, Ethan devoted himself to his academics, always striving towards being a straight-A student. He attends Capitol High School in Helena, where he is involved in many extra-curricular activities, ranging from being the cocaptain of the cross country team, to being a member of the math and science club. To add to his accolades, Ethan is a National Merit semifinalist and has earned the rank of Eagle Scout.

I congratulate Ethan on his impeccable academic achievements, as well as his willingness to give back to his community by being a role model for all high school students I look forward to seeing his success in his future endeavors.●

REMEMBERING SHIRLEY ANN MCCOMBS

• Ms. DUCKWORTH. Mr. President, today I wish to honor the life of Shirley Ann McCombs who passed away on Tuesday, October 2, 2018, at the age of 81. Shirley was born June 30, 1937, in Schuyler County, IL, to Harry and Stella Derry Hunter. Shirley married Charles H. McCombs on May 30, 1956. She was employed by the Illinois State government in numerous positions and was ultimately promoted to the speaker's staff as a fiscal officer until her retirement. Shirley played on the Rushville Rushettes Softball Team and she was a past member of the Oakford United Methodist Church, where she served as secretary and on many committees. She was also a current member of the West Side Christian Church in Springfield.

Shirley was elected State central committeewoman for the 18th Congressional District in 1986 and served in the position until present. She served as secretary of the Democratic Party of Illinois, second vice president of Illinois Democratic Women, and Annual Convention Ad Book chair and editor/graphic artist. Shirley also had served as the Menard County chairman, precinct committeewoman, and as the first vice president of the Illinois County Chairman's Association.

Shirley served as an elector on the Illinois Electoral College since 1992. She served at many of the Democratic National Conventions as a delegate and as an assistant whip. Shirley also served for numerous State Democratic Conventions, co-chaired IDW Luncheon for Convention Delegates and Dignitaries at the Democratic National Convention. She was the State fair committee chairman for the IDP. Shirley received the Chairman's Award for Commitment and Service to the Democratic Party and Certificate of Appreciation Award for Outstanding and Dedicated Service.

In addition to her work in politics, she was also passionate about helping her community. She was a founding member of the Menard County Tourism Council and former treasurer. Shirley was a founding board member of the IWIL and served on the board for the Area Agency on Aging and served on the advisory council. She was on the Menard Caring Board and a volunteer at the Menard County Food Pantry. She was a lobbyist for AARP.

Shirley attended both of President Clinton's and President Obama's inaugurations.

Shirley is survived by her daughter, Robin and her husband Rick Mathieu; grandchildren Vickie Mathieu and Jackie and her husband Gus Tserpelis; three great-grandchildren; siblings Nelda, Susan and husband Larry, Larry, Lois and her husband Stuart, and Deloris and her husband Robert; sisters-in-law Phyllis, Doris, and Betty; and numerous nieces, nephews, and cousins.

Her service to her community is remarkable and her story inspiring. I

stand here today to applaud my dear friend and to honor her legacy.●

TRIBUTE TO JOEL WERNICK

● Mr. ISAKSON. Mr. President, it is an honor to rise on behalf of Senator DAVID PERDUE and myself to offer our congratulations on a job well done to Joel Wernick, a fine Georgian and the longtime president and chief executive officer of Phoebe Putney Health System in Albany, GA.

Under Joel's tireless leadership for the last 30 years, Phoebe Putney Health System has become a major regional healthcare provider. The Phoebe Putney Health System now includes Phoebe Sumter Medical Center, Phoebe Worth Medical Center, more than 15 primary and urgent care clinics, and nearly 30 specialty care clinics in counties throughout southwest Georgia.

As the health system has grown under Joel's guidance, it has become a major contributor to the entire region's economy. Today more than 4,500 people work under the Phoebe Putney umbrella, where they strive to improve the lives of Georgians from middle Georgia all the way south to the Georgia-Florida line.

Joel Wernick had the vision to grow Phoebe Putney's suite of services and provide comprehensive healthcare including world-class oncology, cardiovascular, and neonatal intensive care unit services in the southwest Georgia region. This increase in quality specialty services greatly benefits area residents who no longer have to travel extensive distances to receive care.

I also thank the board of directors and staff who have shared and supported this great leader's dedication to the people of Albany and the surrounding communities.

During Joel's tenure, Phoebe Putney has received State and national recognition, including the American Hospital Association's NOVA Award for teen pregnancy prevention and the prestigious Foster G. McGaw Prize for excellence in healthcare. Joel was a pioneer in making "upstream contributions" in community health programs over the years to reduce the cost and occurrence of disease and poor health before they reached the hospital setting.

In starting the Phoebe Family Medicine Residency Program, Joel has also appreciated the importance of healthcare for the family unit and the importance of training medical professionals in southwest Georgia and incentivizing them to remain there. Phoebe Putney's teaching hospital has graduated more than 120 residents, and Joel's investment in Flagstone, the housing that supports those residents and pharmacy students, has successfully kept doctors practicing in southwest Georgia rather than departing for larger cities.

Joel has helped keep the "golden rule" culture and the charm of south Georgia as guiding principles during

his tenure at Phoebe Putney, and for that, many have benefited and are grateful.

As Georgia's Senators, we are thankful for Joel's service and wish him well as he enters the next chapter of his life. May God bless him in his future pursuits.●

REMEMBERING ROY H. MADSEN

● Ms. MURKOWSKI. Mr. President, many Alaskans have contributed enormously to the development of the Territory of Alaska through Statehood and beyond with their special life skills, talents, courage, and insights into the world around them. Among that distinguished group was a very special man, Roy H. Madsen of Kodiak, AK. Roy Madsen was known for so many things. Among them, he was the first Alaska Native to serve as a judge of the Alaska Superior Court. On the eve of the Alaska Federation of Natives convention, I proudly honor his remarkable life that spanned 94 years from March 15, 1923 to December 26, 2017.

Roy was born in the village of Kanatak, located just across Shelikoff Straits from the Kodiak archipelago near the Valley of Ten Thousand Smokes and Mount Katmai in the Katmai National Monument on the Alaskan Peninsula, an area which, in 1980, was expanded and renamed the Katmai National Park and Preserve.

Roy was one of eight children. His father, Charles Madsen, was a Danish immigrant who established a trading post at Kanatak. His mother, Alaska Native Mary (Metrokin) was a homemaker. The Madsens returned to his mother's hometown of Kodiak where, when Roy was only 4 years old, she passed. Roy and his siblings were raised in Kodiak by their dad and their stepmother, Alexandra Churnoff Madsen. Roy's love for his heritage and for the island remained centerpieces throughout his life. A member of the Sun'aq Tribe of Kodiak, he lived there for most of his life.

Blessed with his mother's rich, Alaska Native Sugpiaq-Koniagmiut-Alutiiq-Russian subsistence culture and fortified by his father's immigrant mindset of courage and ambition, Roy lived his life setting goals and pursuing them, most often with success.

After graduating from Kodiak High School in a class of six, he entered Oregon State University in 1941. In 1943, he left college and enlisted in the U.S. Navy and served as a gunner and navigator on Patrol Torpedo Boat PT 190, the "Jack of Diamonds" in the South Pacific during World War II. While serving in the Navy in the Philippines and New Guinea, Roy's unit was awarded campaign medals and two battle stars.

It was after WWII that Roy and his first wife Katharine (Walters) and family moved back to Kodiak in 1946. To support his growing family, he spent a couple of summers fishing in Bristol

Bay on a Columbia River double ender by sail and became a registered Alaska bear guide, working with his father Captain Charles Madsen, guiding clients on Kodiak brown bear hunts.

The Madsens then moved to Oregon, where Roy finished his bachelor's degree and entered Northwestern College of Law, today the Lewis & Clark Law School, where he received his juris doctor degree in 1953. He served as assistant district attorney and practiced law in Oregon before, in 1961, returning with his family to Kodiak. Over the years, the Madsen clan grew to include seven children: Elizabeth, Mary Jane, Charles, Charlotte, Jacqueline, Guy—deceased—stepdaughter Shannon, 13 grandchildren, and 4 great-grand children.

Roy Madsen immersed himself in Kodiak's thriving civic and cultural life. In the 1960s, he established a law firm, was the Kodiak city attorney, and the Kodiak Island Borough attorney. During this period, his commitment to his heritage grew and became legendary. He helped establish the Kodiak Area Native Association KANA, serving as its first vice president. His niece, Rita Stevens, wife of State Senator Gary Stevens, later furthered the work Roy had begun by helping to lead KANA for nearly two decades.

As an attorney and Alaska Native, he contributed his knowledge and experience to efforts within Alaska to achieve a settlement through the Alaska Native Claims Settlement Act (ANCSA) of Alaska Native aboriginal land claims that resulted from work by many across the State in the enactment of Public Law 93-203 in 1971. He then helped to establish Koniag, Inc., one of the regional Alaska Native Corporations authorized by ANCSA.

It was in 1975 that Roy began service as a Superior Court judge. He served in the State's Third Judicial District, an area of approximately 67,000 square miles, and sat in Kodiak. He served as a judge on that court through 1990.

Judge Madsen continued to serve his beloved island through the decades. After his retirement from the bench, he enjoyed participating in Alaska court system's Colors of Justice Program, promoting acceptance of diversity and encouraging minorities to consider pursuing law as a career. He helped found, was chair of the first advisory board, and was a professor at the Kodiak Community College teaching constitutional, criminal, and business law. After his retirement from the bench, he was appointed to the Alaska State Commission for Human Rights and to the Alaska Supreme Court Committee on Fairness and Access to the Courts.

Roy was counsel for writing the articles of incorporation for and an original board member of St. Herman's Orthodox Theological Seminary, a board member of the Kodiak Baptist Missions Treatment Center for Troubled Youths, and a member of the advisory board of St. Innocent's Orthodox Academy for Troubled Youths. He also served on the

Alaska Rural Systemic Initiative committee which focused on incorporating “Native Ways of Learning” into mainstream education delivery in Alaska. That initiative added a great deal to the recognition and usage of this form of wisdom of the Elders and Native culture in learning delivery in the State.

A mesmerizing storyteller, with deep and broad knowledge as an elder, Roy was a sought after and frequently featured speaker at any number of local events. Among his many honors was Saint Herman's Cross, bestowed upon him by Bishop Gregory Afonsky. In more recent years, Kodiak's courthouse was rededicated as the Roy H. Madsen Justice Center.

Not long before his passing, Roy was named Conservation Elder of the Year by the Kodiak National Wildlife Refuge for his long dedication to the refuge's Kodiak brown bear program. In recognition of his lifetime of achievement, the University of Alaska honored him with a doctorate of humanities. The documentary, “Magnetic North,” capturing how his life contributed to the history, spirit, and character of Alaska, premiered in Kodiak and aired on Alaska Public Television during 2017 shortly before his passing.

Roy was equally comfortable in his robes dispensing justice from the court bench as he was in a flannel shirt and worn corduroys at the helm of his skiff, shuttling family to a cabin on Woody Island or helping ferry pilgrims for the annual St. Herman's Pilgrimage to Monk's Lagoon or simply picking wild berries and mushrooms in the woods.

He was in his element with an audience, be it 2 or 200 hundred, sharing his stories of nature and human nature. His deep bass voice could fill a room, and his easy smile and laughter were contagious. Roy was manly enough to shed tears of joy or sorrow without embarrassment, to render steady advice, and to dispense his love, help, and friendship to all in need.

When asked for some words of advice, Roy once answered: “For a good quality of life, I believe it is important to have several things: a positive mind, good family relationships, goals you hope to achieve and to be adaptable. Be open to new relationships, never feel too old to learn and always be yourself. Recognize that you are unique. There is only one you.”

He held his most satisfying accomplishments as: “Extending justice and judicial services to rural Alaska—exposing rural Alaskans to Alaska's judicial system and making them feel included by traveling to them and delivering services in their own communities.”

Linda, his wife of 36 years prior to his passing, perhaps said it best: Roy had “the soul of a poet, the vitality of a fisherman and hunter, measured reason and mental retentiveness of a judge, courage and vision of one committed to making life better for others, and the heart and humanity of a loyal friend.”

This is but a brief overview of the life of Roy Madsen who lived such a pro-

ductive and principled life and who, by his deeds and who he was, represented the apex of what frontier Alaska and America can produce.

It is with the greatest respect that I share with my Senate colleagues and with the American people this short biographical sketch of the life of Roy Madsen, a wonderful Alaskan who served his country in war and peace and his fellow citizens in so many exemplary ways. We all are enriched to know about this great man whose life will be remembered and, hopefully, emulated as a “north star” for those who were fortunate to know him and those who will learn about his remarkable life.●

RECOGNIZING WALSH ENGINEERING SERVICES

● Mr. RISCH. Mr. President, Idaho is home to many innovative, ambitious, and industrious small businesses. Today I would like to honor a small business that represents all of these qualities. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my distinct privilege to recognize Walsh Engineering Services as the Small Business of the Month for October 2018. Walsh Engineering Services is a woman-owned design and architectural engineering firm, which provides high-quality technical and design services to various public and private sector customers throughout Idaho and around the country.

Located in Idaho Falls, ID, Walsh Engineering Services was founded by Stephanie Walsh along with a group of dedicated engineers. An Idaho Falls native, Stephanie was raised in a potato farming family and went on to graduate from the University of Idaho with a degree in mechanical engineering. After graduation, Stephanie returned home and began working for the Department of Energy's Idaho National Lab. While at the INL, Stephanie recognized the emerging need for expert contractors at one of our country's most important nuclear research centers. In 2005, Stephanie finally took the plunge and founded Walsh Engineering Services. Owning her own business and working with the INL as a contractor allowed her to continue to work to meet the needs of the INL, as well as those of a growing Southeastern Idaho.

Since its founding, Walsh Engineering Services has grown from a small group of dedicated engineers and designer-drafters, to a full-service engineering and architecture firm staffed by architects, cost estimators, and support personnel. Their goal has always been to provide high-quality, reliable, and responsive professional technical services to their customers. Their clients have expanded over the years from the INL to other DOE National Laboratories, the State of Idaho Department of Public Works, and fabrication firms located throughout the country. Stephanie is an outstanding example of Ida-

ho's unique entrepreneurial spirit and is an inspiration to women entrepreneurs across the great State of Idaho.

As you may know, October has been designated as National Women's Small Business Month. This month, we celebrate the critical contributions that women like Stephanie Walsh make to our country's economy every day. There are more than 9.9 million women-owned small business in the United States, employing over 8 million people. In 2017, women-owned small businesses generated over \$1.4 trillion in sales. I am pleased to honor a great women-owned small business this month in Walsh Engineering. Stephanie Walsh and her employees at Walsh Engineering exemplifies the perseverance and hard work that lead women-owned small businesses to success.

Stephanie's team at Walsh Engineering Services is committed to supporting INL's mission of clean energy, national security, science, and the environment. While Stephanie founded the company to support the changing needs of the INL, Walsh Engineering Services is also focused on training the next generation of workers to continue the history of professionalism and success at the INL. The firm not only offers jobs to recent graduates of Idahoan universities but also develops the next generation of engineers through the firm's internship program.

Stephanie is proof of Idaho's unique entrepreneurial spirit. Through her hard work, expertise, and reputation for quality work, Stephanie's company has grown over the past 13 years and now employs approximately 75 Idahoans who provide valuable contracting services to public and private entities. Stephanie Walsh is a great example to both young female engineers and woman entrepreneurs throughout Idaho and the Nation. I would like to congratulate Stephanie and all of the employees at Walsh Engineering Services for being named the Small Business of the Month for October 2018. I wish you good luck in your future endeavors and look forward to watching your continued growth and success.●

150TH ANNIVERSARY OF WAYNE STATE UNIVERSITY

● Ms. STABENOW. Mr. President, today I wish to pay special tribute to Wayne State University, which this year is celebrating 150 years.

Michigan is home to many world-class colleges and universities. However, what has set Wayne State apart from the very beginning is its unique role in serving the people of Michigan from the heart of Detroit.

Wayne State traces its roots to 1868, when five physicians who had witnessed the very worst of human suffering on Civil War battlefields vowed to change medicine for the better. They founded Detroit Medical College. Its motto: *Salus Populi—Suprema Lex.*

The Welfare of the People is the Highest Law.

A lot has changed since those early days. Today more than 27,000 Warriors from 80 countries are earning degrees in everything from accounting to manufacturing engineering, orchestral studies to urban planning, but one thing has not changed at all: Wayne State's dedication to people's welfare. For 150 years, Wayne State has been making Detroit and our State stronger and creating true leaders.

It is doing that at the Integrative Biosciences Center, a 127,000-square-foot, \$90 million facility dedicated to studying and eliminating health disparities, and the National Institutes of Health's Perinatology Research Branch, which has helped more than 20,000 at-risk mothers and babies.

It is doing that at the brand-new Mike Ilitch School of Business, which is creating the next generation of business leaders while helping revitalize the corridor between downtown and midtown.

It is doing that through its Wayne Advantage-Macomb program, which allows students to begin to earn their degree at Macomb Community College, and the Warrior Way Back program, which helps students who didn't receive their degrees get back into class while easing their student debt burden.

It counts among its alumni people who have excelled in nearly every field: Dr. Joseph Ferguson, class of 1869, the first African-American medical school graduate in Michigan; Helen Thomas, class of 1942, dean of the White House Press Corps; Emmett Leith, class of 1949, recipient of the National Medal of Science; Philip Levine, class of 1950, Poet Laureate of the United States and winner of the Pulitzer Prize; Damon Keith, Wayne State University Law School class of 1967, U.S. Circuit Court of Appeals; Garth Fagan, class of 1969, winner of the Tony Award for Best Choreography for "The Lion King"; Mark Fritz, class of 1978, winner of the Pulitzer Prize for international reporting; Dr. Carmen McIntyre, class of 1990, creator of the Mental Health First Aid Training program; and Dr. Mona Hanna-Attisha, class of 2006, whose careful research helped discover elevated lead levels in the children of Flint.

Hundreds of thousands more alumni, famous or not, can credit Wayne State in part for their success, but so too can hundreds of thousands of people who have been educated, inspired, represented, protected, entertained, and treated by those graduates. I think those original five physicians would be extremely pleased with the impact their school has had not just on Detroit but on our Nation.

Since 1868, Wayne State University has been building leaders. Congratulations to students, faculty, staff, and alumni on 150 years of putting the welfare of the people of Michigan first.

Thank you.●

SESQUICENTENNIAL OF LINCOLN HIGH SCHOOL

● Mr. WYDEN. Mr. President, today I wish to recognize the sesquicentennial of Lincoln High School in Portland, OR.

One of the oldest and most celebrated public secondary schools west of the Mississippi River, Lincoln was established in 1869, a decade after Oregon's founding. Originally known as Portland High School, it was eventually renamed in honor of President Abraham Lincoln. Currently located in the Goose Hollow neighborhood of Southwest Portland, Lincoln High School has moved four times over the past 150 years and is currently planning a fifth campus to accommodate its growing student body.

Lincoln High School's college preparatory program has graduated generations of Oregon students. Over 60 faculty members oversee and implement a wealth of academic and extra-curricular opportunities, including enhanced and advanced coursework in literature, the social sciences, foreign languages, mathematics, and physical and life sciences. Lincoln offers a celebrated international baccalaureate program, in addition to a full Spanish immersion program.

Outside the classroom, Lincoln's Constitution Team has won 23 State championships and six national titles. Its speech and debate team ranks among the top in the State, and its mock trial team competes nationally. The school's student newspaper "The Cardinal Times" is the oldest continuously published high school paper on the West Coast. Lincoln's magazine "Beyond the Flock" and its Spanish-language magazine "Puno y Letro" add to the school's rich and diverse literary tradition. Lincoln's student athletes have brought home 38 State championships in a variety of sports. Seventy-seven student-led clubs and unions serve the larger Portland community and demonstrate Lincoln's commitment to an inclusive, engaged, and diverse student body.

Lincoln students are dedicated to fostering an open and welcoming community for all and have committed to carrying those values forth into 2019, the school's 150th year. For 150 years, Lincoln High School has inspired generations of global thinkers who have bettered their communities in the Cardinal spirit of academic and civic engagement.

I rise to acknowledge the significant contribution of Lincoln High School to the State of Oregon and the Nation as a whole and to offer my congratulations to the students, faculty, and alumni on the occasion of its sesquicentennial.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

In executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The message received today is printed at the end of the Senate proceedings.)

MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Finance by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 64. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6791. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to South Sudan that was declared in Executive Order 13664 of April 3, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC-6792. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration Project; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2196. A bill to amend title 5, United States Code, to allow whistleblowers to disclose information to certain recipients (Rept. No. 115-346).

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 2679. A bill to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 3552. A bill to amend the Small Business Act to adjust the real estate appraisal thresholds under the 7(a) program of the Small Business Administration to bring those thresholds into line with the thresholds used by the Federal banking regulators, and for other purposes.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, without amendment and an amendment to the title:

S. 3553. A bill to amend the Small Business Act to adjust the real estate appraisal thresholds under the section 504 program of the Small Business Administration to bring

those thresholds into line with the thresholds used by the Federal banking regulators, and for other purposes.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 3554. A bill to extend the effective date for the sunset for collateral requirements for Small Business Administration disaster loans.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 3561. A bill to support entrepreneurs serving in the National Guard and Reserve, and for other purposes.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, without amendment:

S. 3562. A bill to amend the Small Business Act to modify the method for prescribing size standards for business concerns.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Mary M. Rowland, of Illinois, to be United States District Judge for the Northern District of Illinois.

Steven C. Seeger, of Illinois, to be United States District Judge for the Northern District of Illinois.

Martha Maria Pacold, of Illinois, to be United States District Judge for the Northern District of Illinois.

Carl J. Nichols, of the District of Columbia, to be United States District Judge for the District of Columbia.

Mary S. McElroy, of Rhode Island, to be United States District Judge for the District of Rhode Island.

Stephanie A. Gallagher, of Maryland, to be United States District Judge for the District of Maryland.

Kenneth D. Bell, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit.

(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. CARDIN (for himself, Ms. KLOBUCHAR, and Mr. VAN HOLLEN):

S. 3572. A bill to require information sharing with respect to the ownership of election service providers; to the Committee on Rules and Administration.

By Mr. VAN HOLLEN (for himself, Ms. COLLINS, and Mr. CARDIN):

S. 3573. A bill to amend the Help America Vote Act of 2002 to require States to take steps to ensure domestic ownership and control of election service providers, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROUNDS:

S. 3574. A bill to amend the Financial Stability Act of 2010 to provide relief to nonbanks from certain stress test requirements under that Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROUNDS:

S. 3575. A bill to require the Securities and Exchange Commission to carry out a cost benefit analysis of the use of Form 10-Q, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROUNDS:

S. 3576. A bill to require the Securities and Exchange Commission to revise the definitions of a qualifying portfolio company and a qualifying investment to include an emerging growth company and the equity securities of an emerging growth company, respectively, for purposes of the exemption from registration for venture capital fund advisers under the Investment Advisers Act of 1940; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROUNDS:

S. 3577. A bill to amend the Financial Stability Act of 2010 to require the Financial Stability Oversight Council to consider alternative approaches before determining that a U.S. nonbank financial company shall be supervised by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROUNDS:

S. 3578. A bill to require the Securities and Exchange Commission to carry out a study to evaluate the issues affecting the provision of, and reliance upon, investment research into small issuers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROUNDS:

S. 3579. A bill to require the Securities and Exchange Commission to revise the definitions of a "small business" and "small organization" for purposes of assessing the impact of the rulemakings of the Commission under the Investment Advisers Act of 1940; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 3580. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers who provide reductions in rent to low-income senior renters, and for other purposes; to the Committee on Finance.

By Mr. THUNE (for himself and Mr. WYDEN):

S. 3581. A bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services; to the Committee on Finance.

By Mr. HELLER:

S. 3582. A bill to amend the Internal Revenue Code of 1986 to establish a new phaseout of the credit for plug-in electric drive motor vehicles; to the Committee on Finance.

By Mr. HELLER:

S. 3583. A bill to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. GILLIBRAND, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. CARDIN, and Ms. CORTEZ MASTO):

S. 3584. A bill to amend the Higher Education Act of 1965 in order to increase usage of the Federal student loan income-based repayment plan and improve repayment options for borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY (for himself and Mr. JOHNSON):

S. 3585. A bill to prioritize the efforts of and enhance coordination among United States agencies to encourage countries in Central and Eastern Europe to diversify their energy sources and supply routes, increase Europe's energy security, and help the

United States reach its global energy security goals, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANDERS:

S. 3586. A bill to direct the Secretary of Agriculture to provide emergency payments to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARPER (for himself, Mr. NELSON, Mr. MENENDEZ, and Mr. VAN HOLLEN):

S. 3587. A bill to amend title 23, United States Code, to improve the nationally significant freight and highway projects program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHATZ (for himself and Mr. MERKLEY):

S. 3588. A bill to amend title 18, United States Code, to establish an Office of Federal Correctional Education, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHATZ:

S. 3589. A bill to amend the Elementary and Secondary Education Act of 1965 by establishing a program to support the modernization, renovation, or repair of career and technical education facilities, and to enable schools serving grades 6 through 12 that are located in rural areas or that serve Native American students to remodel or build new facilities to provide STEM classrooms and laboratories and support high-speed internet, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 3590. A bill to prohibit military aid to Saudi Arabia until the Secretary of State determines that Jamal Khashoggi is alive and free; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND (for herself, Mr. GARDNER, Mr. BENNET, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. BOOKER, Ms. BALDWIN, Mr. MARKEY, Mr. COONS, Mr. CASEY, Mr. SCHUMER, Mr. MENENDEZ, Mr. MURPHY, Ms. WARREN, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. KLOBUCHAR, and Ms. DUCKWORTH):

S. 3591. A bill to extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes; to the Committee on the Judiciary.

By Ms. HASSAN (for herself and Mrs. SHAHEEN):

S. 3592. A bill to amend the Public Health Service Act to prevent surprise medical billing practices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. ERNST (for herself, Mr. COTTON, Mrs. MCCASKILL, and Ms. HEITKAMP):

S. 3593. A bill to amend the Family and Medical Leave Act of 1993, to repeal certain limits on leave for a husband and wife employed by the same employer; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 3594. A bill to provide for the issuance of a Stamp Out Elder Abuse Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GARDNER:

S. 3595. A bill to amend the Internal Revenue Code of 1986 to exclude employer contributions to student loan repayment from income, and for other purposes; to the Committee on Finance.

By Mr. YOUNG (for himself, Ms. HASSAN, Mr. HATCH, and Mr. KAINE):

S. 3596. A bill to amend the Higher Education Act of 1965 to create an innovation zone initiative, and for other purposes; to

the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER:

S. 3597. A bill to strengthen protections for child trafficking victims testifying against human traffickers; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 3598. A bill to limit private antitrust damages against occupational licensing boards, to promote beneficial reforms of State occupational licensing, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. REED, Mr. COONS, and Mr. CARPER):

S. 3599. A bill to amend title XVIII of the Social Security Act to codify and permanently extend the Medicare hospital wage index imputed rural floor; to the Committee on Finance.

By Mr. DONNELLY:

S. 3600. A bill to amend the Internal Revenue Code of 1986 to provide that floor plan financing includes the financing of certain trailers and campers; to the Committee on Finance.

By Mr. BOOKER (for himself and Mr. YOUNG):

S. 3601. A bill to amend the Workforce Innovation and Opportunity Act to provide for a program that employs pay-for-performance financing for workforce development projects; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mrs. CAPITO):

S. 3602. A bill to amend the Public Health Service Act to reauthorize school-based health centers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself and Mr. MENENDEZ):

S. 3603. A bill to require the Federal Motor Carrier Safety Administration to implement a national employer notification service; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself, Mr. RISCH, Mrs. SHAHEEN, and Mr. BURR):

S. 3604. A bill to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 3605. A bill to support wildlife conservation, improve anti-trafficking enforcement, provide dedicated funding for wildlife conservation at no expense to taxpayers, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PETERS (for himself and Mr. CORNYN):

S. 3606. A bill to amend the FAST Act to improve contracting opportunities for service-connected disabled veteran-owned small business concerns, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself, Mr. WICKER, and Mr. PERDUE):

S. 3607. A bill to strengthen the participation of elected national legislators in the activities of the Organization of American States and reaffirm United States support for Organization of American States human rights and anti-corruption initiatives, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL (for himself, Ms. KLOBUCHAR, and Mr. HEINRICH):

S. 3608. A bill to provide grants for local care corps programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL (for himself and Mr. INHOFE):

S. 3609. A bill to amend the National Trails System Act to designate the Route 66 National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WICKER (for himself and Mrs. HYDE-SMITH):

S. Res. 673. A resolution recognizing the 80th anniversary of Ingalls Shipbuilding; to the Committee on the Judiciary.

By Mr. HATCH:

S. Res. 674. A resolution recognizing the month of October 2018 as "National Principals Month"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself and Mr. KENNEDY):

S. Res. 675. A resolution designating the week beginning on October 14, 2018, as "National Wildlife Refuge Week"; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Mr. CASEY):

S. Res. 676. A resolution to recognize the importance of National Disability Employment Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 677. A resolution congratulating the Seattle Storm women's basketball team on winning the 2018 Women's National Basketball Association championship; to the Committee on Commerce, Science, and Transportation.

By Ms. HIRONO (for herself, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Ms. HARRIS, Mr. HELLER, Mr. KAINE, Ms. KLOBUCHAR, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SCHATZ, Mr. VAN HOLLEN, Ms. WARREN, Mrs. FEINSTEIN, and Mr. SANDERS):

S. Res. 678. A resolution recognizing the month of October 2018 as Filipino American History Month and celebrating the history and culture of Filipino Americans and their immense contributions to the United States; to the Committee on the Judiciary.

By Mr. COONS (for himself, Mr. MORAN, Mr. LEAHY, and Mr. BOOZMAN):

S. Res. 679. A resolution designating October 16, 2018, as "World Food Day"; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself, Mr. MURPHY, Mrs. CAPITO, Ms. WARREN, and Mr. VAN HOLLEN):

S. Res. 680. A resolution calling on Congress, schools, and State and local educational agencies to recognize the significant educational implications of dyslexia that must be addressed, and designating October 2018 as "National Dyslexia Awareness Month"; considered and agreed to.

By Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. ALEXANDER, Mr. DONNELLY, and Mr. ENZI):

S. Res. 681. A resolution designating the week beginning October 21, 2018, as "National Character Counts Week"; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. UDALL, Mr. MCCONNELL, Mr. SCHUMER, Mr. CORKER, Mr. HEINRICH, Mr. PORTMAN, Mr. BROWN, Mr. GARDNER, Ms. CANTWELL, Mr. GRAHAM, Mrs. MURRAY, Mr. HATCH, Mr. MARKEY, Mr. ROBERTS, Mr. RUBIO, and Mr. GRASSLEY):

S. Res. 682. A resolution designating October 30, 2018, as a national day of remembrance for nuclear weapons program workers; considered and agreed to.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. Res. 683. A resolution recognizing and commemorating the bicentennial of the State of Illinois; considered and agreed to.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. Res. 684. A resolution relative to the death of the Honorable Joseph D. "Joe" Tydings, former United States Senator for the State of Maryland; considered and agreed to.

ADDITIONAL COSPONSORS

S. 87

At the request of Mr. TOOMEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 87, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 210

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 210, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 352

At the request of Mr. CORKER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick "Roddie" Edmonds in recognition of his heroic actions during World War II.

S. 384

At the request of Mr. BLUNT, the name of the Senator from Montana (Mr. TESTER) 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. 536

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 536, a bill to promote transparency in the oversight of cybersecurity risks at publicly traded companies.

S. 545

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 545, a bill to preserve and protect the free choice of individual employees

to form, join, or assist labor organizations, or to refrain from such activities.

S. 689

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 689, a bill to provide women with increased access to preventive and lifesaving cancer screening.

S. 796

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

S. 802

At the request of Mr. PORTMAN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 802, a bill to award a Congressional Gold Medal in honor of Lawrence Eugene "Larry" Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

S. 998

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

S. 1090

At the request of Mr. CRAPO, the names of the Senator from Montana (Mr. TESTER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1090, a bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.

S. 1121

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1121, a bill to establish a postsecondary student data system.

S. 1706

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1730

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1730, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 2228

At the request of Mr. LEE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2228, a bill to amend the Higher Education Act of 1965 to provide for ac-

creditation reform, to require institutions of higher education to publish information regarding student success, to provide for fiscal accountability, and to provide for school accountability for student loans.

S. 2276

At the request of Mr. YOUNG, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2276, a bill to require agencies to submit reports on outstanding recommendations in the annual budget justification submitted to Congress.

S. 2736

At the request of Mr. GARDNER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2736, a bill to develop a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region, and for other purposes.

S. 2784

At the request of Mr. HELLER, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from South Carolina (Mr. SCOTT), the Senator from Hawaii (Ms. HIRONO), the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2784, a bill to reauthorize the Family Violence Prevention and Services Act.

S. 2796

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2796, a bill to authorize the Secretary of Veterans Affairs to use the authority of the Secretary to conduct and support research on the efficacy and safety of medicinal cannabis, and for other purposes.

S. 2821

At the request of Ms. SMITH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2821, a bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes.

S. 2830

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2830, a bill to reauthorize the rural emergency medical services training and equipment assistance program under section 330J of the Public Health Service Act.

S. 2863

At the request of Mr. BLUNT, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from North Carolina (Mr. TILLIS), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Montana (Mr. DAINES), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho

(Mr. CRAPO), the Senator from Idaho (Mr. RISC), the Senator from Alaska (Mr. SULLIVAN), the Senator from Nebraska (Mrs. FISCHER), the Senator from Ohio (Mr. PORTMAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Alabama (Mr. SHELBY), the Senator from Wyoming (Mr. ENZI), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Wyoming (Mr. BARRASSO), the Senator from Louisiana (Mr. KENNEDY), the Senator from Indiana (Mr. YOUNG), the Senator from Louisiana (Mr. CASSIDY), the Senator from Georgia (Mr. PERDUE), the Senator from South Carolina (Mr. SCOTT), the Senator from Texas (Mr. CRUZ), the Senator from Iowa (Mrs. ERNST), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Hawaii (Ms. HIRONO), the Senator from California (Ms. HARRIS), the Senator from Colorado (Mr. BENNET), the Senator from Virginia (Mr. WARNER), the Senator from New Mexico (Mr. UDALL), the Senator from Massachusetts (Ms. WARREN), the Senator from Vermont (Mr. LEAHY), the Senator from Alabama (Mr. JONES) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2863, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes.

S. 2971

At the request of Mr. BOOKER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2971, a bill to amend the Animal Welfare Act to prohibit animal fighting in the United States territories.

S. 3140

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3140, a bill to amend the Packers and Stockyards Act, 1921, to provide for the establishment of a trust for the benefit of all unpaid cash sellers of livestock, and for other purposes.

S. 3178

At the request of Ms. HARRIS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mr. CRUZ), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 3178, a bill to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

S. 3241

At the request of Ms. WARREN, the names of the Senator from North Dakota (Ms. HEITKAMP) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 3241, a bill to amend the Servicemembers Civil Relief Act to provide for the termination by a spouse of a lessee of certain leases

when the lessee dies while in military service.

S. 3257

At the request of Mr. CRUZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3257, a bill to impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, and for other purposes.

S. 3319

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. REED), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Oregon (Mr. MERKLEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3319, a bill to impose additional restrictions on tobacco flavors for use in e-cigarettes.

S. 3321

At the request of Mr. COONS, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 3321, a bill to award Congressional Gold Medals to Katherine Johnson and Dr. Christine Darden and to posthumously award Congressional Gold Medals to Dorothy Vaughan and Mary Jackson in recognition of their contributions to the success of the National Aeronautics and Space Administration during the Space Race.

S. 3363

At the request of Ms. HARRIS, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 3363, a bill to support States in their work to end preventable morbidity and mortality in maternity care by using evidence-based quality improvement to protect the health of mothers during pregnancy, childbirth, and in the postpartum period and to reduce neonatal and infant mortality, to eliminate racial disparities in maternal health outcomes, and for other purposes.

S. 3387

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3387, a bill to restore administrative law judges to the competitive service.

S. 3449

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Ms. SMITH) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3449, a bill to amend the Internal Revenue Code of 1986 to extend certain tax credits related to electric cars, and for other purposes.

S. 3470

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3470, a bill to promote United States-Mongolia trade by authorizing duty-free treatment for certain imports from Mongolia, and for other purposes.

S. 3476

At the request of Mr. CORKER, the names of the Senator from Tennessee

(Mr. ALEXANDER), the Senator from Virginia (Mr. KAINE), the Senator from Illinois (Mr. DURBIN) and the Senator from Nebraska (Mr. SASSE) were added as cosponsors of S. 3476, a bill to extend certain authorities relating to United States efforts to combat HIV/AIDS, tuberculosis, and malaria globally, and for other purposes.

S. 3481

At the request of Ms. WARREN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3481, a bill to amend the Securities and Exchange Act of 1934 to require issuers to disclose certain activities relating to climate change, and for other purposes.

S. 3483

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3483, a bill to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to conduct a study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the authority of the United States Patent and Trademark Office to set the amounts for the fees that the Office charges, and for other purposes.

S. 3504

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3504, a bill to amend the Internal Revenue Code of 1986 to provide an exemption from gross income for civil damages as recompense for trafficking in persons.

S. 3530

At the request of Mr. REED, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 3530, a bill to reauthorize the Museum and Library Services Act.

S. 3561

At the request of Mrs. SHAHEEN, the names of the Senator from Delaware (Mr. COONS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3561, a bill to support entrepreneurs serving in the National Guard and Reserve, and for other purposes.

S. 3564

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3564, a bill to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish pilot programs to assist low-income households in maintaining access to sanitation services and drinking water, and for other purposes.

S.J. RES. 64

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S.J. Res. 64, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations".

S. RES. 220

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 220, a resolution expressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and rights for adhering to their beliefs and practices and condemning the practice of non-consenting organ harvesting, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 3594. A bill to provide for the issuance of a Stamp Out Elder Abuse Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. Along with my colleague and friend, Senator CLAIRE MCCASKILL, I am introducing the Stamp Out Elder Abuse Act of 2018, a bill that seeks to help combat the abuse and financial exploitation of our nation's seniors. Our bill would create a semipostal, or fundraising, stamp that would allow Postal Service customers to make a voluntary contribution to help raise awareness and combat elder abuse with a stamp purchase. The proceeds from this stamp would go to the Department of Health and Human Service's (HHS) Administration on Community Living (ACL) and the Department of Justice (DOJ). This additional funding for the ACL would be used to further support the development and advancement of emerging practices to prevent and respond to the abuse of older adults. Funding for the DOJ would go toward improving prosecution, data collection, litigation support, and prevention of elder abuse initiatives. Notably, this bill would help to provide needed additional revenue to tackle elder abuse without costing the federal government a single penny.

Abuse can happen to anyone—no matter the person's age, gender, race, religion, or ethnic or cultural background. Each year, hundreds of thousands of adults over the age of 60 are abused, neglected, or financially exploited. Abuse can happen in many places, including a person's home, a family member's house, an assisted living facility, or a nursing home. Just as abuse can occur in various settings, there are many types of elder abuse, including physical abuse, emotional abuse, sexual abuse, neglect, abandonment, and financial exploitation. Although there are different types of

abuse, it is common for a victim to experience more than one type of mistreatment.

According to the National Council on Aging, approximately one in ten Americans aged 60 years old or older have experienced some form of elder abuse, and according to the GAO, financial fraud targeting older Americans is a growing epidemic that costs seniors an estimated \$2.9 billion annually. We know, however, that the true number is probably much higher since many of these cases are never reported because the victim is too often ashamed to report abuse, particularly when it involves a family member. As a consequence, the true incidence of abuse is not known. In fact, the National Center on Elder Abuse reports that only one in 14 cases are reported to the authorities.

In my home State of Maine—the State with the oldest population by median age—an estimated 33,000 seniors each year are the victims of some kind of abuse or financial fraud. Moreover, in as many as 90 percent of financial cases, the senior is victimized by someone he or she knows well. In a 2017 report of financial exploitation of Maine's older adults, in most cases financial exploitation is perpetrated by a family member and for those perpetrators who were family members, the majority were the victim's child.

In a recent case in Maine, police charged a pastor in York County, Maine, with exploiting an incapacitated elderly woman. They say the man befriended the woman while he was volunteering at the assisted-living community where she lived. According to police, the State determined the woman to be incapacitated and assigned her a guardian and conservator. The pastor allegedly took the woman to her bank, withdrew money to have the locks changed on her former home, which had been on the market, and he took down the "for sale" sign.

Police say the pastor told the woman he would help her return to her house, even though it was not equipped for the wheelchair access she required. He suggested his daughter could live with the woman to care for her. Police say his goal was to ingratiate himself and have access to this woman's financial accounts and property. Fortunately, in this case, the conservator, who was legally responsible for protecting the woman's assets, identified and reported the suspected criminal activity to the police.

Combating elder abuse of seniors is primarily the responsibility of state and local agencies, particularly Adult Protective Services agencies. Prevention and response to cases of abuse require coordinated efforts, including state and local agencies, law enforcement, the social work and medical community, and financial institutions.

The Federal government also plays an important role in providing leadership to combat this problem. The Elder Justice Coordinating Council, which is

led by HHS and DOJ, has brought other federal agencies to the table to coordinate efforts to protect older individuals from abuse. In January, the DOJ took another step forward by directing all 94 U.S. Attorneys' offices to each designate an elder justice coordinator, who will develop strategies to protect seniors in their districts. This will promote greater cooperation between the DOJ and its law enforcement partners. While the best way to intervene in the problem of elder abuse is to prevent it from happening in the first place, when abuse does occur, it is crucial that the perpetrators of the crimes not go unpunished.

I worked closely on the Stamp Out Elder Abuse Act of 2018 with Philip C. Marshall, founder of Beyond Brooke, a cause-based campaign named to honor Philip's late grandmother, Brooke Astor, who was a well-known philanthropist, recipient of the Presidential Medal of Freedom, and a victim of elder abuse and elder financial exploitation. In 2015, Mr. Marshall testified before the Senate Aging Committee about how his father mistreated his grandmother and mismanaged her assets while she suffered from Alzheimer's disease. In addition, I am pleased that the nonpartisan Elder Justice Coalition, which represents more than 3,000 members, along with the National Center for Victims of Crime, the National Sheriff's Association, and the National Association on Area Agencies on Aging support the bill.

Preventing and combating elder abuse require law enforcement and social service agencies at all levels of government to work collaboratively with the private sector. The Stamp Out Elder Abuse Act would assist the Federal government's role to help make that happen. I urge my colleagues to support this bill.

Mr. President—I ask that letters from these organizations appear in the RECORD immediately following my remarks.

There being no objection so ordered.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, October 10, 2018.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Sheriffs' Association (NSA) and the more than 3,000 elected sheriffs nationwide, I write to endorse the Stamp Out Elder Abuse Act of 2018 proposed by yourself and cosponsored by Senator Claire McCaskill. This Act initiates a semi postal stamp that not only raises elder abuse awareness, but also dedicates the proceeds to elder justice programs within DOJ and HHS.

As you may know, the NSA was one of the founding groups in the National Association of Triads, Inc. National Triads serves as a clearinghouse of information, best practices and early alert system for local Triads. Triad is a national community policing concept that partners law enforcement agencies with older adult volunteer groups and older adult related community services to educate older adults on crime and fraud, to reduce crime against the elderly, and eliminate the unwarranted fear of crime.

After twenty-two years in existence, there are Triads in more than 680 counties in 36 states. Triad serves 16 million seniors nationwide—nearly half of America's senior population. The National Sheriffs' Association and local sheriffs have long recognized the need to ensure the safety and quality of life for the growing number of senior citizens by supporting the formation of community partnerships under the auspice of Triad. Triad has a clear vision and a simple mission—to keep seniors safe from crime.

The Stamp Out Elder Abuse Act of 2018 makes a clear effort to increase awareness and support for the elderly community. We applaud your efforts to support prevention and education, investigation and prosecution, and victims' services in an effort in combat elder abuse.

Sincerely,

JONATHAN F. THOMPSON,
Executive Director and CEO.

THE ELDER JUSTICE COALITION, A
NATIONAL ADVOCACY VOICE FOR
ELDER JUSTICE IN AMERICA,
Washington, DC, September 25, 2018.

Hon. SUSAN COLLINS,
Chairman, Special Committee on Aging, U.S.
Senate, Washington, DC.

DEAR CHAIRMAN COLLINS: As the National Coordinator of the nonpartisan Elder Justice Coalition which represents more than 3,000 members, I write to congratulate you on the introduction of the Stamp Out Elder Abuse Act of 2018, which will create a semi-postal stamp to provide additional funding to the federal government for programs to address elder abuse, neglect, and exploitation. The EJC is proud to have worked closely on this legislation with you and Philip C. Marshall, founder of Beyond Brooke, a cause-based campaign named to honor Philip's late grandmother, Brooke Astor, who was a well-known philanthropist, recipient of the Presidential Medal of Freedom, and a victim of elder abuse and elder financial exploitation.

We are pleased that the bill will direct the United States Postal Service to develop the semi-postal stamp and use the proceeds from its sales to provide funding to augment the elder justice initiatives at both the Administration on Aging in the Department of Health and Human Services and at the Department of Justice. These programs include prevention, education, data collection, services to protect and support victims, and demonstration projects, in addition to initiatives to investigate and prosecute perpetrators of elder abuse and financial exploitation. Further, the departments will be able to use their resources to support dissemination of the stamp.

Thank you again for your leadership on this and other elder justice issues. Please let us know if we can be of assistance in securing passage of the Stamp Out Elder Abuse Act of 2018.

Sincerely,

ROBERT B. BLANCATO,
National Coordinator.

THE NATIONAL CENTER FOR
VICTIMS OF CRIME,
Washington, DC, October 2, 2018.

Hon. SUSAN COLLINS,
Chairman, Special Committee on Aging, U.S.
Senate, Washington, DC.

DEAR CHAIRMAN COLLINS: As the Executive Director of the National Center for Victims of Crime which advocates for stronger rights, protections, and services for all crime victims and the advocates who serve them, I write to congratulate you on the introduction of the Stamp Out Elder Abuse Act of 2018, which will create a semi-postal stamp to provide additional funding to the federal government for programs to address elder abuse, neglect, and exploitation.

We are pleased that the bill will direct the United States Postal Service to develop the semi-postal stamp and use the proceeds from its sales to provide funding to augment the elder justice initiatives at both the Administration on Aging in the Department of Health and Human Services and at the Department of Justice. These programs include prevention, education, data collection, services to protect and support victims, and demonstration projects, in addition to initiatives to investigate and prosecute perpetrators of elder abuse and financial exploitation. Further, the departments will be able to use their resources to support dissemination of the stamp.

Thank you again for your leadership on this and other elder justice issues. Please let us know if we can be of assistance in securing passage of the Stamp Out Elder Abuse Act of 2018.

Sincerely,

MAI FERNANDEZ,
Executive Director.

By Mr. CORNYN:

S. 3598. A bill to limit private antitrust damages against occupational licensing boards, to promote beneficial reforms of State occupational licensing, and for other purposes; to the Committee on the Judiciary.

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. 3598

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 "Occupational Licensing Board Antitrust Damages Relief and Reform Act of 2018".

SEC. 2. DEFINITIONS.

In this Act:

(1) **CERTIFICATION.**—The term "certification" means a voluntary program under which—

(A) a private organization (in the case of private certification) or the government of a State (in the case of government certification) authorizes an individual who meets certain personal qualifications to use "certified" as a designated title with respect to the performance of a lawful occupation; and

(B) a noncertified individual may perform the lawful occupation for compensation but may not use the title "certified".

(2) **MEMBER, OFFICER, EMPLOYEE, OR AGENT.**—The term "member, officer, employee, or agent", with respect to an occupational licensing board, means an individual appointed by, to, or employed by the occupational licensing board.

(3) **OCCUPATIONAL LICENSE.**—The term "occupational license" means a nontransferable authorization under law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by the State government.

(4) **OCCUPATIONAL LICENSING BOARD.**—The term "occupational licensing board" or "board" means an entity established under State law—

(A) the express purpose of which is to regulate the personal qualifications required to engage in or practice a particular lawful occupation; and

(B) that has authority conferred by State law to interpret or enforce the occupational regulations of the State.

(5) **OCCUPATIONAL REGULATION.**—The term "occupational regulation"—

(A) means a statute, rule, regulation, practice, policy, or law that sets educational, examination, training and/or experience requirements to authorize an individual to work in a lawful occupation;

(B) includes any statute, rule, regulation, practice, policy, or law requiring certification or an occupational license; and

(C) does not include a business license, facility license, building permit, or zoning and land use regulation except to the extent that such a requirement or restriction substantially burdens an individual's ability to work in a lawful occupation.

(6) **WIDELY REGULATED OCCUPATION.**—The term "widely regulated occupation" means an occupation in which forty (40) or more States require an occupational license to engage in such occupation.

(7) **STATE.**—The term "State" means each of the several States, the District of Columbia, and any territory or possession of the United States.

SEC. 3. PRIVATE ANTITRUST DAMAGES.

(a) **IN GENERAL.**—No damages, or interest on damages, may be recovered under section 4, 4A or 4C of the Clayton Act (15 U.S.C. 15, 15a, or 15c) by any person, except for any State, instrumentality of a State, or employee of a State or instrumentality of a State acting in his or her official capacity, from an occupational licensing board, or any member, officer, employee, or agent of a board, acting in their official capacity, if—

(1) the State—

(A) has enacted a law requiring an occupational license to practice the lawful occupation regulated by the occupational licensing board;

(B) has set forth criteria outlining any personal qualifications necessary to obtain an occupational license and has required that licensees adhere to standards of practice and ethical standards in the performance of regulated lawful occupations; and

(C) has found that—

(i) the public needs, and can be reasonably expected to benefit from, occupational licensing of the lawful occupation; and

(ii) the unlicensed conduct of the lawful occupation would harm or endanger the health, safety, or welfare of the public;

(2) an occupation licensed by an occupational licensing board—

(A) is a widely regulated occupation; or

(B)(i) is not a widely regulated occupation and the State has implemented a periodic sunset review process of the occupational licensing board with regard to that occupation; and (ii) if previously unregulated by the State, the State has implemented a sunrise review process of the occupational licensing board with regard to its regulation of that newly-licensed occupation;

(3) the chief executive, legislature, or other elected officer of the State—

(A) has appointed all members of the occupational licensing board; and

(B) has required public representation on the occupational licensing board; and

(4) the State or the occupational licensing board has established a mechanism under which any person aggrieved by an action of the occupational licensing board has the right to—

(A) contest such action at a hearing before the occupational licensing board at which the individual may provide evidence, argument, and analysis;

(B) review, at a reasonable time before the hearing, all evidence that the occupational licensing board has gathered relating to the contested action;

(C) receive a final reasoned decision in writing from the occupational licensing board within a reasonable period after the hearing; and

(D) appeal an adverse decision of the occupational licensing board to an independent adjudicator, including judicial review.

(b) **APPLICABILITY.**—This section shall not apply to any case commenced before the date of enactment of this Act, unless it would be inequitable not to apply this section to a pending action.

(c) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to modify or impair the applicability or availability of—

(1) relief pursuant to section 4A or 4C of the Clayton Act (15 U.S.C. 15a, 15c);

(2) injunctive relief pursuant to section 16 of the Clayton Act (15 U.S.C. 26);

(3) equitable monetary or injunctive relief pursuant to section 13(b) of the Federal Trade Commission Act (15 U.S.C. 53(b)); or

(4) the ability of any person to recover the cost of the suit, including a reasonable attorney's fee, under section 4 of the Clayton Act (15 U.S.C. 15).

(d) **SAVINGS CLAUSE.**—The immunity from damages, or interest on damages, that is provided to members, officers, employees, or agents of an occupational licensing board of a State under subsection (a) shall not apply to any action unrelated to their official capacity, such as implementing rules governing minimum prices or fees.

SEC. 4. STATE LICENSING STUDIES TO BE CONDUCTED.

Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) how States can best address occupational licensing reform, particularly for those occupations that are not directly related to protecting the health, safety, or welfare of the public, including recommendations on how States can weigh the costs and benefits of occupational licensing against those of less restrictive alternatives, such as certification and other approaches;

(2) how States can conduct comprehensive cost-benefit assessments of occupational regulations and occupational licensing boards through sunrise reviews and periodic sunset reviews;

(3) how States can implement policies to support occupational licensing uniformity and occupational license portability, including streamlined licensing portability programs for veterans and military service members and spouses; and

(4) how occupational licensing requirements affect low-income workers, the unemployed, immigrants with work authorizations, and individuals with criminal records.

SEC. 5. RULE OF CONSTRUCTION.

Except as provided in section 3, nothing in this Act shall be construed to modify or impair the applicability or the enforcement of the antitrust laws, as defined in the first section of the Clayton Act (15 U.S.C. 12).

By Mr. WYDEN:

S. 3605. A bill to support wildlife conservation, improve anti-trafficking enforcement, provide dedicated funding for wildlife conservation at no expense to taxpayers, and for other purposes; to the Committee on Environment and Public Works.

Mr. WYDEN. Mr. President, today I am introducing the Wildlife Conservation and Anti-Trafficking Act which will work to protect threatened or endangered species, reduce human rights violations, and limit the illegal operations of international criminal organizations.

This bill is a bipartisan and bicameral effort, sponsored in the House of Representatives by Representative MADELEINE BORDALLO and Representative DON YOUNG, and I look forward to growing its support in the Senate.

Conservation violations and wildlife trafficking offenses are a global problem threatening biodiversity and animal welfare and facilitating significant criminal operations. Tackling this broad problem is complicated and compounded by insufficient penalties for offenders and the difficulty of maintaining U.S.-oversight on the global level.

This bill proposes to address these concerns by criminalizing elements of wildlife-trafficking operations under Federal racketeering and organized crime statutes. Classifying wildlife-trafficking crimes as “predicate offenses” under the Money Laundering Statute, Travel Act and the Racketeer Influenced and Corrupt Organizations Act enables prosecutors to administer substantial fines and prison-time for violations.

The bill recognizes the value of whistleblowers’ information to direct investigations into wildlife-trafficking violations. It establishes a procedure to secure valuable, useful information from informants and provide sufficient compensation for the risks these individuals make to blow the whistle on illegal operations. To do so, the bill redirects penalty payments from wildlife-trafficking violations to fund whistleblower compensation programs. Monetary rewards to wildlife-crime whistleblowers come from partial share of penalty paid to the U.S. Government, providing no additional expense to American taxpayers.

The bill empowers Federal wildlife agents to operate abroad and provides them with direction to collaborate with local authorities. It instructs the Secretary of the Interior to adopt an International Wildlife Conservation Program consisting of four components: a regional component providing for protection of natural range habitats; a species component focusing conservation on most vulnerable species; an anti-trafficking component to curtail demand and limit poaching; and a convention component to implement the Convention on International Trade in the Endangered Species of Wild Flora and Fauna, CITES.

The legislation seeks to expand the Marine Turtle Act of 2004 by extending the legislation’s coverage to include U.S. territories, and increasing the Act’s scope to cover marine and freshwater turtles as well as tortoises.

Additionally, the bill proposes to strengthen the Marine Mammal Protection Act of 1972 and the Shark-Finning Measure under the Magnuson-Stevens Act by establishing that fines associated with violating these acts are to be used to benefit the same species that were affected.

Of particular concern to fishermen and women up and down the coasts, the

bill addresses illegal, unreported, and unregulated fishing violations by considering serious abuses as violations of Federal money laundering laws and therefore subjecting violators to substantial penalties.

Protecting wildlife requires a unified and strategic approach to end poaching worldwide. Congress must aggressively counter the relentless activities of poachers, traffickers, and transnational criminal organizations. The Wildlife Conservation and Anti-Trafficking Act is a strong response to crimes against wildlife; it will provide the necessary tools to curtail these illicit activities.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 673—RECOGNIZING THE 80TH ANNIVERSARY OF INGALLS SHIPBUILDING

Mr. WICKER (for himself and Mrs. HYDE-SMITH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 673

Whereas October 2018 marks the 80th anniversary of Ingalls Shipbuilding, a shipbuilding corporation located in Pascagoula, Mississippi;

Whereas Ingalls Shipbuilding is the largest industrial employer in the State of Mississippi, with nearly 12,000 shipbuilders that—

(1) construct surface combatants, amphibious assault ships, and United States Coast Guard cutters; and

(2) provide repair and maintenance services on United States Navy ships;

Whereas Ingalls Shipbuilding is the largest supplier to the United States Navy of surface combatants and has built nearly 70 percent of the fleet of warships of the United States Navy;

Whereas Ingalls Shipbuilding was founded in 1938 by Robert Ingersoll Ingalls on the east bank of the Pascagoula River in the State of Mississippi;

Whereas since 1938, Ingalls Shipbuilding has provided the United States Navy, United States Coast Guard, and other customers with the most reliable and high-quality ships in the world;

Whereas the individuals who build ships at Ingalls Shipbuilding continue that legacy of excellence;

Whereas Ingalls Shipbuilding provides 20,000 direct and indirect jobs in the State of Mississippi;

Whereas Pascagoula is the home of the finest shipbuilders in the world;

Whereas Ingalls Shipbuilding contributes more than \$1,000,000,000 to the economy of the State of Mississippi annually; and

Whereas as of the date of this resolution, Ingalls Shipbuilding—

(1) has 13 ships from 4 different classes under construction; and

(2) will build for the United States Navy the LPD Flight II, the next class of amphibious transport dock landing ship: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Ingalls Shipbuilding on the occasion of its 80th anniversary as a leader in the military shipbuilding sector of the United States and an excellent corporate citizen; and

(2) extends best wishes to Ingalls Shipbuilding on that auspicious occasion.

SENATE RESOLUTION 674—RECOGNIZING THE MONTH OF OCTOBER 2018 AS “NATIONAL PRINCIPALS MONTH”

Mr. HATCH submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 674

Whereas the National Association of Secondary School Principals, the National Association of Elementary School Principals, and the American Federation of School Administrators have declared the month of October 2018 to be “National Principals Month”;

Whereas principals are educational visionaries, instructional and assessment leaders, disciplinarians, community builders, budget analysts, facilities managers, and administrators of legal and contractual obligations;

Whereas principals work collaboratively with teachers and parents to develop and implement clear missions, high curriculum standards, and performance goals;

Whereas principals create school environments that facilitate great teaching and learning and continuous school improvement;

Whereas the vision, actions, and dedication of principals provide the mobilizing force behind any school improvement effort; and

Whereas the celebration of National Principals Month would honor elementary school, middle school, and high school principals and recognize the importance of principals in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2018 as “National Principals Month”;

(2) honors the contributions of principals in elementary schools, middle schools, and high schools in the United States; and

(3) supports the goals and ideals of National Principals Month.

SENATE RESOLUTION 675—DESIGNATING THE WEEK BEGINNING ON OCTOBER 14, 2018, AS “NATIONAL WILDLIFE REFUGE WEEK”

Mr. COONS (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 675

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Pelican Island in Florida;

Whereas, in 2018, the National Wildlife Refuge System, administered by the United States Fish and Wildlife Service, is the premier system of land and water to conserve wildlife in the world and has grown to approximately 836,000,000 acres, 567 national wildlife refuges, and 38 wetland management districts located in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and this protected land offers a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages, specifically hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas the National Wildlife Refuge System experiences more than 53,000,000 visits each year, which generate more than \$2,400,000,000 in sales and 35,000 jobs in local economies;

Whereas visitation to the National Wildlife Refuge System increased by nearly 30 percent from 2006 to 2017;

Whereas, in 2018, 377 units of the National Wildlife Refuge System have hunting programs and 312 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,400,000 hunting visits and more than 7,300,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced more than 31,400,000 wildlife observation visits during fiscal year 2017;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal land on which the production, migration, and wintering habitat for waterfowl are fostered;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than \$850,000,000, which has enabled the purchase or lease of more than 5,700,000 acres of habitat for waterfowl and numerous other species in the National Wildlife Refuge System;

Whereas refuges provide protection to more than 380 threatened and endangered species;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government, State governments, private landowners, and organizations in efforts to secure the wildlife heritage of the United States;

Whereas more than 38,000 volunteers and approximately 200 national wildlife refuge "Friends" organizations contribute more than 1,350,000 volunteer hours annually, the equivalent of 650 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas there are national wildlife refuges located in several urban and suburban areas and there is a refuge located within a 1-hour drive of every metropolitan area in the United States, which has enabled national wildlife refuges to employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the United States Fish and Wildlife Service has designated the week beginning on October 14, 2018, as "National Wildlife Refuge Week"; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected land: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on October 14, 2018, as "National Wildlife Refuge Week";

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) finds that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation, the protection of imperiled species and ecosystems, and compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—
(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

SENATE RESOLUTION 676—TO RECOGNIZE THE IMPORTANCE OF NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH

Mrs. MURRAY (for herself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 676

Whereas, in 1945, Congress passed the Joint Resolution of August 11, 1945 (59 Stat. 530, chapter 363), to establish the first week in October of each year as "National Employ the Physically Handicapped Week";

Whereas, in 1988, Congress passed the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100-630; 102 Stat. 3289), which designated October of each year as "National Disability Employment Awareness Month";

Whereas, according to the Centers for Disease Control and Prevention, approximately 61,000,000 people in the United States have a disability;

Whereas, among people with disabilities in the United States, 33 percent participate in the workforce;

Whereas the unemployment rate for people with a disability is higher than for people without a disability across all educational attainment groups;

Whereas community-based, integrated employment at competitive wages is a human right and vital to economic self-sufficiency in the United States;

Whereas Employment First is a national movement, supported by the Department of Labor, that supports the belief that all people, including people with significant disabilities, are capable of full participation in competitive integrated employment and community living;

Whereas, under Employment First policies, State and Federal systems align services, incentives, and policies for youth and adults with disabilities to lead to community-based, integrated employment at competitive wages;

Whereas, when provided the accommodations and support they need, people with disabilities as a group are capable of performing virtually any job in the United States;

Whereas Congress has enacted laws to ensure people with disabilities are not discriminated against in employment, have access to supports and services to find and keep a job, and are entitled to accommodations in the workplace, including—

(1) in 1973, when Congress enacted the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), a landmark civil rights law that—

(A) prohibits discrimination on the basis of a disability in employment by the Federal Government and Federal contractors;

(B) requires the Federal Government and Federal contractors to engage in affirmative action to promote the employment and advancement of people with disabilities; and

(C) established programs administered by the Rehabilitation Services Administration of the Department of Education, including vocational rehabilitative services administered by State agencies;

(2) in 1975, when Congress enacted the Education for All Handicapped Children Act of 1975 (Public Law 94-142; 89 Stat. 773), later renamed the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that requires public schools to provide all eligible children with disabilities a free appropriate public education in the least restrictive environment, including services to assist students with disabilities as those students transition from high school to higher education or the workforce;

(3) in 1990, when Congress enacted the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), a landmark civil rights law that prohibits employment discrimination against qualified individuals with disabilities, mandates reasonable accommodations in the workplace, and requires public entities to provide services (including employment services) in the most integrated setting;

(4) in 2008, when Congress enacted the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.), a landmark civil rights law that prohibits employment discrimination on the basis of genetic information;

(5) in 2014, when Congress enacted the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) to strengthen and improve the workforce system of the United States to better support people with disabilities by—

(A) focusing on increasing competitive integrated employment for people with disabilities;

(B) limiting the use of discriminatory subminimum wages; and

(C) requiring that 15 percent of vocational rehabilitation funds be used to help people with disabilities transition from high school to higher education or the workforce;

(6) in 2014, when Congress extended the work opportunity tax credit program to encourage the hiring of people with disabilities referred by vocational rehabilitation agencies; and

(7) in 2018, when Congress reauthorized the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) to increase the focus on and funding for recruiting and supporting individuals with disabilities through career and technical education;

Whereas the Federal Government is the largest employer in the United States and has taken steps to increase recruitment, hiring, and retention of people with disabilities in the Federal workforce, including when—

(1) on July 26, 2000, President William J. Clinton issued Executive Order 13163 (29 U.S.C. 791 note; relating to increasing the opportunity for individuals with disabilities to

be employed in the Federal Government), which set the goal for the Federal Government to hire 100,000 people with disabilities over 5 years, including individuals with targeted disabilities;

(2) on July 26, 2010, President Barack Obama issued Executive Order 13548 (29 U.S.C. 791 note; relating to increasing Federal employment of individuals with disabilities), which directed the Federal Government to take additional steps to achieve the hiring goals of Executive Order 13163 (29 U.S.C. 791 note; relating to increasing the opportunity for individuals with disabilities to be employed in the Federal Government), including—

(A) directing the Office of Personnel Management to design model recruitment and hiring strategies for Federal agencies to increase the employment of people with disabilities; and

(B) directing each Federal agency to develop a plan for that agency for promoting employment opportunities for people with disabilities, with—

(i) performance measures and numerical goals for the employment of individuals with disabilities and targeted disabilities; and

(ii) a focus on the retention of employees with disabilities;

(3) on August 18, 2011, President Barack Obama issued Executive Order 13583 (42 U.S.C. 2000e note; relating to establishing a coordinated government-wide initiative to promote diversity and inclusion in the Federal workforce), which prompted the Office of Personnel Management to encourage the use of Schedule A hiring authority for people with disabilities, conduct barrier analyses, and support Special Emphasis Programs to promote diversity in the workforce;

(4) on May 14, 2015, President Barack Obama issued Executive Order 13658 (79 Fed. Reg. 9851; relating to establishing a minimum wage for contractors (February 20, 2014)), which required certain Federal Government contractors to pay the same minimum wage to workers with disabilities as all other workers;

(5) the Equal Employment Opportunity Commission, in implementing the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), required Federal agencies to set hiring and workforce goals for people with specific disabilities that are associated with high rates of unemployment and underemployment;

(6) the Equal Employment Opportunity Commission created the Leadership for the Employment of Americans with Disabilities (or “LEAD”) Initiative to encourage Federal agencies to recruit, hire, and promote people with severe disabilities; and

(7) the Office of Federal Contract Compliance Programs of the Department of Labor, in implementing the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), established a nationwide 7 percent utilization goal for Federal contractors employing people with disabilities;

Whereas some private employers see disability employment not only as a civil rights issue but also as a smart business strategy, and have recruited employees with disabilities;

Whereas employing people with disabilities increases the diversity of the workforce;

Whereas employers with diverse workforces have been found to have an advantage over competitors;

Whereas Employment First policies, the laws Congress has enacted, actions by Executive agencies, and actions by some private companies have increased the employment of people with disabilities, which has, in part, resulted in 26 consecutive months of improvement in disability employment in the period between March 2016 and May 2018; and

Whereas, despite progress, unemployment and underemployment of workers with disabilities remains high: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of National Disability Employment Awareness Month;

(2) urges Congressional offices, Federal Executive agencies, State and local government employers, and private employers to redouble their efforts to increase employment of people with disabilities; and

(3) encourages individuals, employers, cities, counties, and States to observe National Disability Employment Awareness Month with appropriate programs and activities that increase the recruitment, hiring, and retention of people with disabilities to the workforce.

SENATE RESOLUTION 677—CONGRATULATING THE SEATTLE STORM WOMEN’S BASKETBALL TEAM ON WINNING THE 2018 WOMEN’S NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 677

Whereas, on September 12, 2018, the Seattle Storm women’s basketball team (referred to in this preamble as the “Seattle Storm”) won the 2018 Women’s National Basketball Association (referred to in this preamble as the “WNBA”) championship;

Whereas the 2018 WNBA championship is the third national championship that the Seattle Storm has won and the first national championship that team has won since 2010;

Whereas the Seattle Storm beat the Washington Mystics women’s basketball team in the WNBA finals and bested the Phoenix Mercury women’s basketball team in the WNBA conference finals;

Whereas the Seattle Storm became the sixth team in the history of the WNBA to sweep the WNBA finals in three games;

Whereas the Seattle Storm dominated the regular season, with the best record of any team in the WNBA of 26–8, and earned the top seed;

Whereas the Seattle Storm championship team exhibited stellar teamwork from its 12 highly talented professional athletes, including Sue Bird, Breanna Stewart, Natasha Howard, Jewell Loyd, Alysha Clark, Sami Whitcomb, Jordyn Canada, Crystal Langhorne, Kaleena Mosqueda-Lewis, Noelle Quinn, Courtney Paris, and Mercedes Russell;

Whereas Breanna Stewart received the 2018 WNBA Finals Most Valuable Player award and the 2018 WNBA League Most Valuable Player award;

Whereas Natasha Howard received the 2018 WNBA Most Improved Player award;

Whereas Sue Bird received the 2018 WNBA Kim Perrot Sportsmanship award, finished her 16th season in the WNBA, led the WNBA with 2,831 career assists, and became the All-Time Games Played leader in the WNBA;

Whereas the Seattle Storm was led during the 2018 season by Head Coach Dan Hughes and Assistant Coaches Gary Kloppenburg, Ryan Webb, and Crystal Robinson;

Whereas the players of the Seattle Storm were supported during the 2018 season by exceptionally committed operational and medical staff, including Talisa Rhea, Perry Huang, Emily Blurton, Susan Borhardt, Dr. Adam Pourcho, Dr. Jeff Cary, Tom Spencer,

Abby Gordon, Dana McCracken, Susan Kleiner, and Erica Nash;

Whereas the owners of the Seattle Storm, Lisa Brummel, Dawn Trudeau, and Ginny Glidel, are just 1 of 2 all-female ownership groups in the WNBA;

Whereas the Seattle Storm has exhibited dedication to social impact by strengthening communities through the StormCares partnership with organizations in the greater Puget Sound region; and

Whereas the dedication and hard work of the Seattle Storm have inspired and empowered girls, boys, women, and men of all ages: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the achievements of the players, coaches, fans, and staff whose dedication has helped the Seattle Storm women’s basketball team win the 2018 Women’s National Basketball Association championship;

(2) the State of Washington and the City of Seattle for their enthusiastic support of women’s professional basketball; and

(3) the continuing progress toward ensuring equity in men’s and women’s professional sports.

SENATE RESOLUTION 678—RECOGNIZING THE MONTH OF OCTOBER 2018 AS FILIPINO AMERICAN HISTORY MONTH AND CELEBRATING THE HISTORY AND CULTURE OF FILIPINO AMERICANS AND THEIR IMMENSE CONTRIBUTIONS TO THE UNITED STATES

Ms. HIRONO (for herself, Ms. CANTWELL, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Ms. HARRIS, Mr. HELLER, Mr. KAINE, Ms. KLOBUCHAR, Ms. MURKOWSKI, Mrs. MURRAY, Mr. SCHATZ, Mr. VAN HOLLEN, Ms. WARREN, Mrs. FEINSTEIN, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 678

Whereas the earliest documented Filipino presence in the continental United States was October 18, 1587, when the first “Luzones Indios” arrived in Morro Bay, California, on board the Nuestra Señora de Esperanza, a Manila-built galleon ship;

Whereas the Filipino American National Historical Society recognizes 1763 as the year in which the first permanent Filipino settlement in the United States was established in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds a new perspective to the history of the United States by bringing attention to the economic, cultural, social, and other notable contributions made by Filipino Americans to the development of the United States;

Whereas the Filipino American community is the third largest Asian American and Pacific Islander group in the United States, with a population of approximately 4,000,000;

Whereas, from the Civil War to the Iraq and Afghanistan conflicts, Filipinos and Filipino Americans have a longstanding history of serving in the Armed Forces of the United States;

Whereas more than 250,000 Filipinos fought under the United States flag during World War II to protect and defend the United States in the Pacific theater;

Whereas 20,000 Filipino World War II veterans were granted United States citizenship as a result of the Immigration Act of 1990, which was signed into law by President George H.W. Bush on November 29, 1990;

Whereas, effective June 8, 2016, the Filipino World War II Veterans Parole Program allowed for Filipino World War II veterans and certain family members to be reunited more expeditiously than the immigrant visa process allowed at that time;

Whereas, on December 14, 2016, President Barack Obama signed into law the Filipino Veterans of World War II Congressional Gold Medal Act of 2015 (Public Law 114-265; 130 Stat. 1376) to award Filipino veterans who fought alongside troops of the United States in World War II the highest civilian honor bestowed by Congress;

Whereas, on October 25, 2017, the Congressional Gold Medal was presented to Filipino World War II veterans in Emancipation Hall in the Capitol Building, a recognition for which the veterans have waited for more than 70 years;

Whereas Filipino Americans continue to demonstrate a commendable sense of patriotism and honor;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that may be bestowed on an individual serving in the Armed Forces;

Whereas the late Thelma Garcia Buchholdt, born in Claveria, Cagayan, on the island of Luzon in the Philippines—

(1) moved with her family to Alaska in 1965;

(2) was elected to the House of Representatives of Alaska in 1974;

(3) was the first Filipino woman elected to a State legislature; and

(4) authored a comprehensive history book entitled "Filipinos in Alaska: 1788-1958";

Whereas Filipino American farmworkers and labor leaders, such as Philip Vera Cruz and Larry Itliong, played an integral role in the multiethnic United Farm Workers movement, alongside Cesar Chávez, Dolores Huerta, and other Latino workers;

Whereas Filipino Americans play an integral role in the healthcare system of the United States as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to music, dance, literature, education, business, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields that enrich the landscape of the United States;

Whereas, as mandated in the mission statement of the Filipino American National Historical Society, efforts should continue to promote the study of Filipino American history and culture because the roles of Filipino Americans and other people of color have largely been overlooked in the writing, teaching, and learning of the history of the United States;

Whereas it is imperative for Filipino American youth to have positive role models to instill—

(1) the significance of education, complemented by the richness of Filipino American ethnicity; and

(2) the value of the Filipino American legacy; and

Whereas it is essential to promote the understanding, education, and appreciation of the history and culture of Filipino Americans in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Filipino American History Month in October 2018 as—

(A) a testament to the advancement of Filipino Americans;

(B) a time to reflect on and remember the many notable contributions that Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and cul-

ture so as to provide an opportunity for all people of the United States to learn more about Filipino Americans and to appreciate the historic contributions of Filipino Americans to the United States; and

(2) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

SENATE RESOLUTION 679—DESIGNATING OCTOBER 16, 2018, AS "WORLD FOOD DAY"

Mr. COONS (for himself, Mr. MORAN, Mr. LEAHY, and Mr. BOOZMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 679

Whereas hunger and malnutrition are daily facts of life for hundreds of millions of people around the world;

Whereas women and children suffer the most serious effects of hunger and malnutrition;

Whereas millions of children die each year from hunger-related illness and disease;

Whereas many people suffer permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States has a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is a growing concern in the United States and in other countries about threats to the future food supply, including—

(1) misuse and overuse of land and water;

(2) loss of biological diversity; and

(3) erosion of genetic resources on a global scale;

Whereas the world community increasingly calls upon the United States to resolve food problems stemming from natural- and human-made disasters by providing humanitarian assistance;

Whereas the United States—

(1) plays a major role in the development and implementation of international food and agricultural trade standards and practices; and

(2) recognizes the positive role that the global food trade can play in enhancing human nutrition and alleviating hunger;

Whereas, although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups remain vulnerable to malnutrition and related diseases;

Whereas the conservation of natural resources, the preservation of biological diversity, and strong public and private agricultural research programs are required for the United States—

(1) to remain food secure; and

(2) to continue to aid the hungry and malnourished people of the world;

Whereas the United States is a world leader in the development of agricultural innovation and technology aimed at enhancing the improved production, safety, and quality of the world food supply and must continue to retain that role;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the Food and Agriculture Organization of the United Nations (referred to in this preamble as the "FAO") is mandated to lead global efforts to address food and nutrition security issues;

Whereas the member nations of the FAO have unanimously designated October 16 of each year as "World Food Day";

Whereas the FAO has done commendable work in organizing activities and efforts on "World Food Day" in over 130 countries to promote awareness of and action for people suffering from hunger and malnutrition;

Whereas past observances of "World Food Day" have been supported—

(1) by proclamations by Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(2) by programs of the Department of Agriculture and other Federal departments and agencies;

Whereas private voluntary organizations and community leaders are participating in planning "World Food Day" observances in 2018, and a growing number of these organizations and leaders are using "World Food Day" as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by study, advocacy, and action: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 16, 2018, as "World Food Day"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 680—CALLING ON CONGRESS, SCHOOLS, AND STATE AND LOCAL EDUCATIONAL AGENCIES TO RECOGNIZE THE SIGNIFICANT EDUCATIONAL IMPLICATIONS OF DYSLEXIA THAT MUST BE ADDRESSED, AND DESIGNATING OCTOBER 2018 AS "NATIONAL DYSLEXIA AWARENESS MONTH"

Mr. CASSIDY (for himself, Mr. MURPHY, Mrs. CAPITO, Ms. WARREN, and Mr. VAN HOLLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 680

Whereas dyslexia is—

(1) defined as an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader; and

(2) most commonly caused by a difficulty in phonological processing (the appreciation of the individual sounds of spoken language), which affects the ability of an individual to speak, read, and spell, and often, the ability to learn a second language;

Whereas dyslexia is the most common learning disability and affects 80 to 90 percent of all individuals with a learning disability;

Whereas dyslexia is persistent and highly prevalent, affecting as many as 1 out of every 5 individuals;

Whereas dyslexia is a paradox, in that an individual with dyslexia may have both—

(1) weaknesses in decoding that result in difficulties in accurate or fluent word recognition; and

(2) strengths in higher-level cognitive functions, such as reasoning, critical thinking, concept formation, and problem solving;

Whereas great progress has been made in understanding dyslexia on a scientific level, including the epidemiology and cognitive and neurobiological bases of dyslexia;

Whereas the achievement gap between typical readers and dyslexic readers occurs as early as first grade; and

Whereas early screening for, and early diagnosis of, dyslexia are critical for ensuring that individuals with dyslexia receive focused, evidence-based intervention that leads to fluent reading, promotion of self-awareness and self-empowerment, and the provision of necessary accommodations that ensure success in school and in life: Now, therefore, be it

Resolved, That the Senate—

(1) calls on Congress, schools, and State and local educational agencies to recognize that dyslexia has significant educational implications that must be addressed; and

(2) designates October 2018 as “National Dyslexia Awareness Month”.

SENATE RESOLUTION 681—DESIGNATING THE WEEK BEGINNING OCTOBER 21, 2018, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. ALEXANDER, Mr. DONNELLY, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 681

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas, more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into teaching activities; and

Whereas the establishment of “National Character Counts Week”, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 21, 2018, as “National Character Counts Week”; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

SENATE RESOLUTION 682—DESIGNATING OCTOBER 30, 2018, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. ALEXANDER (for himself, Mr. UDALL, Mr. MCCONNELL, Mr. SCHUMER, Mr. CORKER, Mr. HEINRICH, Mr. PORTMAN, Mr. BROWN, Mr. GARDNER, Ms. CANTWELL, Mr. GRAHAM, Mrs. MURRAY, Mr. HATCH, Mr. MARKEY, Mr. ROBERTS, Mr. RUBIO, and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 682

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building nuclear weapons for the defense of the United States;

Whereas dedicated workers paid a high price for developing a nuclear weapons program at the service of and for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contributions, services, and sacrifices that those patriotic men and women made for the defense of the United States in—

(1) Senate Resolution 151, 111th Congress, agreed to May 20, 2009;

(2) Senate Resolution 653, 111th Congress, agreed to September 28, 2010;

(3) Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

(4) Senate Resolution 519, 112th Congress, agreed to August 1, 2012;

(5) Senate Resolution 164, 113th Congress, agreed to September 18, 2013;

(6) Senate Resolution 417, 113th Congress, agreed to July 9, 2014;

(7) Senate Resolution 213, 114th Congress, agreed to September 25, 2015;

(8) Senate Resolution 560, 114th Congress, agreed to November 16, 2016; and

(9) Senate Resolution 314, 115th Congress, agreed to October 30, 2017;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting stories and artifacts of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contributions, services, and sacrifices they made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2018, as a national day of remembrance for the nuclear weapons program and uranium enrichment workers of the United States, including the uranium miners, millers, and haulers; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2018, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

SENATE RESOLUTION 683—RECOGNIZING AND COMMEMORATING THE BICENTENNIAL OF THE STATE OF ILLINOIS

Mr. DURBIN (for himself and Ms. DUCKWORTH) submitted the following resolution; which was considered and agreed to:

S. RES. 683

Whereas Illinoisans will celebrate the 200th anniversary of the founding of the State of Illinois on December 3, 2018, and the lasting legacy of all that the “Prairie State” has to offer;

Whereas Illinois was the 21st State to be admitted to the Union in 1818, expanding the heartland of the United States farther west;

Whereas Illinois took part in shaping the visions and moral compass of Abraham Lincoln, the 16th President of the United States, and became known as the “Land of Lincoln”;

Whereas Abraham Lincoln demonstrated political courage in issuing the Emancipation Proclamation in 1863, an Executive order which freed more than 3,000,000 enslaved persons of color in the United States;

Whereas Illinois led the righteous path toward equality as the first State to ratify the 13th Amendment, banning slavery in the United States, in 1865;

Whereas Illinois fostered the development of many leaders of the United States as the birthplace of President Ronald Reagan and the home of President Ulysses S. Grant and the first African-American President of the United States, Barack H. Obama;

Whereas Illinois served as a pioneer in challenging the views of leadership in society by electing—

(1) the third woman to ever serve in Congress, Winnifred S. Huck, in 1922; and

(2) the first African-American woman to serve in the Senate, Carol Moseley Braun, in 1993;

Whereas the characteristic forests, wetlands, and vast farmland of Illinois established Illinois as an agricultural leader and the predominant producer of soybeans, corn, and swine in the United States, and is home to more than 72,000 farms that cover 27,000,000 acres, or 75 percent of the State;

Whereas Illinois is home to Chicago, the third largest city in the United States, which survived and rebuilt following the Great Chicago Fire of 1871 that resulted in 300 fatalities and incurred an estimated \$200,000,000 in damage across 4 miles of the city;

Whereas Chicago introduced the world to groundbreaking, life-altering innovations

while it was host to the World's Columbian Exposition in 1893, where the world witnessed—

(1) the first all-steel-framed skyscraper, the Rand McNally Building on Adams Street; and

(2) the first Ferris Wheel;

Whereas Illinois inventors have been trailblazers in every area of scientific and mechanical achievement, having contributed such inventions as the cell phone, the mechanical dishwasher, the zipper, meatpacking, the first blood bank in the United States, the wireless remote controller, the vacuum cleaner, and the farm silo;

Whereas Chicago was home to revolutionary and timely events, including—

(1) the first televised Presidential debate;

(2) the first successful open-heart surgery; and

(3) the first self-sustaining controlled nuclear reaction in the world;

Whereas the economic contributions of Illinois are a testament of the hardworking men and women who call the State home, as the gross domestic product of the State of Illinois in 2016 amounted to \$796,000,000,000 and was the fifth highest in the United States in that year;

Whereas the communities of Illinois nurture unwavering heroism, as the State is home to more than 20,000 active duty military personnel, more than 24,000 members of reserve forces, and, from 2012 to 2016, more than 643,000 veterans, who selflessly risked their lives for the protection of the United States;

Whereas Illinois prides itself on institutions of academic excellence and is home to more than 300 colleges and universities that have made significant intellectual, scientific, and philosophical contributions to the State as well as the United States;

Whereas Illinois has been home to numerous renowned artists in the areas of music, writing, acting, and visual art, including—

(1) Miles Davis, born in Alton and raised in East St. Louis;

(2) Ernest Hemingway, born in Oak Park;

(3) Jane Addams, born in Cedarville;

(4) Nat King Cole, raised in Chicago;

(5) Carl Sandburg, born in Galesburg;

(6) Sam Cooke, raised in Chicago;

(7) Walt Disney, born in Chicago; and

(8) Robin Williams, born in Chicago;

Whereas the major league sports teams of Chicago exhibit an impressive level of athleticism and sportsmanship, and have won several national championships, including, within the past 40 years—

(1) the Chicago Bears in 1986;

(2) the Chicago Bulls each year from—

(A) 1991 through 1993; and

(B) 1996 through 1998;

(3) the Chicago White Sox in 2005;

(4) the Chicago Blackhawks in 2010, 2013, and 2015; and

(5) the Chicago Cubs in 2016;

Whereas, since its inception, Illinois has welcomed with open arms visitors from every corner of the world, possessed an understanding of how diversity enriches the fabric of our country, fostered people, preserved land, and generated contributions that are imperative to the history of the United States;

Whereas Illinois will be celebrating its bicentennial with the dedication of a new Bicentennial Plaza that connects the home of President Lincoln to the State Capitol in Springfield, as well as a commemorative Route 66 motorcycle ride and fireworks above the State Capitol on the eve of the occasion; and

Whereas residents across Illinois have hosted, and continue to host, celebrations, from downstate Illinois up to the coast of

Lake Michigan, commemorating the 200th anniversary of the State: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the bicentennial of the founding of the State of Illinois, as well as the past and current residents of Illinois for their significant contributions to the economic, social, and cultural development of the United States; and

(2) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Governor of Illinois.

SENATE RESOLUTION 684—RELATIVE TO THE DEATH OF THE HONORABLE JOSEPH D. "JOE" TYDINGS, FORMER UNITED STATES SENATOR FOR THE STATE OF MARYLAND

Mr. CARDIN (for himself and Mr. VAN HOLLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 684

Whereas Joseph D. "Joe" Tydings (referred to in this preamble as "Joe Tydings") entered the McDonough School as a military cadet in 1938;

Whereas Joe Tydings served in the United States Army from 1946 to 1948, participating in the postwar occupation of Germany as a corporal of the Sixth Constabulary Regiment;

Whereas Joe Tydings was elected in 1954 to the Maryland House of Delegates to represent Harford County, and served there until 1961;

Whereas Joe Tydings was appointed by President John F. Kennedy to serve as United States Attorney for the District of Maryland from 1961 to 1963;

Whereas Joe Tydings worked hard to establish the nonpartisan reputation of the office of the United States Attorney for the District of Maryland and successfully prosecuted political corruption in the State of Maryland;

Whereas in 1963 Joe Tydings represented the United States at the Interpol Conference in Helsinki, Finland, and at the International Penal Conference in Bellagio, Italy;

Whereas Joe Tydings was elected in 1964 to represent the State of Maryland in the United States Senate;

Whereas Joe Tydings served the United States Senate as the Chairman of the Committee on the District of Columbia in the 91st Congress;

Whereas Joe Tydings authored legislation to make improvements to the Federal court system, many of which are still in place as of the date of adoption of this resolution;

Whereas Joe Tydings was a progressive who championed the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) and the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas Joe Tydings demonstrated a duty to public service by committing to protect the civil rights of fellow citizens, safeguard the environment and public health, and reach across the aisle to find bipartisan solutions to pressing national problems;

Whereas Joe Tydings was an avid and devoted horseman who—

(1) authored the Horse Protection Act (15 U.S.C. 1821 et seq.), which penalizes the practice of soring horses; and

(2) advocated for the implementation of that Act following a return to private life;

Whereas Joe Tydings continued to serve his community in many different capacities, including as a member of—

(1) the Board of Regents of the University of Maryland from 1974 to 1984;

(2) the Board of Regents of the University System of Maryland from 2000 to 2005; and

(3) the board of the University of Maryland Medical System since 2008; and

Whereas Joe Tydings served the people of the State of Maryland and all of the people of the United States with distinction for 6 years in the United States Senate: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Joseph D. "Joe" Tydings, former member of the United States Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the Honorable Joseph D. "Joe" Tydings; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Joseph D. "Joe" Tydings.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4054. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

SA 4055. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 390, to provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.

SA 4056. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 390, *supra*.

SA 4057. Mr. MCCONNELL (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 2422, to amend the Public Health Service Act to improve essential oral health care for low-income and other underserved individuals by breaking down barriers to care, and for other purposes.

SA 4058. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 3342, to impose sanctions with respect to foreign persons that are responsible for using civilians as human shields, and for other purposes.

SA 4059. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 3342, *supra*.

TEXT OF AMENDMENTS

SA 4054. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill S. 140, to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Frank LoBiondo Coast Guard Authorization Act of 2018".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

Sec. 101. Initial matter.

Sec. 102. Subtitle I.
 Sec. 103. Chapter 1.
 Sec. 104. Chapter 3.
 Sec. 105. Chapter 5.
 Sec. 106. Chapter 7.
 Sec. 107. Chapter 9.
 Sec. 108. Chapter 11.
 Sec. 109. Subtitle II.
 Sec. 110. Chapter 19.
 Sec. 111. Part II.
 Sec. 112. Chapter 21.
 Sec. 113. Chapter 23.
 Sec. 114. Chapter 25.
 Sec. 115. Part III.
 Sec. 116. Chapter 27.
 Sec. 117. Chapter 29.
 Sec. 118. Subtitle III and chapter 37.
 Sec. 119. Chapter 39.
 Sec. 120. Chapter 41.
 Sec. 121. Subtitle IV and chapter 49.
 Sec. 122. Chapter 51.
 Sec. 123. References.
 Sec. 124. Rule of construction.

TITLE II—AUTHORIZATIONS

Sec. 201. Amendments to title 14, United States Code, as amended by title I of this Act.
 Sec. 202. Authorizations of appropriations.
 Sec. 203. Authorized levels of military strength and training.
 Sec. 204. Authorization of amounts for Fast Response Cutters.
 Sec. 205. Authorization of amounts for shoreside infrastructure.
 Sec. 206. Authorization of amounts for aircraft improvements.

TITLE III—COAST GUARD

Sec. 301. Amendments to title 14, United States Code, as amended by title I of this Act.
 Sec. 302. Primary duties.
 Sec. 303. National Coast Guard Museum.
 Sec. 304. Unmanned aircraft.
 Sec. 305. Coast Guard health-care professionals; licensure portability.
 Sec. 306. Training; emergency response providers.
 Sec. 307. Incentive contracts for Coast Guard yard and industrial establishments.
 Sec. 308. Confidential investigative expenses.
 Sec. 309. Regular captains; retirement.
 Sec. 310. Conversion, alteration, and repair projects.
 Sec. 311. Contracting for major acquisitions programs.
 Sec. 312. Officer promotion zones.
 Sec. 313. Cross reference.
 Sec. 314. Commissioned service retirement.
 Sec. 315. Leave for birth or adoption of child.
 Sec. 316. Clothing at time of discharge.
 Sec. 317. Unfunded priorities list.
 Sec. 318. Safety of vessels of the Armed Forces.
 Sec. 319. Air facilities.

TITLE IV—PORTS AND WATERWAYS SAFETY

Sec. 401. Codification of Ports and Waterways Safety Act.
 Sec. 402. Conforming amendments.
 Sec. 403. Transitional and savings provisions.
 Sec. 404. Rule of construction.
 Sec. 405. Advisory committee: repeal.
 Sec. 406. Regattas and marine parades.
 Sec. 407. Regulation of vessels in territorial waters of United States.
 Sec. 408. Port, harbor, and coastal facility security.

TITLE V—MARITIME TRANSPORTATION SAFETY

Sec. 501. Consistency in marine inspections.
 Sec. 502. Uninspected passenger vessels in St. Louis County, Minnesota.

Sec. 503. Engine cut-off switch requirements.
 Sec. 504. Exception from survival craft requirements.
 Sec. 505. Safety standards.
 Sec. 506. Fishing safety grants.
 Sec. 507. Fishing, fish tender, and fish processing vessel certification.
 Sec. 508. Deadline for compliance with alternate safety compliance program.
 Sec. 509. Termination of unsafe operations; technical correction.
 Sec. 510. Technical corrections: Licenses, certificates of registry, and merchant mariner documents.
 Sec. 511. Clarification of logbook entries.
 Sec. 512. Certificates of documentation for recreational vessels.
 Sec. 513. Numbering for undocumented barges.
 Sec. 514. Backup national timing system.
 Sec. 515. Scientific personnel.
 Sec. 516. Transparency.

TITLE VI—ADVISORY COMMITTEES

Sec. 601. National maritime transportation advisory committees.
 Sec. 602. Maritime Security Advisory Committees.

TITLE VII—FEDERAL MARITIME COMMISSION

Sec. 701. Short title.
 Sec. 702. Authorization of appropriations.
 Sec. 703. Reporting on impact of alliances on competition.
 Sec. 704. Definition of certain covered services.
 Sec. 705. Reports filed with the Commission.
 Sec. 706. Public participation.
 Sec. 707. Ocean transportation intermediaries.
 Sec. 708. Common carriers.
 Sec. 709. Negotiations.
 Sec. 710. Injunctive relief sought by the Commission.
 Sec. 711. Discussions.
 Sec. 712. Transparency.
 Sec. 713. Study of bankruptcy preparation and response.
 Sec. 714. Agreements unaffected.

TITLE VIII—MISCELLANEOUS

Sec. 801. Repeal of obsolete reporting requirement.
 Sec. 802. Corrections to provisions enacted by Coast Guard Authorization Acts.
 Sec. 803. Officer evaluation report.
 Sec. 804. Extension of authority.
 Sec. 805. Coast Guard ROTC program.
 Sec. 806. Currency detection canine team program.
 Sec. 807. Center of expertise for Great Lakes oil spill search and response.
 Sec. 808. Public safety answering points and maritime search and rescue coordination.
 Sec. 809. Ship shoal lighthouse transfer: repeal.
 Sec. 810. Land exchange, Ayakulik Island, Alaska.
 Sec. 811. Use of Tract 43.
 Sec. 812. Coast Guard maritime domain awareness.
 Sec. 813. Monitoring.
 Sec. 814. Reimbursements for non-Federal construction costs of certain aids to navigation.
 Sec. 815. Towing safety management system fees.
 Sec. 816. Oil spill disbursements auditing and report.
 Sec. 817. Fleet requirements assessment and strategy.
 Sec. 818. National Security Cutter.
 Sec. 819. Acquisition plan for inland waterway and river tenders and bay-class icebreakers.

Sec. 820. Great Lakes icebreaker acquisition.
 Sec. 821. Polar icebreakers.
 Sec. 822. Strategic assets in the Arctic.
 Sec. 823. Arctic planning criteria.
 Sec. 824. Vessel response plan audit.
 Sec. 825. Waters deemed not navigable waters of the United States for certain purposes.
 Sec. 826. Documentation of recreational vessels.
 Sec. 827. Equipment requirements; exemption from throwable personal flotation devices requirement.
 Sec. 828. Visual distress signals and alternative use.
 Sec. 829. Radar refresher training.
 Sec. 830. Commercial fishing vessel safety national communications plan.
 Sec. 831. Atlantic Coast port access route study recommendations.
 Sec. 832. Drawbridges.
 Sec. 833. Waiver.
 Sec. 834. Fire-retardant materials.
 Sec. 835. Vessel waiver.
 Sec. 836. Temporary limitations.
 Sec. 837. Transfer of Coast Guard property in Jupiter Island, Florida, for inclusion in Hobe Sound National Wildlife Refuge.
 Sec. 838. Emergency response.
 Sec. 839. Drawbridges consultation.

TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

Sec. 901. Short title.
 Sec. 902. Purposes; findings.
 Sec. 903. Standards for discharges incidental to normal operation of vessels.

TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

Sec. 1001. Reauthorization of Hydrographic Services Improvement Act of 1998.
 Sec. 1002. System for tracking and reporting all-inclusive cost of hydrographic surveys.
 Sec. 1003. Homeport of certain research vessels.

TITLE I—REORGANIZATION OF TITLE 14, UNITED STATES CODE

SEC. 101. INITIAL MATTER.

Title 14, United States Code, is amended by striking the title designation, the title heading, and the table of parts at the beginning and inserting the following:

“TITLE 14—COAST GUARD

“Subtitle	Sec.
“I. Establishment, Powers, Duties, and Administration	101
“II. Personnel	1901
“III. Coast Guard Reserve and Auxiliary	3701
“IV. Coast Guard Authorizations and Reports to Congress	4901”.

SEC. 102. SUBTITLE I.

Part I of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning and inserting the following:

“Subtitle I—Establishment, Powers, Duties, and Administration

“Chap.	Sec.
“1. Establishment and Duties	101
“3. Composition and Organization	301
“5. Functions and Powers	501
“7. Cooperation	701
“9. Administration	901
“11. Acquisitions	1101”.

SEC. 103. CHAPTER 1.

(a) INITIAL MATTER.—Chapter 1 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 1—ESTABLISHMENT AND DUTIES

“Sec.

- “101. Establishment of Coast Guard.
- “102. Primary duties.
- “103. Department in which the Coast Guard operates.
- “104. Removing restrictions.
- “105. Secretary defined.
- “106. Commandant defined.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 1 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
1	Establishment of Coast Guard	101
2	Primary duties	102
3	Department in which the Coast Guard operates	103
652	Removing restrictions	104
4	Secretary defined	105
5	Commandant defined	106

SEC. 104. CHAPTER 3.

(a) INITIAL MATTER.—Chapter 3 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 3—COMPOSITION AND ORGANIZATION

- “Sec.
 “301. Grades and ratings.
 “302. Commandant; appointment.
 “303. Retirement of Commandant or Vice Commandant.
 “304. Vice Commandant; appointment.
 “305. Vice admirals.
 “306. Retirement.
 “307. Vice admirals and admiral, continuity of grade.
 “308. Chief Acquisition Officer.
 “309. Office of the Coast Guard Reserve; Director.
 “310. Chief of Staff to President: appointment.
 “311. Captains of the port.
 “312. Prevention and response workforces.
 “313. Centers of expertise for Coast Guard prevention and response.
 “314. Marine industry training program.
 “315. Training course on workings of Congress.
 “316. National Coast Guard Museum.
 “317. United States Coast Guard Band; composition; director.
 “318. Environmental Compliance and Restoration Program.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the

table of sections for chapter 3 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
41	Grades and ratings	301
44	Commandant; appointment	302
46	Retirement of Commandant or Vice Commandant	303
47	Vice Commandant; appointment	304
50	Vice admirals	305
51	Retirement	306
52	Vice admirals and admiral, continuity of grade	307
56	Chief Acquisition Officer	308
53	Office of the Coast Guard Reserve; Director	309
54	Chief of Staff to President: appointment	310
57	Prevention and response workforces	312
58	Centers of expertise for Coast Guard prevention and response	313
59	Marine industry training program	314
60	Training course on workings of Congress	315
98	National Coast Guard Museum	316
336	United States Coast Guard Band; composition; director	317

(c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended—

(A) by inserting after section 310 (as so redesignated and transferred under subsection (b)) the following:

“§ 311. Captains of the port

“Any officer, including any petty officer, may be designated by the Commandant as captain of the port or ports or adjacent high seas or waters over which the United States has jurisdiction, as the Commandant deems necessary to facilitate execution of Coast Guard duties.”; and

(B) by inserting after section 317 (as so redesignated and transferred under subsection (b)) the following:

“§ 318. Environmental Compliance and Restoration Program

“(a) DEFINITIONS.—For the purposes of this section—

“(1) ‘environment’, ‘facility’, ‘person’, ‘release’, ‘removal’, ‘remedial’, and ‘response’ have the same meaning they have in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601);

“(2) ‘hazardous substance’ has the same meaning it has in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), except that it also includes the meaning given ‘oil’ in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321); and

“(3) ‘pollutant’ has the same meaning it has in section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362).

“(b) PROGRAM.—

“(1) The Secretary shall carry out a program of environmental compliance and restoration at current and former Coast Guard facilities.

“(2) Program goals include:

“(A) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.

“(B) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.

“(C) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.

“(D) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.

“(3)(A) The Secretary shall respond to releases of hazardous substances and pollutants—

“(i) at each Coast Guard facility the United States owns, leases, or otherwise possesses;

“(ii) at each Coast Guard facility the United States owned, leased, or otherwise possessed when the actions leading to contamination from hazardous substances or pollutants occurred; and

“(iii) on each vessel the Coast Guard owns or operates.

“(B) Subparagraph (A) of this paragraph does not apply to a removal or remedial action when a potentially responsible person responds under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9622).

“(C) The Secretary shall pay a fee or charge imposed by a State authority for permit services for disposing of hazardous substances or pollutants from Coast Guard facilities to the same extent that nongovernmental entities are required to pay for permit services. This subparagraph does not apply to a payment that is the responsibility of a lessee, contractor, or other private person.

“(4) The Secretary may agree with another Federal agency for that agency to assist in carrying out the Secretary’s responsibilities under this section. The Secretary may enter into contracts, cooperative agreements, and grant agreements with State and local governments to assist in carrying out the Secretary’s responsibilities under this section. Services that may be obtained under this paragraph include identifying, investigating, and cleaning up off-site contamination that may have resulted from the release of a hazardous substance or pollutant at a Coast Guard facility.

“(5) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9619) applies to response action contractors that carry out response actions under this section. The Coast

Guard shall indemnify response action contractors to the extent that adequate insurance is not generally available at a fair price at the time the contractor enters into the contract to cover the contractor's reasonable, potential, long-term liability.

“(c) AMOUNTS RECOVERED FOR RESPONSE ACTIONS.—

“(1) All sums appropriated to carry out the Coast Guard's environmental compliance and restoration functions under this section or another law shall be credited or transferred to an appropriate Coast Guard account, as determined by the Commandant and remain available until expended.

“(2) Funds may be obligated or expended from such account to carry out the Coast Guard's environmental compliance and restoration functions under this section or another law.

“(3) In proposing the budget for any fiscal year under section 1105 of title 31, the President shall set forth separately the amount requested for the Coast Guard's environmental compliance and restoration activities under this section or another law.

“(4) Amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607) for the Secretary's response actions at current and former Coast Guard facilities shall be credited to an appropriate Coast Guard account, as determined by the Commandant.

“(d) ANNUAL LIST OF PROJECTS TO CONGRESS.—The Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prioritized list of projects eligible for environmental compliance and restoration funding for each fiscal year concurrent with the President's budget submission for that fiscal year.”.

(2) CONFORMING REPEALS.—Sections 634, 690, 691, 692, and 693 of title 14, United States Code, are repealed.

SEC. 105. CHAPTER 5.

(a) INITIAL MATTER.—Chapter 5 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 5—FUNCTIONS AND POWERS

“SUBCHAPTER I—GENERAL POWERS

“Sec.

“501. Secretary; general powers.

“502. Delegation of powers by the Secretary.

“503. Regulations.

“504. Commandant; general powers.

“505. Functions and powers vested in the Commandant.

“506. Prospective payment of funds necessary to provide medical care.

“507. Appointment of judges.

“SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES

“521. Saving life and property.

“522. Law enforcement.

“523. Enforcement authority.

“524. Enforcement of coastwise trade laws.

“525. Special agents of the Coast Guard Investigative Service law enforcement authority.

“526. Stopping vessels; indemnity for firing at or into vessel.

“527. Safety of naval vessels.

“528. Protecting against unmanned aircraft.

“SUBCHAPTER III—AIDS TO NAVIGATION

“541. Aids to navigation authorized.

“542. Unauthorized aids to maritime navigation; penalty.

“543. Interference with aids to navigation; penalty.

“544. Aids to maritime navigation; penalty.

“545. Marking of obstructions.

“546. Deposit of damage payments.

“547. Rewards for apprehension of persons interfering with aids to navigation.

“SUBCHAPTER IV—MISCELLANEOUS

“561. Icebreaking in polar regions.

“562. Appeals and waivers.

“563. Notification of certain determinations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 5 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
92	Secretary; general powers	501
631	Delegation of powers by the Secretary	502
633	Regulations	503
93	Commandant; general powers	504
632	Functions and powers vested in the Commandant	505
520	Prospective payment of funds necessary to provide medical care	506
153	Appointment of judges	507
88	Saving life and property	521
89	Law enforcement	522
99	Enforcement authority	523
100	Enforcement of coastwise trade laws	524
95	Special agents of the Coast Guard Investigative Service law enforcement authority	525
637	Stopping vessels; indemnity for firing at or into vessel	526
91	Safety of naval vessels	527
104	Protecting against unmanned aircraft	528
81	Aids to navigation authorized	541

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
83	Unauthorized aids to maritime navigation; penalty	542
84	Interference with aids to navigation; penalty	543
85	Aids to maritime navigation; penalty	544
86	Marking of obstructions	545
642	Deposit of damage payments	546
643	Rewards for apprehension of persons interfering with aids to navigation	547
87	Icebreaking in polar regions	561
101	Appeals and waivers	562
103	Notification of certain determinations	563

(c) ADDITIONAL CHANGES.—Chapter 5 of title 14, United States Code, is further amended—

(1) by inserting before section 501 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL POWERS”;

(2) by inserting before section 521 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—LIFE SAVING AND LAW ENFORCEMENT AUTHORITIES”;

(3) by inserting before section 541 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—AIDS TO NAVIGATION”;

and

(4) by inserting before section 561 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER IV—MISCELLANEOUS”.

SEC. 106. CHAPTER 7.

(a) INITIAL MATTER.—Chapter 7 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 7—COOPERATION

“Sec.

“701. Cooperation with other agencies, States, territories, and political subdivisions.

“702. State Department.

“703. Treasury Department.

“704. Department of the Army and Department of the Air Force.

“705. Navy Department.

“706. United States Postal Service.

“707. Department of Commerce.

“708. Department of Health and Human Services.

“709. Maritime instruction.

“710. Assistance to foreign governments and maritime authorities.

“711. Coast Guard officers as attachés to missions.

- “712. Contracts with Government-owned establishments for work and material.
- “713. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services.
- “714. Arctic maritime domain awareness.
- “715. Oceanographic research.
- “716. Arctic maritime transportation.
- “717. Agreements.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 7 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
141	Cooperation with other agencies, States, territories, and political subdivisions	701
142	State Department	702
143	Treasury Department	703
144	Department of the Army and Department of the Air Force	704
145	Navy Department	705
146	United States Postal Service	706
147	Department of Commerce	707
147a	Department of Health and Human Services	708
148	Maritime instruction	709
149	Assistance to foreign governments and maritime authorities	710
150	Coast Guard officers as attachés to missions	711
151	Contracts with Government-owned establishments for work and material	712
152	Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide or obtain goods and services	713

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
154	Arctic maritime domain awareness	714
94	Oceanographic research	715
90	Arctic maritime transportation	716
102	Agreements	717

SEC. 107. CHAPTER 9.

(a) INITIAL MATTER.—Chapter 9 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 9—ADMINISTRATION**“SUBCHAPTER I—REAL AND PERSONAL PROPERTY**

“Sec.

“901. Disposal of certain material.

“902. Employment of draftsmen and engineers.

“903. Use of certain appropriated funds.

“904. Local hire.

“905. Procurement authority for family housing.

“906. Air Station Cape Cod Improvements.

“907. Long-term lease of special purpose facilities.

“908. Long-term lease authority for light-house property.

“909. Small boat station rescue capability.

“910. Small boat station closures.

“911. Search and rescue center standards.

“912. Air facility closures.

“913. Turnkey selection procedures.

“914. Disposition of infrastructure related to E-LORAN.

“SUBCHAPTER II—MISCELLANEOUS

“931. Oaths required for boards.

“932. Administration of oaths.

“933. Coast Guard ensigns and pennants.

“934. Penalty for unauthorized use of words ‘Coast Guard’.

“935. Coast Guard band recordings for commercial sale.

“936. Confidentiality of medical quality assurance records; qualified immunity for participants.

“937. Admiralty claims against the United States.

“938. Claims for damage to property of the United States.

“939. Accounting for industrial work.

“940. Supplies and equipment from stock.

“941. Coast Guard Supply Fund.

“942. Public and commercial vessels and other watercraft; sale of fuel, supplies, and services.

“943. Arms and ammunition; immunity from taxation.

“944. Confidential investigative expenses.

“945. Assistance to film producers.

“946. User fees.

“947. Vessel construction bonding requirements.

“948. Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care.

“949. Telephone installation and charges.

“950. Designation, powers, and accountability of deputy disbursing officials.

“951. Aircraft accident investigations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 9 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
641	Disposal of certain material	901
653	Employment of draftsmen and engineers	902
656	Use of certain appropriated funds	903
666	Local hire	904
670	Procurement authority for family housing	905
671	Air Station Cape Cod Improvements	906
672	Long-term lease of special purpose facilities	907
672a	Long-term lease authority for light-house property	908
674	Small boat station rescue capability	909
675	Small boat station closures	910
676	Search and rescue center standards	911
676a	Air facility closures	912
677	Turnkey selection procedures	913
681	Disposition of infrastructure related to E-LORAN	914
635	Oaths required for boards	931
636	Administration of oaths	932
638	Coast Guard ensigns and pennants	933
639	Penalty for unauthorized use of words “Coast Guard”	934
640	Coast Guard band recordings for commercial sale	935
645	Confidentiality of medical quality assurance records; qualified immunity for participants	936

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
646	Admiralty claims against the United States	937
647	Claims for damage to property of the United States	938
648	Accounting for industrial work	939
649	Supplies and equipment from stock	940
650	Coast Guard Supply Fund	941
654	Public and commercial vessels and other watercraft; sale of fuel, supplies, and services	942
655	Arms and ammunition; immunity from taxation	943
658	Confidential investigative expenses	944
659	Assistance to film producers	945
664	User fees	946
667	Vessel construction bonding requirements	947
668	Contracts for medical care for retirees, dependents, and survivors: alternative delivery of health care	948
669	Telephone installation and charges	949
673	Designation, powers, and accountability of deputy disbursing officials	950
678	Aircraft accident investigations	951

(c) ADDITIONAL CHANGES.—Chapter 9 of title 14, United States Code, is further amended—

(1) by inserting before section 901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—REAL AND PERSONAL PROPERTY”;

and

(2) by inserting before section 931 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—MISCELLANEOUS”.

SEC. 108. CHAPTER 11.

(a) INITIAL MATTER.—Chapter 11 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 11—ACQUISITIONS

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“1101. Acquisition directorate.

“1102. Improvements in Coast Guard acquisition management.
 “1103. Role of Vice Commandant in major acquisition programs.
 “1104. Recognition of Coast Guard personnel for excellence in acquisition.
 “1105. Prohibition on use of lead systems integrators.
 “1106. Required contract terms.
 “1107. Extension of major acquisition program contracts.
 “1108. Department of Defense consultation.
 “1109. Undefinitized contractual actions.
 “1110. Mission need statement.
 “SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES
 “1131. Identification of major system acquisitions.
 “1132. Acquisition.
 “1133. Preliminary development and demonstration.
 “1134. Acquisition, production, deployment, and support.
 “1135. Acquisition program baseline breach.
 “1136. Acquisition approval authority.
 “SUBCHAPTER III—PROCUREMENT
 “1151. Restriction on construction of vessels in foreign shipyards.
 “1152. Advance procurement funding.
 “1153. Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.
 “1154. Procurement of buoy chain.
 “1155. Contract termination.
 “SUBCHAPTER IV—DEFINITIONS

“1171. Definitions.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 11 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
561	Acquisition directorate	1101
562	Improvements in Coast Guard acquisition management	1102
578	Role of Vice Commandant in major acquisition programs	1103
563	Recognition of Coast Guard personnel for excellence in acquisition	1104
564	Prohibition on use of lead systems integrators	1105
565	Required contract terms	1106
579	Extension of major acquisition program contracts	1107
566	Department of Defense consultation	1108

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
567	Undefinitized contractual actions	1109
569	Mission need statement	1110
571	Identification of major system acquisitions	1131
572	Acquisition	1132
573	Preliminary development and demonstration	1133
574	Acquisition, production, deployment, and support	1134
575	Acquisition program baseline breach	1135
576	Acquisition approval authority	1136
665	Restriction on construction of vessels in foreign shipyards	1151
577	Advance procurement funding	1152
96	Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards	1153
97	Procurement of buoy chain	1154
657	Contract termination	1155
581	Definitions	1171

(c) ADDITIONAL CHANGES.—Chapter 11 of title 14, United States Code, is further amended—

(1) by striking all subdivision designations and headings in such chapter, except for—

(A) the chapter designation and heading added by subsection (a);

(B) the subchapter designations and headings added by this subsection; and

(C) any designation or heading of a section or a subdivision of a section;

(2) by inserting before section 1101 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

(3) by inserting before section 1131 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES”;

(4) by inserting before section 1151 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—PROCUREMENT”;

and

(5) by inserting before section 1171 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER IV—DEFINITIONS”.

SEC. 109. SUBTITLE II.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by inserting after chapter 11 (as amended by section 108) the following:

“Subtitle II—Personnel

“Chap.	Sec.
“19. Coast Guard Academy	1901
“21. Personnel; Officers	2101
“23. Personnel; Enlisted	2301
“25. Personnel; General Provisions ...	2501
“27. Pay, Allowances, Awards, and Other Rights and Benefits	2701
“29. Coast Guard Family Support, Child Care, and Housing	2901”.

(b) RESERVED CHAPTER NUMBERS.—

(1) CHAPTER 13.—Chapter 13 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

(2) CHAPTER 14.—Chapter 14 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter.

(3) CHAPTER 15.—Chapter 15 of title 14, United States Code, is amended—

(A) by striking the chapter designation, the chapter heading, and the table of sections at the beginning; and

(B) by striking the subchapter designation and the subchapter heading for each of the subchapters of such chapter.

(4) CHAPTER 17.—Chapter 17 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

(5) CHAPTER 18.—Chapter 18 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning.

SEC. 110. CHAPTER 19.

(a) INITIAL MATTER.—Chapter 19 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 19—COAST GUARD ACADEMY

“SUBCHAPTER I—ADMINISTRATION

“Sec.

“1901. Administration of Academy.

“1902. Policy on sexual harassment and sexual violence.

“1903. Annual Board of Visitors.

“1904. Participation in Federal, State, or other educational research grants.

“SUBCHAPTER II—CADETS

“1921. Corps of Cadets authorized strength.

“1922. Appointments.

“1923. Admission of foreign nationals for instruction; restrictions; conditions.

“1924. Conduct.

“1925. Agreement.

“1926. Cadet applicants; preappointment travel to Academy.

“1927. Cadets; initial clothing allowance.

“1928. Cadets; degree of bachelor of science.

“1929. Cadets; appointment as ensign.

“1930. Cadets; charges and fees for attendance; limitation.

“SUBCHAPTER III—FACULTY

“1941. Civilian teaching staff.

“1942. Permanent commissioned teaching staff; composition.

“1943. Appointment of permanent commissioned teaching staff.

“1944. Grade of permanent commissioned teaching staff.

“1945. Retirement of permanent commissioned teaching staff.

“1946. Credit for service as member of civilian teaching staff.

“1947. Assignment of personnel as instructors.

“1948. Marine safety curriculum.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 19 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
181	Administration of Academy	1901
200	Policy on sexual harassment and sexual violence	1902
194	Annual Board of Visitors	1903
196	Participation in Federal, State, or other educational research grants	1904
195	Admission of foreign nationals for instruction; restrictions; conditions	1923
181a	Cadet applicants; preappointment travel to Academy	1926
183	Cadets; initial clothing allowance	1927
184	Cadets; degree of bachelor of science	1928
185	Cadets; appointment as ensign	1929
197	Cadets; charges and fees for attendance; limitation	1930
186	Civilian teaching staff	1941
187	Permanent commissioned teaching staff; composition	1942
188	Appointment of permanent commissioned teaching staff	1943
189	Grade of permanent commissioned teaching staff	1944
190	Retirement of permanent commissioned teaching staff	1945

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
191	Credit for service as member of civilian teaching staff	1946
192	Assignment of personnel as instructors	1947
199	Marine safety curriculum	1948

(c) ADDITIONAL CHANGES.—

(1) IN GENERAL.—Chapter 19 of title 14, United States Code, is further amended—

(A) by inserting before section 1901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—ADMINISTRATION”;

(B) by inserting before section 1923 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—CADETS

“§ 1921. Corps of Cadets authorized strength

“The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred.

“§ 1922. Appointments

“Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. In the administration of this section, the Secretary shall take such action as may be necessary and appropriate to insure that female individuals shall be eligible for appointment and admission to the Coast Guard Academy, and that the relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.”;

(C) by inserting before section 1926 (as so redesignated and transferred under subsection (b)) the following:

“§ 1924. Conduct

“The Secretary may summarily dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

“§ 1925. Agreement

“(a) Each cadet shall sign an agreement with respect to the cadet’s length of service in the Coast Guard. The agreement shall provide that the cadet agrees to the following:

“(1) That the cadet will complete the course of instruction at the Coast Guard Academy.

“(2) That upon graduation from the Coast Guard Academy the cadet—

“(A) will accept an appointment, if tendered, as a commissioned officer of the Coast Guard; and

“(B) will serve on active duty for at least five years immediately after such appointment.

“(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before the completion of the commissioned service obligation of the cadet, the cadet—

“(A) will accept an appointment as a commissioned officer in the Coast Guard Reserve; and

“(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

“(b)(1) The Secretary may transfer to the Coast Guard Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of title 10.

“(2) A cadet who is transferred to the Coast Guard Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

“(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Coast Guard Academy under circumstances which the Secretary determines constitute a breach by the cadet of the cadet's agreement to complete the course of instruction at the Coast Guard Academy and accept an appointment as a commissioned officer upon graduation from the Coast Guard Academy.

“(c) The Secretary shall prescribe regulations to carry out this section. Those regulations shall include—

“(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

“(2) procedures for determining whether such a breach has occurred; and

“(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection (b).

“(d) In this section, ‘commissioned service obligation’, with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary, any later date up to the eighth anniversary of such appointment.

“(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

“(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of the parent or guardian.

“(f) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.”; and

(D) by inserting before section 1941 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—FACULTY”.

(2) CONFORMING REPEAL.—Section 182 of title 14, United States Code, is repealed.

SEC. 111. PART II.

Part II of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning.

SEC. 112. CHAPTER 21.

(a) INITIAL MATTER.—Chapter 21 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 21—PERSONNEL; OFFICERS

“SUBCHAPTER I—APPOINTMENT AND PROMOTION

“Sec.

“2101. Original appointment of permanent commissioned officers.

“2102. Active duty promotion list.

“2103. Number and distribution of commissioned officers on active duty promotion list.

“2104. Appointment of temporary officers.

“2105. Rank of warrant officers.

“2106. Selection boards; convening of boards.

“2107. Selection boards; composition of boards.

“2108. Selection boards; notice of convening; communication with board.

“2109. Selection boards; oath of members.

“2110. Number of officers to be selected for promotion.

“2111. Promotion zones.

“2112. Promotion year; defined.

“2113. Eligibility of officers for consideration for promotion.

“2114. United States Deputy Marshals in Alaska.

“2115. Selection boards; information to be furnished boards.

“2116. Officers to be recommended for promotion.

“2117. Selection boards; reports.

“2118. Selection boards; submission of reports.

“2119. Failure of selection for promotion.

“2120. Special selection boards; correction of errors.

“2121. Promotions; appointments.

“2122. Removal of officer from list of selectees for promotion.

“2123. Promotions; acceptance; oath of office.

“2124. Promotions; pay and allowances.

“2125. Wartime temporary service promotions.

“2126. Promotion of officers not included on active duty promotion list.

“2127. Recall to active duty during war or national emergency.

“2128. Recall to active duty with consent of officer.

“2129. Aviation cadets; appointment as Reserve officers.

“SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE

“2141. Revocation of commissions during first five years of commissioned service.

“2142. Regular lieutenants (junior grade); separation for failure of selection for promotion.

“2143. Regular lieutenants; separation for failure of selection for promotion; continuation.

“2144. Regular Coast Guard; officers serving under temporary appointments.

“2145. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

“2146. Discharge in lieu of retirement; separation pay.

“2147. Regular warrant officers: separation pay.

“2148. Separation for failure of selection for promotion or continuation; time of.

“2149. Regular captains; retirement.

“2150. Captains; continuation on active duty; involuntary retirement.

“2151. Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement.

“2152. Voluntary retirement after twenty years' service.

“2153. Voluntary retirement after thirty years' service.

“2154. Compulsory retirement.

“2155. Retirement for physical disability after selection for promotion; grade in which retired.

“2156. Deferment of retirement or separation for medical reasons.

“2157. Flag officers.

“2158. Review of records of officers.

“2159. Boards of inquiry.

“2160. Boards of review.

“2161. Composition of boards.

“2162. Rights and procedures.

“2163. Removal of officer from active duty; action by Secretary.

“2164. Officers considered for removal; retirement or discharge; separation benefits.

“2165. Relief of retired officer promoted while on active duty.

“SUBCHAPTER III—GENERAL PROVISIONS

“2181. Physical fitness of officers.

“2182. Multirater assessment of certain personnel.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 21 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
211	Original appointment of permanent commissioned officers	2101
41a	Active duty promotion list	2102
42	Number and distribution of commissioned officers on active duty promotion list	2103
214	Appointment of temporary officers	2104
215	Rank of warrant officers	2105
251	Selection boards; convening of boards	2106
252	Selection boards; composition of boards	2107
253	Selection boards; notice of convening; communication with board	2108
254	Selection boards; oath of members	2109
255	Number of officers to be selected for promotion	2110
256	Promotion zones	2111
256a	Promotion year; defined	2112
257	Eligibility of officers for consideration for promotion	2113

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
258	Selection boards; information to be furnished boards	2115
259	Officers to be recommended for promotion	2116
260	Selection boards; reports	2117
261	Selection boards; submission of reports	2118
262	Failure of selection for promotion	2119
263	Special selection boards; correction of errors	2120
271	Promotions; appointments	2121
272	Removal of officer from list of selectees for promotion	2122
273	Promotions; acceptance; oath of office	2123
274	Promotions; pay and allowances	2124
275	Wartime temporary service promotions	2125
276	Promotion of officers not included on active duty promotion list	2126
331	Recall to active duty during war or national emergency	2127
332	Recall to active duty with consent of officer	2128
373	Aviation cadets; appointment as Reserve officers	2129
281	Revocation of commissions during first five years of commissioned service	2141
282	Regular lieutenants (junior grade); separation for failure of selection for promotion	2142
283	Regular lieutenants; separation for failure of selection for promotion; continuation	2143
284	Regular Coast Guard; officers serving under temporary appointments	2144

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
285	Regular lieutenant commanders and commanders; retirement for failure of selection for promotion	2145
286	Discharge in lieu of retirement; separation pay	2146
286a	Regular warrant officers; separation pay	2147
287	Separation for failure of selection for promotion or continuation; time of	2148
288	Regular captains; retirement	2149
289	Captains; continuation on active duty; involuntary retirement	2150
290	Rear admirals and rear admirals (lower half); continuation on active duty; involuntary retirement	2151
291	Voluntary retirement after twenty years' service	2152
292	Voluntary retirement after thirty years' service	2153
293	Compulsory retirement	2154
294	Retirement for physical disability after selection for promotion; grade in which retired	2155
295	Deferment of retirement or separation for medical reasons	2156
296	Flag officers	2157
321	Review of records of officers	2158
322	Boards of inquiry	2159
323	Boards of review	2160
324	Composition of boards	2161
325	Rights and procedures	2162
326	Removal of officer from active duty; action by Secretary	2163
327	Officers considered for removal; retirement or discharge; separation benefits	2164

Title 14 section number before re-designation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after re-designation
333	Relief of retired officer promoted while on active duty	2165
335	Physical fitness of officers	2181
429	Multirater assessment of certain personnel	2182

(c) ADDITIONAL CHANGES.—Chapter 21 of title 14, United States Code, is further amended—

(1) by striking all subchapter designations and headings in such chapter, except for the subchapter designations and headings added by this subsection;

(2) by inserting before section 2101 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—APPOINTMENT AND PROMOTION”;

(3) by inserting before section 2115 (as so redesignated and transferred under subsection (b)) the following:

“§ 2114. United States Deputy Marshals in Alaska

“Commissioned officers may be appointed as United States Deputy Marshals in Alaska.”;

(4) by inserting before section 2141 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS; SEPARATION FOR CAUSE”;

and

(5) by inserting before section 2181 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—GENERAL PROVISIONS”.

SEC. 113. CHAPTER 23.

(a) INITIAL MATTER.—Chapter 23 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 23—PERSONNEL; ENLISTED

“Sec.

“2301. Recruiting campaigns.

“2302. Enlistments; term, grade.

“2303. Promotion.

“2304. Compulsory retirement at age of sixty-two.

“2305. Voluntary retirement after thirty years' service.

“2306. Voluntary retirement after twenty years' service.

“2307. Retirement of enlisted members: increase in retired pay.

“2308. Recall to active duty during war or national emergency.

“2309. Recall to active duty with consent of member.

“2310. Relief of retired enlisted member promoted while on active duty.

“2311. Retirement in cases where higher grade or rating has been held.

“2312. Extension of enlistments.

“2313. Retention beyond term of enlistment in case of disability.

“2314. Detention beyond term of enlistment.

“2315. Inclusion of certain conditions in enlistment contract.

“2316. Discharge within three months before expiration of enlistment.

“2317. Aviation cadets; procurement; transfer.

“2318. Aviation cadets; benefits.

“2319. Critical skill training bonus.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 23 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
350	Recruiting campaigns	2301
351	Enlistments; term, grade	2302
352	Promotion	2303
353	Compulsory retirement at age of sixty-two	2304
354	Voluntary retirement after thirty years' service	2305
355	Voluntary retirement after twenty years' service	2306
357	Retirement of enlisted members: increase in retired pay	2307
359	Recall to active duty during war or national emergency	2308
360	Recall to active duty with consent of member	2309
361	Relief of retired enlisted member promoted while on active duty	2310
362	Retirement in cases where higher grade or rating has been held	2311
365	Extension of enlistments	2312
366	Retention beyond term of enlistment in case of disability	2313
367	Detention beyond term of enlistment	2314
369	Inclusion of certain conditions in enlistment contract	2315
370	Discharge within three months before expiration of enlistment	2316

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
371	Aviation cadets; procurement; transfer	2317
372	Aviation cadets; benefits	2318
374	Critical skill training bonus	2319

SEC. 114. CHAPTER 25.

(a) INITIAL MATTER.—Chapter 25 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 25—PERSONNEL; GENERAL PROVISIONS

“SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“2501. Grade on retirement.

“2502. Retirement.

“2503. Status of recalled personnel.

“2504. Computation of retired pay.

“2505. Limitations on retirement and retired pay.

“2506. Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution.

“2507. Board for Correction of Military Records deadline.

“2508. Emergency leave retention authority.

“2509. Prohibition of certain involuntary administrative separations.

“2510. Sea service letters.

“2511. Investigations of flag officers and Senior Executive Service employees.

“2512. Leave policies for the Coast Guard.

“2513. Computation of length of service.

“SUBCHAPTER II—LIGHTHOUSE SERVICE

“2531. Personnel of former Lighthouse Service.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 25 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
334	Grade on retirement	2501
421	Retirement	2502
422	Status of recalled personnel	2503
423	Computation of retired pay	2504
424	Limitations on retirement and retired pay	2505

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
424a	Suspension of payment of retired pay of members who are absent from the United States to avoid prosecution	2506
425	Board for Correction of Military Records deadline	2507
426	Emergency leave retention authority	2508
427	Prohibition of certain involuntary administrative separations	2509
428	Sea service letters	2510
430	Investigations of flag officers and Senior Executive Service employees	2511
431	Leave policies for the Coast Guard	2512
467	Computation of length of service	2513
432	Personnel of former Lighthouse Service	2531

(c) ADDITIONAL CHANGES.—Chapter 25 of title 14, United States Code, is further amended—

(1) by inserting before section 2501 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

and

(2) by inserting before section 2531 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—LIGHTHOUSE SERVICE”.

SEC. 115. PART III.

Part III of title 14, United States Code, is amended by striking the part designation, the part heading, and the table of chapters at the beginning.

SEC. 116. CHAPTER 27.

(a) INITIAL MATTER.—Chapter 27 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 27—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

“SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS

“Sec.

“2701. Procurement of personnel.

“2702. Training.

“2703. Contingent expenses.

“2704. Equipment to prevent accidents.

“2705. Clothing at time of discharge for good of service.

“2706. Right to wear uniform.

“2707. Protection of uniform.

“2708. Clothing for officers and enlisted personnel.

“2709. Procurement and sale of stores to members and civilian employees.

“2710. Disposition of effects of decedents.

“2711. Deserters; payment of expenses incident to apprehension and delivery; penalties.

“2712. Payment for the apprehension of stragglers.

“SUBCHAPTER II—AWARDS

“2731. Delegation of powers to make awards; rules and regulations.

“2732. Medal of honor.

“2733. Medal of honor: duplicate medal.

“2734. Medal of honor: presentation of Medal of Honor Flag.

“2735. Coast Guard cross.

“2736. Distinguished service medal.

“2737. Silver star medal.

“2738. Distinguished flying cross.

“2739. Coast Guard medal.

“2740. Insignia for additional awards.

“2741. Time limit on award; report concerning deed.

“2742. Honorable subsequent service as condition to award.

“2743. Posthumous awards.

“2744. Life-saving medals.

“2745. Replacement of medals.

“2746. Award of other medals.

“2747. Awards and insignia for excellence in service or conduct.

“2748. Presentation of United States flag upon retirement.

“SUBCHAPTER III—PAYMENTS

“2761. Persons discharged as result of court-martial; allowances to.

“2762. Shore patrol duty; payment of expenses.

“2763. Compensatory absence from duty for military personnel at isolated duty stations.

“2764. Monetary allowance for transportation of household effects.

“2765. Retroactive payment of pay and allowances delayed by administrative error or oversight.

“2766. Travel card management.

“2767. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.

“2768. Annual audit of pay and allowances of members undergoing permanent change of station.

“2769. Remission of indebtedness.

“2770. Special instruction at universities.

“2771. Attendance at professional meetings.

“2772. Education loan repayment program.

“2773. Rations or commutation therefor in money.

“2774. Sales of ration supplies to messes.

“2775. Flight rations.

“2776. Payments at time of discharge for good of service.

“2777. Clothing for destitute shipwrecked persons.

“2778. Advancement of public funds to personnel.

“2779. Transportation to and from certain places of employment.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 27 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation	Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
468	Procurement of personnel	2701	498	Posthumous awards	2743
469	Training	2702	500	Life-saving medals	2744
476	Contingent expenses	2703	501	Replacement of medals	2745
477	Equipment to prevent accidents	2704	502	Award of other medals	2746
482	Clothing at time of discharge for good of service	2705	503	Awards and insignia for excellence in service or conduct	2747
483	Right to wear uniform	2706	516	Presentation of United States flag upon retirement	2748
484	Protection of uniform	2707	509	Persons discharged as result of court-martial; allowances to	2761
485	Clothing for officers and enlisted personnel	2708	510	Shore patrol duty; payment of expenses	2762
487	Procurement and sale of stores to members and civilian employees	2709	511	Compensatory absence from duty for military personnel at isolated duty stations	2763
507	Disposition of effects of decedents	2710	512	Monetary allowance for transportation of household effects	2764
508	Deserters; payment of expenses incident to apprehension and delivery; penalties	2711	513	Retroactive payment of pay and allowances delayed by administrative error or oversight	2765
644	Payment for the apprehension of stragglers	2712	517	Travel card management	2766
499	Delegation of powers to make awards; rules and regulations	2731	518	Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States	2767
491	Medal of honor	2732	519	Annual audit of pay and allowances of members undergoing permanent change of station	2768
504	Medal of honor: duplicate medal	2733	461	Remission of indebtedness	2769
505	Medal of honor: presentation of Medal of Honor Flag	2734	470	Special instruction at universities	2770
491a	Coast Guard cross	2735	471	Attendance at professional meetings	2771
492	Distinguished service medal	2736	472	Education loan repayment program	2772
492a	Silver star medal	2737	478	Rations or commutation therefor in money	2773
492b	Distinguished flying cross	2738	479	Sales of ration supplies to messes	2774
493	Coast Guard medal	2739			
494	Insignia for additional awards	2740			
496	Time limit on award; report concerning deed	2741			
497	Honorable subsequent service as condition to award	2742			

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
480	Flight rations	2775
481	Payments at time of discharge for good of service	2776
486	Clothing for destitute shipwrecked persons	2777
488	Advancement of public funds to personnel	2778
660	Transportation to and from certain places of employment	2779

(c) **ADDITIONAL CHANGES.**—Chapter 27 of title 14, United States Code, is further amended—

(1) by inserting before section 2701 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—PERSONNEL RIGHTS AND BENEFITS”;

(2) by inserting before section 2731 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—AWARDS”;

and

(3) by inserting before section 2761 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—PAYMENTS”.

SEC. 117. CHAPTER 29.

(a) **INITIAL MATTER.**—Chapter 29 of title 14, United States Code, is amended by striking the chapter designation, the chapter heading, and the table of sections at the beginning and inserting the following:

“CHAPTER 29—COAST GUARD FAMILY SUPPORT, CHILD CARE, AND HOUSING

“SUBCHAPTER I—COAST GUARD FAMILIES

“Sec.

“2901. Work-life policies and programs.

“2902. Surveys of Coast Guard families.

“2903. Reimbursement for adoption expenses.

“2904. Education and training opportunities for Coast Guard spouses.

“2905. Youth sponsorship initiatives.

“2906. Dependent school children.

“SUBCHAPTER II—COAST GUARD CHILD CARE

“2921. Definitions.

“2922. Child development services.

“2923. Child development center standards and inspections.

“2924. Child development center employees.

“2925. Parent partnerships with child development centers.

“SUBCHAPTER III—HOUSING

“2941. Definitions.

“2942. General authority.

“2943. Leasing and hiring of quarters; rental of inadequate housing.

“2944. Retired service members and dependents serving on advisory committees.

“2945. Conveyance of real property.

“2946. Coast Guard Housing Fund.

“2947. Reports.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) **REQUIREMENT.**—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 29 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) **TABLE.**—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only—not amended)	Title 14 section number after redesignation
531	Work-life policies and programs	2901
532	Surveys of Coast Guard families	2902
541	Reimbursement for adoption expenses	2903
542	Education and training opportunities for Coast Guard spouses	2904
543	Youth sponsorship initiatives	2905
544	Dependent school children	2906
551	Definitions	2921
552	Child development services	2922
553	Child development center standards and inspections	2923
554	Child development center employees	2924
555	Parent partnerships with child development centers	2925
680	Definitions	2941
681	General authority	2942
475	Leasing and hiring of quarters; rental of inadequate housing	2943
680	Retired service members and dependents serving on advisory committees	2944
685	Conveyance of real property	2945
687	Coast Guard Housing Fund	2946
688	Reports	2947

(c) **ADDITIONAL CHANGES.**—Chapter 29 of title 14, United States Code, is further amended—

(1) by inserting before section 2901 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—COAST GUARD FAMILIES”;

(2) by inserting before section 2921 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—COAST GUARD CHILD CARE”;

and

(3) by inserting before section 2941 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER III—HOUSING”.

SEC. 118. SUBTITLE III AND CHAPTER 37.

(a) **INITIAL MATTER.**—Title 14, United States Code, is further amended by adding after chapter 29 (as amended by section 117) the following:

“Subtitle III—Coast Guard Reserve and Auxiliary

“Chap. Sec.

“37. Coast Guard Reserve 3701

“39. Coast Guard Auxiliary 3901

“41. General Provisions for Coast Guard Reserve and Auxiliary 4101

“CHAPTER 1—COAST GUARD RESERVE

“SUBCHAPTER I—ADMINISTRATION

“Sec.

“3701. Organization.

“3702. Authorized strength.

“3703. Coast Guard Reserve Boards.

“3704. Grades and ratings; military authority.

“3705. Benefits.

“3706. Temporary members of the Reserve; eligibility and compensation.

“3707. Temporary members of the Reserve; disability or death benefits.

“3708. Temporary members of the Reserve; certificate of honorable service.

“3709. Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade.

“3710. Reserve student pre-commissioning assistance program.

“3711. Appointment or wartime promotion; retention of grade upon release from active duty.

“3712. Exclusiveness of service.

“3713. Active duty for emergency augmentation of regular forces.

“3714. Enlistment of members engaged in schooling.

“SUBCHAPTER II—PERSONNEL

“3731. Definitions.

“3732. Applicability of this subchapter.

“3733. Suspension of this subchapter in time of war or national emergency.

“3734. Effect of this subchapter on retirement and retired pay.

“3735. Authorized number of officers.

“3736. Precedence.

“3737. Running mates.

“3738. Constructive credit upon initial appointment.

“3739. Promotion of Reserve officers on active duty.

“3740. Promotion; recommendations of selection boards.

“3741. Selection boards; appointment.

“3742. Establishment of promotion zones under running mate system.

“3743. Eligibility for promotion.

“3744. Recommendation for promotion of an officer previously removed from an active status.

“3745. Qualifications for promotion.

“3746. Promotion; acceptance; oath of office.

“3747. Date of rank upon promotion; entitlement to pay.

“3748. Type of promotion; temporary.

“3749. Effect of removal by the President or failure of consent of the Senate.

“3750. Failure of selection for promotion.

“3751. Failure of selection and removal from an active status.

“3752. Retention boards; removal from an active status to provide a flow of promotion.

“3753. Maximum ages for retention in an active status.

“3754. Rear admiral and rear admiral (lower half); maximum service in grade.

“3755. Appointment of a former Navy or Coast Guard officer.

“3756. Grade on entry upon active duty.

“3757. Recall of a retired officer; grade upon release.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 37 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
701	Organization	3701
702	Authorized strength	3702
703	Coast Guard Reserve Boards	3703
704	Grades and ratings; military authority	3704
705	Benefits	3705
706	Temporary members of the Reserve; eligibility and compensation	3706
707	Temporary members of the Reserve; disability or death benefits	3707
708	Temporary members of the Reserve; certificate of honorable service	3708
709	Reserve student aviation pilots; Reserve aviation pilots; appointments in commissioned grade	3709
709a	Reserve student pre-commissioning assistance program	3710
710	Appointment or wartime promotion; retention of grade upon release from active duty	3711
711	Exclusiveness of service	3712
712	Active duty for emergency augmentation of regular forces	3713
713	Enlistment of members engaged in schooling	3714

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
720	Definitions	3731
721	Applicability of this subchapter	3732
722	Suspension of this subchapter in time of war or national emergency	3733
723	Effect of this subchapter on retirement and retired pay	3734
724	Authorized number of officers	3735
725	Precedence	3736
726	Running mates	3737
727	Constructive credit upon initial appointment	3738
728	Promotion of Reserve officers on active duty	3739
729	Promotion; recommendations of selection boards	3740
730	Selection boards; appointment	3741
731	Establishment of promotion zones under running mate system	3742
732	Eligibility for promotion	3743
733	Recommendation for promotion of an officer previously removed from an active status	3744
734	Qualifications for promotion	3745
735	Promotion; acceptance; oath of office	3746
736	Date of rank upon promotion; entitlement to pay	3747
737	Type of promotion; temporary	3748
738	Effect of removal by the President or failure of consent of the Senate	3749
739	Failure of selection for promotion	3750
740	Failure of selection and removal from an active status	3751
741	Retention boards; removal from an active status to provide a flow of promotion	3752

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
742	Maximum ages for retention in an active status	3753
743	Rear admiral and rear admiral (lower half); maximum service in grade	3754
744	Appointment of a former Navy or Coast Guard officer	3755
745	Grade on entry upon active duty	3756
746	Recall of a retired officer; grade upon release	3757

(c) ADDITIONAL CHANGES.—Chapter 37 of title 14, United States Code, is further amended—

(1) by inserting before section 3701 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER I—ADMINISTRATION”;

and

(2) by inserting before section 3731 (as so redesignated and transferred under subsection (b)) the following:

“SUBCHAPTER II—PERSONNEL”.

SEC. 119. CHAPTER 39.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 37 (as added by section 118) the following:

“CHAPTER 39—COAST GUARD AUXILIARY

“Sec.

“3901. Administration of the Coast Guard Auxiliary.

“3902. Purpose of the Coast Guard Auxiliary.

“3903. Eligibility; enrollments.

“3904. Members of the Auxiliary; status.

“3905. Disenrollment.

“3906. Membership in other organizations.

“3907. Use of member's facilities.

“3908. Vessel deemed public vessel.

“3909. Aircraft deemed public aircraft.

“3910. Radio station deemed government station.

“3911. Availability of appropriations.

“3912. Assignment and performance of duties.

“3913. Injury or death in line of duty.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 39 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
821	Administration of the Coast Guard Auxiliary	3901

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
822	Purpose of the Coast Guard Auxiliary	3902
823	Eligibility; enrollments	3903
823a	Members of the Auxiliary; status	3904
824	Disenrollment	3905
825	Membership in other organizations	3906
826	Use of member's facilities	3907
827	Vessel deemed public vessel	3908
828	Aircraft deemed public aircraft	3909
829	Radio station deemed government station	3910
830	Availability of appropriations	3911
831	Assignment and performance of duties	3912
832	Injury or death in line of duty	3913

SEC. 120. CHAPTER 41.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 39 (as added by section 119) the following:

“CHAPTER 41—GENERAL PROVISIONS FOR COAST GUARD RESERVE AND AUXILIARY

“Sec.

“4101. Flags; pennants; uniforms and insignia.

“4102. Penalty.

“4103. Limitation on rights of members of the Auxiliary and temporary members of the Reserve.

“4104. Availability of facilities and appropriations.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 41 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
891	Flags; pennants; uniforms and insignia	4101
892	Penalty	4102

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
893	Limitation on rights of members of the Auxiliary and temporary members of the Reserve	4103
894	Availability of facilities and appropriations	4104

SEC. 121. SUBTITLE IV AND CHAPTER 49.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 41 (as added by section 120) the following:

“Subtitle IV—Coast Guard Authorizations and Reports to Congress

“Chap. Sec.

“49. Authorizations 4901

“51. Reports 5101

“CHAPTER 49—AUTHORIZATIONS

“Sec.

“4901. Requirement for prior authorization of appropriations.

“4902. Authorization of appropriations.

“4903. Authorization of personnel end strengths.

“4904. Authorized levels of military strength and training.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 49 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2701	Requirement for prior authorization of appropriations	4901
2702	Authorization of appropriations	4902
2703	Authorization of personnel end strengths	4903
2704	Authorized levels of military strength and training	4904

SEC. 122. CHAPTER 51.

(a) INITIAL MATTER.—Title 14, United States Code, is further amended by adding after chapter 49 (as added by section 121) the following:

“CHAPTER 51—REPORTS

“Sec.

“5101. Transmission of annual Coast Guard authorization request.

“5102. Capital investment plan.

“5103. Major acquisitions.

“5104. Manpower requirements plan.

“5105. Inventory of real property.

“5106. Annual performance report.

“5107. Major acquisition risk assessment.”.

(b) REDESIGNATIONS AND TRANSFERS.—

(1) REQUIREMENT.—The sections of title 14, United States Code, identified in the table provided in paragraph (2) are amended—

(A) by redesignating the sections as described in the table; and

(B) by transferring the sections, as necessary, so that the sections appear after the table of sections for chapter 51 of such title (as added by subsection (a)), in the order in which the sections are presented in the table.

(2) TABLE.—The table referred to in paragraph (1) is the following:

Title 14 section number before redesignation	Section heading (provided for identification purposes only-not amended)	Title 14 section number after redesignation
2901	Transmission of annual Coast Guard authorization request	5101
2902	Capital investment plan	5102
2903	Major acquisitions	5103
2904	Manpower requirements plan	5104
679	Inventory of real property	5105
2905	Annual performance report	5106
2906	Major acquisition risk assessment	5107

SEC. 123. REFERENCES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) REDESIGNATED SECTION.—The term “re-designated section” means a section of title 14, United States Code, that is redesignated by this title, as that section is so redesignated.

(2) SOURCE SECTION.—The term “source section” means a section of title 14, United States Code, that is redesignated by this title, as that section was in effect before the redesignation.

(b) REFERENCE TO SOURCE SECTION.—

(1) TREATMENT OF REFERENCE.—A reference to a source section, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding redesignated section.

(2) TITLE 14.—In title 14, United States Code, each reference in the text of such title to a source section is amended by striking such reference and inserting a reference to the appropriate, as determined using the tables located in this title, redesignated section.

(c) OTHER CONFORMING AMENDMENTS.—

(1) REFERENCE TO SECTION 182.—Section 1923(c) of title 14, United States Code, as so redesignated by this title, is further amended by striking “section 182” and inserting “section 1922”.

(2) REFERENCES TO CHAPTER 11.—Title 14, United States Code, is further amended—

(A) in section 2146(d), as so redesignated by this title, by striking “chapter 11 of this title” and inserting “this chapter”; and

(B) in section 3739, as so redesignated by this title, by striking “chapter 11” each place that it appears and inserting “chapter 21”.

(3) REFERENCE TO CHAPTER 13.—Section 3705(b) of title 14, United States Code, as so

redesignated by this title, is further amended by striking “chapter 13” and inserting “chapter 27”.

(4) REFERENCE TO CHAPTER 15.—Section 308(b)(3) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 15” and inserting “chapter 11”.

(5) REFERENCES TO CHAPTER 19.—Title 14, United States Code, is further amended—

(A) in section 4901(4), as so redesignated by this title, by striking “chapter 19” and inserting “section 318”; and

(B) in section 4902(4), as so redesignated by this title, by striking “chapter 19” and inserting “section 318”.

(6) REFERENCE TO CHAPTER 23.—Section 701(a) of title 14, United States Code, as so redesignated by this title, is further amended by striking “chapter 23” and inserting “chapter 39”.

SEC. 124. RULE OF CONSTRUCTION.

This title, including the amendments made by this title, is intended only to reorganize title 14, United States Code, and may not be construed to alter—

(1) the effect of a provision of title 14, United States Code, including any authority or requirement therein;

(2) a department or agency interpretation with respect to title 14, United States Code; or

(3) a judicial interpretation with respect to title 14, United States Code.

TITLE II—AUTHORIZATIONS

SEC. 201. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

SEC. 202. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Section 4902 of title 14, United States Code, is amended to read as follows:

“§ 4902. Authorizations of appropriations

“(a) FISCAL YEAR 2018.—Funds are authorized to be appropriated for fiscal year 2018 for necessary expenses of the Coast Guard as follows:

“(1) For the operation and maintenance of the Coast Guard, not otherwise provided for, \$7,210,313,000 for fiscal year 2018.

“(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$2,694,745,000 for fiscal year 2018.

“(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services, \$114,875,000 for fiscal year 2018.

“(4) For the environmental compliance and restoration functions of the Coast Guard under chapter 3 of this title, \$13,397,000 for fiscal year 2018.

“(5) For the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$29,141,000 for fiscal year 2018.

“(b) FISCAL YEAR 2019.—Funds are authorized to be appropriated for fiscal year 2019 for necessary expenses of the Coast Guard as follows:

“(1)(A) For the operation and maintenance of the Coast Guard, not otherwise provided for, \$7,914,195,000 for fiscal year 2019.

“(B) Of the amount authorized under subparagraph (A)—

“(i) \$16,701,000 shall be for environmental compliance and restoration; and

“(ii) \$199,360,000 shall be for the Coast Guard’s Medicare-eligible retiree health care fund contribution to the Department of Defense.

“(2) For the procurement, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, aircraft, and systems, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$2,694,745,000 for fiscal year 2019.

“(3) To the Commandant for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment, \$29,141,000 for fiscal year 2019.”.

(b) REPEAL.—On October 1, 2018—

(1) section 4902(a) of title 14, United States Code, as amended by subsection (a), shall be repealed; and

(2) subsection 4902(b) of title 14, United States Code, as amended by subsection (a), shall be amended by striking “(b) FISCAL YEAR 2019.—”.

SEC. 203. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 4904 of title 14, United States Code, is amended—

(1) in subsection (a), by striking “for each of fiscal years 2016 and 2017” and inserting “for fiscal year 2018 and 44,500 for fiscal year 2019”; and

(2) in subsection (b), by striking “fiscal years 2016 and 2017” and inserting “fiscal years 2018 and 2019”.

SEC. 204. AUTHORIZATION OF AMOUNTS FOR FAST RESPONSE CUTTERS.

(a) IN GENERAL.—Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$167,500,000 is authorized for the acquisition of 3 Fast Response Cutters.

(b) TREATMENT OF ACQUIRED CUTTERS.—Any cutters acquired pursuant to subsection (a) shall be in addition to the 58 cutters approved under the existing acquisition baseline.

SEC. 205. AUTHORIZATION OF AMOUNTS FOR SHORESIDE INFRASTRUCTURE.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$167,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund the acquisition, construction, rebuilding, or improvement of Coast Guard shoreside infrastructure and facilities necessary to support Coast Guard operations and readiness.

SEC. 206. AUTHORIZATION OF AMOUNTS FOR AIRCRAFT IMPROVEMENTS.

Of the amounts authorized under section 4902 of title 14, United States Code, as amended by this Act, for each of fiscal years 2018 and 2019 up to \$3,500,000 is authorized for the Secretary of the department in which the Coast Guard is operating to fund analysis and program development for improve-

ments to or the replacement of rotary-wing aircraft.

TITLE III—COAST GUARD

SEC. 301. AMENDMENTS TO TITLE 14, UNITED STATES CODE, AS AMENDED BY TITLE I OF THIS ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision of title 14, United States Code, the reference shall be considered to be made to title 14, United States Code, as amended by title I of this Act.

SEC. 302. PRIMARY DUTIES.

Section 102(7) of title 14, United States Code, is amended to read as follows:

“(7) maintain a state of readiness to assist in the defense of the United States, including when functioning as a specialized service in the Navy pursuant to section 103.”.

SEC. 303. NATIONAL COAST GUARD MUSEUM.

Section 316 of title 14, United States Code, is amended to read as follows:

“§ 316. National Coast Guard Museum

“(a) ESTABLISHMENT.—The Commandant may establish a National Coast Guard Museum, on lands which will be federally owned and administered by the Coast Guard, and are located in New London, Connecticut, at, or in close proximity to, the Coast Guard Academy.

“(b) LIMITATION ON EXPENDITURES.—

“(1) The Secretary shall not expend any funds appropriated to the Coast Guard on the construction of any museum established under this section.

“(2) The Secretary shall fund the National Coast Guard Museum with nonappropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.

“(3) The Secretary may expend funds appropriated to the Coast Guard on the engineering and design of a National Coast Guard Museum.

“(c) FUNDING PLAN.—Before the date on which the Commandant establishes a National Coast Guard Museum under subsection (a), the Commandant shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for constructing, operating, and maintaining such a museum, including—

“(1) estimated planning, engineering, design, construction, operation, and maintenance costs;

“(2) the extent to which appropriated, non-appropriated, and non-Federal funds will be used for such purposes, including the extent to which there is any shortfall in funding for engineering, design, or construction; and

“(3) a certification by the Inspector General of the department in which the Coast Guard is operating that the estimates provided pursuant to paragraphs (1) and (2) are reasonable and realistic.

“(d) AUTHORITY.—The Commandant may not establish a National Coast Guard museum except as set forth in this section.”.

SEC. 304. UNMANNED AIRCRAFT.

(a) LAND-BASED UNMANNED AIRCRAFT SYSTEM PROGRAM.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“§ 319. Land-based unmanned aircraft system program

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a land-based unmanned aircraft

system program under the control of the Commandant.

“(b) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ‘unmanned aircraft system’ has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”.

(b) LIMITATION ON UNMANNED AIRCRAFT SYSTEMS.—Chapter 11 of title 14, United States Code, is amended by inserting after section 1155 the following:

“§ 1156. Limitation on unmanned aircraft systems

“(a) IN GENERAL.—During any fiscal year for which funds are appropriated for the design or construction of an Offshore Patrol Cutter, the Commandant—

“(1) may not award a contract for design of an unmanned aircraft system for use by the Coast Guard; and

“(2) may lease, acquire, or acquire the services of an unmanned aircraft system only if such system—

“(A) has been part of a program of record of, procured by, or used by a Federal entity (or funds for research, development, test, and evaluation have been received from a Federal entity with regard to such system) before the date on which the Commandant leases, acquires, or acquires the services of the system; and

“(B) is leased, acquired, or utilized by the Commandant through an agreement with a Federal entity, unless such an agreement is not practicable or would be less cost-effective than an independent contract action by the Coast Guard.

“(b) SMALL UNMANNED AIRCRAFT EXEMPTION.—Subsection (a)(2) does not apply to small unmanned aircraft.

“(c) DEFINITIONS.—In this section, the terms ‘small unmanned aircraft’ and ‘unmanned aircraft system’ have the meanings given those terms in section 331 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).”.

(c) CLERICAL AMENDMENTS.—

(1) CHAPTER 3.—The analysis for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

“319. Land-based unmanned aircraft system program.”.

(2) CHAPTER 11.—The analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 1155 the following:

“1156. Limitation on unmanned aircraft systems.”.

(d) CONFORMING AMENDMENT.—Subsection (c) of section 1105 of title 14, United States Code, is repealed.

SEC. 305. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 507 the following:

“§ 508. Coast Guard health-care professionals; licensure portability

“(a) IN GENERAL.—Notwithstanding any other provision of law regarding the licensure of health-care providers, a health-care professional described in subsection (b) may practice the health profession or professions of the health-care professional at any location in any State, the District of Columbia, or a Commonwealth, territory, or possession of the United States, regardless of where such health-care professional or the patient is located, if the practice is within the scope of the authorized Federal duties of such health-care professional.

“(b) DESCRIBED INDIVIDUALS.—A health-care professional described in this subsection is an individual—

“(1) who is—

“(A) a member of the Coast Guard;

“(B) a civilian employee of the Coast Guard;

“(C) a member of the Public Health Service who is assigned to the Coast Guard; or

“(D) any other health-care professional credentialed and privileged at a Federal health-care institution or location specially designated by the Secretary; and

“(2) who—

“(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

“(B) is performing authorized duties for the Coast Guard.

“(c) DEFINITIONS.—In this section, the terms ‘license’ and ‘health-care professional’ have the meanings given those terms in section 1094(e) of title 10.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 507 the following:

“508. Coast Guard health-care professionals; licensure portability.”.

(c) ELECTRONIC HEALTH RECORDS.—

(1) SYSTEM.—The Commandant of the Coast Guard is authorized to procure for the Coast Guard an electronic health record system that—

(A) has been competitively awarded by the Department of Defense; and

(B) ensures full integration with the Department of Defense electronic health record systems.

(2) SUPPORT SERVICES.—

(A) IN GENERAL.—The Commandant is authorized to procure support services for the electronic health record system procured under paragraph (1) necessary to ensure full integration with the Department of Defense electronic health record systems.

(B) SCOPE.—Support services procured pursuant to this paragraph may include services for the following:

(i) System integration support.

(ii) Hosting support.

(iii) Training, testing, technical, and data migration support.

(iv) Hardware support.

(v) Any other support the Commandant considers appropriate.

(3) AUTHORIZED PROCUREMENT ACTIONS.—The Commandant is authorized to procure an electronic health record system under this subsection through the following:

(A) A task order under the Department of Defense electronic health record contract.

(B) A sole source contract award.

(C) An agreement made pursuant to sections 1535 and 1536 of title 31, United States Code.

(D) A contract or other procurement vehicle otherwise authorized.

(4) COMPETITION IN CONTRACTING; EXEMPTION.—Procurement of an electronic health record system and support services pursuant to this subsection shall be exempt from the competition requirements of section 2304 of title 10, United States Code.

SEC. 306. TRAINING; EMERGENCY RESPONSE PROVIDERS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 718. Training; emergency response providers

“(a) IN GENERAL.—The Commandant may, on a reimbursable or a non-reimbursable basis, make a training available to emergency response providers whenever the Commandant determines that—

“(1) a member of the Coast Guard, who is scheduled to participate in such training, is unable or unavailable to participate in such training;

“(2) no other member of the Coast Guard, who is assigned to the unit to which the

member of the Coast Guard who is unable or unavailable to participate in such training is assigned, is able or available to participate in such training; and

“(3) such training, if made available to such emergency response providers, would further the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

“(b) EMERGENCY RESPONSE PROVIDERS DEFINED.—In this section, the term ‘emergency response providers’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

“(c) TREATMENT OF REIMBURSEMENT.—Any reimbursements for a training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

“(d) STATUS; LIMITATION ON LIABILITY.—

“(1) STATUS.—Any individual to whom, as an emergency response provider, training is made available under this section, who is not otherwise a Federal employee, shall not, because of that training, be considered a Federal employee for any purpose (including the purposes of chapter 81 of title 5 (relating to compensation for injury) and sections 2671 through 2680 of title 28 (relating to tort claims)).

“(2) LIMITATION ON LIABILITY.—The United States shall not be liable for actions taken by an individual in the course of training made available under this section.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“718. Training; emergency response providers.”.

SEC. 307. INCENTIVE CONTRACTS FOR COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.

Section 939 of title 14, United States Code, is amended—

(1) by inserting before “The Secretary may” the following: “(a) IN GENERAL.—”;

(2) in subsection (a), as so designated by paragraph (1) of this section, by striking the period at the end of the last sentence and inserting “or in accordance with subsection (b).”; and

(3) by adding at the end the following:

“(b) INCENTIVE CONTRACTS.—

“(1) The parties to an order for industrial work to be performed by the Coast Guard Yard or a Coast Guard industrial establishment designated under subsection (a) may enter into an order or a cost-plus-incentive-fee order in accordance with this subsection.

“(2) If such parties enter into such an order or a cost-plus-incentive-fee order, an agreed-upon amount of any adjustment described in subsection (a) may be distributed as an incentive to the wage-grade industrial employees who complete the order.

“(3) Before entering into such an order or cost-plus-incentive-fee order such parties must agree that the wage-grade employees of the Coast Guard Yard or Coast Guard industrial establishment will take action to improve the delivery schedule or technical performance agreed to in the order for industrial work to which such parties initially agreed.

“(4) Notwithstanding any other provision of law, if the industrial workforce of the Coast Guard Yard or Coast Guard industrial establishment satisfies the performance target established in such an order or cost-plus-incentive-fee order—

“(A) the adjustment to be made pursuant to subsection (a) shall be reduced by an agreed-upon amount and distributed to such wage-grade industrial employees; and

“(B) the remainder of the adjustment shall be credited to the appropriation for such order current at that time.”.

SEC. 308. CONFIDENTIAL INVESTIGATIVE EXPENSES.

Section 944 of title 14, United States Code, is amended by striking “\$45,000” and inserting “\$250,000”.

SEC. 309. REGULAR CAPTAINS; RETIREMENT.

Section 2149(a) of title 14, United States Code, is amended—

(1) by striking “zone is” and inserting “zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 2121(a) of this title, is”; and

(2) by striking the period at the end and inserting “or placed at the top of the list of selectees, as applicable.”.

SEC. 310. CONVERSION, ALTERATION, AND REPAIR PROJECTS.

(a) **IN GENERAL.**—Chapter 9 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 951 the following:

“§ 952. Construction of Coast Guard vessels and assignment of vessel projects

“The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 951 the following:

“952. Construction of Coast Guard vessels and assignment of vessel projects.”.

SEC. 311. CONTRACTING FOR MAJOR ACQUISITIONS PROGRAMS.

(a) **GENERAL ACQUISITION AUTHORITY.**—Section 501(d) of title 14, United States Code, is amended by inserting “aircraft, and systems,” after “vessels.”.

(b) **CONTRACTING AUTHORITY.**—Chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after section 1136 the following:

“§ 1137. Contracting for major acquisitions programs

“(a) **IN GENERAL.**—In carrying out authorities provided to the Secretary to design, construct, accept, or otherwise acquire assets and systems under section 501(d), the Secretary, acting through the Commandant or the head of an integrated program office established for a major acquisition program, may enter into contracts for a major acquisition program.

“(b) **AUTHORIZED METHODS.**—Contracts entered into under subsection (a)—

“(1) may be block buy contracts;

“(2) may be incrementally funded;

“(3) may include combined purchases, also known as economic order quantity purchases, of—

“(A) materials and components; and

“(B) long lead time materials; and

“(4) as provided in section 2306b of title 10, may be multiyear contracts.

“(c) **SUBJECT TO APPROPRIATIONS.**—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of amounts specifically provided in advance for that purpose in subsequent appropriations Acts.”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 11 of title 14, United States Code, as amended by this Act, is further amended by inserting after the item relating to section 1136 the following:

“1137. Contracting for major acquisitions programs.”.

(d) **CONFORMING AMENDMENTS.**—The following provisions are repealed:

(1) Section 223 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (14 U.S.C. 1152 note), and the item relating to that section in the table of contents in section 2 of such Act.

(2) Section 221(a) of the Coast Guard and Maritime Transportation Act of 2012 (14 U.S.C. 1133 note).

(3) Section 207(a) of the Coast Guard Authorization Act of 2016 (14 U.S.C. 561 note).

(e) **INTERNAL REGULATIONS AND POLICY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish the internal regulations and policies necessary to exercise the authorities provided under this section, including the amendments made in this section.

(f) **MULTIYEAR CONTRACTS.**—The Secretary of the department in which the Coast Guard is operating is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.

SEC. 312. OFFICER PROMOTION ZONES.

Section 2111(a) of title 14, United States Code, is amended by striking “six-tenths,” and inserting “one-half.”.

SEC. 313. CROSS REFERENCE.

Section 2129(a) of title 14, United States Code, is amended by inserting “designated under section 2317” after “cadet”.

SEC. 314. COMMISSIONED SERVICE RETIREMENT.

For Coast Guard officers who retire in fiscal year 2018 or 2019, the President may reduce the period of active commissioned service required under section 2152 of title 14, United States Code, to a period of not less than 8 years.

SEC. 315. LEAVE FOR BIRTH OR ADOPTION OF CHILD.

(a) **POLICY.**—Section 2512 of title 14, United States Code, is amended—

(1) by striking “Not later than 1 year” and inserting the following:

“(a) **IN GENERAL.**—Except as provided in subsection (b), not later than 1 year”; and

(2) by adding at the end the following:

“(b) **LEAVE ASSOCIATED WITH BIRTH OR ADOPTION OF CHILD.**—Notwithstanding subsection (a), sections 701 and 704 of title 10, or any other provision of law, all officers and enlisted members of the Coast Guard shall be authorized leave associated with the birth or adoption of a child during the 1-year period immediately following such birth or adoption and, at the discretion of the Commanding Officer, such officer or enlisted member shall be permitted—

“(1) to take such leave in increments; and

“(2) to use flexible work schedules (pursuant to a program established by the Secretary in accordance with chapter 61 of title 5).”.

(b) **FLEXIBLE WORK SCHEDULES.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall ensure that a flexible work schedule program under chapter 61 of title 5, United States Code, is in place for officers and enlisted members of the Coast Guard.

SEC. 316. CLOTHING AT TIME OF DISCHARGE.

Section 2705 of title 14, United States Code, and the item relating to that section in the analysis for chapter 27 of that title, are repealed.

SEC. 317. UNFUNDED PRIORITIES LIST.

(a) **IN GENERAL.**—Section 5102 of title 14, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **IN GENERAL.**—Not later than 60 days after the date on which the President sub-

mits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a capital investment plan for the Coast Guard that identifies for each capital asset for which appropriations are proposed in that budget—

“(1) the proposed appropriations included in the budget;

“(2) the total estimated cost of completion based on the proposed appropriations included in the budget;

“(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

“(4) an estimated completion date based on the proposed appropriations included in the budget;

“(5) an acquisition program baseline, as applicable; and

“(6) projected commissioning and decommissioning dates for each asset.”; and

(2) by striking subsection (c) and inserting the following:

“(c) **DEFINITIONS.**—In this section, the term ‘new capital asset’ means—

“(1) an acquisition program that does not have an approved acquisition program baseline; or

“(2) the acquisition of a capital asset in excess of the number included in the approved acquisition program baseline.”.

(b) **UNFUNDED PRIORITIES.**—Chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“§ 5108. Unfunded priorities list

“(a) **IN GENERAL.**—Not later than 60 days after the date on which the President submits to Congress a budget pursuant to section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a list of each unfunded priority for the Coast Guard.

“(b) **PRIORITIZATION.**—The list required under subsection (a) shall present the unfunded priorities in order from the highest priority to the lowest, as determined by the Commandant.

“(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term ‘unfunded priority’ means a program or mission requirement that—

“(1) has not been selected for funding in the applicable proposed budget;

“(2) is necessary to fulfill a requirement associated with an operational need; and

“(3) the Commandant would have recommended for inclusion in the applicable proposed budget had additional resources been available or had the requirement emerged before the budget was submitted.”.

(c) **CLERICAL AMENDMENT.**—The analysis for chapter 51 of title 14, United States Code, is amended by adding at the end the following:

“5108. Unfunded priorities list.”.

SEC. 318. SAFETY OF VESSELS OF THE ARMED FORCES.

(a) **IN GENERAL.**—Section 527 of title 14, United States Code, is amended—

(1) in the heading, by striking “naval vessels” and inserting “vessels of the Armed Forces”; and

(2) in subsection (a), by striking “United States naval vessel” and inserting “vessel of the Armed Forces”; and

(3) in subsection (b)—

(A) by striking “senior naval officer present in command” and inserting “senior officer present in command”; and

(B) by striking “United States naval vessel” and inserting “vessel of the Armed Forces”; and

(4) by adding at the end the following:

“(e) For purposes of this title, the term ‘vessel of the Armed Forces’ means—

“(1) any vessel owned or operated by the Department of Defense or the Coast Guard, other than a time- or voyage-chartered vessel; and

“(2) any vessel owned and operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in paragraph (1).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 14, United States Code, is further amended by striking the item relating to section 527 and inserting the following:

“527. Safety of vessels of the Armed Forces.”.

(c) CONFORMING AMENDMENTS.—Section 2510(a)(1) of title 14, United States Code, is amended—

(1) by striking “armed forces” and inserting “Armed Forces”; and

(2) by striking “section 101(a) of title 10” and inserting “section 527(e)”.

SEC. 319. AIR FACILITIES.

Section 912 of title 14, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(3) in subsection (a) as redesignated—

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

“(3) PUBLIC NOTICE AND COMMENT.—

“(A) IN GENERAL.—Prior to closing an air facility, the Secretary shall provide opportunities for public comment, including the convening of public meetings in communities in the area of responsibility of the air facility with regard to the proposed closure or cessation of operations at the air facility.

“(B) PUBLIC MEETINGS.—Prior to convening a public meeting under subparagraph (A), the Secretary shall notify each congressional office representing any portion of the area of responsibility of the air station that is the subject to such public meeting of the schedule and location of such public meeting.”;

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A) by striking “2015” and inserting “2017”; and

(ii) by amending subparagraph (A) to read as follows:

“(A) submit to the Congress a proposal for such closure, cessation, or reduction in operations along with the budget of the President submitted to Congress under section 1105(a) of title 31 that includes—

“(i) a discussion of the determination made by the Secretary pursuant to paragraph (2); and

“(ii) a report summarizing the public comments received by the Secretary under paragraph (3)”;

(C) by adding at the end the following:

“(5) CONGRESSIONAL REVIEW.—The Secretary may not close, cease operations, or significantly reduce personnel and use of a Coast Guard air facility for which a written notice is provided under paragraph (4)(A) until a period of 18 months beginning on the date on which such notice is provided has elapsed.”.

TITLE IV—PORTS AND WATERWAYS SAFETY

SEC. 401. CODIFICATION OF PORTS AND WATERWAYS SAFETY ACT.

(a) CODIFICATION.—Subtitle VII of title 46, United States Code, is amended by inserting before chapter 701 the following:

“CHAPTER 700—PORTS AND WATERWAYS SAFETY

“SUBCHAPTER A—VESSEL OPERATIONS

“70001. Vessel traffic services.

“70002. Special powers.

“70003. Port access routes.

“70004. Considerations by Secretary.

“70005. International agreements.

“SUBCHAPTER B—PORTS AND WATERWAYS SAFETY

“70011. Waterfront safety.

“70012. Navigational hazards.

“70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.

“SUBCHAPTER C—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

“70021. Conditions for entry to ports in the United States.

“SUBCHAPTER D—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

“70031. Definitions.

“70032. Saint Lawrence Seaway.

“70033. Limitation on application to foreign vessels.

“70034. Regulations.

“70035. Investigatory powers.

“70036. Enforcement.

“SUBCHAPTER I—VESSEL OPERATIONS

“§ 70001. Vessel traffic services

“(a) Subject to the requirements of section 70004, the Secretary—

“(1) in any port or place under the jurisdiction of the United States, in the navigable waters of the United States, or in any area covered by an international agreement negotiated pursuant to section 70005, may construct, operate, maintain, improve, or expand vessel traffic services, that consist of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment and that may include one or more of reporting and operating requirements, surveillance and communications systems, routing systems, and fairways;

“(2) shall require appropriate vessels that operate in an area of a vessel traffic service to utilize or comply with that service;

“(3)(A) may require vessels to install and use specified navigation equipment, communications equipment, electronic relative motion analyzer equipment, or any electronic or other device necessary to comply with a vessel traffic service or that is necessary in the interests of vessel safety.

“(B) Notwithstanding subparagraph (A), the Secretary shall not require fishing vessels under 300 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 as prescribed by the Secretary under section 14104, or recreational vessels 65 feet or less to possess or use the equipment or devices required by this subsection solely under the authority of this chapter;

“(4) may control vessel traffic in areas subject to the jurisdiction of the United States that the Secretary determines to be hazardous, or under conditions of reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances, by—

“(A) specifying times of entry, movement, or departure;

“(B) establishing vessel traffic routing schemes;

“(C) establishing vessel size, speed, or draft limitations and vessel operating conditions; and

“(D) restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Sec-

retary considers necessary for safe operation under the circumstances;

“(5) may require the receipt of prearrival messages from any vessel, destined for a port or place subject to the jurisdiction of the United States, in sufficient time to permit advance vessel traffic planning before port entry, which shall include any information that is not already a matter of record and that the Secretary determines necessary for the control of the vessel and the safety of the port or the marine environment; and

“(6) may prohibit the use on vessels of electronic or other devices that interfere with communication and navigation equipment, except that such authority shall not apply to electronic or other devices certified to transmit in the maritime services by the Federal Communications Commission and used within the frequency bands 157.1875–157.4375 MHz and 161.7875–162.0375 MHz.

“(b) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private agencies, authorities, associations, institutions, corporations, organizations, or other persons to carry out the functions under subsection (a)(1).

“(2) LIMITATION.—

“(A) A nongovernmental entity may not under this subsection carry out an inherently governmental function.

“(B) As used in this paragraph, the term ‘inherently governmental function’ means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government.

“(c) LIMITATION OF LIABILITY FOR COAST GUARD VESSEL TRAFFIC SERVICE PILOTS AND NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—

“(1) COAST GUARD VESSEL TRAFFIC SERVICE PILOTS.—Any pilot, acting in the course and scope of his or her duties while at a Coast Guard Vessel Traffic Service, who provides information, advice, or communication assistance while under the supervision of a Coast Guard officer, member, or employee shall not be liable for damages caused by or related to such assistance unless the acts or omissions of such pilot constitute gross negligence or willful misconduct.

“(2) NON-FEDERAL VESSEL TRAFFIC SERVICE OPERATORS.—An entity operating a non-Federal vessel traffic information service or advisory service pursuant to a duly executed written agreement with the Coast Guard, and any pilot acting on behalf of such entity, is not liable for damages caused by or related to information, advice, or communication assistance provided by such entity or pilot while so operating or acting unless the acts or omissions of such entity or pilot constitute gross negligence or willful misconduct.

“§ 70002. Special powers

“The Secretary may order any vessel, in a port or place subject to the jurisdiction of the United States or in the navigable waters of the United States, to operate or anchor in a manner the Secretary directs if—

“(1) the Secretary has reasonable cause to believe such vessel does not comply with any regulation issued under section 70034 or any other applicable law or treaty;

“(2) the Secretary determines such vessel does not satisfy the conditions for port entry set forth in section 70021 of this title; or

“(3) by reason of weather, visibility, sea conditions, port congestion, other hazardous circumstances, or the condition of such vessel, the Secretary is satisfied such direction is justified in the interest of safety.

§ 70003. Port access routes

“(a) **AUTHORITY TO DESIGNATE.**—Except as provided in subsection (b) and subject to the requirements of subsection (c), in order to provide safe access routes for the movement of vessel traffic proceeding to or from ports or places subject to the jurisdiction of the United States, the Secretary shall designate necessary fairways and traffic separation schemes for vessels operating in the territorial sea of the United States and in high seas approaches, outside the territorial sea, to such ports or places. Such a designation shall recognize, within the designated area, the paramount right of navigation over all other uses.

“(b) **LIMITATION.**—

“(1) **IN GENERAL.**—No designation may be made by the Secretary under this section if—

“(A) the Secretary determines such a designation, as implemented, would deprive any person of the effective exercise of a right granted by a lease or permit executed or issued under other applicable provisions of law; and

“(B) such right has become vested before the time of publication of the notice required by paragraph (1) of subsection (c).

“(2) **CONSULTATION REQUIRED.**—The Secretary shall make the determination under paragraph (1)(A) after consultation with the head of the agency responsible for executing the lease or issuing the permit.

“(c) **CONSIDERATION OF OTHER USES.**—Before making a designation under subsection (a), and in accordance with the requirements of section 70004, the Secretary shall—

“(1) undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which fairways or traffic separation schemes are proposed or that may otherwise be considered and publish notice of such undertaking in the Federal Register;

“(2) in consultation with the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, the Secretary of the Army, and the Governors of affected States, as their responsibilities may require, take into account all other uses of the area under consideration, including, as appropriate, the exploration for, or exploitation of, oil, gas, or other mineral resources, the construction or operation of deepwater ports or other structures on or above the seabed or subsoil of the submerged lands or the Outer Continental Shelf of the United States, the establishment or operation of marine or estuarine sanctuaries, and activities involving recreational or commercial fishing; and

“(3) to the extent practicable, reconcile the need for safe access routes with the needs of all other reasonable uses of the area involved.

“(d) **STUDY.**—In carrying out the Secretary's responsibilities under subsection (c), the Secretary shall—

“(1) proceed expeditiously to complete any study undertaken; and

“(2) after completion of such a study, promptly—

“(A) issue a notice of proposed rulemaking for the designation contemplated; or

“(B) publish in the Federal Register a notice that no designation is contemplated as a result of the study and the reason for such determination.

“(e) **IMPLEMENTATION OF DESIGNATION.**—In connection with a designation made under this section, the Secretary—

“(1) shall issue reasonable rules and regulations governing the use of such designated areas, including rules and regulations regarding the applicability of rules 9 and 10 of the International Regulations for Preventing Collisions at Sea, 1972, relating to narrow channels and traffic separation schemes, re-

spectively, in waters where such regulations apply;

“(2) to the extent that the Secretary finds reasonable and necessary to effectuate the purposes of the designation, make the use of designated fairways and traffic separation schemes mandatory for specific types and sizes of vessels, foreign and domestic, operating in the territorial sea of the United States and for specific types and sizes of vessels of the United States operating on the high seas beyond the territorial sea of the United States;

“(3) may, from time to time, as necessary, adjust the location or limits of designated fairways or traffic separation schemes in order to accommodate the needs of other uses that cannot be reasonably accommodated otherwise, except that such an adjustment may not, in the judgment of the Secretary, unacceptably adversely affect the purpose for which the existing designation was made and the need for which continues; and

“(4) shall, through appropriate channels—

“(A) notify cognizant international organizations of any designation, or adjustment thereof; and

“(B) take action to seek the cooperation of foreign States in making it mandatory for vessels under their control to use, to the same extent as required by the Secretary for vessels of the United States, any fairway or traffic separation scheme designated under this section in any area of the high seas.

§ 70004. Considerations by Secretary

“In carrying out the duties of the Secretary under sections 70001, 70002, and 70003, the Secretary shall—

“(1) take into account all relevant factors concerning navigation and vessel safety, protection of the marine environment, and the safety and security of United States ports and waterways, including—

“(A) the scope and degree of the risk or hazard involved;

“(B) vessel traffic characteristics and trends, including traffic volume, the sizes and types of vessels involved, potential interference with the flow of commercial traffic, the presence of any unusual cargoes, and other similar factors;

“(C) port and waterway configurations and variations in local conditions of geography, climate, and other similar factors;

“(D) the need for granting exemptions for the installation and use of equipment or devices for use with vessel traffic services for certain classes of small vessels, such as self-propelled fishing vessels and recreational vessels;

“(E) the proximity of fishing grounds, oil and gas drilling and production operations, or any other potential or actual conflicting activity;

“(F) environmental factors;

“(G) economic impact and effects;

“(H) existing vessel traffic services; and

“(I) local practices and customs, including voluntary arrangements and agreements within the maritime community; and

“(2) at the earliest possible time, consult with and receive and consider the views of representatives of the maritime community, ports and harbor authorities or associations, environmental groups, and other persons who may be affected by the proposed actions.

§ 70005. International agreements

“(a) **TRANSMITTAL OF REGULATIONS.**—The Secretary shall transmit, via the Secretary of State, to appropriate international bodies or forums, any regulations issued under this subchapter, for consideration as international standards.

“(b) **AGREEMENTS.**—The President is authorized and encouraged to—

“(1) enter into negotiations and conclude and execute agreements with neighboring nations, to establish compatible vessel standards and vessel traffic services, and to establish, operate, and maintain international vessel traffic services, in areas and under circumstances of mutual concern; and

“(2) enter into negotiations, through appropriate international bodies, and conclude and execute agreements to establish vessel traffic services in appropriate areas of the high seas.

“(c) **OPERATIONS.**—The Secretary, pursuant to any agreement negotiated under subsection (b) that is binding upon the United States in accordance with constitutional requirements, may—

“(1) require vessels operating in an area of a vessel traffic service to utilize or to comply with the vessel traffic service, including the carrying or installation of equipment and devices as necessary for the use of the service; and

“(2) waive, by order or regulation, the application of any United States law or regulation concerning the design, construction, operation, equipment, personnel qualifications, and manning standards for vessels operating in waters over which the United States exercises jurisdiction if such vessel is not en route to or from a United States port or place, and if vessels en route to or from a United States port or place are accorded equivalent waivers of laws and regulations of the neighboring nation, when operating in waters over which that nation exercises jurisdiction.

“(d) **SHIP REPORTING SYSTEMS.**—The Secretary, in cooperation with the International Maritime Organization, may implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean:

“(1) Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31' W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W).

“(2) In the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).

“SUBCHAPTER II—PORTS AND WATERWAYS SAFETY**“§ 70011. Waterfront safety**

“(a) **IN GENERAL.**—The Secretary may take such action as is necessary to—

“(1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and

“(2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

“(b) **ACTIONS AUTHORIZED.**—Actions authorized by subsection (a) include—

“(1) establishing procedures, measures, and standards for the handling, loading, unloading, storage, stowage, and movement on a structure (including the emergency removal,

control, and disposition) of explosives or other dangerous articles and substances, including oil or hazardous material as those terms are defined in section 2101;

“(2) prescribing minimum safety equipment requirements for a structure to assure adequate protection from fire, explosion, natural disaster, and other serious accidents or casualties;

“(3) establishing water or waterfront safety zones, or other measures, for limited, controlled, or conditional access and activity when necessary for the protection of any vessel, structure, waters, or shore area; and

“(4) establishing procedures for examination to assure compliance with the requirements prescribed under this section.

“(c) STATE LAW.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment requirements or safety standards than those that may be prescribed by regulations under this section.

“§ 70012. Navigational hazards

“(a) REPORTING PROCEDURE.—The Secretary shall establish a program to encourage fishermen and other vessel operators to report potential or existing navigational hazards involving pipelines to the Secretary through Coast Guard field offices.

“(b) SECRETARY’S RESPONSE.—

“(1) NOTIFICATION BY THE OPERATOR OF A PIPELINE.—Upon notification by the operator of a pipeline of a hazard to navigation with respect to that pipeline, the Secretary shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, and vessel owners and operators in the pipeline’s vicinity.

“(2) NOTIFICATION BY OTHER PERSONS.—Upon notification by any other person of a hazard or potential hazard to navigation with respect to a pipeline, the Secretary shall promptly determine whether a hazard exists, and if so shall immediately notify Coast Guard headquarters, the Pipeline and Hazardous Materials Safety Administration, other affected Federal and State agencies, vessel owners and operators in the pipeline’s vicinity, and the owner and operator of the pipeline.

“(c) PIPELINE DEFINED.—For purposes of this section, the term ‘pipeline’ has the meaning given the term ‘pipeline facility’ in section 60101(a)(18) of title 49.

“§ 70013. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) may not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.

“SUBCHAPTER III—CONDITION FOR ENTRY INTO PORTS IN THE UNITED STATES

“§ 70021. Conditions for entry to ports in the United States

“(a) IN GENERAL.—No vessel that is subject to chapter 37 shall operate in the navigable waters of the United States or transfer cargo or residue in any port or place under the jurisdiction of the United States, if such vessel—

“(1) has a history of accidents, pollution incidents, or serious repair problems that, as determined by the Secretary, creates reason to believe that such vessel may be unsafe or may create a threat to the marine environment;

“(2) fails to comply with any applicable regulation issued under section 70034, chapter 37, or any other applicable law or treaty;

“(3) discharges oil or hazardous material in violation of any law of the United States or in a manner or quantities inconsistent with any treaty to which the United States is a party;

“(4) does not comply with any applicable vessel traffic service requirements;

“(5) is manned by one or more officers who are licensed by a certificating State that the Secretary has determined, pursuant to section 9101 of title 46, does not have standards for licensing and certification of seafarers that are comparable to or more stringent than United States standards or international standards that are accepted by the United States;

“(6) is not manned in compliance with manning levels as determined by the Secretary to be necessary to insure the safe navigation of the vessel; or

“(7) while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English.

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—The Secretary may allow provisional entry of a vessel that is not in compliance with subsection (a), if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is not unsafe or a threat to the marine environment, and if such entry is necessary for the safety of the vessel or persons aboard.

“(2) PROVISIONS NOT APPLICABLE.—Paragraphs (1), (2), (3), and (4) of subsection (a) of this section shall not apply to a vessel allowed provisional entry under paragraph (1) if the owner or operator of such vessel proves, to the satisfaction of the Secretary, that such vessel is no longer unsafe or a threat to the marine environment, and is no longer in violation of any applicable law, treaty, regulation, or condition, as appropriate.

“SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

“§ 70031. Definitions

“As used in subchapters A through C and this subchapter, unless the context otherwise requires:

“(1) The term ‘marine environment’ means—

“(A) the navigable waters of the United States and the land and resources therein and thereunder;

“(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

“(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

“(D) the recreational, economic, and scenic values of such waters and resources.

“(2) The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

“(3) The term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

“§ 70032. Saint Lawrence Seaway

“The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters A through C and this subchapter shall be delegated by the Secretary to the Saint Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

“§ 70033. Limitation on application to foreign vessels

“Except pursuant to international treaty, convention, or agreement, to which the United States is a party, subchapters A through C and this subchapter shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.

“§ 70034. Regulations

“(a) IN GENERAL.—In accordance with section 553 of title 5, the Secretary shall issue, and may from time to time amend or repeal, regulations necessary to implement subchapters A through C and this subchapter.

“(b) CONSULTATION.—In the exercise of the regulatory authority under subchapters A through C and this subchapter, the Secretary shall consult with, and receive and consider the views of all interested persons, including—

“(1) interested Federal departments and agencies;

“(2) officials of State and local governments;

“(3) representatives of the maritime community;

“(4) representatives of port and harbor authorities or associations;

“(5) representatives of environmental groups;

“(6) any other interested persons who are knowledgeable or experienced in dealing with problems involving vessel safety, port and waterways safety, and protection of the marine environment; and

“(7) advisory committees consisting of all interested segments of the public when the establishment of such committees is considered necessary because the issues involved are highly complex or controversial.

“§ 70035. Investigatory powers

“(a) SECRETARY.—The Secretary may investigate any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to subchapters A through C and this subchapter, or that affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States.

“(b) POWERS.—In an investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents or other evidence relating to such incident, accident, or act. If any person refuses to obey a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance with the subpoena. Any district court of the United States may, in the case of refusal to obey a subpoena, issue an order requiring compliance with the subpoena, and failure to obey the order may be punished by the court as contempt. Witnesses may be paid fees for

travel and attendance at rates not exceeding those allowed in a district court of the United States.

“§ 70036. Enforcement

“(a) CIVIL PENALTY.—

“(1) IN GENERAL.—Any person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated subchapters A through C or this subchapter or a regulation issued under subchapters A through C or this subchapter shall be liable to the United States for a civil penalty, not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary’s designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

“(2) COMPROMISE, MODIFICATION, OR REMISSION.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that is subject to imposition or that has been imposed under this section.

“(3) FAILURE TO PAY PENALTY.—If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

“(b) CRIMINAL PENALTY.—

“(1) CLASS D FELONY.—Any person who willfully and knowingly violates subchapters A through C or this subchapter or any regulation issued thereunder commits a class D felony.

“(2) CLASS C FELONY.—Any person who, in the willful and knowing violation of subchapters A through C or this subchapter or of any regulation issued thereunder, uses a dangerous weapon, or engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce the provisions of such a subchapter or the regulations issued under such subchapter, commits a class C felony.

“(c) IN REM LIABILITY.—Any vessel that is used in violation of subchapters A, B, or C or this subchapter, or any regulations issued under such subchapter, shall be liable in rem for any civil penalty assessed pursuant to subsection (a) and may be proceeded against in the United States district court for any district in which such vessel may be found.

“(d) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of subchapter A, B, or C or this subchapter or of regulations issued under such subchapter, for cause shown.

“(e) DENIAL OF ENTRY.—Except as provided in section 70021, the Secretary may, subject to recognized principles of international law, deny entry by any vessel that is not in compliance with subchapter A, B, or C or this subchapter or the regulations issued under such subchapter—

“(1) into the navigable waters of the United States; or

“(2) to any port or place under the jurisdiction of the United States.

“(f) WITHHOLDING OF CLEARANCE.—

“(1) IN GENERAL.—If any owner, operator, or individual in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or individual in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect

to such vessel refuse or revoke any clearance required by section 60105 of title 46.

“(2) GRANTING CLEARANCE REFUSED OR REVOKED.—Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such subtitle is amended by inserting before the item relating to chapter 701 the following:

“700. Ports and Waterways Safety 70001.”.

SEC. 402. CONFORMING AMENDMENTS.

(a) ELECTRONIC CHARTS.—

(1) TRANSFER OF PROVISION.—Section 4A of the Ports and Waterways Safety Act (33 U.S.C. 1223a)—

(A) is redesignated as section 3105 of title 46, United States Code, and transferred to appear after section 3104 of that title; and

(B) is amended by striking subsection (b) and inserting the following:

“(b) LIMITATION ON APPLICATION.—Except pursuant to an international treaty, convention, or agreement, to which the United States is a party, this section shall not apply to any foreign vessel that is not destined for, or departing from, a port or place subject to the jurisdiction of the United States and that is in—

“(1) innocent passage through the territorial sea of the United States; or

“(2) transit through the navigable waters of the United States that form a part of an international strait.”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 31 of such title is amended by adding at the end the following:

“3105. Electronic charts.”.

(b) PORT, HARBOR, AND COASTAL FACILITY SECURITY.—

(1) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70116 of title 46, United States Code, and transferred to section 70116 of that title.

(2) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70116 of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by striking the item relating to section 70116 and inserting the following:

“70116. Port, harbor, and coastal facility security.”.

(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

(d) REPEAL.—Section 2307 of title 46, United States Code, and the item relating to that section in the analysis at the beginning of chapter 23 of that title, are repealed.

(e) REPEAL.—The Ports and Waterways Safety Act (33 U.S.C. 1221–1231, 1232–1232b), as amended by this Act, is repealed.

SEC. 403. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) SOURCE PROVISION.—The term “source provision” means a provision of law that is replaced by a title 46 provision under this title.

(2) TITLE 46 PROVISION.—The term “title 46 provision” means a provision of title 46, United States Code, that is enacted by section 402.

(b) CUTOFF DATE.—The title 46 provisions replace certain provisions of law enacted before the date of the enactment of this Act. If a law enacted after that date amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding title 46 provision. If a law enacted after that date is otherwise inconsistent with a title 46 provision or a provision of this title, that law supersedes the title 46 provision or provision of this title to the extent of the inconsistency.

(c) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, a title 46 provision is deemed to have been enacted on the date of enactment of the source provision that the title 46 provision replaces.

(d) REFERENCES TO TITLE 46 PROVISIONS.—A reference to a title 46 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding source provision.

(e) REFERENCES TO SOURCE PROVISIONS.—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding title 46 provision.

(f) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding title 46 provision.

(g) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding title 46 provision.

SEC. 404. RULE OF CONSTRUCTION.

This title, including the amendments made by this title, is intended only to transfer provisions of the Ports and Waterways Safety Act to title 46, United States Code, and may not be construed to alter—

(1) the effect of a provision of the Ports and Waterways Safety Act, including any authority or requirement therein;

(2) a department or agency interpretation with respect to the Ports and Waterways Safety Act; or

(3) a judicial interpretation with respect to the Ports and Waterways Safety Act.

SEC. 405. ADVISORY COMMITTEE: REPEAL.

Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is repealed.

SEC. 406. REGATTAS AND MARINE PARADES.

(a) IN GENERAL.—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER V—REGATTAS AND MARINE PARADES

“§ 70041. Regattas and marine parades

“(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations to promote the safety of life on navigable waters during regattas or marine parades.

“(b) DETAIL AND USE OF VESSELS.—To enforce regulations issued under this section—

“(1) the Commandant may detail any public vessel in the service of the Coast Guard and make use of any private vessel tendered gratuitously for that purpose; and

“(2) upon the request of the Commandant, the head of any other Federal department or agency may enforce the regulations by means of any public vessel of such department and any private vessel tendered gratuitously for that purpose.

“(c) TRANSFER OF AUTHORITY.—The authority of the Commandant under this section

may be transferred by the President for any special occasion to the head of another Federal department or agency whenever in the President's judgment such transfer is desirable.

“(d) PENALTIES.—

“(1) IN GENERAL.—For any violation of regulations issued pursuant to this section the following penalties shall be incurred:

“(A) A licensed officer shall be liable to suspension or revocation of license in the manner prescribed by law for incompetency or misconduct.

“(B) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$5,000.

“(C) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$5,000, unless the violation of regulations occurred without the owner's knowledge.

“(D) Any other person shall be liable to a penalty of \$2,500.

“(2) MITIGATION OR REMISSION.—The Commandant may mitigate or remit any penalty provided for in this subsection in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER E—REGATTAS AND MARINE PARADES

“70041. Regattas and marine parades.”.

(c) REPEAL.—The Act of April 28, 1908 (35 Stat. 69, chapter 151; 33 U.S.C. 1233 et seq.), is repealed.

SEC. 407. REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES.

(a) ESTABLISHMENT OF SUBCHAPTER F.—Chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER VI—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

“§ 70054. Definitions

“In this subchapter:

“(1) UNITED STATES.—The term ‘United States’ includes all territory and waters, continental or insular, subject to the jurisdiction of the United States.

“(2) TERRITORIAL WATERS.—The term ‘territorial waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

(b) REGULATION OF ANCHORAGE AND MOVEMENT OF VESSELS DURING NATIONAL EMERGENCY.—Section 1 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 191), is amended—

(1) by striking the section designation and all that follows before “by proclamation” and inserting the following:

“§ 70051. Regulation of anchorage and movement of vessels during national emergency

“Whenever the President”;

(2) by striking “of the Treasury”;

(3) by striking “of the department in which the Coast Guard is operating”;

(4) by striking “this title” and inserting “this subchapter”;

(5) by transferring the section so that the section appears before section 70054 of title 46, United States Code (as added by subsection (a) of this section).

(c) SEIZURE AND FORFEITURE OF VESSEL; FINE AND IMPRISONMENT.—Section 2 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 192), is amended—

(1) by striking the section designation and all that follows before “agent,” and inserting the following:

“§ 70052. Seizure and forfeiture of vessel; fine and imprisonment

“(a) IN GENERAL.—If any owner,”;

(2) by striking “this title” each place it appears and inserting “this subchapter”;

(3) by transferring the section so that the section appears after section 70051 of title 46, United States Code (as transferred by subsection (b) of this section).

(d) ENFORCEMENT PROVISIONS.—Section 4 of title II of the Act of June 15, 1917 (40 Stat. 220, chapter 30; 50 U.S.C. 194), is amended—

(1) by striking all before “may employ” and inserting the following:

“§ 70053. Enforcement provisions

“The President”;

(2) by striking “the purpose of this title” and inserting “this subchapter”;

(3) by transferring the section so that the section appears after section 70052 of title 46, United States Code (as transferred by subsection (c) of this section).

(e) CLERICAL AMENDMENT.—The analysis for chapter 700 of title 46, United States Code, as established by section 401 of this Act, is amended by adding at the end the following:

“SUBCHAPTER F—REGULATION OF VESSELS IN TERRITORIAL WATERS OF UNITED STATES

“70051. Regulation of anchorage and movement of vessels during national emergency.

“70052. Seizure and forfeiture of vessel; fine and imprisonment.

“70053. Enforcement provisions.

“70054. Definitions.”.

SEC. 408. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

(a) TRANSFER OF PROVISIONS.—So much of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226) as precedes subsection (c) of that section is redesignated as section 70102a of title 46, United States Code, and transferred so as to appear after section 70102 of that title.

(b) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—Section 70102a of title 46, United States Code, as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

“(c) DEFINITIONS, ADMINISTRATION, AND ENFORCEMENT.—This section shall be treated as part of chapter 700 for purposes of sections 70031, 70032, 70034, 70035, and 70036.”.

(c) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 701 of such title is amended by inserting after the item relating to section 70102 the following:

“70102a. Port, harbor, and coastal facility security.”.

(d) NONDISCLOSURE OF PORT SECURITY PLANS.—Subsection (c) of section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), as so designated before the application of subsection (b)(1) of this section—

(1) is redesignated as subsection (f) of section 70103 of title 46, United States Code, and transferred so as to appear after subsection (e) of such section; and

(2) is amended by striking “this Act” and inserting “this chapter”.

TITLE V—MARITIME TRANSPORTATION SAFETY

SEC. 501. CONSISTENCY IN MARINE INSPECTIONS.

(a) IN GENERAL.—Section 3305 of title 46, United States Code, is amended by adding at the end the following:

“(d)(1) The Commandant of the Coast Guard shall ensure that Officers in Charge, Marine Inspections consistently interpret regulations and standards under this subtitle

and chapter 700 to avoid disruption and undue expense to industry.

“(2)(A) Subject to subparagraph (B), in the event of a disagreement regarding the condition of a vessel or the interpretation of a regulation or standard referred to in subsection (a) between a local Officer in Charge, Marine Inspection conducting an inspection of the vessel and the Officer in Charge, Marine Inspection that issued the most recent certificate of inspection for the vessel, such Officers shall seek to resolve such disagreement.

“(B) If a disagreement described in subparagraph (A) involves vessel design or plan review, the Coast Guard marine safety center shall be included in all efforts to resolve such disagreement.

“(C) If a disagreement described in subparagraph (A) or (B) cannot be resolved, the local Officer in Charge, Marine Inspection shall submit to the Commandant of the Coast Guard, through the cognizant Coast Guard district commander, a request for a final agency determination of the matter in disagreement.

“(3) The Commandant of the Coast Guard shall—

“(A) provide to each person affected by a decision or action by an Officer in Charge, Marine Inspection or by the Coast Guard marine safety center all information necessary for such person to exercise any right to appeal such decision or action; and

“(B) if such an appeal is filed, process such appeal under parts 1 through 4 of title 46, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017.

“(4) In this section, the term ‘Officer in Charge, Marine Inspection’ means any person from the civilian or military branch of the Coast Guard who—

“(A) is designated as such by the Commandant; and

“(B) under the superintendence and direction of the cognizant Coast Guard district commander, is in charge of an inspection zone for the performance of duties with respect to the inspections under, and enforcement and administration of, subtitle II, chapter 700, and regulations under such laws.”.

(b) REPORT ON MARINE INSPECTOR TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training, experience, and qualifications required for assignment as a marine inspector under section 312 of title 14, United States Code, including—

(1) a description of any continuing education requirement, including a specific list of the required courses;

(2) a description of the training, including a specific list of the included courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;

(3) a description of any training that was offered in the 15-year period before the date of the enactment of this Act, but is no longer required or offered, including a specific list of the included courses, including the senior marine inspector course and any plan review courses;

(4) a justification for why a course described in paragraph (3) is no longer required or offered; and

(5) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

SEC. 502. UNINSPECTED PASSENGER VESSELS IN ST. LOUIS COUNTY, MINNESOTA.

Section 4105 of title 46, United States Code, amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) In applying this title with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute ‘12 passengers’ for ‘6 passengers’ each place it appears in section 2101(51).”

SEC. 503. ENGINE CUT-OFF SWITCH REQUIREMENTS.

(a) IN GENERAL.—Chapter 43 of title 46, United States Code, is amended by adding at the end the following:

“§ 4312. Engine cut-off switches

“(a) INSTALLATION REQUIREMENT.—A manufacturer, distributor, or dealer that installs propulsion machinery and associated starting controls on a covered recreational vessel shall equip such vessel with an engine cut-off switch and engine cut-off switch link that meet American Boat and Yacht Council Standard A-33, as in effect on the date of the enactment of the Coast Guard Authorization Act of 2017.

“(b) EDUCATION ON CUT-OFF SWITCHES.—The Commandant of the Coast Guard, through the National Boating Safety Advisory Committee established under section 15105, may initiate a boating safety program on the use and benefits of cut-off switches for recreational vessels.

“(c) AVAILABILITY OF STANDARD FOR INSPECTION.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Commandant shall transmit American Boat and Yacht Council Standard A-33, as in effect on the date of enactment of the Coast Guard Authorization Act of 2017, to—

“(A) the Committee on Transportation and Infrastructure of the House of Representatives;

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

“(C) the Coast Guard Office of Design and Engineering Standards; and

“(D) the National Archives and Records Administration.

“(2) AVAILABILITY.—The standard submitted under paragraph (1) shall be kept on file and available for public inspection at such Coast Guard office and the National Archives and Records Administration.

“(d) DEFINITIONS.—In this section:

“(1) COVERED RECREATIONAL VESSEL.—The term ‘covered recreational vessel’ means a recreational vessel that is—

“(A) less than 26 feet overall in length; and

“(B) capable of developing 115 pounds or more of static thrust.

“(2) DEALER.—The term ‘dealer’ means any person who is engaged in the sale and distribution of recreational vessels or associated equipment to purchasers whom the seller in good faith believes to be purchasing any such vessel or associated equipment for purposes other than resale.

“(3) DISTRIBUTOR.—The term ‘distributor’ means any person engaged in the sale and distribution of recreational vessels and associated equipment for the purposes of resale.

“(4) MANUFACTURER.—The term ‘equipment manufacturer’ means any person engaged in the manufacture, construction, or assembly of recreational vessels or associated equipment, or the importation of recreational vessels into the United States for subsequent sale.

“(5) PROPULSION MACHINERY.—The term ‘propulsion machinery’ means a self-contained propulsion system, and includes, but is not limited to, inboard engines, outboard motors, and sterndrive engines.

“(6) STATIC THRUST.—The term ‘static thrust’ means the forward or backwards thrust developed by propulsion machinery while stationary.”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

“4312. Engine cut-off switches.”

(c) EFFECTIVE DATE.—Section 4312 of title 46, United States Code, as amended by this section, shall take effect one year after the date of the enactment of this Act.

SEC. 504. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) in paragraph (2)(B), by striking “a survival craft” and inserting “subject to paragraph (3), a survival craft”; and

(2) by adding at the end the following:

“(3) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if such craft is—

“(A) necessary for normal fishing operations;

“(B) readily accessible during an emergency; and

“(C) capable, in accordance with the Coast Guard capacity rating, when applicable, of safely holding all individuals on board the vessel to which the craft functions as an auxiliary.”; and

(3) by adding at the end the following:

“(k) For the purposes of this section, the term ‘auxiliary craft’ means a vessel that is carried onboard a fishing vessel and is normally used to support fishing operations.”

SEC. 505. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following:

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) if requested by the owner or operator; and

“(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2).”

SEC. 506. FISHING SAFETY GRANTS.

Section 4502 of title 46, United States Code, is amended—

(1) in subsections (i) and (j), by striking “Secretary” each place it appears and inserting “Secretary of Health and Human Services”; and

(2) in subsection (i)(2), as amended by paragraph (1), by inserting “, in consultation with and based on criteria established by the Commandant of the Coast Guard” after “Health and Human Services”; and

(3) in subsection (i)(3), by striking “75” and inserting “50”; and

(4) in subsection (i)(4), by striking “\$3,000,000 for each of fiscal years 2015 through 2017” and inserting “\$3,000,000 for each of fiscal years 2018 through 2019”; and

(5) in subsection (j)(2), as amended by paragraph (1), by inserting “, in consultation with and based on criteria established by the Commandant of the Coast Guard,” after “Health and Human Services”; and

(6) in subsection (j)(3), by striking “75” and inserting “50”; and

(7) in subsection (j)(4), by striking “\$3,000,000 for each fiscal years 2015 through 2017” and inserting “\$3,000,000 for each of fiscal years 2018 through 2019”.

SEC. 507. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

(a) NONAPPLICATION.—Section 4503(c)(2)(A) of title 46, United States Code, is amended by striking “79” and inserting “180”.

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503(f) of title 46, United States Code, as redesignated by section 508 of this Act, is further amended to read as follows:

“(f)(1) For purposes of this section and section 4503a, the term ‘built’ means, with respect to a vessel, that the vessel’s construction has reached any of the following stages:

“(A) The vessel’s keel is laid.

“(B) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.

“(2) In the case of a vessel greater than 79 feet overall in length, for purposes of paragraph (1)(A) a keel is deemed to be laid when a marine surveyor affirms that a structure adequate for serving as a keel for such vessel is in place and identified for use in the construction of such vessel.”

SEC. 508. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4503(d) of title 46, United States Code, is redesignated as section 4503a and transferred to appear after section 4503 of such title.

(b) FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.—Section 4503 of title 46, United States Code, is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(2) in subsection (b), by striking “subsection (d)” and inserting “section 4503a”; and

(3) in subsection (c)(2)(B)(ii)(I), by striking “subsection (e)” and inserting “subsection (d)”;

(4) in subsection (c)(2)(B)(ii)(II), by striking “subsection (f)” and inserting “subsection (e)”;

(5) in subsection (e)(1), as amended by paragraph (1) of this subsection, by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(6) in subsection (e)(2), as amended by paragraph (1) of this subsection, by striking “subsection (e)” each place it appears and inserting “subsection (d)”;

(c) ALTERNATE SAFETY COMPLIANCE PROGRAM.—Section 4503a of title 46, United States Code, as redesignated and transferred by subsection (a) of this section, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), and (5) as subsections (a), (b), (c), (d), and (e), respectively;

(2) by inserting before subsection (a), as so redesignated, the following:

“§ 4503a. Alternate safety compliance program”;

(3) in subsection (a), as redesignated by paragraph (1) of this subsection, by striking “After January 1, 2020,” and all that follows through “the Secretary, if” and inserting “Subject to subsection (c), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with such an alternate safety compliance program, if”;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively;

(5) in subsection (b), as so redesignated, by striking “establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary” and inserting “prescribes an alternate safety compliance program under subsection (a), shall comply with such an alternate safety compliance program”;

(6) by amending subsection (c), as so redesignated, to read as follows:

“(c) For purposes of subsection (a), a separate alternate safety compliance program may be developed for a specific region or specific fishery.”;

(7) in subsection (d), as so redesignated—

(A) by striking “paragraph (1)” and inserting “subsection (a)”;

(B) by striking “that paragraph” each place it appears and inserting “that subsection”;

(8) in subsection (e), as so redesignated, by—

(A) inserting “is not eligible to participate in an alternative safety compliance program prescribed under subsection (a) and” after “July 1, 2012”; and

(B) redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(9) by adding at the end the following:

“(f) For the purposes of this section, the term ‘built’ has the meaning given that term in section 4503(f).”

(d) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 45 of such title is amended by inserting after the item relating to section 4503 the following

“4503a. Alternate safety compliance program.”

(e) CONFORMING AMENDMENT.—Section 3104 of title 46, United States Code, is amended by striking “section 4503(e)” and inserting “section 4503(d)”.

(f) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the requirements enumerated in section 4503(d) of title 46, as amended by subsection (b)(1) of this section.

(g) ALTERNATE SAFETY COMPLIANCE PROGRAM STATUS REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of the development of the alternate safety compliance program directed by section 4503a of title 46, United States Code, as redesignated by subsection (c).

(2) CONTENTS.—The report required under paragraph (1) shall include discussion of—

(A) steps taken in the rulemaking process to establish the alternate safety compliance program;

(B) communication and collaboration between the Coast Guard, the department in which the Coast Guard is operating, and the commercial fishing vessel industry regarding the development of the alternate safety compliance program;

(C) consideration given to developing alternate safety compliance programs for specific regions and fisheries, as authorized in section 4503a(c) of such title, as redesignated by subsection (c);

(D) any identified legislative changes necessary to implement an effective alternate safety compliance program; and

(E) the timeline and planned actions that will be taken to implement regulations nec-

essary to fully establish an alternate safety compliance program before January 1, 2020.

SEC. 509. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL CORRECTION.

Section 4505(2) of title 46, United States Code, is amended—

(1) by striking “4503(1)” and inserting “4503(a)(2)”;

(2) by inserting before the period the following: “, except that this paragraph shall not apply with respect to a vessel to which section 4503a applies”.

SEC. 510. TECHNICAL CORRECTIONS: LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Title 46, United States Code, is amended—

(1) in section 7106(b), by striking “merchant mariner’s document,” and inserting “license,”;

(2) in section 7107(b), by striking “merchant mariner’s document,” and inserting “certificate of registry,”;

(3) in section 7507(b)(1), by striking “licenses or certificates of registry” and inserting “merchant mariner documents”; and

(4) in section 7507(b)(2) by striking “merchant mariner’s document.” and inserting “license or certificate of registry.”.

SEC. 511. CLARIFICATION OF LOGBOOK ENTRIES.

(a) IN GENERAL.—Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “an official logbook, which” and inserting “a logbook, which may be in any form, including electronic, and”; and

(2) in subsection (b), by amending paragraph (3) to read as follows:

“(3) Each illness of, and injury to, a seaman of the vessel, the nature of the illness or injury, and the medical treatment provided for the injury or illness.”.

(b) TECHNICAL AMENDMENT.—Section 11304(b) is amended by striking “log book” and inserting “logbook”.

SEC. 512. CERTIFICATES OF DOCUMENTATION FOR RECREATIONAL VESSELS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

“(e) EFFECTIVE PERIOD.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a certificate of documentation issued under this part is valid for a 1-year period and may be renewed for additional 1-year periods.

“(2) RECREATIONAL VESSELS.—

“(A) IN GENERAL.—A certificate of documentation for a recreational vessel and the renewal of such a certificate shall be effective for a 5-year period.

“(B) PHASE-IN PERIOD.—During the period beginning January 1, 2019, and ending December 31, 2021, the owner or operator of a recreational vessel may choose a period of effectiveness of between 1 and 5 years for such a certificate of documentation for such vessel or the renewal thereof.

“(C) FEES.—

“(i) REQUIREMENT.—The Secretary shall assess and collect a fee—

“(I) for the issuance of a certificate of documentation for a recreational vessel that is equivalent to the fee established for the issuance of a certificate of documentation under section 2110; and

“(II) for the renewal of a certificate of documentation for a recreational vessel that is equivalent to the number of years of effectiveness of the certificate of documentation multiplied by the fee established for the renewal of a certificate of documentation under section 2110.

“(ii) TREATMENT.—Fees collected under this subsection—

“(I) shall be credited to the account from which the costs of such issuance or renewal were paid; and

“(II) may remain available until expended.

“(3) NOTICE OF CHANGE IN INFORMATION.—

“(A) REQUIREMENT.—The owner of a vessel shall notify the Coast Guard of each change in the information on which the issuance of the certificate of documentation for the vessel is based that occurs before the expiration of the certificate under this subsection, by not later than 30 days after such change.

“(B) TERMINATION OF CERTIFICATE.—The certificate of documentation for a vessel shall terminate upon the expiration of such 30-day period if the owner has not notified the Coast Guard of such change before the end of such period.

“(4) STATE AND LOCAL AUTHORITY TO REMOVE ABANDONED AND DERELICT VESSELS.—Nothing in this section shall be construed to limit the authority of a State or local authority from taking action to remove an abandoned or derelict vessel.”.

SEC. 513. NUMBERING FOR UNDOCUMENTED BARGES.

Section 12301(b) of title 46, United States Code, is amended—

(1) by striking “shall” and inserting “may”; and

(2) by inserting “of” after “barge”.

SEC. 514. BACKUP NATIONAL TIMING SYSTEM.

(a) SHORT TITLE.—This section may be cited as the “National Timing Resilience and Security Act of 2018”.

(b) IN GENERAL.—Chapter 30 of title 49, United States Code, is amended by adding at the end the following:

“§ 312. Alternative timing system

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall provide for the establishment, sustainment, and operation of a land-based, resilient, and reliable alternative timing system—

“(1) to reduce critical dependencies and provide a complement to and backup for the timing component of the Global Positioning System (referred to in this section as ‘GPS’); and

“(2) to ensure the availability of uncorrupted and non-degraded timing signals for military and civilian users in the event that GPS timing signals are corrupted, degraded, unreliable, or otherwise unavailable.

“(b) ESTABLISHMENT OF REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall establish requirements for the procurement of the system required by subsection (a) as a complement to and backup for the timing component of GPS in accordance with the timing requirements study required by section 1618 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2595).

“(2) REQUIREMENTS.—The Secretary of Transportation shall ensure, to the maximum extent practicable, that the system established under subsection (a) will—

“(A) be wireless;

“(B) be terrestrial;

“(C) provide wide-area coverage;

“(D) be synchronized with coordinated universal time;

“(E) be resilient and extremely difficult to disrupt or degrade;

“(F) be able to penetrate underground and inside buildings;

“(G) be capable of deployment to remote locations;

“(H) be developed, constructed, and operated incorporating applicable private sector expertise;

“(I) work in concert with and complement any other similar positioning, navigation, and timing systems, including enhanced long-range navigation systems and Nationwide Differential GPS systems;

“(J) be available for use by Federal and non-Federal government agencies for public purposes at no net cost to the Federal Government within 10 years of initiation of operation;

“(K) be capable of adaptation and expansion to provide position and navigation capabilities;

“(L) incorporate the recommendations from any GPS back-up demonstration program initiated and completed by the Secretary, in coordination with other Federal agencies, before the date specified in subsection (c)(1); and

“(M) incorporate such other elements as the Secretary considers appropriate.

“(C) IMPLEMENTATION PLAN.—

“(1) PLAN REQUIRED.—Not later than 180 days after the date of enactment of the National Timing Resilience and Security Act of 2018, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report setting forth the following:

“(A) A plan to develop, construct, and operate the system required by subsection (a).

“(B) A description and assessment of the advantages of a system to provide a follow-on complementary and backup positioning and navigation capability to the timing component of GPS.

“(2) DEADLINE FOR COMMENCEMENT OF OPERATION.—The system required by subsection (a) shall be in operation by not later than 2 years after the date of enactment of the National Timing Resilience and Security Act of 2018.

“(3) MINIMUM DURATION OF OPERATIONAL CAPABILITY.—The system required by subsection (a) shall be designed to be fully operational for not less than 20 years.

“(d) LORAN FACILITIES.—

“(1) IN GENERAL.—If the Secretary of Transportation determines that any LORAN infrastructure, including the underlying real property and any spectrum associated with LORAN, in the possession of the Coast Guard is required by the Department of Transportation for the purpose of establishing the system required by subsection (a), the Commandant shall transfer such property, spectrum, and equipment to the Secretary.

“(2) CERCLA NOT AFFECTED.—This subsection shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the Federal Government facilities described in paragraph (1).

“(e) COOPERATIVE AGREEMENT.—

“(1) IN GENERAL.—The Secretary of Transportation may enter into a cooperative agreement (as that term is described in section 6305 of title 31) with an entity upon such terms and conditions as the Secretary of Transportation determines will fulfill the purpose and requirements of this section and be in the public interest.

“(2) REQUIREMENTS.—The cooperative agreement under paragraph (1) shall, at a minimum, require the Secretary of Transportation to—

“(A) authorize the entity to sell timing and other services to commercial and non-commercial third parties, subject to any national security requirements determined by the Secretary, in consultation with the Secretary of Defense;

“(B) require the entity to develop, construct, and operate at private expense the backup timing system in accordance with this section;

“(C) allow the entity to make any investments in technologies necessary over the life of such agreement to meet future require-

ments for advanced timing resilience and technologies;

“(D) require the entity to share 25 percent of the gross proceeds received by the entity from the sale of timing services to third parties with the Secretary for at least 10 years after the date upon which the Secretary enters into the cooperative agreement;

“(E) require the entity—

“(i) to assume all financial risk for the completion and operational capability of the system, after the Secretary provides any LORAN facilities necessary for the system under subsection (d), if required for the alternative timing system; and

“(ii) to furnish performance and payment bonds in connection with the system in a reasonable amount as determined by the Secretary; and

“(F) require the entity to make any investments in technologies necessary over the life of the agreement to meet future requirements for advanced timing resiliency.

“(3) COMPETITION REQUIRED.—The Secretary shall use competitive procedures similar to those authorized under section 2667 of title 10 in selecting an entity to enter into a cooperative agreement pursuant to this subsection.

“(4) AUTHORIZATION TO PURCHASE SERVICES.—The Secretary may not purchase timing system services from the entity for use by the Department of Transportation or for provision to other Federal and non-Federal governmental agencies until the system achieves operational status, and then only if the necessary funds for such purchases are provided for in subsequent yearly appropriations acts made available to the Secretary for each and every year in which such purchases are made.

“(5) DETERMINATION REQUIREMENT.—The Secretary may not enter into a cooperative agreement under this subsection unless the Secretary determines that the cooperative agreement is in the best financial interest of the Federal Government. The Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such determination not later than 30 days after the date of the determination.

“(6) DEFINITION.—In this subsection the term ‘entity’ means a non-Federal entity with the demonstrated technical expertise and requisite administrative and financial resources to meet any terms and conditions established by the Secretary for purposes of this subsection.”

(c) TABLE OF CONTENTS.—The table of contents for chapter 3 of title 49, United States Code, is amended by adding at the end the following:

“312. Alternative timing system.”

SEC. 515. SCIENTIFIC PERSONNEL.

Section 2101(41) of title 46, United States Code, is amended—

(1) by inserting “(A) Subject to subparagraph (B),” before the text; and

(2) by adding at the end the following:

“(B)(i) Such term includes an individual who is on board an oceanographic research vessel only to—

“(I) engage in scientific research;

“(II) instruct in oceanography or limnology; or

“(III) receive instruction in oceanography or limnology.

“(ii) For purposes of clause (i), the age of an individual may not be considered in determining whether the individual is described in such clause.”

SEC. 516. TRANSPARENCY.

(a) IN GENERAL.—The Commandant of the Coast Guard shall publish any letter of de-

termination issued by the Coast Guard National Vessel Documentation Center after the date of the enactment of this Act on the National Vessel Documentation Center website not later than 30 days after the date of issuance of such letter of determination.

(b) AUDIT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit, the results of which shall be made publicly available, of—

(A) the method or process by which the Coast Guard National Vessel Documentation Center develops policy for and documents compliance with the requirements of section 67.97 of title 46, Code of Federal Regulations, for the purpose of issuing endorsements under section 12112 and 12113 of title 46, United States Code;

(B) the coordination between the Coast Guard and U.S. Customs and Border Protection with respect to the enforcement of such requirements; and

(C) the extent to which the Secretary of the department in which the Coast Guard is operating and the Secretary of Transportation, through the Maritime Administration, have published and disseminated information to promote compliance with applicable vessel construction requirements.

(2) REPORT.—Not later than 90 days after the audit under paragraph (1) is complete, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the results of and recommendations made pursuant to such audit.

(c) OUTLINE.—Not later than 180 days after the date of the submission of the Comptroller General of the United States report required under subsection (b), the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an outline of plans—

(1) to enhance the transparency of the documentation process, and communications with the maritime industry regarding such process over the next 5 years; and

(2) to implement the recommendations made by the Comptroller General of the United States in the report required under subsection (b)(2).

TITLE VI—ADVISORY COMMITTEES

SEC. 601. NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES.

(a) IN GENERAL.—Subtitle II of title 46, United States Code, is amended by adding at the end the following:

“PART K—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

“CHAPTER 151—NATIONAL MARITIME TRANSPORTATION ADVISORY COMMITTEES

“Sec.

“15101. National Chemical Transportation Safety Advisory Committee.

“15102. National Commercial Fishing Safety Advisory Committee.

“15103. National Merchant Marine Personnel Advisory Committee.

“15104. National Merchant Mariner Medical Advisory Committee.

“15105. National Boating Safety Advisory Committee.

“15106. National Offshore Safety Advisory Committee.

“15107. National Navigation Safety Advisory Committee.

“15108. National Towing Safety Advisory Committee.

“15109. Administration.

“§ 15101. National Chemical Transportation Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Chemical Transportation Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 25 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

“(A) Chemical manufacturing entities.

“(B) Entities related to marine handling or transportation of chemicals.

“(C) Vessel design and construction entities.

“(D) Marine safety or security entities.

“(E) Marine environmental protection entities.

“(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

“§ 15102. National Commercial Fishing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Commercial Fishing Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall—

“(1) advise the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including the matters of—

“(A) navigation safety;

“(B) safety equipment and procedures;

“(C) marine insurance;

“(D) vessel design, construction, maintenance, and operation; and

“(E) personnel qualifications and training; and

“(2) review regulations proposed under chapter 45 of this title (during preparation of the regulations).

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 10 members shall represent the commercial fishing industry and—

“(i) as a group, shall together reflect a regional and representational balance; and

“(ii) as individuals, shall each have experience—

“(I) in the operation of vessels to which chapter 45 of this title applies; or

“(II) as a crew member or processing line worker on a fish processing vessel.

“(B) 1 member shall represent naval architects and marine engineers.

“(C) 1 member shall represent manufacturers of equipment for vessels to which chapter 45 of this title applies.

“(D) 1 member shall represent education and training professionals related to fishing

vessel, fish processing vessel, and fish tender vessel safety and personnel qualifications.

“(E) 1 member shall represent underwriters that insure vessels to which chapter 45 of this title applies.

“(F) 1 member shall represent owners of vessels to which chapter 45 of this title applies.

“(G) 3 members shall represent the general public and, to the extent possible, shall include—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; and

“(iii) a person familiar with issues affecting fishing communities and the families of fishermen.

“§ 15103. National Merchant Marine Personnel Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Merchant Marine Personnel Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to personnel in the United States merchant marine, including the training, qualifications, certification, documentation, and fitness of mariners.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 19 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 9 members shall represent mariners and, of the 9—

“(i) each shall—

“(I) be a citizen of the United States; and

“(II) hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title;

“(ii) 3 shall be deck officers who represent merchant marine deck officers and, of the 3—

“(I) 2 shall be licensed for oceans any gross tons;

“(II) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

“(III) 2 shall have a master’s license or a master of towing vessels license;

“(IV) 1 shall have significant tanker experience; and

“(V) to the extent practicable—

“(aa) 1 shall represent labor; and

“(bb) 1 shall represent management;

“(iii) 3 shall be engineering officers who represent merchant marine engineering officers and, of the 3—

“(I) 2 shall be licensed as chief engineer any horsepower;

“(II) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

“(III) to the extent practicable—

“(aa) 1 shall represent labor; and

“(bb) 1 shall represent management;

“(iv) 2 shall be unlicensed seamen who represent merchant marine unlicensed seaman and, of the 2—

“(I) 1 shall represent able-bodied seamen; and

“(II) 1 shall represent qualified members of the engine department; and

“(v) 1 shall be a pilot who represents merchant marine pilots.

“(B) 6 members shall represent marine educators and, of the 6—

“(i) 3 shall be marine educators who represent maritime academies and, of the 3—

“(I) 2 shall represent State maritime academies (and are jointly recommended by such academies); and

“(II) 1 shall represent either State maritime academies or the United States Merchant Marine Academy; and

“(ii) 3 shall be marine educators who represent other maritime training institutions and, of the 3, 1 shall represent the small vessel industry.

“(C) 2 members shall represent shipping companies employed in ship operation management.

“(D) 2 members shall represent the general public.

“§ 15104. National Merchant Mariner Medical Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to—

“(1) medical certification determinations for the issuance of licenses, certification of registry, and merchant mariners’ documents with respect to merchant mariners;

“(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(3) medical examiner education; and

“(4) medical research.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 14 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 9 shall represent health-care professionals and have particular expertise, knowledge, and experience regarding the medical examinations of merchant mariners or occupational medicine.

“(B) 5 shall represent professional mariners and have particular expertise, knowledge, and experience in occupational requirements for mariners.

“§ 15105. National Boating Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Boating Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to national boating safety.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 7 members shall represent State officials responsible for State boating safety programs.

“(B) 7 members shall represent recreational vessel and associated equipment manufacturers.

“(C) 7 members shall represent the general public or national recreational boating organizations and, of the 7, at least 5 shall represent national recreational boating organizations.

“§ 15106. National Offshore Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Offshore Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources, to the extent that such matters are within the jurisdiction of the Coast Guard.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 15 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 2 members shall represent entities engaged in the production of petroleum.

“(B) 2 members shall represent entities engaged in offshore drilling.

“(C) 2 members shall represent entities engaged in the support, by offshore supply vessels or other vessels, of offshore mineral and oil operations, including geophysical services.

“(D) 1 member shall represent entities engaged in the construction of offshore exploration and recovery facilities.

“(E) 1 member shall represent entities engaged in diving services related to offshore construction, inspection, and maintenance.

“(F) 1 member shall represent entities engaged in safety and training services related to offshore exploration and construction.

“(G) 1 member shall represent entities engaged in pipelaying services related to offshore construction.

“(H) 2 members shall represent individuals employed in offshore operations and, of the 2, 1 shall have recent practical experience on a vessel or offshore unit involved in the offshore mineral and energy industry.

“(I) 1 member shall represent national environmental entities.

“(J) 1 member shall represent deepwater ports.

“(K) 1 member shall represent the general public (but not a specific environmental group).

“§ 15107. National Navigation Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Navigation Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to maritime collisions, ramblings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of not more than 21 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Each member of the Committee shall represent 1 of the following:

“(A) Commercial vessel owners or operators.

“(B) Professional mariners.

“(C) Recreational boaters.

“(D) The recreational boating industry.

“(E) State agencies responsible for vessel or port safety.

“(F) The Maritime Law Association.

“(4) DISTRIBUTION.—The Secretary shall, based on the needs of the Coast Guard, determine the number of members of the Committee who represent each entity specified in paragraph (3). Neither this paragraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in paragraph (3).

“§ 15108. National Towing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a National Towing Safety Advisory Committee (in this section referred to as the ‘Committee’).

“(b) FUNCTION.—The Committee shall advise the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 18 members appointed by the Secretary in accordance with this section and section 15109 of this chapter.

“(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

“(A) 7 members shall represent the barge and towing industry, reflecting a regional geographic balance.

“(B) 1 member shall represent the offshore mineral and oil supply vessel industry.

“(C) 1 member shall represent masters and pilots of towing vessels who hold active licenses and have experience on the Western Rivers and the Gulf Intracoastal Waterway.

“(D) 1 member shall represent masters of towing vessels in offshore service who hold active licenses.

“(E) 1 member shall represent masters of active ship-docking or harbor towing vessels.

“(F) 1 member shall represent licensed and unlicensed towing vessel engineers with formal training and experience.

“(G) 2 members shall represent port districts, authorities, or terminal operators.

“(H) 2 members shall represent shippers and, of the 2, 1 shall be engaged in the shipment of oil or hazardous materials by barge.

“(I) 2 members shall represent the general public.

“§ 15109. Administration

“(a) MEETINGS.—Each committee established under this chapter shall, at least once each year, meet at the call of the Secretary or a majority of the members of the committee.

“(b) EMPLOYEE STATUS.—A member of a committee established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee, except for the purposes of the following:

“(1) Chapter 81 of title 5.

“(2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

“(c) COMPENSATION.—Notwithstanding subsection (b), a member of a committee established under this chapter, when actually engaged in the performance of the duties of such committee, may—

“(1) receive compensation at a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5; or

“(2) if not compensated in accordance with paragraph (1)—

“(A) be reimbursed for actual and reasonable expenses incurred in the performance of such duties; or

“(B) be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(d) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of a committee established under this chapter may serve on such committee on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

“(e) STATUS OF MEMBERS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of a committee established under this chapter whom the Secretary appoints to represent an entity or group—

“(A) the member is authorized to represent the interests of the applicable entity or group; and

“(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

“(2) EXCEPTION.—Notwithstanding subsection (b), a member of a committee established under this chapter shall be treated as a special Government employee for purposes of the committee service of the member if—

“(A) the Secretary appointed the member to represent the general public; or

“(B) the member, without regard to service on the committee, is a special Government employee.

“(f) SERVICE ON COMMITTEE.—

“(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of a committee established under this chapter, the Secretary shall publish, in the Federal Register, a timely notice soliciting nominations for membership on such committee.

“(2) APPOINTMENTS.—

“(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Secretary may, as necessary, appoint a member to the applicable committee established under this chapter.

“(B) PROHIBITION.—The Secretary shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to any committee established under this chapter.

“(3) SERVICE AT PLEASURE OF THE SECRETARY.—

“(A) IN GENERAL.—Each member of a committee established under this chapter shall serve at the pleasure of the Secretary.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a member of the committee established under section 15102 may only be removed prior to the end of the term of that member for just cause.

“(4) SECURITY BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this chapter.

“(5) PROHIBITION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a Federal employee may not be appointed as a member of a committee established under this chapter.

“(B) SPECIAL RULE FOR NATIONAL MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—The Secretary may appoint a Federal employee to serve as a member of the National Merchant Marine Personnel Advisory Committee to represent the interests of the United States Merchant Marine Academy and, notwithstanding paragraphs (1) and (2), may do so without soliciting, receiving, or considering nominations for such appointment.

“(6) TERMS.—

“(A) IN GENERAL.—The term of each member of a committee established under this chapter shall expire on December 31 of the third full year after the effective date of the appointment.

“(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of a committee established under this chapter ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

“(7) VACANCIES.—A vacancy on a committee established under this chapter shall be filled in the same manner as the original appointment.

“(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Secretary may reappoint a member of a committee established under this chapter for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

“(g) STAFF SERVICES.—The Secretary shall furnish to each committee established under this chapter any staff and services considered by the Secretary to be necessary for the conduct of the committee's functions.

“(h) CHAIRMAN; VICE CHAIRMAN.—

“(1) IN GENERAL.—Each committee established under this chapter shall elect a Chairman and Vice Chairman from among the committee's members.

“(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(i) SUBCOMMITTEES AND WORKING GROUPS.—

“(1) IN GENERAL.—The Chairman of a committee established under this chapter may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the committee.

“(2) PARTICIPANTS.—Subject to conditions imposed by the Chairman, members of a committee established under this chapter and additional persons drawn from entities or groups designated by this chapter to be represented on the committee or the general public may be assigned to subcommittees and working groups established under paragraph (1).

“(3) CHAIR.—Only committee members may chair subcommittees and working groups established under paragraph (1).

“(j) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

“(1) CONSULTATION.—

“(A) IN GENERAL.—Before taking any significant action, the Secretary shall consult with, and consider the information, advice, and recommendations of, a committee established under this chapter if the function of the committee is to advise the Secretary on matters related to the significant action.

“(B) INCLUSION.—For purposes of this paragraph, regulations proposed under chapter 45 of this title are significant actions.

“(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—Each committee established under this chapter shall submit, in writing, to the Secretary its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the committee.

“(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Secretary receives recommendations from a committee under paragraph (2), the Secretary shall—

“(A) publish the recommendations on a website accessible at no charge to the public;

“(B) if the recommendations are from the committee established under section 15102, establish a mechanism for the submission of public comments on the recommendations; and

“(C) respond, in writing, to the committee regarding the recommendations, including

by providing an explanation of actions taken regarding the recommendations.

“(4) SUBMISSION TO CONGRESS.—

“(A) IN GENERAL.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from committees under paragraph (2).

“(B) ADDITIONAL SUBMISSION.—With respect to a committee established under section 70112 and to which this section applies, the Secretary shall submit the advice, reports, and recommendations received from the committee under paragraph (2) to the Committee on Homeland Security of the House of Representatives in addition to the committees specified in subparagraph (A).

“(k) OBSERVERS.—Any Federal agency with matters under such agency's administrative jurisdiction related to the function of a committee established under this chapter may designate a representative to—

“(1) attend any meeting of such committee; and

“(2) participate as an observer at meetings of such committee that relate to such a matter.

“(l) TERMINATION.—Each committee established under this chapter shall terminate on September 30, 2027.”.

(b) CLERICAL AMENDMENT.—The analysis for subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 147 the following:

“Part K—National Maritime Transportation Advisory Committees

“151. National Maritime Transportation Advisory Committees 15101”.

(c) CONFORMING AMENDMENTS.—

(1) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, and the item relating to that section in the analysis for chapter 45 of that title, are repealed.

(2) MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.—Section 7115 of title 46, United States Code, and the item relating to that section in the analysis for chapter 71 of that title, are repealed.

(3) MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 8108 of title 46, United States Code, and the item relating to that section in the analysis for chapter 81 of that title, are repealed.

(B) CONFORMING AMENDMENT.—Section 7510(c)(1)(C) of title 46, United States Code, is amended by inserting “National” before “Merchant Marine”.

(4) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—

(A) REPEAL.—Section 13110 of title 46, United States Code, and the item relating to that section in the analysis for chapter 131 of that title, are repealed.

(B) CONFORMING AMENDMENTS.—

(i) REGULATIONS.—Section 4302(c)(4) of title 46, United States Code, is amended by striking “Council established under section 13110 of this title” and inserting “Committee established under section 15105 of this title”.

(ii) REPAIR AND REPLACEMENT OF DEFECTS.—Section 4310(f) of title 46, United States Code, is amended by striking “Advisory Council” and inserting “Advisory Committee”.

(5) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is repealed.

(6) TOWING SAFETY ADVISORY COMMITTEE.—(A) REPEAL.—Public Law 96-380 (33 U.S.C. 1231a) is repealed.

(B) CONFORMING AMENDMENTS.—

(i) REDUCTION OF OIL SPILLS FROM SINGLE HULL NON-SELF-PROPELLED TANK VESSELS.—

Section 3719 of title 46, United States Code, is amended by inserting “National” before “Towing Safety”.

(ii) SAFETY EQUIPMENT.—Section 4102(f)(1) of title 46, United States Code, is amended by inserting “National” before “Towing Safety”.

(d) TREATMENT OF EXISTING COUNCILS AND COMMITTEES.—Notwithstanding any other provision of law—

(1) an advisory council or committee substantially similar to an advisory committee established under chapter 151 of title 46, United States Code, as added by this Act, and that was in force or in effect on the day before the date of enactment of this section, including a council or committee the authority for which was repealed under subsection (c), may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the council or committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the applicable advisory committee established under chapter 151 of title 46, United States Code, shall be treated as satisfied by the substantially similar advisory council or committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such council or committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such council or committee; or

(iii) to bar the members of such council or committee from meeting.

SEC. 602. MARITIME SECURITY ADVISORY COMMITTEES.

(a) IN GENERAL.—Section 70112 of title 46, United States Code, is amended to read as follows:

“§ 70112. Maritime Security Advisory Committees

“(a) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—

“(1) ESTABLISHMENT.—There is established a National Maritime Security Advisory Committee (in this subsection referred to as the ‘Committee’).

“(2) FUNCTION.—The Committee shall advise the Secretary on matters relating to national maritime security, including on enhancing the sharing of information related to cybersecurity risks that may cause a transportation security incident, between relevant Federal agencies and—

“(A) State, local, and tribal governments;

“(B) relevant public safety and emergency response agencies;

“(C) relevant law enforcement and security organizations;

“(D) maritime industry;

“(E) port owners and operators; and

“(F) terminal owners and operators.

“(3) MEMBERSHIP.—

“(A) IN GENERAL.—The Committee shall consist of at least 8 members, but not more than 21 members, appointed by the Secretary in accordance with this subsection and section 15109 of this title.

“(B) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

“(C) REPRESENTATION.—Each of the following shall be represented by at least 1 member of the Committee:

“(i) Port authorities.

“(ii) Facilities owners and operators.

“(iii) Terminal owners and operators.

“(iv) Vessel owners and operators.

“(v) Maritime labor organizations.

“(vi) The academic community.

“(vii) State and local governments.

“(viii) The maritime industry.

“(D) DISTRIBUTION.—If the Committee consists of at least 8 members who, together, satisfy the minimum representation requirements of subparagraph (C), the Secretary shall, based on the needs of the Coast Guard, determine the number of additional members of the Committee who represent each entity specified in that subparagraph. Neither this subparagraph nor any other provision of law shall be construed to require an equal distribution of members representing each entity specified in subparagraph (C).

“(4) ADMINISTRATION.—For purposes of section 15109 of this title, the Committee shall be treated as a committee established under chapter 151 of such title.

“(b) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT.—The Secretary may—

“(i) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

“(ii) request such a committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the committee considers appropriate.

“(B) ADDITIONAL FUNCTIONS AND MEETINGS.—A committee established under this subsection for an area—

“(i) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;

“(ii) may make available to the Congress recommendations that the committee makes to the Secretary; and

“(iii) shall meet at the call of—

“(I) the Secretary, who shall call such a meeting at least once during each calendar year; or

“(II) a majority of the committee.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—Each committee established under this subsection shall consist of at least 7 members appointed by the Secretary, each of whom has at least 5 years practical experience in maritime security operations.

“(B) TERMS.—The term of each member of a committee established under this subsection shall be for a period of not more than 5 years, specified by the Secretary.

“(C) NOTICE.—Before appointing an individual to a position on a committee established under this subsection, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the committee.

“(D) BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to a committee established under this subsection.

“(E) REPRESENTATION.—Each committee established under this subsection shall be composed of individuals who represent the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—

“(A) IN GENERAL.—Each committee established under this subsection shall elect 1 of the committee's members as the Chairperson and 1 of the committee's members as the Vice Chairperson.

“(B) VICE CHAIRPERSON ACTING AS CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

“(4) OBSERVERS.—

“(A) IN GENERAL.—The Secretary shall, and the head of any other interested Federal agency may, designate a representative to participate as an observer with a committee established under this subsection.

“(B) ROLE.—The Secretary's designated representative to a committee established under this subsection shall act as the executive secretary of the committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

“(5) CONSIDERATION OF VIEWS.—The Secretary shall consider the information, advice, and recommendations of each committee established under this subsection in formulating policy regarding matters affecting maritime security.

“(6) COMPENSATION AND EXPENSES.—

“(A) IN GENERAL.—A member of a committee established under this subsection, when attending meetings of the committee or when otherwise engaged in the business of the committee, is entitled to receive—

“(i) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-15 of the General Schedule under section 5332 of title 5 including travel time; and

“(ii) travel or transportation expenses under section 5703 of title 5.

“(B) STATUS.—A member of a committee established under this subsection shall not be considered to be an officer or employee of the United States for any purpose based on the receipt of any payment under this paragraph.

“(7) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a committee established under this subsection.”.

(b) TREATMENT OF EXISTING COMMITTEE.—Notwithstanding any other provision of law—

(1) an advisory committee substantially similar to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, and that was in force or in effect on the day before the date of enactment of this section, may remain in force or in effect for a period of 2 years from the date of enactment of this section, including that the charter, membership, and other aspects of the committee may remain in force or in effect; and

(2) during the 2-year period referenced in paragraph (1)—

(A) requirements relating to the National Maritime Security Advisory Committee established under section 70112(a) of title 46, United States Code, as amended by this section, shall be treated as satisfied by the substantially similar advisory committee; and

(B) the enactment of this section, including the amendments made in this section, shall not be the basis—

(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

(ii) to suspend the activities of such committee; or

(iii) to bar the members of such committee from meeting.

TITLE VII—FEDERAL MARITIME COMMISSION

SEC. 701. SHORT TITLE.

This title may be cited as the “Federal Maritime Commission Authorization Act of 2017”.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking “\$24,700,000 for each of fiscal years 2016 and 2017” and inserting “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019”.

SEC. 703. REPORTING ON IMPACT OF ALLIANCES ON COMPETITION.

Section 306 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean common carriers acting pursuant to an agreement under this part between or among ocean common carriers, including a summary of actions, including corrective actions, taken by the Commission to promote such competition.”; and

(2) by adding at the end the following:

“(c) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term ‘certain covered services’ has the meaning given the term in section 40102.”.

SEC. 704. DEFINITION OF CERTAIN COVERED SERVICES.

Section 40102 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (25) as paragraphs (6) through (26), respectively; and

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

“(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term ‘certain covered services’ means, with respect to a vessel—

“(A) the berthing or bunkering of the vessel;

“(B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;

“(C) the positioning, removal, or replacement of buoys related to the movement of the vessel; and

“(D) with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.”.

SEC. 705. REPORTS FILED WITH THE COMMISSION.

Section 40104(a) of title 46, United States Code, is amended to read as follows:

“(a) REPORTS.—

“(1) IN GENERAL.—The Federal Maritime Commission may require a common carrier or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee of the common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

“(2) REQUIREMENTS.—Any report, account, record, rate, charge, or memorandum required to be filed under paragraph (1) shall—

“(A) be made under oath if the Commission requires; and

“(B) be filed in the form and within the time prescribed by the Commission.

“(3) LIMITATION.—The Commission shall—

“(A) limit the scope of any filing ordered under this section to fulfill the objective of the order; and

“(B) provide a reasonable period of time for respondents to respond based upon their capabilities and the scope of the order.”.

SEC. 706. PUBLIC PARTICIPATION.

(a) NOTICE OF FILING.—Section 40304(a) of title 46, United States Code, is amended to read as follows:

“(a) NOTICE OF FILING.—Not later than 7 days after the date an agreement is filed, the Federal Maritime Commission shall—

“(1) transmit a notice of the filing to the Federal Register for publication; and

“(2) request interested persons to submit relevant information and documents.”.

(b) **REQUEST FOR INFORMATION AND DOCUMENTS.**—Section 40304(d) of title 46, United States Code, is amended by striking “section” and inserting “part”.

(c) **SAVING CLAUSE.**—Nothing in this section, or the amendments made by this section, may be construed—

(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 403 of title 46, United States Code;

(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(a)(2) of title 46, United States Code; or

(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code.

SEC. 707. OCEAN TRANSPORTATION INTERMEDIARIES.

(a) **LICENSE REQUIREMENT.**—Section 40901(a) of title 46, United States Code, is amended by inserting “advertise, hold oneself out, or” after “may not”.

(b) **APPLICABILITY.**—Section 40901 of title 46, United States Code, is amended by adding at the end the following:

“(c) **APPLICABILITY.**—Subsection (a) and section 40902 do not apply to a person that performs ocean transportation intermediary services on behalf of an ocean transportation intermediary for which it is a disclosed agent.”.

(c) **FINANCIAL RESPONSIBILITY.**—Section 40902(a) of title 46, United States Code, is amended by inserting “advertise, hold oneself out, or” after “may not”.

SEC. 708. COMMON CARRIERS.

(a) Section 41104 of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “(a) **IN GENERAL.**—” before “A common carrier”;

(2) in subsection (a), as designated—

(A) by amending paragraph (11) to read as follows:

“(11) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that does not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does not have a bond, insurance, or other surety as required by section 40902 of this title;”;

(B) in paragraph (12), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(13) continue to participate simultaneously in a rate discussion agreement and an agreement to share vessels, in the same trade, if the interplay of the authorities exercised by the specified agreements is likely, by a reduction in competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost.”; and

(3) by adding at the end the following:

“(b) **RULE OF CONSTRUCTION.**—Notwithstanding any other provision of law, there is no private right of action to enforce the prohibition under subsection (a)(13).

“(c) **AGREEMENT VIOLATION.**—Participants in an agreement found by the Commission to violate subsection (a)(13) shall have 90 days from the date of such Commission finding to withdraw from the agreement as necessary to comply with that subsection.”.

(b) **APPLICATION.**—Section 41104(a)(13) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

SEC. 709. NEGOTIATIONS.

(a) **CONCERTED ACTION.**—Section 41105 of title 46, United States Code, is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (7) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) negotiate with a tug or towing vessel service provider on any matter relating to rates or services provided within the United States by those tugs or towing vessels;

“(6) with respect to a vessel operated by an ocean common carrier within the United States, negotiate for the purchase of certain covered services, unless the negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of ocean common carriers.”.

(b) **AUTHORITY.**—Chapter 411 of title 46, United States Code, is amended—

(1) by inserting after section 41105 the following:

“§ 41105A. Authority

“Nothing in section 41105, as amended by the Federal Maritime Commission Authorization Act of 2017, shall be construed to limit the authority of the Department of Justice regarding antitrust matters.”; and

(2) in the analysis at the beginning of chapter 411, by inserting after the item relating to section 41105 the following:

“41105A. Authority.”.

(c) **EXEMPTION.**—Section 40307(b)(1) of title 46, United States Code, is amended by inserting “tug operators,” after “motor carriers.”.

SEC. 710. INJUNCTIVE RELIEF SOUGHT BY THE COMMISSION.

(a) **IN GENERAL.**—Section 41307(b) of title 46, United States Code is amended—

(1) in paragraph (1) by inserting “or to substantially lessen competition in the purchasing of certain covered services” after “transportation cost”; and

(2) by adding at the end the following:

“(4) **COMPETITION FACTORS.**—In making a determination under this subsection regarding whether an agreement is likely to substantially lessen competition in the purchasing of certain covered services, the Commission may consider any relevant competition factors in affected markets, including, without limitation, the competitive effect of agreements other than the agreement under review.”.

(b) **APPLICATION.**—Section 41307(b) of title 46, United States Code, as amended, shall apply to any agreement filed or with an effective date before, on, or after the date of enactment of this Act.

SEC. 711. DISCUSSIONS.

(a) **IN GENERAL.**—Section 303 of title 46, United States Code, is amended to read as follows:

“§ 303. Meetings

“(a) **IN GENERAL.**—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

“(b) **RECORD.**—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

“(c) **NONPUBLIC COLLABORATIVE DISCUSSIONS.**—

“(1) **IN GENERAL.**—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

“(A) no formal or informal vote or other official agency action is taken at the meeting;

“(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

“(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and

“(D) the General Counsel of the Commission is present at the meeting.

“(2) **DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.**—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

“(A) a list of the individuals present at the meeting; and

“(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

“(3) **EXCEPTION.**—If the Commission properly determines matters may be withheld from the public under section 555b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

“(4) **ONGOING PROCEEDINGS.**—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

“(5) **PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.**—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

“(6) **STATUTORY CONSTRUCTION.**—Nothing in this subsection may be construed—

“(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

“(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.”.

(b) **TABLE OF CONTENTS.**—The analysis at the beginning of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:

“303. Meetings.”.

SEC. 712. TRANSPARENCY.

(a) **IN GENERAL.**—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biannual reports that describe the Commission's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) **FORMAT OF REPORTS.**—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

- (1) the popular title;
- (2) the current stage of the proceeding;
- (3) an abstract of the proceeding;
- (4) what prompted the action in question;
- (5) any applicable statutory, regulatory, or judicial deadline;
- (6) the associated docket number;
- (7) the date the rulemaking was initiated;
- (8) a date for the next action; and
- (9) if a date for next action identified in the previous report is not met, the reason for the delay.

SEC. 713. STUDY OF BANKRUPTCY PREPARATION AND RESPONSE.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study that examines the immediate aftermath of a major ocean carrier bankruptcy and its impact through the supply chain. The study shall consider any financial mechanisms that could be used to mitigate the impact of any future bankruptcy events on the supply chain.

(b) **REPORT.**—No later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the findings, conclusions, and recommendations, if any, from the study required under subsection (a).

SEC. 714. AGREEMENTS UNAFFECTED.

Nothing in this Act may be construed—

(1) to limit or amend the definition of “agreement” in section 40102(1) of title 46, United States Code, with respect to the exclusion of maritime labor agreements; or

(2) to apply to a maritime labor agreement (as defined in section 40102(15) of that title).

TITLE VIII—MISCELLANEOUS**SEC. 801. REPEAL OF OBSOLETE REPORTING REQUIREMENT.**

Subsection (h) of section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468) is repealed.

SEC. 802. CORRECTIONS TO PROVISIONS ENACTED BY COAST GUARD AUTHORIZATION ACTS.

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3061) is amended by inserting “and fishery endorsement” after “endorsement”.

SEC. 803. OFFICER EVALUATION REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of the enactment of this Act, the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) **SURVEYS.**—Not later than 1 year after the date of the enactment of this Act, the Commandant of the Coast Guard shall conduct surveys of—

(1) outgoing promotion board members and assignment officers to determine, at a minimum—

(A) which sections of the officer evaluation report were most useful;

(B) which sections of the officer evaluation report were least useful;

(C) how to better reflect high performers; and

(D) any recommendations for improving the officer evaluation report; and

(2) at least 10 percent of the officers from each grade of officers from O1 to O6 to determine how much time each member of the rating chain spends on that member's portion of the officer evaluation report.

(c) **REVISIONS.**—

(1) **IN GENERAL.**—Not later than 4 years after the date of the completion of the surveys required by subsection (b), the Commandant of the Coast Guard shall revise the officer evaluation report, and provide corresponding directions, taking into account the requirements under paragraph (2).

(2) **REQUIREMENTS.**—In revising the officer evaluation report under paragraph (1), the Commandant shall—

(A) consider the findings of the surveys under subsection (b);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

(i) to minimize any impact to officer duties; and

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 545 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the surveys under subsection (b).

(2) **FORMAT.**—The report under paragraph (1) shall be formatted by each rank, type of board, and position, as applicable.

SEC. 804. EXTENSION OF AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is amended—

(1) in subsection (a), in the text preceding paragraph (1), by striking “sections 3304, 5333, and 5753” and inserting “section 3304”; and

(2) by striking subsection (b), and redesignating subsection (c) as subsection (b).

SEC. 805. COAST GUARD ROTC PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program based on the other Armed Forces programs.

SEC. 806. CURRENCY DETECTION CANINE TEAM PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **CANINE CURRENCY DETECTION TEAM.**—The term “canine currency detection team” means a canine and a canine handler that are trained to detect currency.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(b) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement, including underway vessel boardings.

(c) **OPERATION.**—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).

SEC. 807. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL SEARCH AND RESPONSE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the “Center of Expertise”) in accordance with section 313 of title 14, United States Code, as amended by this Act.

(b) **LOCATION.**—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure on and connecting the Great

Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) **FUNCTIONS.**—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response techniques and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

(d) **DEFINITION.**—In this section, the term “Great Lakes” means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.

SEC. 808. PUBLIC SAFETY ANSWERING POINTS AND MARITIME SEARCH AND RESCUE COORDINATION.

Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard shall review Coast Guard policies and procedures for public safety answering points and search-and-rescue coordination with State and local law enforcement entities in order to—

(A) further minimize the possibility of maritime 911 calls being improperly routed; and

(B) assure the Coast Guard is able to effectively carry out the Coast Guard's maritime search and rescue mission; and

(2) the Commandant shall—

(A) formulate a national maritime public safety answering points policy; and

(B) submit a report to the Congress on such assessment and policy, which shall include an update to the report submitted in accordance with section 233 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014.

SEC. 809. SHIP SHOAL LIGHTHOUSE TRANSFER: REPEAL.

Effective January 1, 2021, section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2218) is repealed.

SEC. 810. LAND EXCHANGE, AYAKULIK ISLAND, ALASKA.

(a) **LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.**—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 90 days after receiving the notice under paragraph (1), the Commandant shall

develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate one or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

(3) within 90 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(b) **BOUNDARY REVISIONS.**—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) **PUBLIC LAND ORDER.**—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) **FAILURE TO TIMELY RESPOND TO NOTICE.**—If the Commandant does not transmit proposed operational restrictions to the Secretary within 30 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 60 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) **CERCLA NOT AFFECTED.**—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) **DEFINITIONS.**—In this section:

(1) **COMMANDANT.**—The term “Commandant” means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **TRACT.**—The term “Tract” means the land (including submerged land) depicted as “PROPOSED PROPERTY EXCHANGE AREA” on the survey titled “PROPOSED PROPERTY EXCHANGE PARCEL” and dated 3/22/17.

SEC. 811. USE OF TRACT 43.

Section 524(e)(2) of the Pribilof Island Transition Completion Act of 2016 (Public Law 114-120), as amended by section 3533 of the Pribilof Island Transition Completion Amendments Act of 2016 (subtitle B of title XXXV of Public Law 114-328), is amended by—

(1) striking “each month” and inserting “each April and October”; and

(2) striking “previous month” and inserting “previous six months”.

SEC. 812. COAST GUARD MARITIME DOMAIN AWARENESS.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall seek to enter into an arrange-

ment with the National Academy of Sciences not later than 60 days after the date of the enactment of this Act under which the Academy shall prepare an assessment of available unmanned, autonomous, or remotely controlled maritime domain awareness technologies for use by the Coast Guard.

(b) **ASSESSMENT.**—The assessment shall—

(1) describe the potential limitations of current and emerging unmanned technologies used in the maritime domain for—

(A) ocean observation;

(B) vessel monitoring and identification;

(C) weather observation;

(D) to the extent practicable for consideration by the Academy, intelligence gathering, surveillance, and reconnaissance; and

(E) communications;

(2) examine how technologies described in paragraph (1) can help prioritize Federal investment by examining;

(A) affordability, including acquisition, operations, and maintenance;

(B) reliability;

(C) versatility;

(D) efficiency; and

(E) estimated service life and persistence of effort; and

(3) analyze whether the use of new and emerging maritime domain awareness technologies can be used to—

(A) carry out Coast Guard missions at lower costs;

(B) expand the scope and range of Coast Guard maritime domain awareness;

(C) allow the Coast Guard to more efficiently and effectively allocate Coast Guard vessels, aircraft, and personnel; and

(D) identify adjustments that would be necessary in Coast Guard policies, procedures, and protocols to incorporate unmanned technologies to enhance efficiency.

(c) **REPORT TO CONGRESS.**—Not later than 1 year after entering into an arrangement with the Secretary under subsection (a), the National Academy of Sciences shall submit the assessment prepared under this section to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) **USE OF INFORMATION.**—In formulating costs pursuant to subsection (b), the National Academy of Sciences may utilize information from other Coast Guard reports, assessments, or analyses regarding existing Coast Guard manpower requirements or other reports, assessments, or analyses for the acquisition of unmanned, autonomous, or remotely controlled technologies by the Federal Government.

SEC. 813. MONITORING.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities, including illegal, unreported, and unregulated fishing, in the Western Pacific region.

(b) **REQUIREMENTS.**—The pilot program shall—

(1) consider the use of light aircraft-based detection systems that can identify potential illegal activity from high altitudes and produce enforcement-quality evidence at low altitudes; and

(2) be directed at detecting and deterring illegal maritime activities, including illegal, unreported, and unregulated fishing, and enhancing maritime domain awareness.

SEC. 814. REIMBURSEMENTS FOR NON-FEDERAL CONSTRUCTION COSTS OF CERTAIN AIDS TO NAVIGATION.

(a) **IN GENERAL.**—Subject to the availability of amounts specifically provided in

advance in subsequent appropriations Acts and in accordance with this section, the Commandant of the Coast Guard may reimburse a non-Federal entity for costs incurred by the entity for a covered project.

(b) **CONDITIONS.**—The Commandant may not provide reimbursement under subsection (a) with respect to a covered project unless—

(1) the need for the project is a result of the completion of construction with respect to a federally authorized navigation channel;

(2) the Commandant determines, through an appropriate navigation safety analysis, that the project is necessary to ensure safe marine transportation;

(3) the Commandant approves the design of the project to ensure that it meets all applicable Coast Guard aids-to-navigation standards and requirements;

(4) the non-Federal entity agrees to transfer the project upon completion to the Coast Guard for operation and maintenance by the Coast Guard as a Federal aid to navigation;

(5) the non-Federal entity carries out the project in accordance with the same laws and regulations that would apply to the Coast Guard if the Coast Guard carried out the project, including obtaining all permits required for the project under Federal and State law; and

(6) the Commandant determines that the project satisfies such additional requirements as may be established by the Commandant.

(c) **LIMITATIONS.**—Reimbursements under subsection (a) may not exceed the following:

(1) For a single covered project, \$5,000,000.

(2) For all covered projects in a single fiscal year, \$5,000,000.

(d) **EXPIRATION.**—The authority granted under this section shall expire on the date that is 4 years after the date of enactment of this section.

(e) **COVERED PROJECT DEFINED.**—In this section, the term “covered project” means a project carried out—

(1) by a non-Federal entity to construct and establish an aid to navigation that facilitates safe and efficient marine transportation on a Federal navigation project authorized by title I of the Water Resources Development Act of 2007 (Public Law 110-114); and

(2) in an area that was affected by Hurricane Harvey.

SEC. 815. TOWING SAFETY MANAGEMENT SYSTEM FEES.

(a) **REVIEW.**—The Commandant of the Coast Guard shall—

(1) review and compare the costs to the Government of—

(A) towing vessel inspections performed by the Coast Guard; and

(B) such inspections performed by a third party; and

(2) based on such review and comparison, determine whether the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard.

(b) **REVISION OF FEES.**—If the Commandant determines under subsection (a) that the costs to the Government of such inspections performed by a third party are different than the costs to the Government of such inspections performed by the Coast Guard, then the Commandant shall revise the fee assessed by the Coast Guard for such inspections as necessary to conform to the requirements under section 9701 of title 31, United States Code, that such fee be based on the cost to the Government of such inspections and accurately reflect such costs.

SEC. 816. OIL SPILL DISBURSEMENTS AUDITING AND REPORT.

Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by repealing subsection (g);
 (2) in subsection (1)(1), by striking “Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter,” and inserting “Each year, on the date on which the President submits to Congress a budget under section 1105 of title 31, United States Code,”; and
 (3) by amending subsection (1)(2) to read as follows:

“(2) CONTENTS.—The report shall include—
 “(A) a list of each incident that—
 “(i) occurred in the preceding fiscal year; and

“(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more;

“(B) a list of each incident that—
 “(i) occurred in the fiscal year preceding the preceding fiscal year; and
 “(ii) resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more; and
 “(C) an accounting of any amounts reimbursed to the Fund in the preceding fiscal year that were recovered from a responsible party for an incident that resulted in disbursements from the Fund, for removal costs and damages, totaling \$500,000 or more.”.

SEC. 817. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report including—

(1) an assessment of Coast Guard at-sea operational fleet requirements to support its statutory missions established in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.); and

(2) a strategic plan for meeting the requirements identified under paragraph (1).

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an assessment of—
 (A) the extent to which the Coast Guard at-sea operational fleet requirements referred to in subsection (a)(1) are currently being met;

(B) the Coast Guard’s current fleet, its operational lifespan, and how the anticipated changes in the age and distribution of vessels in the fleet will impact the ability to meet at-sea operational requirements;

(C) fleet operations and recommended improvements to minimize costs and extend operational vessel life spans; and

(D) the number of Fast Response Cutters, Offshore Patrol Cutters, and National Security Cutters needed to meet at-sea operational requirements as compared to planned acquisitions under the current programs of record;

(2) an analysis of—
 (A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the Coast Guard’s current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and
 (B) whether existing and planned cutter programs of record (including the Fast Response Cutter, Offshore Patrol Cutter, and National Security Cutter) will enable the Coast Guard to meet at-sea operational requirements; and

(3) a description of—
 (A) planned manned and unmanned vessel acquisition; and
 (B) how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met.

(c) CONSULTATION AND TRANSPARENCY.—

(1) CONSULTATION.—In consulting with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—

(A) provide the stakeholders with opportunities for input—

(i) prior to initially drafting the report, including the assessment and strategic plan; and

(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and

(B) document the input and its disposition in the report.

(2) TRANSPARENCY.—All input provided under paragraph (1) shall be made available to the public.

(d) ENSURING MARITIME COVERAGE.—In order to meet Coast Guard mission requirements for search and rescue, ports, waterways, and coastal security, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

SEC. 818. NATIONAL SECURITY CUTTER.

(a) STANDARD METHOD FOR TRACKING.—The Commandant of the Coast Guard may not certify an eighth National Security Cutter as Ready for Operations before the date on which the Commandant provides to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a notification of a new standard method for tracking operational employment of Coast Guard major cutters that does not include time during which such a cutter is away from its homeport for maintenance or repair; and

(2) a report analyzing cost and performance for different approaches to achieving varied levels of operational employment using the standard method required by paragraph (1) that, at a minimum—

(A) compares over a 30-year period the average annualized baseline cost and performances for a certified National Security Cutter that operated for 185 days away from homeport or an equivalent alternative measure of operational tempo—

(i) against the cost of a 15 percent increase in days away from homeport or an equivalent alternative measure of operational tempo for a National Security Cutter; and

(ii) against the cost of the acquisition and operation of an additional National Security Cutter; and

(B) examines the optimal level of operational employment of National Security Cutters to balance National Security Cutter cost and mission performance.

(b) CONFORMING AMENDMENTS.—

(1) Section 221(b) of the Coast Guard and Maritime Transportation Act of 2012 (126 Stat. 1560) is repealed.

(2) Section 204(c)(1) of the Coast Guard Authorization Act of 2016 (130 Stat. 35) is repealed.

SEC. 819. ACQUISITION PLAN FOR INLAND WATERWAY AND RIVER TENDERS AND BAY-CLASS ICEBREAKERS.

(a) ACQUISITION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to replace or extend the life of the Coast Guard fleet of inland waterway and river tenders, and the Bay-class icebreakers.

(b) CONTENTS.—The plan under subsection (a) shall include—

(1) an analysis of the work required to extend the life of vessels described in subsection (a);

(2) recommendations for which, if any, such vessels it is cost effective to undertake a ship-life extension or enhanced maintenance program;

(3) an analysis of the aids to navigation program to determine if advances in navigation technology may reduce the needs for physical aids to navigation;

(4) recommendations for changes to physical aids to navigation and the distribution of such aids that reduce the need for the acquisition of vessels to replace the vessels described in subsection (a);

(5) a schedule for the acquisition of vessels to replace the vessels described in subsection (a), including the date on which the first vessel will be delivered;

(6) the date such acquisition will be complete;

(7) a description of the order and location of replacement vessels;

(8) an estimate of the cost per vessel and of the total cost of the acquisition program of record; and

(9) an analysis of whether existing vessels can be used.

SEC. 820. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by this Act, for the construction of an icebreaker that is at least as capable as the Coast Guard Cutter *Mackinaw* to enhance icebreaking capacity on the Great Lakes.

(b) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act, 2017 (Public Law 115-31) will be allocated to support the acquisition activities referred to in paragraph (1).

SEC. 821. POLAR ICEBREAKERS.

(a) ENHANCED MAINTENANCE PROGRAM FOR THE *POLAR STAR*.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall conduct an enhanced maintenance program on Coast Guard Cutter *Polar Star* (WAGB-10) to extend the service life of such vessel until at least December 31, 2025.

(2) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of the Coast Guard Authorization Act of 2017, the Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives a detailed report describing a plan to extend the service life of the Coast Guard Cutter *Polar Star* (WAGB-10) until at least December 31, 2025, through an enhanced maintenance program.

(3) **CONTENT.**—The report required by paragraph (2) shall include the following:

(A) An assessment and discussion of the enhanced maintenance program recommended by the National Academies of Sciences, Engineering, and Medicine's Committee on Polar Icebreaker Cost Assessment in the letter report "Acquisition and Operation of Polar Icebreakers: Fulfilling the Nation's Needs".

(B) An assessment and discussion of the Government Accountability Office's concerns and recommendations regarding service life extension work on Coast Guard Cutter *Polar Star* (WAGB-10) in the report "Status of the Coast Guard's Polar Icebreaking Fleet Capability and Recapitalization Plan".

(C) Based upon a materiel condition assessment of the Coast Guard Cutter *Polar Star* (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the amount needed to be appropriated to complete the enhanced maintenance program.

(D) A plan to ensure the vessel will maintain seasonally operational status during the enhanced maintenance program.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—The Commandant of the Coast Guard may use funds made available pursuant to section 4902 of title 14, United States Code, as amended by section 202 of this Act, for the enhanced maintenance program described in the report required by subsection (a).

(b) **COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012; AMENDMENT.**—Section 222 of the Coast Guard and Maritime Transportation Act of 2012 (Public Law 112-213), as amended, is further amended as follows:

(1) by striking subsections (a) through (d);

(2) by redesignating subsections (e) through (g) as subsections (a) through (c), respectively;

(3) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (1), by striking "Except as provided in subsection (c), the Commandant" and inserting "The Commandant";

(B) in paragraph (1) by striking "Polar Sea or";

(C) in paragraph (2) by striking "either of the vessels" and inserting "the *Polar Star* or the *Polar Sea*"; and

(D) in paragraph (3) by striking "either of the vessels" each place it appears and inserting "the *Polar Star*".

SEC. 822. STRATEGIC ASSETS IN THE ARCTIC.

(a) **DEFINITION OF ARCTIC.**—In this section, the term "Arctic" has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and

(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat with appropriate assets.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

(d) **CONTENTS.**—The report under subsection (c) shall include—

(1) a description of the Coast Guard's progress toward each strategic objective identified in the United States Coast Guard Arctic Strategy dated May 2013;

(2) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as—

(A) response time;

(B) coverage area;

(C) endurance on scene;

(D) presence; and

(E) deterrence;

(3) an analysis of the sufficiency of the distribution of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters both stationed in various Alaskan ports and in other locations to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy, dated May 2013;

(4) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and mitigate close calls, collisions, and other dangerous interactions between the shipping industry and subsistence hunters;

(5) plans to prevent marine casualties, when possible, by ensuring vessels avoid environmentally sensitive areas and permanent security zones;

(6) an explanation of—

(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and

(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic; and

(7) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities.

SEC. 823. ARCTIC PLANNING CRITERIA.

(a) **ALTERNATIVE PLANNING CRITERIA.**—

(1) **IN GENERAL.**—For purposes of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), the Commandant of the Coast Guard may approve a vessel response plan under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for a vessel operating in any area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic, if the Commandant verifies that—

(A) equipment required to be available for response under the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and

(B) the operators of such equipment have conducted training on the equipment within the area covered by such Captain of the Port Zone.

(2) **POST-APPROVAL REQUIREMENTS.**—In approving a vessel response plan under paragraph (1), the Commandant shall—

(A) require that the oil spill removal organization identified in the vessel response plan conduct regular exercises and drills using the response resources identified in the plan in the area covered by the Captain of the Port Zone that includes the Arctic; and

(B) allow such oil spill removal organization to take credit for a response to an actual spill or release in the area covered by such Captain of the Port Zone, instead of conducting an exercise or drill required under subparagraph (A), if the oil spill removal organization—

(i) documents which exercise or drill requirements were met during the response; and

(ii) submits a request for credit to, and receives approval from, the Commandant.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone (as established by the Commandant) that includes the Arctic.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include the following:

(A) A description of equipment and assets available for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone, including details on any providers of such equipment and assets.

(B) A description of the location of such equipment and assets, including an estimate of the time to deploy the equipment and assets.

(C) A determination of how effectively such equipment and assets are distributed throughout the area covered by the Captain of the Port Zone.

(D) A statement regarding whether the ability to maintain and deploy such equipment and assets is taken into account when measuring the equipment and assets available throughout the area covered by the Captain of the Port Zone.

(E) A validation of the port assessment visit process and response resource inventory for response under the vessel response plans approved for vessels operating in the area covered by the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regulations in the area covered by the Captain of the Port Zone during the previous 3 years.

(G) A description of the resources needed throughout the area covered by the Captain of the Port Zone to conduct port assessments, exercises, response plan reviews, and spill responses.

(c) **DEFINITION OF ARCTIC.**—In this section, the term "Arctic" has the meaning given the term under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 824. VESSEL RESPONSE PLAN AUDIT.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive review of the processes and resources used by the Coast Guard to implement vessel response plan requirements under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(b) **REQUIRED ELEMENTS OF REVIEW.**—The review required under subsection (a) shall, at a minimum, include—

(1) a study, or an audit if appropriate, of the processes the Coast Guard uses—

(A) to approve the vessel response plans referred to in subsection (a);

(B) to approve alternate planning criteria used in lieu of National Planning Criteria in approving such plans;

(C) to verify compliance with such plans; and

(D) to act in the event of a failure to comply with the requirements of such plans;

(2) an examination of all Federal and State agency resources used by the Coast Guard in carrying out the processes identified under paragraph (1), including—

(A) the current staffing model and organization;

(B) data, software, simulators, systems, or other technology, including those pertaining to weather, oil spill trajectory modeling, and risk management;

(C) the total amount of time per fiscal year expended by Coast Guard personnel to approve and verify compliance with vessel response plans; and

(D) the average amount of time expended by the Coast Guard for approval of, and verification of compliance with, a single vessel response plan;

(3) an analysis of how, including by what means or methods, the processes identified under paragraph (1)—

(A) ensure compliance with applicable law; (B) are implemented by the Coast Guard, including at the district and sector levels;

(C) are informed by public comment and engagement with States, Indian Tribes, and other regional stakeholders;

(D) ensure availability and adequate operational capability and capacity of required assets and equipment, including in cases in which contractual obligations may limit the availability of such assets and equipment for response;

(E) provide for adequate asset and equipment mobilization time requirements, particularly with respect to—

(i) calculation and establishment of such requirements;

(ii) verifying compliance with such requirements; and

(iii) factoring in weather, including specific regional adverse weather as defined in section 155.1020 of title 33, Code of Federal Regulations, in calculating, establishing, and verifying compliance with such requirements;

(F) ensure response plan updates and vessel compliance when changes occur in response planning criteria, asset and equipment mobilization times, or regional response needs, such as trends in transportation of high gravity oils or changes in vessel traffic volume; and

(G) enable effective action by the Coast Guard in the event of a failure to comply with response plan requirements;

(4) a determination regarding whether asset and equipment mobilization time requirements under approved vessel response plans can be met by the vessels to which they apply; and

(5) recommendations for improving the processes identified under paragraph (1), including recommendations regarding the sufficiency of Coast Guard resources dedicated to those processes.

SEC. 825. WATERS DEEMED NOT NAVIGABLE WATERS OF THE UNITED STATES FOR CERTAIN PURPOSES.

For purposes of the application of subtitle II of title 46, United States Code, to the *Volunteer* (Hull Number CCA4108), the Illinois and Michigan Canal is deemed to not be navigable waters of the United States.

SEC. 826. DOCUMENTATION OF RECREATIONAL VESSELS.

Coast Guard personnel performing nonrecreational vessel documentation functions under subchapter II of chapter 121 of title 46, United States Code, may perform recreational vessel documentation under section 12114 of such title in any fiscal year in which—

(1) funds available for Coast Guard operating expenses may not be used for expenses incurred for recreational vessel documentation;

(2) fees collected from owners of yachts and credited to such use are insufficient to pay expenses of recreational vessel documentation; and

(3) there is a backlog of applications for recreational vessel documentation.

SEC. 827. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL FLOTATION DEVICES REQUIREMENT.

Not later than one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall—

(1) prescribe regulations in part 160 of title 46, Code of Federal Regulations, that treat a marine throw bag, as that term is commonly used in the commercial whitewater rafting industry, as a type of lifesaving equipment; and

(2) revise section 175.17 of title 33, Code of Federal Regulations, to exempt rafts that are 16 feet or more overall in length from the requirement to carry an additional throwable personal flotation device when such a marine throw bag is onboard and accessible.

SEC. 828. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) **REGULATIONS.**—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the Secretary shall revise part 175 of title 33, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

SEC. 829. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner actively using the mariner's credential complete an approved refresher or recertification course to maintain a radar observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

SEC. 830. COMMERCIAL FISHING VESSEL SAFETY NATIONAL COMMUNICATIONS PLAN.

(a) **REQUIREMENT FOR PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a national communications plan for the purposes of—

(1) disseminating information to the commercial fishing vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel industry; and

(4) releasing information collected under section 15102 of title 46, United States Code, as added by this Act, to the commercial fishing vessel industry.

(b) **CONTENT.**—The plan required by subsection (a), and each annual update, shall—

(1) identify staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

(3) include a mechanism to measure effectiveness of such plan.

(c) **IMPLEMENTATION.**—Not later than one year after submission of the initial plan, the

Secretary of the department in which the Coast Guard is operating shall implement the plan and shall at a minimum—

(1) leverage Coast Guard staff, resources, and systems available;

(2) monitor implementation nationwide to ensure adherence to plan contents;

(3) allow each Captain of the Port to adopt the most effective strategy and means to communicate with commercial fishing vessel industry in that Captain of the Port Zone;

(4) document communication and outreach; and

(5) solicit feedback from the commercial fishing vessel industry.

(d) **REPORT AND UPDATES.**—The Secretary of the department in which the Coast Guard is operating shall—

(1) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the effectiveness of the plan to date and any updates to ensure maximum impact of the plan one year after the date of enactment of this Act, and every 4 years thereafter; and

(2) include in such report input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry.

SEC. 831. ATLANTIC COAST PORT ACCESS ROUTE STUDY RECOMMENDATIONS.

Not later than 30 days after the date of the enactment of the Act, the Commandant of the Coast Guard shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of action taken to carry out the recommendations contained in the final report issued by the Atlantic Coast Port Access Route Study (ACPARS) workgroup for which notice of availability was published March 14, 2016 (81 Fed. Reg. 13307).

SEC. 832. DRAWBRIDGES.

Section 5 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following:

“(d) **TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.**—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

“(1) is approved—

“(A) the Secretary of the department in which the Coast Guard is operating shall—

“(i) issue a deviation approval letter to the bridge owner; and

“(ii) announce the temporary change in—

“(I) the Local Notice to Mariners;

“(II) a broadcast notice to mariners and through radio stations; or

“(III) such other local media as the Secretary considers appropriate; and

“(B) the bridge owner, except a railroad bridge owner, shall notify—

“(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

“(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

“(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

“(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

“(A) not later than 10 days after the date of receipt of the request, provide the bridge

owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

“(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

“(e) DRAWBRIDGE MOVEMENTS.—The Secretary of the department in which the Coast Guard is operating—

“(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

“(2) may inspect the logbook to ensure drawbridge movement is in accordance with the posted operating schedule;

“(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

“(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

“(f) REQUIREMENTS.—

“(1) LOGBOOKS.—An operator of a drawbridge built across a navigable river or other water of the United States—

“(A) that opens the draw of such bridge for the passage of a vessel, shall record in a logbook—

“(i) the bridge identification and date of each opening;

“(ii) the bridge tender or operator for each opening;

“(iii) each time it is opened for navigation;

“(iv) each time it is closed for navigation;

“(v) the number and direction of vessels passing through during each opening;

“(vi) the types of vessels passing through during each opening;

“(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

“(viii) for each vessel, the vessel name and registration number if easily observable; and

“(ix) all maintenance openings, malfunctions, or other comments; and

“(B) that remains open to navigation but closes to allow for trains to cross, shall record in a logbook—

“(i) the bridge identification and date of each opening and closing;

“(ii) the bridge tender or operator;

“(iii) each time it is opened to navigation;

“(iv) each time it is closed to navigation; and

“(v) all maintenance openings, closings, malfunctions, or other comments.

“(2) MAINTENANCE OF LOGBOOKS.—A drawbridge operator shall maintain logbooks required under paragraph (1) for not less than 5 years.

“(3) SUBMISSION OF LOGBOOKS.—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary the logbook required under paragraph (1) as the Secretary considers necessary to carry out this section.

“(4) EXEMPTION.—The requirements under paragraph (1) shall be exempt from sections 3501 to 3521 of title 44, United States Code.”.

SEC. 833. WAIVER.

Section 8902 of title 46, United States Code, shall not apply to the chain ferry DIANE (United States official number CG002692) when such vessel is operating on the Kalamazoo River in Saugatuck, Michigan.

SEC. 834. FIRE-RETARDANT MATERIALS.

Section 3503 of title 46, United States Code, is amended to read as follows:

“§ 3503. Fire-retardant materials

“(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

“(A) the vessel is constructed of fire-retardant materials; and

“(B) the vessel—

“(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations; and

“(ii) is operating boilers and main electrical generators that are contained within noncombustible enclosures equipped with fire suppression systems.

“(2) Before December 1, 2028, this subsection does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

“(b)(1) The owner or managing operator of an exempted vessel described in subsection (a)(2) shall—

“(A) notify in writing prospective passengers, prior to purchase, and each crew member that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

“(B) display in clearly legible font prominently throughout the vessel, including in each state room the following: ‘THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.’;

“(C) acquire prior to the vessel entering service, and maintain, liability insurance in an amount to be prescribed by the Federal Maritime Commission;

“(D) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

“(E) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

“(F) ensure, to the satisfaction of the Secretary, that the combustible fire-load has been reduced pursuant to subparagraph (D) during each annual inspection for certification;

“(G) ensure the vessel has multiple forms of egress off the vessel’s bow and stern;

“(H) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to subparagraph (D) and comply with any noncombustible material requirements prescribed by the Coast Guard;

“(I) annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with the requirement under subsection (a)(1);

“(J) provide crewmembers manning such vessel shipboard training that—

“(i) is specialized for exempted vessels;

“(ii) exceeds requirements related to standards for firefighting training under chapter I of title 46, Code of Federal Regulations, as in effect on October 1, 2017; and

“(iii) is approved by the Coast Guard; and

“(K) to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

“(2) The owner or managing operator of an exempted vessel described in subsection (a)(2) may not disclaim liability to a passenger or crew member of such vessel for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator.

“(3) The Secretary shall—

“(A) conduct an annual audit and inspection of each exempted vessel described in subsection (a)(2);

“(B) in implementing subparagraph (b)(1)(F), consider, to the extent practicable, the goal of preservation of the historic integrity of such vessel in areas carrying or accessible to passengers or generally visible to the public; and

“(C) prescribe regulations to carry out this section, including to prescribe the manner in which prospective passengers are to be notified under paragraph (1)(A).

“(4) The penalties provided in section 3504(c) of this title shall apply to a violation of this subsection.

“(c) In addition to otherwise applicable penalties, the Secretary may immediately withdraw a certificate of inspection for an exempted vessel described in subsection (a)(2) that does not comply with any requirement under subsection (b).”.

SEC. 835. VESSEL WAIVER.

(a) IN GENERAL.—Upon the date of enactment of this Act and notwithstanding sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary shall issue a certificate of documentation with coastwise and fishery endorsements to the certificated vessel.

(b) REPLACEMENT VESSEL.—The certificated vessel shall qualify as a replacement vessel for the vessel “AMERICA NO.1” (United States official number 610654) and not be precluded from operating as an Amendment 80 replacement vessel under the provisions of part 679 of title 50, Code of Federal Regulations.

(c) COAST GUARD REVIEW AND DETERMINATION.—

(1) REVIEW.—Not later than 30 days after the date of enactment of this Act, the Secretary shall conduct a review of the use of certain foreign fabricated steel components in the hull or superstructure of the certificated vessel.

(2) DETERMINATION.—Based on the review conducted under paragraph (1), the Secretary shall determine whether the shipyard that constructed the certificated vessel or the purchaser of the certificated vessel knew before such components were procured or installed that the use of such components would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code.

(3) REVOCATION.—If the Secretary determines under paragraph (2) that the shipyard that constructed the certificated vessel or the purchaser of the certificated vessel knew before such components were procured or installed that the use of such components would violate requirements under sections 12112(a)(2)(A) and 12113(a)(2) of title 46, United States Code, the Secretary shall immediately revoke the certificate of documentation issued under subsection (a).

(4) USE OF DOCUMENTS.—In conducting the review required under paragraph (1), the Secretary may request and review any information, correspondence, or documents related to the construction of the certificated vessel, including from the shipyard that constructed the certificated vessel and the purchaser of the certificated vessel.

(d) TERMINATION.—If the contract for purchase of the certificated vessel that is in effect on the date of enactment of this Act is terminated, the purchasing party to that contract shall be prohibited from entering into a subsequent contract or agreement for purchase of such vessel.

(e) DEFINITIONS.—In this section:

(1) CERTIFICATED VESSEL.—The term “certificated vessel” means the vessel America’s Finest (United States official number 1276760).

(2) SECRETARY.—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

SEC. 836. TEMPORARY LIMITATIONS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Upon the Coast Guard issuing a certificate of documentation with

coastwise and fishery endorsements for the vessel "AMERICA'S FINEST" (United States official number 1276760) and during any period such certificate is in effect, and subject to subsection (b), the total amount of groundfish harvested with respect to subparagraph (A) or the total amount of deliveries processed from other vessels with respect to subparagraph (B) by the vessels described in paragraph (2) shall not collectively exceed—

(A) the percentage of the harvest available in any Gulf of Alaska groundfish fisheries (other than fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council) that is equivalent to the total harvest by the vessels described in paragraph (2) in those fisheries in the calendar years that a vessel described in paragraph (2) had harvest from 2012 through 2017 relative to the total allowable catch available to such vessels in the calendar years 2012 through 2017; or

(B) the percentage of processing of deliveries from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries (including fisheries subject to a limited access privilege program created by the North Pacific Fishery Management Council, or community development quotas as described in section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i))) that is equivalent to the total processing of such deliveries by the vessels described in paragraph (2) in those fisheries in the calendar years 2012 through 2017 relative to the total allowable catch available in the calendar years 2012 through 2017.

(2) **APPLICABLE VESSELS.**—The limitations described in paragraph (1) shall apply, in the aggregate, to—

(A) the vessel AMERICA'S FINEST (United States official number 1276760);

(B) the vessel US INTREPID (United States official number 604439);

(C) the vessel AMERICAN NO. 1 (United States official number 610654);

(D) any replacement of a vessel described in subparagraph (A), (B), or (C); and

(E) any vessel assigned license number LLG3217 under the license limitation program under part 679 of title 50, Code of Federal Regulations.

(b) **EXPIRATION.**—The limitations described in subsection (a) shall apply to a groundfish species in Bering Sea, Aleutian Islands, and Gulf of Alaska only until the earlier of—

(1) the end of the 6-year period beginning on the date of enactment of this Act; or

(2) the date on which the Secretary of Commerce issues a final rule, based on recommendations developed by the North Pacific Fishery Management Council consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), that limits processing deliveries of that groundfish species from other vessels in any Bering Sea, Aleutian Islands, and Gulf of Alaska groundfish fisheries that are not subject to conservation and management measures under section 206 of the American Fisheries Act (16 U.S.C. 1851 note).

(c) **EXISTING AUTHORITY.**—Except for the measures required by this section, nothing in this title shall be construed to limit the authority of the North Pacific Fishery Management Council or the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 837. TRANSFER OF COAST GUARD PROPERTY IN JUPITER ISLAND, FLORIDA, FOR INCLUSION IN HOBE SOUND NATIONAL WILDLIFE REFUGE.

(a) **TRANSFER.**—Administrative jurisdiction over the property described in subsection (b)

is transferred to the Secretary of the Interior.

(b) **PROPERTY DESCRIBED.**—The property described in this subsection is real property administered by the Coast Guard in the Town of Jupiter Island, Florida, comprising Parcel #35-38-42-004-000-02590-6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach lots 261 to 267), including any improvements thereon that are not authorized or required by another provision of law to be conveyed to another person.

(c) **ADMINISTRATION.**—The property described in subsection (b) is included in Hobe Sound National Wildlife Refuge, and shall be administered by the Secretary of the Interior acting through the United States Fish and Wildlife Service.

SEC. 838. EMERGENCY RESPONSE.

Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall request the National Offshore Safety Advisory Committee to examine whether there are unnecessary regulatory barriers to the use of small passenger vessels, crewboats, and offshore supply vessels in disaster response and provide recommendations, as appropriate, to reduce such barriers.

SEC. 839. DRAWBRIDGES CONSULTATION.

(a) **CONSULTATION.**—In addition and subsequent to any rulemaking conducted under section 117.8 of title 33, Code of Federal Regulations, related to permanent changes to drawbridge openings that result from Amtrak service between New Orleans, Louisiana and Orlando, Florida, the Commandant shall consult with owners or operators of rail lines used for Amtrak passenger service between New Orleans, Louisiana and Orlando, Florida and affected waterway users on changes to drawbridge operating schedules necessary to facilitate the On Time Performance of passenger trains. These changes to schedules shall not impact Coast Guard response times to operational missions.

(b) **TIMING.**—Consultation in subsection (a) shall occur after commencement of Amtrak passenger service on the rail lines between New Orleans, Louisiana and Orlando, Florida at the following intervals:

(1) Not less than 3 months following the commencement of Amtrak passenger service.

(2) Not less than 6 months following the commencement of Amtrak passenger service.

(c) **REPORT.**—If after conducting the consultations required by subsection (b)(2), the Commandant finds that permanent changes to drawbridge operations are necessary to mitigate delays in the movement of trains described in subsection (a) and that those changes do not unreasonably obstruct the navigability of the affected waterways, then the Commandant shall submit those findings to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

TITLE IX—VESSEL INCIDENTAL DISCHARGE ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Vessel Incidental Discharge Act of 2018".

SEC. 902. PURPOSES; FINDINGS.

(a) **PURPOSES.**—The purposes of this title are—

(1) to provide for the establishment of uniform, environmentally sound standards and requirements for the management of discharges incidental to the normal operation of a vessel;

(2) to charge the Environmental Protection Agency with primary responsibility for establishing standards relating to the discharge of pollutants from vessels;

(3) to charge the Coast Guard with primary responsibility for prescribing, administering, and enforcing regulations, consistent with the discharge standards established by the Environmental Protection Agency, for the design, construction, installation, and operation of the equipment and management practices required onboard vessels; and

(4) to preserve, in certain circumstances, the flexibility of States, political subdivisions, and certain regions with respect to the establishment, administration, and enforcement of standards relating to the discharge of pollutants from vessels engaged in maritime commerce and transportation.

(b) **FINDINGS.**—Congress finds that—

(1) the Environmental Protection Agency is the principal Federal authority charged under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with regulating through the issuance of permits for the discharge of pollutants into the navigable waters of the United States;

(2) the Coast Guard is the principal Federal authority charged with administering, enforcing, and prescribing regulations relating to the discharge of pollutants from vessels; and

(3) during the period of 1973 to 2010—

(A) the Environmental Protection Agency promulgated regulations exempting certain discharges incidental to the normal operation of vessels from otherwise applicable permitting requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(B) Congress enacted laws on numerous occasions governing the regulation of discharges incidental to the normal operation of vessels, including—

(i) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.);

(ii) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

(iii) the National Invasive Species Act of 1996 (16 U.S.C. 4701 note; Public Law 104-332);

(iv) section 415 of the Coast Guard Authorization Act of 1998 (Public Law 105-383; 112 Stat. 3434) and section 623 of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note; Public Law 108-293), which established interim and permanent requirements, respectively, for the regulation of vessel discharges of certain bulk cargo residue;

(v) title XIV of division B of Appendix D of the Consolidated Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-315), which prohibited or limited certain vessel discharges in certain areas of Alaska;

(vi) section 204 of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1902a), which established requirements for the regulation of vessel discharges of agricultural cargo residue material in the form of hold washings; and

(vii) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.), which provided for the implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

SEC. 903. STANDARDS FOR DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

(a) **UNIFORM NATIONAL STANDARDS.**—

(1) **IN GENERAL.**—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

“(p) **UNIFORM NATIONAL STANDARDS FOR DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **AQUATIC NUISANCE SPECIES.**—The term ‘aquatic nuisance species’ means a non-indigenous species that threatens—

“(i) the diversity or abundance of a native species;

“(ii) the ecological stability of—

“(I) waters of the United States; or

“(II) waters of the contiguous zone; or

“(iii) a commercial, agricultural, aquacultural, or recreational activity that is dependent on—

“(I) waters of the United States; or

“(II) waters of the contiguous zone.

“(B) BALLAST WATER.—

“(i) IN GENERAL.—The term ‘ballast water’ means any water, suspended matter, and other materials taken onboard a vessel—

“(I) to control or maintain trim, draught, stability, or stresses of the vessel, regardless of the means by which any such water or suspended matter is carried; or

“(II) during the cleaning, maintenance, or other operation of a ballast tank or ballast water management system of the vessel.

“(ii) EXCLUSION.—The term ‘ballast water’ does not include any substance that is added to the water described in clause (i) that is directly related to the operation of a properly functioning ballast water management system.

“(C) BALLAST WATER DISCHARGE STANDARD.—The term ‘ballast water discharge standard’ means—

“(i) the numerical ballast water discharge standard established by section 151.1511 or 151.2030 of title 33, Code of Federal Regulations (or successor regulations); or

“(ii) if a standard referred to in clause (i) is superseded by a numerical standard of performance under this subsection, that superseding standard.

“(D) BALLAST WATER EXCHANGE.—The term ‘ballast water exchange’ means the replacement of water in a ballast water tank using 1 of the following methods:

“(i) Flow-through exchange, in which ballast water is flushed out by pumping in midocean water at the bottom of the tank, if possible, and continuously overflowing the tank from the top continuously until 3 full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

“(ii) Empty and refill exchange, in which ballast water taken on in ports, estuarine waters, or territorial waters is pumped out until the pump loses suction, after which the ballast tank is refilled with midocean water.

“(E) BALLAST WATER MANAGEMENT SYSTEM.—The term ‘ballast water management system’ means any marine pollution control device (including all ballast water treatment equipment, ballast tanks, pipes, pumps, and all associated control and monitoring equipment) that processes ballast water—

“(i) to kill, render nonviable, or remove organisms; or

“(ii) to avoid the uptake or discharge of organisms.

“(F) BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE.—The term ‘best available technology economically achievable’ means—

“(i) best available technology economically achievable (within the meaning of section 301(b)(2)(A));

“(ii) best available technology (within the meaning of section 304(b)(2)(B)); and

“(iii) best available technology, as determined in accordance with section 125.3(d)(3) of title 40, Code of Federal Regulations (or successor regulations).

“(G) BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY.—The term ‘best conventional pollutant control technology’ means—

“(i) best conventional pollutant control technology (within the meaning of section 301(b)(2)(E));

“(ii) best conventional pollutant control technology (within the meaning of section 304(b)(4)); and

“(iii) best conventional pollutant control technology, as determined in accordance with section 125.3(d)(2) of title 40, Code of Federal Regulations (or successor regulations).

“(H) BEST MANAGEMENT PRACTICE.—

“(i) IN GENERAL.—The term ‘best management practice’ means a schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of—

“(I) the waters of the United States; or

“(II) the waters of the contiguous zone.

“(ii) INCLUSIONS.—The term ‘best management practice’ includes any treatment requirement, operating procedure, or practice to control—

“(I) vessel runoff;

“(II) spillage or leaks;

“(III) sludge or waste disposal; or

“(IV) drainage from raw material storage.

“(I) BEST PRACTICABLE CONTROL TECHNOLOGY CURRENTLY AVAILABLE.—The term ‘best practicable control technology currently available’ means—

“(i) best practicable control technology currently available (within the meaning of section 301(b)(1)(A));

“(ii) best practicable control technology currently available (within the meaning of section 304(b)(1)); and

“(iii) best practicable control technology currently available, as determined in accordance with section 125.3(d)(1) of title 40, Code of Federal Regulations (or successor regulations).

“(J) CAPTAIN OF THE PORT ZONE.—The term ‘Captain of the Port Zone’ means a Captain of the Port Zone established by the Secretary pursuant to sections 92, 93, and 633 of title 14, United States Code.

“(K) EMPTY BALLAST TANK.—The term ‘empty ballast tank’ means a tank that—

“(i) has previously held ballast water that has been drained to the limit of the functional or operational capabilities of the tank (such as loss of suction);

“(ii) is recorded as empty on a vessel log; and

“(iii) contains unpumpable residual ballast water and sediment.

“(L) GREAT LAKES COMMISSION.—The term ‘Great Lakes Commission’ means the Great Lakes Commission established by article IV A of the Great Lakes Compact to which Congress granted consent in the Act of July 24, 1968 (Public Law 90-419; 82 Stat. 414).

“(M) GREAT LAKES STATE.—The term ‘Great Lakes State’ means any of the States of—

“(i) Illinois;

“(ii) Indiana;

“(iii) Michigan;

“(iv) Minnesota;

“(v) New York;

“(vi) Ohio;

“(vii) Pennsylvania; and

“(viii) Wisconsin.

“(N) GREAT LAKES SYSTEM.—The term ‘Great Lakes System’ has the meaning given the term in section 118(a)(3).

“(O) MARINE POLLUTION CONTROL DEVICE.—The term ‘marine pollution control device’ means any equipment or management practice (or combination of equipment and a management practice), for installation or use onboard a vessel, that is—

“(i) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

“(ii) determined by the Administrator and the Secretary to be the most effective equipment or management practice (or combination of equipment and a management practice) to reduce the environmental impacts of the discharge, consistent with the factors for consideration described in paragraphs (4) and (5).

“(P) NONINDIGENOUS SPECIES.—The term ‘nonindigenous species’ means an organism of a species that enters an ecosystem beyond the historic range of the species.

“(Q) ORGANISM.—The term ‘organism’ includes—

“(i) an animal; including any fish or fish eggs or larvae;

“(ii) a plant;

“(iii) a pathogen;

“(iv) a microbe;

“(v) a virus;

“(vi) a prokaryote (including any archaean or bacterium);

“(vii) a fungus; and

“(viii) a protist.

“(R) PACIFIC COAST REGION.—

“(i) IN GENERAL.—The term ‘Pacific Coast Region’ means any Federal or State water—

“(I) adjacent to the State of Alaska, California, Oregon, or Washington; and

“(II) extending from shore.

“(ii) INCLUSION.—The term ‘Pacific Coast Region’ includes the entire exclusive economic zone (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) adjacent to each State described in clause (i)(I).

“(S) PORT OR PLACE OF DESTINATION.—The term ‘port or place of destination’ means a port or place to which a vessel is bound to anchor or moor.

“(T) RENDER NONVIALE.—The term ‘render nonviable’, with respect to an organism in ballast water, means the action of a ballast water management system that renders the organism permanently incapable of reproduction following treatment.

“(U) SALTWATER FLUSH.—

“(i) IN GENERAL.—The term ‘saltwater flush’ means—

“(I)(aa) the addition of as much midocean water into each empty ballast tank of a vessel as is safe for the vessel and crew; and

“(bb) the mixing of the flushwater with residual ballast water and sediment through the motion of the vessel; and

“(II) the discharge of that mixed water, such that the resultant residual water remaining in the tank—

“(aa) has the highest salinity possible; and

“(bb) is at least 30 parts per thousand.

“(ii) MULTIPLE SEQUENCES.—For purposes of clause (i), a saltwater flush may require more than 1 fill-mix-empty sequence, particularly if only small quantities of water can be safely taken onboard a vessel at 1 time.

“(V) SECRETARY.—The term ‘Secretary’ means the Secretary of the department in which the Coast Guard is operating.

“(W) SMALL VESSEL GENERAL PERMIT.—The term ‘Small Vessel General Permit’ means the permit that is the subject of the notice of final permit issuance entitled ‘Final National Pollutant Discharge Elimination System (NPDES) Small Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels Less Than 79 Feet’ (79 Fed. Reg. 53702 (September 10, 2014)).

“(X) SMALL VESSEL OR FISHING VESSEL.—The term ‘small vessel or fishing vessel’ means a vessel that is—

“(i) less than 79 feet in length; or

“(ii) a fishing vessel, fish processing vessel, or fish tender vessel (as those terms are defined in section 2101 of title 46, United States Code), regardless of the length of the vessel.

“(Y) VESSEL GENERAL PERMIT.—The term ‘Vessel General Permit’ means the permit that is the subject of the notice of final permit issuance entitled ‘Final National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges Incidental to the Normal Operation of a Vessel’ (78 Fed. Reg. 21938 (April 12, 2013)).

“(2) APPLICABILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection applies to—

“(i) any discharge incidental to the normal operation of a vessel; and

“(ii) any discharge incidental to the normal operation of a vessel (such as most graywater) that is commingled with sewage, subject to the conditions that—

“(I) nothing in this subsection prevents a State from regulating sewage discharges; and

“(II) any such commingled discharge shall comply with all applicable requirements of—

“(aa) this subsection; and

“(bb) any law applicable to discharges of sewage.

“(B) EXCLUSION.—This subsection does not apply to any discharge incidental to the normal operation of a vessel—

“(i) from—

“(I) a vessel of the Armed Forces subject to subsection (n);

“(II) a recreational vessel subject to subsection (o);

“(III) a small vessel or fishing vessel, except that this subsection shall apply to any discharge of ballast water from a small vessel or fishing vessel; or

“(IV) a floating craft that is permanently moored to a pier, including a ‘floating’ casino, hotel, restaurant, or bar;

“(ii) of ballast water, from a vessel—

“(I) that continuously takes on and discharges ballast water in a flow-through system, if the Administrator determines that system cannot materially contribute to the spread or introduction of an aquatic nuisance species into waters of the United States;

“(II) in the National Defense Reserve Fleet that is scheduled for disposal, if the vessel does not have an operable ballast water management system;

“(III) that discharges ballast water consisting solely of water taken onboard from a public or commercial source that, at the time the water is taken onboard, meets the applicable requirements or permit requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

“(IV) that carries all permanent ballast water in sealed tanks that are not subject to discharge; or

“(V) that only discharges ballast water into a reception facility;

“(iii) that results from, or contains material derived from, an activity other than the normal operation of the vessel, such as material resulting from an industrial or manufacturing process onboard the vessel; or

“(iv) that the Administrator determines contributes to a violation of a water quality standard established under section 303, other than a water quality standard based on the presence of an aquatic nuisance species.

“(3) CONTINUATION IN EFFECT OF EXISTING REQUIREMENTS.—

“(A) VESSEL GENERAL PERMIT.—Notwithstanding the expiration date of the Vessel General Permit or any other provision of law, all provisions of the Vessel General Permit shall remain in force and effect, and shall not be modified, until the applicable date described in subparagraph (C).

“(B) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT REGULATIONS.—Notwithstanding section 903(a)(2)(A) of the Vessel Incidental Discharge Act of 2018, all regulations promulgated by the Secretary pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection), including the regulations contained in subparts C and D of part 151 of title 33, Code of Federal Regulations, and subpart 162.060 of part 162 of title 46, Code of

Federal Regulations (as in effect on the day before that date of enactment), shall remain in force and effect until the applicable date described in subparagraph (C).

“(C) REPEAL ON EXISTENCE OF FINAL, EFFECTIVE, AND ENFORCEABLE REQUIREMENTS.—Effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (B), (C), and (D) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable, the requirements of the Vessel General Permit and the regulations described in subparagraph (B) shall have no force or effect.

“(4) NATIONAL STANDARDS OF PERFORMANCE FOR MARINE POLLUTION CONTROL DEVICES.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator, in concurrence with the Secretary (subject to clause (ii)), and in consultation with interested States, shall promulgate Federal standards of performance for marine pollution control devices for each type of discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection.

“(ii) CONCURRENCE WITH SECRETARY.—

“(I) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a proposed standard of performance under clause (i).

“(II) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under clause (i) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under subclause (I) shall not prevent the Administrator from promulgating the relevant standard of performance in accordance with the deadline under clause (i), subject to the condition that the Administrator shall include in the administrative record of the promulgation—

“(aa) documentation of the request submitted under subclause (I); and

“(bb) the response of the Administrator to any written objections received from the Secretary relating to the proposed standard of performance during the 60-day period beginning on the date of submission of the request.

“(iii) PROCEDURE.—The Administrator shall promulgate the standards of performance under this subparagraph in accordance with—

“(I) this paragraph; and

“(II) section 553 of title 5, United States Code.

“(B) STRINGENCY.—

“(i) IN GENERAL.—Subject to clause (iii), the standards of performance promulgated under this paragraph shall require—

“(I) with respect to conventional pollutants, toxic pollutants, and nonconventional pollutants (including aquatic nuisance species), the application of the best practicable control technology currently available;

“(II) with respect to conventional pollutants, the application of the best conventional pollutant control technology; and

“(III) with respect to toxic pollutants and nonconventional pollutants (including aquatic nuisance species), the application of the best available technology economically achievable for categories and classes of vessels, which shall result in reasonable progress toward the national goal of eliminating discharges of all pollutants.

“(ii) BEST MANAGEMENT PRACTICES.—

“(I) IN GENERAL.—The Administrator shall require the use of best management practices to control or abate any discharge incidental to the normal operation of a vessel if—

“(aa) numeric standards of performance are infeasible under clause (i); or

“(bb) the best management practices are reasonably necessary—

“(AA) to achieve the standards of performance; or

“(BB) to carry out the purpose and intent of this subsection.

“(II) AQUATIC NUISANCE SPECIES EMERGENCIES.—

“(aa) IN GENERAL.—Notwithstanding any other provision of this subsection, the Administrator, in concurrence with the Secretary (subject to item (bb)), may require, by order, the use of an emergency best management practice in any case in which the Administrator determines that such a practice is necessary to reduce the reasonably foreseeable risk of introduction or establishment of aquatic nuisance species.

“(bb) CONCURRENCE WITH SECRETARY.—

“(AA) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a proposed order under item (aa).

“(BB) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under item (aa) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under subitem (AA) shall not prevent the Administrator from issuing the relevant order, subject to the condition that the Administrator shall include in the administrative record of the issuance documentation of the request submitted under subitem (AA) and the response of the Administrator to any written objections received from the Secretary relating to the proposed order during the 60-day period beginning on the date of submission of the request.

“(cc) DURATION.—An order issued by the Administrator under item (aa) shall expire not later than the date that is 4 years after the date of issuance.

“(dd) EXTENSIONS.—The Administrator may reissue an order under item (aa) for such subsequent periods of not longer than 4 years as the Administrator determines to be appropriate.

“(iii) MINIMUM REQUIREMENTS.—Except as provided in subparagraph (C), the combination of any equipment or best management practice comprising a marine pollution control device shall not be less stringent than the following provisions of the Vessel General Permit:

“(I) All requirements contained in parts 2.1 and 2.2 (relating to effluent limits and related requirements), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.

“(II) All requirements contained in part 5 (relating to vessel class-specific requirements) that concern effluent limits and authorized discharges (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes.

“(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may distinguish—

“(i) among classes, types, and sizes of vessels; and

“(ii) between new vessels and existing vessels.

“(D) REVIEW AND REVISION.—

“(i) IN GENERAL.—Not less frequently than once every 5 years, the Administrator, in consultation with the Secretary, shall—

“(I) review the standards of performance in effect under this paragraph; and

“(II) if appropriate, revise those standards of performance—

“(aa) in accordance with subparagraphs (A) through (C); and

“(bb) as necessary to establish requirements for any discharge that is subject to regulation under this subsection.

“(ii) MAINTAINING PROTECTIVENESS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Administrator shall not revise a standard of performance under this subsection to be less stringent than an applicable existing requirement.

“(II) EXCEPTIONS.—The Administrator may revise a standard of performance to be less stringent than an applicable existing requirement—

“(aa) in accordance with subparagraph (C);

“(bb) if information becomes available that—

“(AA) was not reasonably available when the Administrator promulgated the initial standard of performance or comparable requirement of the Vessel General Permit, as applicable (including the subsequent scarcity or unavailability of materials used to control the relevant discharge); and

“(BB) would have justified the application of a less-stringent standard of performance at the time of promulgation; or

“(cc) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating the existing standard of performance or comparable requirement of the Vessel General Permit, as applicable.

“(5) IMPLEMENTATION, COMPLIANCE, AND ENFORCEMENT REQUIREMENTS.—

“(A) ESTABLISHMENT.—

“(i) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date on which the Administrator promulgates any new or revised standard of performance under paragraph (4) with respect to a discharge, the Secretary in consultation with States shall promulgate the regulations required under this paragraph with respect to that discharge.

“(ii) MINIMUM REQUIREMENTS.—Except as provided in paragraph (4)(C), the regulations promulgated under this paragraph shall not be less stringent with respect to ensuring, monitoring, and enforcing compliance than—

“(I) the requirements contained in part 3 of the Vessel General Permit (relating to corrective actions);

“(II) the requirements contained in part 4 of the Vessel General Permit (relating to inspections, monitoring, reporting, and record-keeping), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes;

“(III) the requirements contained in part 5 of the Vessel General Permit (relating to vessel class-specific requirements) regarding monitoring, inspection, and educational and training requirements (within the meaning of that part), including with respect to waters subject to Federal protection, in whole or in part, for conservation purposes; and

“(IV) any comparable, existing requirements promulgated under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) (including section 1101 of that Act (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection)) applicable to that discharge.

“(iii) EFFECTIVE DATE.—In determining the effective date of a regulation promulgated under this paragraph, the Secretary shall take into consideration the period of time necessary—

“(I) to communicate to affected persons the applicability of the regulation; and

“(II) for affected persons reasonably to comply with the regulation.

“(iv) PROCEDURE.—The Secretary shall promulgate the regulations under this subparagraph in accordance with—

“(I) this paragraph; and

“(II) section 553 of title 5, United States Code.

“(B) IMPLEMENTATION REGULATIONS FOR MARINE POLLUTION CONTROL DEVICES.—The Secretary shall promulgate such regulations governing the design, construction, testing, approval, installation, and use of marine pollution control devices as are necessary to ensure compliance with the standards of performance promulgated under paragraph (4).

“(C) COMPLIANCE ASSURANCE.—

“(i) IN GENERAL.—The Secretary shall promulgate requirements (including requirements for vessel owners and operators with respect to inspections, monitoring, reporting, sampling, and recordkeeping) to monitor and enforce compliance with—

“(I) the standards of performance promulgated by the Administrator under paragraph (4); and

“(II) the implementation regulations promulgated by the Secretary under subparagraph (B).

“(ii) MAINTAINING PROTECTIVENESS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall not revise a requirement under this subparagraph or subparagraph (B) to be less stringent with respect to ensuring, monitoring, or enforcing compliance than an applicable existing requirement.

“(II) EXCEPTIONS.—The Secretary may revise a requirement under this subparagraph or subparagraph (B) to be less stringent than an applicable existing requirement—

“(aa) in accordance with this subparagraph or subparagraph (B), as applicable;

“(bb) if information becomes available that—

“(AA) the Administrator determines was not reasonably available when the Administrator promulgated the existing requirement of the Vessel General Permit, or that the Secretary determines was not reasonably available when the Secretary promulgated the existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or the applicable existing requirement under this subparagraph, as applicable (including subsequent scarcity or unavailability of materials used to control the relevant discharge); and

“(BB) would have justified the application of a less-stringent requirement at the time of promulgation; or

“(cc) if the Administrator determines that a material technical mistake or misinterpretation of law occurred when promulgating an existing requirement of the Vessel General Permit, or if the Secretary determines that a material mistake or misinterpretation of law occurred when promulgating an existing requirement under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) or this subsection.

“(D) CONDITIONS FOR STATE ENFORCEMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary, in coordination with the Governors of the States, shall develop and publish Federal and State inspection, data management, and enforcement procedures for the enforcement of standards and requirements under this title by States.

(2) PROCEDURES.—Procedures developed and published under paragraph (1)—

(A) may be periodically updated;

(B) shall describe the conditions and procedures under which the Secretary may suspend the agreement described in paragraph (3); and

(C) shall have a mechanism for the Secretary to provide to the Governor of a State, if requested by the Governor, access to Automated Identification System arrival data for

inbound vessels to specific ports or places of destination in the State.

(3) STATE ENFORCEMENT.—The Secretary shall enter into an agreement with the Governor of a State to authorize the State to inspect vessels to enforce the provisions of this title in accordance with the procedures developed under paragraph (1).

“(6) ADDITIONAL PROVISIONS REGARDING BALLAST WATER.—

“(A) IN GENERAL.—In addition to the other applicable requirements of this subsection, the requirements of this paragraph shall apply with respect to any discharge incidental to the normal operation of a vessel that is a discharge of ballast water.

“(B) EMPTY BALLAST TANKS.—

“(i) REQUIREMENTS.—Except as provided in clause (ii), the owner or operator of a vessel with empty ballast tanks shall conduct a ballast water exchange or saltwater flush—

“(I) not less than 200 nautical miles from any shore for a voyage originating outside the United States or Canadian exclusive economic zone; or

“(II) not less than 50 nautical miles from any shore for a voyage within the Pacific Coast Region.

“(ii) EXCEPTION.—Clause (i) shall not apply—

“(I) if the unpumpable residual waters and sediments of an empty ballast tank were subject to treatment, in compliance with applicable requirements, through a type-approved ballast water management system approved by the Secretary;

“(II) except as otherwise required under this subsection, if the unpumpable residual waters and sediments of an empty ballast tank were sourced within the same—

“(aa) port or place of destination; or

“(bb) Captain of the Port Zone;

“(III) if complying with the requirement would compromise the safety of the vessel; or

“(IV) if design limitations of the vessel prevent a ballast water exchange or saltwater flush from being conducted in accordance with clause (i).

“(C) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEMS.—

“(i) IN GENERAL.—Except as provided in clause (ii), a vessel shall be deemed to be in compliance with a standard of performance for a marine pollution control device that is a ballast water management system if the ballast water management system—

“(I) is maintained in proper working condition, as determined by the Secretary;

“(II) is maintained and used in accordance with manufacturer specifications;

“(III) continues to meet the ballast water discharge standard applicable to the vessel at the time of installation, as determined by the Secretary; and

“(IV) has in effect a valid type-approval certificate issued by the Secretary.

“(ii) LIMITATION.—Clause (i) shall cease to apply with respect to any vessel on, as applicable—

“(I) the expiration of the service life, as determined by the Secretary, of—

“(aa) the ballast water management system; or

“(bb) the vessel;

“(II) the completion of a major conversion (as defined in section 2101 of title 46, United States Code) of the vessel; or

“(III) a determination by the Secretary that there are other type-approved systems for the vessel, with respect to the use of which the environmental, health, and economic benefits would exceed the costs.

“(D) REVIEW OF BALLAST WATER MANAGEMENT SYSTEM TYPE-APPROVAL TESTING METHODS.—

“(i) DEFINITION OF LIVE; LIVING.—Notwithstanding any other provision of law (including regulations), for purposes of section 151.1511 of title 33, and part 162 of title 46, Code of Federal Regulations (or successor regulations), the terms ‘live’ and ‘living’ shall not—

“(I) include an organism that has been rendered nonviable; or

“(II) preclude the consideration of any method of measuring the concentration of organisms in ballast water that are capable of reproduction.

“(ii) DRAFT POLICY.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a draft policy letter, based on the best available science, describing type-approval testing methods and protocols for ballast water management systems, if any, that—

“(I) render nonviable organisms in ballast water; and

“(II) may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations)—

“(aa) to measure the concentration of organisms in ballast water that are capable of reproduction;

“(bb) to certify the performance of each ballast water management system under this subsection; and

“(cc) to certify laboratories to evaluate applicable treatment technologies.

“(iii) PUBLIC COMMENT.—The Secretary shall provide a period of not more than 60 days for public comment regarding the draft policy letter published under clause (ii).

“(iv) FINAL POLICY.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in coordination with the Administrator, shall publish a final policy letter describing type-approval testing methods, if any, for ballast water management systems that render nonviable organisms in ballast water.

“(II) METHOD OF EVALUATION.—The ballast water management systems under subclause (I) shall be evaluated by measuring the concentration of organisms in ballast water that are capable of reproduction based on the best available science that may be used in addition to the methods established under subpart 162.060 of title 46, Code of Federal Regulations (or successor regulations).

“(III) REVISIONS.—The Secretary shall revise the final policy letter under subclause (I) in any case in which the Secretary, in coordination with the Administrator, determines that additional testing methods are capable of measuring the concentration of organisms in ballast water that have not been rendered nonviable.

“(v) FACTORS FOR CONSIDERATION.—In developing a policy letter under this subparagraph, the Secretary, in coordination with the Administrator—

“(I) shall take into consideration a testing method that uses organism grow-out and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

“(II) shall not take into consideration a testing method that relies on a staining method that measures the concentration of—

“(aa) organisms greater than or equal to 10 micrometers; and

“(bb) organisms less than or equal to 50 micrometers.

“(7) PETITIONS BY GOVERNORS FOR REVIEW.—

“(A) IN GENERAL.—The Governor of a State (or a designee) may submit to the Administrator or the Secretary a petition to review any standard of performance, regulation, or policy promulgated under paragraph (4), (5),

or (6), respectively, if there exists new information that could reasonably result in a change to—

“(i) the standard of performance, regulation, or policy; or

“(ii) a determination on which the standard of performance, regulation, or policy was based.

“(B) INCLUSION.—A petition under subparagraph (A) shall include a description of any applicable scientific or technical information that forms the basis of the petition.

“(C) DETERMINATION.—

“(i) TIMING.—The Administrator or the Secretary, as applicable, shall grant or deny a petition under subparagraph (A) by not later than the date that is 1 year after the date on which the petition is submitted.

“(ii) NOTICE OF REVISION.—If the Administrator or the Secretary determines under clause (i) to grant a petition, the Administrator or Secretary shall publish in the Federal Register, by not later than 30 days after the date of that determination, a notice of proposed rulemaking to revise the relevant standard or requirement, regulation, or policy under paragraph (4), (5), or (6), as applicable.

“(iii) NOTICE OF DENIAL.—If the Administrator or the Secretary determines under clause (i) to deny a petition, the Administrator or Secretary shall publish in the Federal Register, by not later than 30 days after the date of that determination, a detailed justification for the determination.

“(iv) REVIEW.—A determination by the Administrator or the Secretary under clause (i) to deny a petition shall be—

“(I) considered to be a final agency action; and

“(II) subject to judicial review in accordance with section 509, subject to clause (v).

“(v) EXCEPTIONS.—

“(I) VENUE.—Notwithstanding section 509(b), a petition for review of a determination by the Administrator or the Secretary under clause (i) to deny a petition submitted by the Governor of a State under subparagraph (A) may be filed in any United States district court of competent jurisdiction.

“(II) DEADLINE FOR FILING.—Notwithstanding section 509(b), a petition for review of a determination by the Administrator or the Secretary under clause (i) shall be filed by not later than 180 days after the date on which the justification for the determination is published in the Federal Register under clause (iii).

“(8) PROHIBITION.—

“(A) IN GENERAL.—It shall be unlawful for any person to violate—

“(i) a provision of the Vessel General Permit in force and effect under paragraph (3)(A);

“(ii) a regulation promulgated pursuant to section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) (as in effect on the day before the date of enactment of this subsection) in force and effect under paragraph (3)(B); or

“(iii) an applicable requirement or regulation under this subsection.

“(B) COMPLIANCE WITH REGULATIONS.—Effective beginning on the effective date of a regulation promulgated under paragraph (4), (5), (6), or (10), as applicable, it shall be unlawful for the owner or operator of a vessel subject to the regulation—

“(i) to discharge any discharge incidental to the normal operation of the vessel into waters of the United States or waters of the contiguous zone, except in compliance with the regulation; or

“(ii) to operate in waters of the United States or waters of the contiguous zone, if the vessel is not equipped with a required marine pollution control device that com-

plies with the requirements established under this subsection, unless—

“(I) the owner or operator of the vessel denotes in an entry in the official logbook of the vessel that the equipment was not operational; and

“(II) either—

“(aa) the applicable discharge was avoided; or

“(bb) an alternate compliance option approved by the Administrator as meeting the applicable standard was employed.

“(C) AFFIRMATIVE DEFENSE.—No person shall be found to be in violation of this paragraph if—

“(i) the violation was in the interest of ensuring the safety of life at sea, as determined by the Secretary; and

“(ii) the applicable emergency circumstance was not the result of negligence or malfeasance on the part of—

“(I) the owner or operator of the vessel;

“(II) the master of the vessel; or

“(III) the person in charge of the vessel.

“(D) TREATMENT.—Each day of continuing violation of an applicable requirement of this subsection shall constitute a separate offense.

“(E) IN REM LIABILITY.—A vessel operated in violation of this subsection is liable in rem for any civil penalty assessed for the violation.

“(F) REVOCATION OF CLEARANCE.—The Secretary shall withhold or revoke the clearance of a vessel required under section 60105 of title 46, United States Code, if the owner or operator of the vessel is in violation of this subsection.

“(9) EFFECT ON OTHER LAWS.—

“(A) STATE AUTHORITY.—

“(i) IN GENERAL.—Except as provided in clauses (ii) through (v) and paragraph (10), effective beginning on the date on which the requirements promulgated by the Secretary under subparagraphs (B), (C), and (D) of paragraph (5) with respect to every discharge incidental to the normal operation of a vessel that is subject to regulation under this subsection are final, effective, and enforceable, no State, political subdivision of a State, or interstate agency may adopt or enforce any law, regulation, or other requirement of the State, political subdivision, or interstate agency with respect to any such discharge.

“(ii) COENFORCEMENT.—Clause (i) shall not apply to any law, regulation, or other requirement of a State, political subdivision of a State, or interstate agency—

“(I) that is identical to a Federal requirement under this subsection applicable to the relevant discharge; or

“(II) compliance with which would be achieved concurrently in achieving compliance with a Federal requirement under this subsection applicable to the relevant discharge.

“(iii) ENFORCEMENT PROCEDURES.—A State may enforce any standard of performance or requirement promulgated under this subsection in accordance with the regulations promulgated by the Secretary under paragraph (5)(D)(i).

“(iv) EXCEPTION FOR CERTAIN FEES.—

“(I) IN GENERAL.—Subject to subclauses (II) and (III), a State that assesses a permit fee, inspection fee, or other fee relating to the regulation of a discharge incidental to the normal operation of a vessel before the date of enactment of this subsection may assess a fee to cover the costs of administration, inspection, and enforcement activities by the State to achieve compliance with the applicable requirements of this subsection.

“(II) MAXIMUM AMOUNT.—

“(aa) IN GENERAL.—Except as provided in item (bb), a State may assess a fee for activities under this clause equal to not more than

\$1,000 against the owner or operator of a vessel that—

“(AA) has operated outside of that State; and

“(BB) arrives at a port or place of destination in the State (excluding movement entirely within a single port or place of destination).

“(bb) VESSELS ENGAGED IN COASTWIDE TRADE.—A State may assess against the owner or operator of a vessel registered in accordance with applicable Federal law and lawfully engaged in the coastwide trade not more than \$5,000 in fees under this clause per vessel during a calendar year.

“(III) ADJUSTMENT FOR INFLATION.—A State may adjust the amount of a fee authorized under this clause not more frequently than once every 5 years to reflect the percentage by which the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October immediately preceding the date of adjustment exceeds the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October that immediately precedes the date that is 5 years before the date of adjustment.

“(v) ALASKA GRAYWATER.—Clause (i) shall not apply with respect to any discharge of graywater (as defined in section 1414 of the Consolidated Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A-323)) from a passenger vessel (as defined in section 2101 of title 46, United States Code) in the State of Alaska (including all waters in the Alexander Archipelago) carrying 50 or more passengers.

“(vi) PRESERVATION OF AUTHORITY.—Nothing in this subsection preempts any State law, public initiative, referendum, regulation, requirement, or other State action, except as expressly provided in this subsection.

“(B) ESTABLISHED REGIMES.—Except as expressly provided in this subsection, nothing in this subsection affects the applicability to a vessel of any other provision of Federal law, including—

“(i) this section;

“(ii) section 311;

“(iii) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.); and

“(iv) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.).

“(C) PERMITTING.—Effective beginning on the date of enactment of this subsection—

“(i) the Small Vessel General Permit is repealed; and

“(ii) the Administrator, or a State in the case of a permit program approved under section 402, shall not require, or in any way modify, a permit under that section for—

“(I) any discharge that is subject to regulation under this subsection; or

“(II) any discharge incidental to the normal operation of a vessel from a small vessel or fishing vessel, regardless of whether that discharge is subject to regulation under this subsection.

“(D) NO EFFECT ON CIVIL OR CRIMINAL ACTIONS.—Nothing in this subsection, or any standard, regulation, or requirement established under this subsection, modifies or otherwise affects, preempts, or displaces—

“(i) any cause of action; or

“(ii) any provision of Federal or State law establishing a remedy for civil relief or criminal penalty.

“(E) NO EFFECT ON CERTAIN SECRETARIAL AUTHORITY.—Nothing in this subsection affects the authority of the Secretary of Commerce or the Secretary of the Interior to administer any land or waters under the administrative control of the Secretary of Commerce or the Secretary of the Interior, respectively.

“(10) ADDITIONAL REGIONAL REQUIREMENTS.—

“(A) ENHANCED GREAT LAKES SYSTEM REQUIREMENTS.—

“(i) PETITIONS BY GOVERNORS FOR PROPOSED ENHANCED STANDARDS AND REQUIREMENTS.—

“(I) IN GENERAL.—The Governor of a Great Lakes State (or a State employee designee) may submit a petition in accordance with subclause (II) to propose that other Governors of Great Lakes States endorse an enhanced standard of performance or other requirement with respect to any discharge—

“(aa) that is subject to regulation under this subsection; and

“(bb) that occurs within the Great Lakes System.

“(II) SUBMISSION.—A Governor shall submit a petition under subclause (I), in writing, to—

“(aa) the Executive Director of the Great Lakes Commission, in such manner as may be prescribed by the Great Lakes Commission;

“(bb) the Governor of each other Great Lakes State; and

“(cc) the Director of the Great Lakes National Program Office established by section 118(b).

“(III) PRELIMINARY ASSESSMENT BY GREAT LAKES COMMISSION.—

“(aa) IN GENERAL.—After the date of receipt of a petition under subclause (II)(aa), the Great Lakes Commission (acting through the Great Lakes Panel on Aquatic Nuisance Species, to the maximum extent practicable) may develop a preliminary assessment regarding each enhanced standard of performance or other requirement described in the petition.

“(bb) PROVISIONS.—The preliminary assessment developed by the Great Lakes Commission under item (aa)—

“(AA) may be developed in consultation with relevant experts and stakeholders;

“(BB) may be narrative in nature;

“(CC) may include the preliminary views, if any, of the Great Lakes Commission on the propriety of the proposed enhanced standard of performance or other requirement;

“(DD) shall be submitted, in writing, to the Governor of each Great Lakes State and the Director of the Great Lakes National Program Office and published on the internet website of the Great Lakes National Program Office; and

“(EE) except as provided in clause (iii), shall not be taken into consideration, or provide a basis for review, by the Administrator or the Secretary for purposes of that clause.

“(ii) PROPOSED ENHANCED STANDARDS AND REQUIREMENTS.—

“(I) PUBLICATION IN FEDERAL REGISTER.—

“(aa) REQUEST BY GOVERNOR.—Not earlier than the date that is 90 days after the date on which the Executive Director of the Great Lakes Commission receives from a Governor of a Great Lakes State a petition under clause (i)(II)(aa), the Governor may request the Director of the Great Lakes National Program Office to publish, for a period requested by the Governor of not less than 30 days, and the Director shall so publish, in the Federal Register for public comment—

“(AA) a copy of the petition; and

“(BB) if applicable as of the date of publication, any preliminary assessment of the Great Lakes Commission developed under clause (i)(III) relating to the petition.

“(bb) REVIEW OF PUBLIC COMMENTS.—On receipt of a written request of a Governor of a Great Lakes State, the Director of the Great Lakes National Program Office shall make available all public comments received in response to the notice under item (aa).

“(cc) NO RESPONSE REQUIRED.—Notwithstanding any other provision of law, a Governor of a Great Lakes State or the Director of the Great Lakes National Program Office

shall not be required to provide a response to any comment received in response to the publication of a petition or preliminary assessment under item (aa).

“(dd) PURPOSE.—Any public comments received in response to the publication of a petition or preliminary assessment under item (aa) shall be used solely for the purpose of providing information and feedback to the Governor of each Great Lakes State regarding the decision to endorse the proposed standard or requirement.

“(ee) EFFECT OF PETITION.—A proposed standard or requirement developed under subclause (II) may differ from the proposed standard or requirement described in a petition published under item (aa).

“(II) COORDINATION TO DEVELOP PROPOSED STANDARD OR REQUIREMENT.—After the expiration of the public comment period for the petition under subclause (I), any interested Governor of a Great Lakes State may work in coordination with the Great Lakes Commission to develop a proposed standard of performance or other requirement applicable to a discharge referred to in the petition.

“(III) REQUIREMENTS.—A proposed standard of performance or other requirement under subclause (II) shall—

“(aa) be developed—

“(AA) in consultation with representatives from the Federal and provincial governments of Canada;

“(BB) after notice and opportunity for public comment on the petition published under subclause (I); and

“(CC) taking into consideration the preliminary assessment, if any, of the Great Lakes Commission under clause (i)(III);

“(bb) be specifically endorsed in writing by—

“(AA) the Governor of each Great Lakes State, if the proposed standard or requirement would impose additional equipment requirements on a vessel; or

“(BB) not fewer than 5 Governors of Great Lakes States, if the proposed standard or requirement would not impose any additional equipment requirements on a vessel; and

“(cc) in the case of a proposed requirement to prohibit 1 or more types of discharge regulated under this subsection, whether treated or not treated, into waters within the Great Lakes System, only apply within the waters of the Great Lakes State of 1 of the Governors endorsing the proposed requirement under item (bb).

“(iii) PROMULGATION BY ADMINISTRATOR AND SECRETARY.—

“(I) SUBMISSION.—

“(aa) IN GENERAL.—The Governors endorsing a proposed standard or requirement under clause (ii)(III)(bb) may jointly submit to the Administrator and the Secretary for approval each proposed standard of performance or other requirement developed and endorsed pursuant to clause (ii).

“(bb) INCLUSION.—Each submission under item (aa) shall include an explanation regarding why the applicable standard of performance or other requirement is—

“(AA) at least as stringent as a comparable standard of performance or other requirement under this subsection;

“(BB) in accordance with maritime safety; and

“(CC) in accordance with applicable maritime and navigation laws and regulations.

“(cc) WITHDRAWAL.—

“(AA) IN GENERAL.—The Governor of any Great Lakes State that endorses a proposed standard or requirement under clause (ii)(III)(bb) may withdraw the endorsement by not later than the date that is 90 days after the date on which the Administrator and the Secretary receive the proposed standard or requirement.

“(BB) EFFECT ON FEDERAL REVIEW.—If, after the withdrawal of an endorsement

under subitem (AA), the proposed standard or requirement does not have the applicable number of endorsements under clause (ii)(III)(bb), the Administrator and the Secretary shall terminate the review under this clause.

“(dd) DISSENTING OPINIONS.—The Governor of a Great Lakes State that does not endorse a proposed standard or requirement under clause (ii)(III)(bb) may submit to the Administrator and the Secretary any dissenting opinions of the Governor.

“(II) JOINT NOTICE.—On receipt of a proposed standard of performance or other requirement under subclause (I), the Administrator and the Secretary shall publish in the Federal Register a joint notice that, at minimum—

“(aa) states that the proposed standard or requirement is publicly available; and

“(bb) provides an opportunity for public comment regarding the proposed standard or requirement during the 90-day period beginning on the date of receipt by the Administrator and the Secretary of the proposed standard or requirement.

“(III) REVIEW.—

“(aa) IN GENERAL.—As soon as practicable after the date of publication of a joint notice under subclause (II)—

“(AA) the Administrator shall commence a review of each proposed standard of performance or other requirement covered by the notice to determine whether that standard or requirement is at least as stringent as comparable standards and requirements under this subsection; and

“(BB) the Secretary shall commence a review of each proposed standard of performance or other requirement covered by the notice to determine whether that standard or requirement is in accordance with maritime safety and applicable maritime and navigation laws and regulations.

“(bb) CONSULTATION.—In carrying out item (aa), the Administrator and the Secretary—

“(AA) shall consult with the Governor of each Great Lakes State and representatives from the Federal and provincial governments of Canada;

“(BB) shall take into consideration any relevant data or public comments received under subclause (II)(bb); and

“(CC) shall not take into consideration any preliminary assessment by the Great Lakes Commission under clause (i)(III), or any dissenting opinion under subclause (I)(dd), except to the extent that such an assessment or opinion is relevant to the criteria for the applicable determination under item (aa).

“(IV) APPROVAL OR DISAPPROVAL.—Not later than 180 days after the date of receipt of each proposed standard of performance or other requirement under subclause (I), the Administrator and the Secretary shall—

“(aa) determine, as applicable, whether each proposed standard or other requirement satisfies the criteria under subclause (III)(aa);

“(bb) approve each proposed standard or other requirement, unless the Administrator or the Secretary, as applicable, determines under item (aa) that the proposed standard or other requirement does not satisfy the criteria under subclause (III)(aa); and

“(cc) submit to the Governor of each Great Lakes State, and publish in the Federal Register, a notice of the determination under item (aa).

“(V) ACTION ON DISAPPROVAL.—

“(aa) RATIONALE AND RECOMMENDATIONS.—If the Administrator and the Secretary disapprove a proposed standard of performance or other requirement under subclause (IV)(bb), the notices under subclause (IV)(cc) shall include—

“(AA) a description of the reasons why the standard or requirement is, as applicable,

less stringent than a comparable standard or requirement under this subsection, inconsistent with maritime safety, or inconsistent with applicable maritime and navigation laws and regulations; and

“(BB) any recommendations regarding changes the Governors of the Great Lakes States could make to conform to the disapproved portion of the standard or requirement to the requirements of this subparagraph.

“(bb) REVIEW.—Disapproval of a proposed standard or requirement by the Administrator and the Secretary under this subparagraph shall be considered to be a final agency action subject to judicial review under section 509.

“(VI) ACTION ON APPROVAL.—On approval by the Administrator and the Secretary of a proposed standard of performance or other requirement under subclause (IV)(bb)—

“(aa) the Administrator shall establish, by regulation, the proposed standard or requirement within the Great Lakes System in lieu of any comparable standard or other requirement promulgated under paragraph (4); and

“(bb) the Secretary shall establish, by regulation, any requirements necessary to implement, ensure compliance with, and enforce the standard or requirement under item (aa), or to apply the proposed requirement, within the Great Lakes System in lieu of any comparable requirement promulgated under paragraph (5).

“(VII) NO JUDICIAL REVIEW FOR CERTAIN ACTIONS.—An action or inaction of a Governor of a Great Lakes State or the Great Lakes Commission under this subparagraph shall not be subject to judicial review.

“(VIII) GREAT LAKES COMPACT.—Nothing in this subsection shall limit, alter, or amend the Great Lakes Compact to which Congress granted consent in the Act of July 24, 1968 (Public Law 90-419; 82 Stat. 414).

“(IX) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Great Lakes Commission \$5,000,000, to be available until expended.

“(B) MINIMUM PACIFIC COAST REGION REQUIREMENTS.—

“(i) DEFINITION OF COMMERCIAL VESSEL.—In this subparagraph, the term ‘commercial vessel’ means a vessel operating between—

“(I) 2 ports or places of destination within the Pacific Coast Region; or

“(II) a port or place of destination within the Pacific Coast Region and a port or place of destination on the Pacific Coast of Canada or Mexico north of parallel 20 degrees north latitude, inclusive of the Gulf of California.

“(ii) BALLAST WATER EXCHANGE.—

“(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel shall conduct a complete ballast water exchange in waters more than 50 nautical miles from shore.

“(II) EXEMPTIONS.—Subclause (I) shall not apply to a commercial vessel—

“(aa) using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary; or

“(bb) voyaging—

“(AA) between or to a port or place of destination in the State of Washington, if the ballast water to be discharged from the commercial vessel originated solely from waters located between the parallel 46 degrees north latitude, including the internal waters of the Columbia River, and the internal waters of Canada south of parallel 50 degrees north latitude, including the waters of the Strait of Georgia and the Strait of Juan de Fuca;

“(BB) between ports or places of destination in the State of Oregon, if the ballast water to be discharged from the commercial vessel originated solely from waters located

between the parallel 40 degrees north latitude and the parallel 50 degrees north latitude;

“(CC) between ports or places of destination in the State of California within the San Francisco Bay area east of the Golden Gate Bridge, including the Port of Stockton and the Port of Sacramento, if the ballast water to be discharged from the commercial vessel originated solely from ports or places within that area;

“(DD) between the Port of Los Angeles, the Port of Long Beach, and the El Segundo offshore marine oil terminal, if the ballast water to be discharged from the commercial vessel originated solely from the Port of Los Angeles, the Port of Long Beach, or the El Segundo offshore marine oil terminal; or

“(EE) between a port or place of destination in the State of Alaska within a single Captain of the Port Zone.

“(iii) LOW-SALINITY BALLAST WATER.—

“(I) IN GENERAL.—Except as provided in subclause (II) and clause (iv), the owner or operator of a commercial vessel that transports ballast water sourced from waters with a measured salinity of less than 18 parts per thousand and voyages to a Pacific Coast Region port or place of destination with a measured salinity of less than 18 parts per thousand shall conduct a complete ballast water exchange—

“(aa) not less than 50 nautical miles from shore, if the ballast water was sourced from a Pacific Coast Region port or place of destination; or

“(bb) more than 200 nautical miles from shore, if the ballast water was not sourced from a Pacific Coast Region port or place of destination.

“(II) EXCEPTION.—Subclause (I) shall not apply to a commercial vessel using, in compliance with applicable requirements, a type-approved ballast water management system approved by the Secretary for treating freshwater at the concentrations prescribed in that subclause.

“(iv) GENERAL EXCEPTIONS.—The requirements of clauses (ii) and (iii) shall not apply to a commercial vessel if—

“(I) complying with the requirement would compromise the safety of the commercial vessel;

“(II) design limitations of the commercial vessel prevent a ballast water exchange from being conducted in accordance with clause (ii) or (iii), as applicable;

“(III) the commercial vessel—

“(aa) is certified by the Secretary as having no residual ballast water or sediments onboard; or

“(bb) retains all ballast water while in waters subject to those requirements; or

“(IV) empty ballast tanks on the commercial vessel are sealed and certified by the Secretary in a manner that ensures that—

“(aa) no discharge or uptake occurs; and

“(bb) any subsequent discharge of ballast water is subject to those requirements.

“(C) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

“(i) STATE PROHIBITION.—Subject to clause (ii), after the effective date of regulations promulgated by the Secretary under paragraph (5), if any State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more types of discharge regulated under this subsection, whether treated or not treated, into such waters.

“(ii) APPLICABILITY.—A prohibition by a State under clause (i) shall not apply until the date on which the Administrator makes the applicable determinations described in clause (iii).

“(iii) PROHIBITION BY ADMINISTRATOR.—

“(I) DETERMINATION.—On application of a State, the Administrator, in concurrence with the Secretary (subject to subclause (II)), shall, by regulation, prohibit the discharge from a vessel of 1 or more discharges subject to regulation under this subsection, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

“(aa) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

“(bb) adequate facilities for the safe and sanitary removal and treatment of the discharge are reasonably available for the water and all vessels to which the prohibition would apply;

“(cc) the discharge can be safely collected and stored until a vessel reaches a discharge facility or other location; and

“(dd) in the case of an application for the prohibition of discharges of ballast water in a port (or in any other location where cargo, passengers, or fuel are loaded and unloaded)—

“(AA) the adequate facilities described in item (bb) are reasonably available for commercial vessels, after considering, at a minimum, water depth, dock size, pumpout facility capacity and flow rate, availability of year-round operations, proximity to navigation routes, and the ratio of pumpout facilities to the population and discharge capacity of commercial vessels operating in those waters; and

“(BB) the prohibition will not unreasonably interfere with the safe loading and unloading of cargo, passengers, or fuel.

“(II) CONCURRENCE WITH SECRETARY.—

“(aa) REQUEST.—The Administrator shall submit to the Secretary a request for written concurrence with respect to a prohibition under subclause (I).

“(bb) EFFECT OF FAILURE TO CONCUR.—A failure by the Secretary to concur with the Administrator under subclause (I) by the date that is 60 days after the date on which the Administrator submits a request for concurrence under item (aa) shall not prevent the Administrator from prohibiting the relevant discharge in accordance with subclause (III), subject to the condition that the Administrator shall include in the administrative record of the promulgation—

“(AA) documentation of the request submitted under item (aa); and

“(BB) the response of the Administrator to any written objections received from the Secretary relating to the proposed standard of performance during the 60-day period beginning on the date of submission of the request.

“(III) TIMING.—The Administrator shall approve or disapprove an application submitted under subclause (I) by not later than 90 days after the date on which the application is submitted to the Administrator.

“(D) MAINTENANCE IN EFFECT OF MORE-STRINGENT STANDARDS.—In any case in which a requirement established under this paragraph is more stringent or environmentally protective than a comparable requirement established under paragraph (4), (5), or (6), the more-stringent or more-protective standard shall control.”.

(2) REPEALS.—

(A) IN GENERAL.—Effective beginning on the date of enactment of this Act, the following provisions of law are repealed:

(i) Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711).

(ii) Public Law 110-299 (33 U.S.C. 1342 note).

(B) CONFORMING AMENDMENTS.—Section 1102 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712) is amended—

(i) in subsection (c)(1), by inserting “(as in effect on the day before the date of enactment of the Vessel Incidental Discharge Act of 2018)” after “section 1101(b)”;

(ii) in subsection (f)(1)(B), by inserting “(as in effect on the day before the date of enactment of the Vessel Incidental Discharge Act of 2018)” after “section 1101(c)”.

(b) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended—

(1) by striking the section designation and heading and all that follows through “For the purpose of” in subsection (a) and inserting the following:

“SEC. 312. MARINE SANITATION DEVICES; DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF VESSELS.

“(a) DEFINITIONS.—In”;

(2) in subsection (a)—

(A) in paragraph (7), by striking “devices or of vessels” and inserting “devices, marine pollution control device equipment, or vessels”;

(B) in paragraph (12)(B)—

(i) in clause (ii), by striking “or” at the end; and

(ii) by adding at the end the following:

“(iv) a discharge of sewage; or

“(v) discharge occurring as a result of a vessel not being used as a means of transportation on water, including a discharge occurring—

“(I) at any time when the vessel is being prepared for transport by land from 1 body of water to another;

“(II) solely as a result of the vessel being used as—

“(aa) an energy facility;

“(bb) a mining facility;

“(cc) a storage facility; or

“(dd) a seafood processing vessel; or

“(III) at any time when the vessel is secured to—

“(aa) the bed of waters of the United States for the purpose of mineral or oil exploration or development;

“(bb) the bed of the contiguous zone for the purpose of mineral or oil exploration or development;

“(cc) the bed of the ocean for the purpose of mineral or oil exploration or development; or

“(dd) a buoy for the purpose of mineral or oil exploration or development;”;

(C) in paragraph (13), in the matter preceding subparagraph (A), by inserting “, except as provided in subsection (p),” after “means”;

(3) in subsection (g)—

(A) by inserting “or marine pollution control device equipment” after “marine sanitation device” each place it appears;

(B) in paragraph (1)—

(i) by inserting “or equipment” after “such device”; and

(ii) by inserting “or equipment” after “test device”; and

(C) in paragraph (2)—

(i) by inserting “or equipment” after “the device” each place it appears; and

(ii) in the fourth sentence, by inserting “or equipment” after “device” each place it appears; and

(4) in subsection (h)—

(A) in paragraph (1), by inserting “and marine pollution control device equipment” after “marine sanitation device”;

(B) in paragraph (2), by inserting “or any certified marine pollution control device equipment or element of design of such equipment” after “such device”;

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting the subparagraphs appropriately;

(D) by striking “(h) After” and inserting the following:

“(h) SALE AND RESALE OF PROPERLY EQUIPPED VESSELS; OPERABILITY OF CERTIFIED MARINE SANITATION DEVICES.—

“(1) IN GENERAL.—Subject to paragraph (2), after”;

(E) by adding at the end the following:

“(2) EFFECT OF SUBSECTION.—Nothing in this subsection requires certification of a marine pollution control device for use on any vessel of the Armed Forces.”.

(c) ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—Section 312(k) of the Federal Water Pollution Control Act (33 U.S.C. 1322(k)) is amended—

(A) by striking the second sentence and inserting the following:

“(3) STATES.—

“(A) IN GENERAL.—This section may be enforced by a State or political subdivision of a State (including the attorney general of a State), including by filing a civil action in an appropriate Federal district court to enforce any violation of subsection (p).

“(B) JURISDICTION.—The appropriate Federal district court shall have jurisdiction with respect to a civil action filed pursuant to subparagraph (A), without regard to the amount in controversy or the citizenship of the parties—

“(i) to enforce the requirements of this section; and

“(ii) to apply appropriate civil penalties under this section or section 309(d), as appropriate.”;

(B) by striking “(k) The provisions of this” and inserting the following:

“(k) ENFORCEMENT AUTHORITY.—

“(1) ADMINISTRATOR.—This section shall be enforced by the Administrator, to the extent provided in section 309.

“(2) SECRETARY.—

“(A) IN GENERAL.—This”;

(C) in paragraph (2) (as so designated)—

(i) in subparagraph (A), by striking “operating and he may utilize by agreement” and inserting “operating, who may use, by agreement”;

(ii) by adding at the end the following:

“(B) INSPECTIONS.—For purposes of ensuring compliance with this section, the Secretary—

“(i) may carry out an inspection (including the taking of ballast water samples) of any vessel at any time; and

“(ii) shall—

“(I) establish procedures for—

“(aa) reporting violations of this section; and

“(bb) accumulating evidence regarding those violations; and

“(II) use appropriate and practicable measures of detection and environmental monitoring of vessels.

“(C) DETENTION.—The Secretary may detain a vessel if the Secretary—

“(i) has reasonable cause to believe that the vessel—

“(I) has failed to comply with an applicable requirement of this section; or

“(II) is being operated in violation of such a requirement; and

“(ii) the Secretary provides to the owner or operator of the vessel a notice of the intent to detain.”.

(2) PRESERVATION OF FEDERAL ENFORCEMENT AUTHORITY.—Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(A) in subsection (a)(3), by striking “318” and inserting “312(p), 318”;

(B) in subsection (c), by striking “318” each place it appears and inserting “312(p), 318”;

(C) in subsection (d), in the first sentence—

(i) by striking “318” and inserting “312(p), 318,”; and

(ii) by striking “State,,” and inserting “State,;” and

(D) in subsection (g)(1)(A), by striking “318” and inserting “312(p), 318”.

(3) PRESERVATION OF PUBLIC ENFORCEMENT AUTHORITY.—Section 505(f) of the Federal Water Pollution Control Act (33 U.S.C. 1365(f)) is amended by striking “(5) certification” and all that follows through the period at the end and inserting the following: “(5) a standard of performance or requirement under section 312(p); (6) a certification under section 401; (7) a permit or condition of a permit issued under section 402 that is in effect under this Act (including a requirement applicable by reason of section 313); or (8) a regulation under section 405(d).”.

(4) REVIEW.—Section 509(b) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)) is amended by adding at the end the following:

“(4) DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), any interested person may file a petition for review of a final agency action under section 312(p) of the Administrator or the Secretary of the department in which the Coast Guard is operating in accordance with the requirements of this subsection.

“(B) VENUE EXCEPTION.—Subject to section 312(p)(7)(C)(v), a petition for review of a final agency action under section 312(p) of the Administrator or the Secretary of the department in which the Coast Guard is operating may be filed only in the United States Court of Appeals for the District of Columbia Circuit.”.

(d) LOGBOOK REQUIREMENTS.—Section 11301(b) of title 46, United States Code, is amended by adding at the end the following:

“(13) when a vessel fails to carry out ballast water management requirements as applicable and pursuant to regulations promulgated by the Secretary, including when the vessel fails to carry out ballast water management requirements due to an allowed safety exemption, a statement regarding the failure to comply and the circumstances under which the failure occurred, made immediately after the failure, when practicable to do so.”.

(e) QUAGGA MUSSEL.—Section 42(a)(1) of title 18, United States Code, is amended, in the first sentence, by inserting “of the quagga mussel of the species *Dreissena rostriformis* or *Dreissena bugensis*,” after “*Dreissena polymorpha*.”.

(f) COASTAL AQUATIC INVASIVE SPECIES MITIGATION GRANT PROGRAM AND MITIGATION FUND.—

(1) DEFINITIONS.—In this subsection:

(A) COASTAL ZONE.—The term “coastal zone” has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(B) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (i) a State;
- (ii) a unit of local government;
- (iii) an Indian Tribe;
- (iv) a nongovernmental organization; and
- (v) an institution of higher education.

(C) EXCLUSIVE ECONOMIC ZONE.—The term “Exclusive Economic Zone” means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030, dated March 10, 1983 (16 U.S.C. 1453 note).

(D) FOUNDATION.—The term “Foundation” means the National Fish and Wildlife Foundation established by section 2(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(a)).

(E) FUND.—The term “Fund” means the Coastal Aquatic Invasive Species Mitigation Fund established by paragraph (3)(A).

(F) PROGRAM.—The term “Program” means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2)(A).

(G) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(2) GRANT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Foundation shall establish a program, to be known as the “Coastal Aquatic Invasive Species Mitigation Grant Program”, under which the Secretary and the Foundation shall award grants to eligible entities in accordance with this paragraph.

(B) PURPOSES.—The purposes of the Program are—

(i) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in—

(I) the coastal zone; and

(II) the Exclusive Economic Zone;

(ii) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone; and

(iii) to support the restoration of Pacific Island habitats, marine, estuarine, and Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(C) USE OF GRANTS.—

(i) IN GENERAL.—A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(I) to develop and implement procedures and programs to prevent, control, mitigate, or progressively eradicate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(II) to restore habitat impacted by an aquatic invasive species;

(III) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;

(IV) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(V) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(ii) PROHIBITION ON FUNDING LITIGATION.—A grant awarded under the Program may not be used to fund litigation in any matter.

(D) ADMINISTRATION.—Not later than 90 days after the date of enactment of this Act, the Foundation, in consultation with the Secretary, shall establish the following:

(i) Application and review procedures for awarding grants under the Program.

(ii) Approval procedures for awarding grants under the Program, including a requirement for consultation with—

(I) the Secretary of the Interior; and

(II) the Administrator.

(iii) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(iv) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of recordkeeping.

(E) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under the Program shall provide, in cash or through in-kind contributions from non-Federal sources, matching funds to carry out the activities funded by the grant in an amount equal to not less than 50 percent of the cost of the activities.

(F) FUNDING.—The Secretary and the Foundation shall use the amounts available in the Fund to award grants under the Program.

(3) MITIGATION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the “Coastal Aquatic Invasive Species Mitigation Fund”, consisting of such amounts as are appropriated or credited to the Fund in accordance with this paragraph or section 9602 of the Internal Revenue Code of 1986.

(B) TRANSFERS TO FUND.—

(i) APPROPRIATION.—There is authorized to be appropriated from the Treasury to the Fund, for each fiscal year, an amount equal to the amount of penalties assessed for violations of subsection (p) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) during the preceding fiscal year.

(ii) ADDITIONAL AUTHORIZATION.—In addition to the amounts transferred to the Fund under clause (i), there is authorized to be appropriated to the Fund \$5,000,000 for each fiscal year.

(C) USE OF FUND.—The amounts in the Fund shall be available, without further appropriation, to the Secretary and the Foundation to award grants under the Program.

(g) GREAT LAKES INVASIVE SPECIES MONITORING PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(B) AQUATIC NUISANCE SPECIES.—The term “aquatic nuisance species” has the meaning given that term in subsection (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

(C) DIRECTOR.—The term “Director” means the Director of the Great Lakes National Program Office established by section 118(b) of the Federal Water Pollution Control Act (33 U.S.C. 1268(b)).

(D) GREAT LAKES SYSTEM.—The term “Great Lakes System” has the meaning given the term in section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)).

(E) PROGRAM.—The term “Program” means the Great Lakes Invasive Species Monitoring Program established under paragraph (2)(A).

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Administrator shall establish within the Great Lakes National Program Office a program, to be known as the “Great Lakes Invasive Species Monitoring Program”—

(i) in collaboration with—

(I) the Director of the United States Fish and Wildlife Service;

(II) the Administrator of the National Oceanic and Atmospheric Administration; and

(III) the Director of the United States Geological Survey; and

(ii) in consultation with—

(I) the head of Great Lakes Aquatic Non-indigenous Species Information System of the National Oceanic and Atmospheric Administration; and

(II) the head of Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration.

(B) PURPOSES.—The purposes of the Program shall be—

(i) to monitor for the introduction and spread of aquatic nuisance species into or within the Great Lakes System;

(ii) to detect newly introduced aquatic nuisance species prior to the establishment of the aquatic nuisance species in the Great Lakes;

(iii) to inform, and assist with, management and response actions to prevent or stop the establishment or spread of an aquatic nuisance species;

(iv) to establish a watch list of candidate aquatic nuisance species that may be introduced or spread, and that may survive and establish, within the Great Lakes System; and

(v) to monitor vectors likely to be contributing to the introduction or spread of aquatic nuisance species, including ballast water operations.

(3) **METHODOLOGY.**—The Program shall seek—

(A) to build on existing aquatic nuisance species monitoring efforts in the Great Lakes System;

(B) to advance early detection and monitoring, and capacity to control the establishment and spread, of aquatic nuisance species within the Great Lakes System;

(C) to identify opportunities to interdict the introduction and spread of aquatic nuisance species through sound science and technological advancements;

(D) to assess the risk of aquatic nuisance species introduction and spread via the range of vectors active within the Great Lakes System;

(E) to immediately make available to the public information regarding—

(i) the detection of new aquatic nuisance species within the Great Lakes System; or

(ii) the spread of aquatic nuisance species within the Great Lakes System;

(F) to annually submit to appropriate individuals and entities in each affected region a report describing the findings and activities of the Program; and

(G) to identify roles and responsibilities of Federal agencies in aquatic nuisance species monitoring and response.

(4) **COLLABORATION.**—In carrying out and developing the Program, the Director shall collaborate with—

(A) applicable Federal, State, local, and Tribal agencies; and

(B) such other research entities or stakeholders as the Director determines to be appropriate.

(5) **DATA AVAILABILITY.**—The Director shall—

(A) make the data collected under the Program available on a publicly accessible internet website, including in an annual summary report;

(B) in coordination with the entities identified under paragraph (4), develop communication and notification protocols for the purpose of communicating the range of aquatic nuisance species and any identification of a new aquatic nuisance species introduced to the Great Lakes System.

(6) **REPORT TO CONGRESS.**—

(A) **IN GENERAL.**—Not later than December 31, 2019, the Director shall submit to Congress a report summarizing the outcomes of activities carried out under the Program.

(B) **CONTENTS.**—The report under subparagraph (A) shall include—

(i) a description of activities carried out under the Program, including an explanation of how those activities help to achieve the purposes described in paragraph (2)(B);

(ii) an analysis of Federal, State, and local efforts to enhance multidisciplinary approaches to achieve the purposes described in paragraph (2)(B);

(iii) recommendations relating to activities that would contribute to achievement of the purposes described in paragraph (2)(B); and

(iv) recommendations to improve the efficiency and effectiveness of the Program.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the Program \$10,000,000 for each of fiscal years 2019 through 2023.

(h) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 1102(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)) is amended by striking paragraph (2) and inserting the following:

“(2) **BALLAST WATER REPORTING REQUIREMENTS.**—

“(A) **IN GENERAL.**—The owner or operator of a vessel subject to this title shall submit to the National Ballast Information Clearinghouse, by not later than 6 hours after the arrival of the vessel at a United States port or place of destination, the ballast water management report form approved by the Office of Management and Budget numbered OMB 1625-0069 (or a successor form), unless the vessel is operating exclusively on a voyage between ports or places within a single Captain of the Port Zone.

“(B) **MULTIPLE DISCHARGES.**—The owner or operator of a vessel subject to this title may submit a single report under subparagraph (A) for multiple ballast water discharges within a single port or place of destination during the same voyage.

“(C) **ADVANCE REPORT TO STATES.**—A State may require the owner or operator of a vessel subject to this title to submit directly to the State, or to an appropriate regional forum, a ballast water management report form—

“(i) not later than 24 hours prior to arrival at a United States port or place of destination in the State, if the voyage of the vessel is anticipated to exceed 24 hours; or

“(ii) before departing the port or place of departure, if the voyage of the vessel to the United States port or place of destination is not anticipated to exceed 24 hours.

“(3) **VESSEL REPORTING DATA.**—

“(A) **DISSEMINATION TO STATES.**—On receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall—

“(i) in the case of a form submitted electronically, immediately disseminate the report to interested States; or

“(ii) in the case of a form submitted by means other than electronically, disseminate the report to interested States as soon as practicable.

“(B) **AVAILABILITY TO PUBLIC.**—Not later than 30 days after the date of receipt of a ballast water management report under paragraph (2), the National Ballast Information Clearinghouse shall make the data in the report fully and readily available to the public in a searchable and fully retrievable electronic format.

“(4) **REPORT.**—

“(A) **IN GENERAL.**—Not later than July 1, 2019, and annually thereafter, the Secretary shall prepare and submit a report in accordance with this paragraph.

“(B) **CONTENTS.**—Each report under this paragraph shall synthesize and analyze the data described in paragraph (1) for the preceding 2-year period to evaluate nationwide status and trends relating to—

“(i) ballast water delivery and management; and

“(ii) invasions of aquatic nuisance species resulting from ballast water.

“(C) **DEVELOPMENT.**—The Secretary shall prepare each report under this paragraph in consultation and cooperation with—

“(i) the Task Force; and

“(ii) the Smithsonian Institution (acting through the Smithsonian Environmental Research Center).

“(D) **SUBMISSION.**—The Secretary shall—

“(i) submit each report under this paragraph to—

“(I) the Task Force;

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

“(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(ii) make each report available to the public.

“(5) **WORKING GROUP.**—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a working group, including members from the National Ballast Information Clearinghouse and States with ballast water management programs, to establish a process for compiling and readily sharing Federal and State commercial vessel reporting and enforcement data regarding compliance with this Act.”.

(2) Section 1205 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4725) is amended—

(A) in the third sentence, by striking “Compliance” and inserting the following:

“(c) **EFFECT OF COMPLIANCE.**—Compliance”;

(B) in the second sentence, by striking “Nothing” and inserting the following:

“(b) **EFFECT OF TITLE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), nothing”;

(C) in the first sentence, by striking “All actions” and inserting the following:

“(a) **CONSISTENCY WITH ENVIRONMENTAL LAWS.**—All actions”; and

(D) in subsection (b) (as so designated), by adding at the end the following:

“(2) **EXCEPTION.**—Any discharge incidental to the normal operation of a vessel, including any discharge of ballast water (as those terms are defined in subsections (a) and (p)(1) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322)), shall be regulated in accordance with that section.”.

TITLE X—HYDROGRAPHIC SERVICES AND OTHER MATTERS

SEC. 1001. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) **REAUTHORIZATIONS.**—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking “There are” and inserting the following:

“(a) **IN GENERAL.**—There are”;

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking “surveys—” and all that follows through the end of the paragraph and inserting “surveys, \$70,814,000 for each of fiscal years 2019 through 2023.”;

(B) in paragraph (2), by striking “vessels—” and all that follows through the end of the paragraph and inserting “vessels, \$25,000,000 for each of fiscal years 2019 through 2023.”;

(C) in paragraph (3), by striking “Administration—” and all that follows through the end of the paragraph and inserting “Administration, \$29,932,000 for each of fiscal years 2019 through 2023.”;

(D) in paragraph (4), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$26,800,000 for each of fiscal years 2019 through 2023.”;

(E) in paragraph (5), by striking “title—” and all that follows through the end of the paragraph and inserting “title, \$30,564,000 for each of fiscal years 2019 through 2023.”;

(3) by adding at the end the following:

“(b) **ARCTIC PROGRAMS.**—Of the amount authorized by this section for each fiscal year—

“(1) \$10,000,000 is authorized for use in the Arctic—

“(A) to acquire hydrographic data;

“(B) to provide hydrographic services;

“(C) to conduct coastal change analyses necessary to ensure safe navigation;

“(D) to improve the management of coastal change; and

“(E) to reduce risks of harm to subsistence and coastal communities associated with increased international maritime traffic; and

“(2) \$2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to

delineate the United States extended Continental Shelf.”.

(b) **LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.**—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

“(c) **LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.**—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.”.

SEC. 1002. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall—

(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

(2) evaluate measures for comparing cost per unit effort in addition to measures of cost per nautical square mile; and

(3) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

(b) **DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.**—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111–11; 33 U.S.C. 3501 et seq.).

SEC. 1003. HOMEPORT OF CERTAIN RESEARCH VESSELS.

(a) **ACCEPTANCE OF FUNDS AUTHORIZED.**—The Secretary of Commerce may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 775) at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(b) **STRATEGIC PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a strategic plan for implementing subsection (a).

(c) **ACCEPTANCE OF FUNDS AUTHORIZED.**—The Secretary may accept non-Federal funds for the purpose of the construction of a new port facility, including obtaining such cost estimates, designs, and permits as may be necessary to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida, at a location that during such homeporting shall be under the administrative jurisdiction of the Under Secretary of Commerce for Oceans and Atmosphere.

(d) **STRATEGIC PLAN REQUIRED.**—Not later than 180 days after the date of the enactment

of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed to allow for an oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

SA 4055. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 390, to provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, 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 “Iraq and Syria Genocide Relief and Accountability Act of 2018”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Secretary of State of State declared on March 17, 2016, and on August 15, 2017, that Daesh (also known as the Islamic State of Iraq and Syria or ISIS) is responsible for genocide, crimes against humanity, and other atrocity crimes against religious and ethnic minority groups in Iraq and Syria, including Christians, Yazidis, and Shia, among other religious and ethnic groups.

(2) According to the Department of State’s annual reports on international religious freedom—

(A) the number of Christians living in Iraq has dropped from an estimated 800,000 to 1,400,000 in 2002 to fewer than 250,000 in 2017; and

(B) the number of Yazidis living in Iraq has fluctuated from 500,000 in 2013, to between 350,000 and 400,000 in 2016, and between 600,000 and 750,000 in 2017.

(3) The annual reports on international religious freedom further suggest that—

(A) Christian communities living in Syria, which had accounted for between 8 and 10 percent of Syria’s total population in 2010, are now “considerably” smaller as a result of the civil war, and

(B) there was a population of approximately 80,000 Yazidis before the commencement of the conflict in Syria.

(4) Local communities and entities have sought to mitigate the impact of violence directed against religious and ethnic minorities in Iraq and Syria, including the Chaldean Catholic Archdiocese of Erbil (Kurdistan Region of Iraq), which has used predominantly private funds to provide assistance to internally displaced Christians, Yazidis, and Muslims throughout the greater Erbil region, while significant needs and diminishing resources have made it increasingly difficult to continue these efforts.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Select Committee on Intelligence of the Senate;

(F) the Committee on Foreign Affairs of the House of Representatives;

(G) the Committee on the Judiciary of the House of Representatives;

(H) the Committee on Homeland Security of the House of Representatives;

(I) the Committee on Appropriations of the House of Representatives; and

(J) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **FOREIGN TERRORIST ORGANIZATION.**—The term “foreign terrorist organization” mean an organization designated by the Secretary of State as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(3) **HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.**—The term “humanitarian, stabilization, and recovery needs”, with respect to an individual, includes water, sanitation, hygiene, food security and nutrition, shelter and housing, reconstruction, medical, education, psychosocial needs, and other assistance to address basic human needs, including stabilization assistance (as defined by the Stabilization Assistance Review in “A Framework for Maximizing the Effectiveness of U.S. Government Efforts to Stabilize Conflict-Affected Areas, 2018).

(4) **HYBRID COURT.**—The term “hybrid court” means a court with a combination of domestic and international lawyers, judges, and personnel.

(5) **INTERNATIONALIZED DOMESTIC COURT.**—The term “internationalized domestic court” means a domestic court with the support of international advisers.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to ensure that assistance for humanitarian, stabilization, and recovery needs of individuals who are or were nationals and residents of Iraq or Syria, and of communities in and from those countries, is directed toward those individuals and communities with the greatest need, including those individuals from communities of religious and ethnic minorities, and communities of religious and ethnic minorities, that the Secretary of State declared were targeted for genocide, crimes against humanity, or war crimes, and have been identified as being at risk of persecution, forced migration, genocide, crimes against humanity, or war crimes.

SEC. 5. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ FOR GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES.

(a) **ASSISTANCE.**—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance, as necessary and appropriate, to support the efforts of entities, including nongovernmental organizations with expertise in international criminal investigations and law, to address genocide, crimes against humanity, or war crimes, and their constituent crimes by ISIS in Iraq by—

(1) conducting criminal investigations;

(2) developing indigenous investigative and judicial skills, including by partnering, directly mentoring, and providing necessary equipment and infrastructure to effectively adjudicating cases consistent with due process and respect for the rule of law; and

(3) collecting and preserving evidence and the chain of evidence, including for use in prosecutions in domestic courts, hybrid courts, and internationalized domestic courts, consistent with the activities described in subsection (b).

(b) **ACTIONS BY FOREIGN GOVERNMENTS.**—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries—

(1) to include information in appropriate security databases and security screening procedures of such countries to identify suspected ISIS members for whom credible evidence exists of having committed genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq; and

(2) to apprehend and prosecute such ISIS members for genocide, crimes against humanity, or war crimes, as appropriate.

(c) **CONSULTATION.**—In carrying out subsection (a), the Secretary of State shall consult with and consider credible information from entities described in this subsection.

SEC. 6. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

(a) **IDENTIFICATION.**—The Secretary of State, in consultation with the Secretary of Defense, the Administrator of the United States Agency for International Development, and Director of National Intelligence, shall seek to identify—

(1) threats of persecution and other early-warning indicators of genocide, crimes against humanity, and war crimes against individuals who are or were nationals and residents of Iraq or Syria, are members of religious or ethnic minority groups in such countries, and against whom the Secretary of State has determined ISIS has committed genocide, crimes against humanity, or war crimes;

(2) the religious and ethnic minority groups in Iraq or Syria identified pursuant to paragraph (1) that are at risk of forced migration, within or across the borders of Iraq, Syria, or a country of first asylum, and the primary reasons for such risk;

(3)(A) the humanitarian, stabilization, and recovery needs of individuals described in paragraphs (1) and (2), including the assistance provided by the United States and by the United Nations, respectively—

(i) to address the humanitarian, stabilization, and recovery needs of such individuals; and

(ii) to mitigate the risks of forced migration of such individuals; and

(B) assistance provided through the Funding Facility for Immediate Stabilization and Funding Facility for Expanded Stabilization; and

(4) to the extent practicable and appropriate—

(A) the entities, including faith-based entities, that are providing assistance to address the humanitarian, stabilization, and recovery needs of individuals described in paragraphs (1) and (2); and

(B) the extent to which the United States is providing assistance to or through the entities referred to in subparagraph (A).

(b) **ADDITIONAL CONSULTATION.**—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from—

(1) individuals described in paragraphs (1) and (2) of such subsection; and

(2) the entities described in paragraph (4)(A) of such subsection.

(c) **ASSISTANCE.**—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance as necessary and appropriate, to support the entities described in subsection (a)(4)(A).

SEC. 7. REPORT.

(a) **IMPLEMENTATION REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, to implement the provisions of this Act;

(2) an assessment of—

(A) the feasibility and advisability of prosecuting ISIS members for whom credible evidence exists of having committed genocide, crimes against humanity, or war crimes in Iraq, including in domestic courts in Iraq, hybrid courts, and internationalized domestic courts; and

(B) the measures needed—

(i) to ensure effective criminal investigations of such individuals; and

(ii) to effectively collect and preserve evidence, and preserve the chain of evidence, for prosecution; and

(3) recommendations for legislative remedies and administrative actions to facilitate the implementation of this Act.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SA 4056. Mr. McCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 390, to provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes; as follows:

Amend the title so as to read: “An Act to provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.”.

SA 4057. Mr. McCONNELL (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 2422, to amend the Public Health Service Act to improve essential oral health care for low-income and other underserved individuals by breaking down barriers to care, 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 Action for Dental Health Act of 2018.

SEC. 2. ORAL HEALTH EDUCATION.

(a) **IN GENERAL.**—Section 399LL of the Public Health Service Act (42 U.S.C. 280k) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “OF ORAL HEALTH EDUCATION CAMPAIGN” after “ESTABLISHMENT”; and

(B) by striking “focused on oral healthcare prevention and education” and inserting “focused on oral health education”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “campaign” and inserting “campaign under subsection (a)”; and

(3) by striking subsection (c) and inserting the following:

“(c) **ACTION FOR DENTAL HEALTH PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Administrator of the Health Resources and Services Administration, may award grants, contracts, or cooperative agreements to eligible entities to collaborate with State or local public health officials, tribal health officials, oral health professional organizations, and others, as appropriate, to develop and implement initiatives to improve oral health, including activities to prevent dental disease and reduce barriers to the provision of dental services, including—

“(A) through community-wide dental disease prevention programs; and

“(B) by increasing public awareness and education related to oral health and dental disease prevention.

“(2) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall be—

“(A) a dental association;

“(B) a State or tribal health department or State or tribal oral health program;

“(C) an accredited dental education, dental hygiene, or postdoctoral dental education program; or

“(D) a non-profit community-based organization that partners with public and private non-profit entities, such as an academic institution, to facilitate the provision of dental services to underserved populations.”;

(b) **TECHNICAL AMENDMENT.**—Section 399LL-1(d) of the Public Health Service Act (42 U.S.C. 280k-1(d)) is amended—

(1) by striking “shall” and inserting “shall, as practicable and appropriate,” before “utilize”; and

(2) by striking “public education campaign” and inserting “oral health education campaign and action for dental health program”.

(c) **REPORT TO CONGRESS.**—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the outcomes and effectiveness of programs and activities conducted under sections 399LL and 399LL-1 of the Public Health Service Act (42 U.S.C. 280k and 280k-1).

SEC. 3. GRANTS FOR INNOVATIVE PROGRAMS.

Section 340G of the Public Health Service Act (42 U.S.C. 256g) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (B), by striking “and” at the end; and

(B) by adding at the end the following:

“(D) the establishment or development of models for the provision of dental services to children and adults, such as dental homes, including for the elderly, blind, individuals with disabilities, and individuals living in long-term care facilities; and

“(E) the establishment of initiatives to reduce the use of emergency departments by individuals who seek dental services more appropriately delivered in a dental primary care setting.”; and

(2) in subsection (f), by striking “\$25,000,000 for the 5-fiscal year period beginning with fiscal year 2008” and inserting “\$13,903,000 for each of fiscal years 2019 through 2023”.

SA 4058. Mr. McCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 3342, to impose sanctions with respect to foreign persons that are responsible for using civilians as human shields, 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 “Sanctioning the Use of Civilians as Defenseless Shields Act”.

SEC. 2. STATEMENT OF POLICY.

It shall be the policy of the United States to officially and publicly condemn the use of innocent civilians as human shields.

SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN PERSONS THAT ARE RESPONSIBLE FOR THE USE OF CIVILIANS AS HUMAN SHIELDS.

(a) **IMPOSITION OF SANCTIONS.**—

(1) **MANDATORY SANCTIONS.**—The President shall impose sanctions described in subsection (d) with respect to each person on the list required under subsection (b).

(2) **PERMISSIVE SANCTIONS.**—The President may impose sanctions described in subsection (d) with respect to each person on the list described in subsection (c).

(b) **MANDATORY SANCTIONS LIST.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a list of the following:

(1) Each foreign person that the President determines, on or after the date of the enactment of this Act—

(A) is a member of Hizballah or is knowingly acting on behalf of Hizballah; and

(B) knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack.

(2) Each foreign person that the President determines, on or after the date of the enactment of this Act—

(A) is a member of Hamas or is knowingly acting on behalf of Hamas; and

(B) knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack.

(3) Each foreign person or agency or instrumentality of a foreign state that the President determines, on or after the date of the enactment of this Act, knowingly and materially supports, orders, controls, directs, or otherwise engages in—

(A) any act described in subparagraph (B) of paragraph (1) by a person described in that paragraph; or

(B) any act described in subparagraph (B) of paragraph (2) by a person described in that paragraph.

(c) **PERMISSIVE SANCTIONS LIST.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President should submit to the appropriate congressional committees a list of each foreign person that the President determines, on or after the date of the enactment of this Act, knowingly orders, controls, or otherwise directs the use of civilians protected as such by the law of war to shield military objectives from attack, excluding foreign persons included in the most recent list under subsection (b).

(d) **SANCTIONS DESCRIBED.**—The sanctions to be imposed on a foreign person or an agency or instrumentality of a foreign state under this subsection are the following:

(1) **BLOCKING OF PROPERTY.**—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person or agency or instrumentality of a foreign state if such property or interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.**—

(A) **VISAS, ADMISSION, OR PAROLE.**—An alien who the Secretary of State or the Secretary of Homeland Security determines is subject to sanctions under subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **CURRENT VISAS REVOKED.**—Any visa or other documentation issued to an alien who

is subject to sanctions under subsection (a), regardless of when such visa or other documentation was issued, shall be revoked and such alien shall be denied admission to the United States.

(C) **EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND OTHER INTERNATIONAL OBLIGATIONS.**—The sanctions under this paragraph shall not be imposed on an individual if admitting such individual to the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or with other applicable international obligations.

(e) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed to carry out this section to the same extent that such penalties apply to a person that knowingly commits an unlawful act described in section 206(a) of such Act.

(f) **PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.**—

(1) **IN GENERAL.**—If a finding under this section, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court *ex parte* and *in camera*.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under this section or any prohibition, condition, or penalty imposed as a result of any such finding.

(g) **WAIVER.**—The President may waive the application of sanctions under this section if the President determines and reports to the appropriate congressional committees that such waiver is in the national security interest of the United States.

(h) **REGULATORY AUTHORITY.**—

(1) **IN GENERAL.**—The President may exercise all authorities under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

(2) **ISSUANCE OF REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the President shall prescribe such regulations as may be necessary to implement this section.

(i) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed—

(1) to limit the authorities of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other relevant provision of law; or

(2) to apply with respect to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.), or to any authorized intelligence activities of the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) **ADMITTED; ALIEN.**—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.**—The term “agency or instrumentality of a foreign state” has the meaning given that term in section 1603(b) of title 28, United States Code.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(4) **FOREIGN PERSON.**—The term “foreign person” means—

(A) any citizen or national of a foreign state, wherever located; or

(B) any entity not organized solely under the laws of the United States or existing solely in the United States.

(5) **HAMAS.**—The term “Hamas” means—

(A) the entity known as Hamas and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person identified as an agent or instrumentality of Hamas on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury, the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(6) **HIZBALLAH.**—The term “Hizballah” means—

(A) the entity known as Hizballah and designated by the Secretary of State as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(B) any person identified as an agent or instrumentality of Hizballah on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Asset Control of the Department of the Treasury, the property or interests in property of which are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(7) **UNITED STATES PERSON.**—The term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 5. SUNSET.

This Act shall cease to be effective on December 31, 2023.

SA 4059. Mr. MCCONNELL (for Mr. CORKER) proposed an amendment to the bill H.R. 3342, to impose sanctions with respect to foreign persons that are responsible for using civilians as human shields, and for other purposes; as follows:

Amend the title so as to read: “An Act to impose sanctions with respect to foreign persons that are responsible for using civilians as human shields, and for other purposes.”.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ROUNDS. Mr. President, I have 8 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 ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 9:30 a.m., to conduct a hearing on China and Russia.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 10 a.m., to conduct a hearing entitled "Exploring the cryptocurrency and blockchain ecosystem."

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 10:30 a.m., to conduct a hearing on the following nominations: John Mark Pommersheim, of Florida, to be Ambassador to the Republic of Tajikistan, William H. Moser, of North Carolina, to be Ambassador to the Republic of Kazakhstan, and Donald Armin Blome, of Illinois, to be Ambassador to the Republic of Tunisia, all of the Department of State.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 10 a.m., to conduct a business meeting and hearing on the following nominations: Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit, Kenneth D. Bell, to be United States District Judge for the Western District of North Carolina, Stephanie A. Gallagher, to be United States District Judge for the District of Maryland, Mary S. McElroy, to be United States District Judge for the District of Rhode Island, Carl J. Nichols, to be United States District Judge for the District of Columbia, John M. O'Connor, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma, and Martha Maria Pacold, Mary M. Rowland, and Steven C. Seeger, each to be a United States District Judge for the Northern District of Illinois.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Thursday, October 11, 2018, during the first vote, to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 2 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard

of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, October 11, 2018, at 9:30 a.m., to conduct a hearing.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2018 third quarter Mass Mailing report is Thursday, October 25, 2018. An electronic option is available on Webster that will allow forms to be submitted via a fillable pdf document. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations or negative reports can be submitted electronically or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records is open from 9:00 a.m. to 6:00 p.m. (9:00 a.m. to 5:00 p.m. when the Senate is not in session). For further information, please contact the Senate Office of Public Records at (202) 224-0322.

AUTHORIZING THE NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 523, H.R. 1037.

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

The legislative clerk read as follows:

A bill (H.R. 1037) to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the bill be 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 bill (H.R. 1037) was ordered to a third reading, was read the third time, and passed.

GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 376, H.R. 2615.

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

The legislative clerk read as follows:

A bill (H.R. 2615) to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service

and the Veterans of Foreign Wars, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, 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 "Gulf Islands National Seashore Land Exchange Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means the parcel of approximately 1.542 acres of land that is located within the Gulf Islands National Seashore in Jackson County, Mississippi, and identified as "NPS Exchange Area" on the Map.

(2) **MAP.**—The term "Map" means the map entitled "Gulf Islands National Seashore, Proposed Land Exchange with VFW, Davis Bayou Area—Jackson County, MS", numbered 635/133309, and dated June 2016.

(3) **NON-FEDERAL LAND.**—The term "non-Federal land" means the parcel of approximately 2.161 acres of land that is located in Jackson County, Mississippi, and identified as "VFW Exchange Area" on the Map.

(4) **POST.**—The term "Post" means the Veterans of Foreign Wars Post 5699.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. GULF ISLANDS NATIONAL SEASHORE LAND EXCHANGE.

(a) **IN GENERAL.**—The Secretary may convey to the Post all right, title, and interest of the United States in and to the Federal land in exchange for the conveyance by the Post to the Secretary of all right, title, and interest of the Post in and to the non-Federal land.

(b) **EQUAL VALUE EXCHANGE.**—

(1) **IN GENERAL.**—The values of the Federal land and non-Federal land to be exchanged under this section shall be equal, as determined by an appraisal conducted—

(A) by a qualified and independent appraiser; and

(B) in accordance with nationally recognized appraisal standards.

(2) **EQUALIZATION.**—If the values of the Federal land and non-Federal land to be exchanged under this section are not equal, the values shall be equalized through—

(A) a cash payment; or

(B) adjustments to the acreage of the Federal land or non-Federal land to be exchanged, as applicable.

(c) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—As a condition of the exchange authorized under this section, the Secretary shall require the Post to pay the costs to be incurred by the Secretary, or to reimburse the Secretary for the costs incurred by the Secretary, to carry out the exchange, including—

(A) survey costs;

(B) any costs relating to environmental documentation; and

(C) any other administrative costs relating to the land exchange.

(2) **REFUND.**—If the Secretary collects amounts from the Post under paragraph (1) before the Secretary incurs the actual costs and the amount collected by the Secretary exceeds the costs actually incurred by the Secretary to carry out the land exchange under this section, the Secretary shall provide to the Post a refund of the excess amount paid by the Post.

(3) **TREATMENT OF CERTAIN AMOUNTS RECEIVED.**—Amounts received by the Secretary from the Post as reimbursement for costs incurred under paragraph (1) shall be—

(A) credited to the fund or account from which amounts were used to pay the costs incurred by the Secretary in carrying out the land exchange;

(B) merged with amounts in the fund or account to which the amounts were credited under subparagraph (A); and

(C) available for the same purposes as, and subject to the same conditions and limitations applicable to, amounts in the fund or account to which the amounts were credited under subparagraph (A).

(d) **DESCRIPTION OF FEDERAL LAND AND NON-FEDERAL LAND.**—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under this section shall be determined by surveys that are determined to be satisfactory by the Secretary and the Post.

(e) **CONVEYANCE AGREEMENT.**—The exchange of Federal land and non-Federal land under this section shall be—

(1) carried out through a quitclaim deed or other legal instrument; and

(2) subject to such terms and conditions as are mutually satisfactory to the Secretary and the Post, including such additional terms and conditions as the Secretary considers to be appropriate to protect the interests of the United States.

(f) **VALID EXISTING RIGHTS.**—The exchange of Federal land and non-Federal land authorized under this section shall be subject to valid existing rights.

(g) **TITLE APPROVAL.**—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a form acceptable to the Secretary.

(h) **TREATMENT OF ACQUIRED LAND.**—Any non-Federal land and interests in non-Federal land acquired by the United States under this section shall be administered by the Secretary as part of the Gulf Islands National Seashore.

(i) **MODIFICATION OF BOUNDARY.**—On completion of the exchange of Federal land and non-Federal land under this section, the Secretary shall modify the boundary of the Gulf Islands National Seashore to reflect the exchange of Federal land and non-Federal land.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

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

The bill was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

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

The bill (H.R. 2615), as amended, was passed.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

STUDY OF UNDERREPRESENTED CLASSES CHASING ENGINEERING AND SCIENCE SUCCESS ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of H.R. 6758, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 6758) to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes.

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

Mr. MCCONNELL. 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. 6758) was ordered to a third reading, was read the third time, and passed.

IRAQ AND SYRIA GENOCIDE EMERGENCY RELIEF AND ACCOUNTABILITY ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 227, H.R. 390.

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

The legislative clerk read as follows:

A bill (H.R. 390) to provide emergency relief for victims of genocide, crimes against humanity, and war crimes in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.

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

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 “Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings; sense of Congress.

Sec. 3. Sense of Congress on the urgent need for a political solution to the crisis in Syria.

Sec. 4. Definitions.

Sec. 5. Statement of policy.

Sec. 6. Actions to promote accountability in Iraq and Syria for acts of genocide, crimes against humanity, and war crimes.

Sec. 7. Identification of and assistance to address humanitarian, stabilization, and recovery needs of certain persons in Iraq and Syria.

Sec. 8. Reports.

Sec. 9. Technical assistance authorized.

Sec. 10. Department of State Rewards for Justice Program.

Sec. 11. Syria Study Group.

Sec. 12. Independent International Commission of Inquiry on the Syrian Arab Republic.

Sec. 13. Prohibition on additional funding.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) **FINDINGS.**—Congress finds the following:

(1) Religious and ethnic minorities in Iraq and Syria are persecuted groups. The Secretary of State of State declared on March 17, 2016, and August 15, 2017, that the Islamic State of Iraq and Syria (ISIS), is responsible for genocide, crimes against humanity, and other atrocity crimes against several of these groups, including Christians and Yazidis.

(2) The Independent International Commission of Inquiry on the Syrian Arab Republic stated in its February 3, 2016, report, “The Government has committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts. Based on the same conduct, war crimes have also been committed. Both Jabhat Al-Nusra and some anti-Government armed groups have committed the war crimes of murder, cruel treatment, and torture.”

(3) The International Criminal Investigative Training Assistance Program and the Office of Overseas Prosecutorial Development Assistance and Training of the Department of Justice have provided technical assistance to governmental judicial and law enforcement entities in Iraq, including with funding support from the Department of State.

(4) According to the Department of State's annual reports on international religious freedom—

(A) the number of Christians living in Iraq has dropped from an estimated 800,000 to 1,400,000 in 2002 to fewer than 250,000 in 2016; and

(B) the number of Yazidis living in Iraq has dropped from 500,000 in 2013 to between 350,000 and 400,000 in 2016.

(5) The annual reports on international religious freedom also suggest that—

(A) Christian communities living in Syria, which had accounted for between 8 and 10 percent of Syria's total population in 2010, are now considerably smaller as a result of the civil war; and

(B) the population of approximately 80,000 Yazidis in 2010 may now be larger because of refugees from Iraq.

(6) On December 21, 2016, the United Nations General Assembly adopted a resolution to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

(7) Local communities and entities have sought to mitigate the impact of violence directed against religious and ethnic minorities in Iraq and Syria, including the Chaldean Catholic Archdiocese of Erbil (Kurdistan Region of Iraq), which has used private funds to provide assistance to internally displaced Christians, Yazidis, and Muslims throughout the greater Erbil region, while growing needs and diminishing resources have made it increasingly difficult to continue these efforts.

(b) **SENSE OF CONGRESS.**—Congress—

(1) strongly condemns—

(A) the ongoing violence, the use of chemical weapons, targeting of civilian populations with barrel, incendiary, and cluster bombs and SCUD missiles, and the systematic gross human rights violations carried out by the Government of Syria and pro-government forces under the direction of President Bashar al-Assad; and

(B) all abuses committed by violent extremist groups and other combatants involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking democratic change;

(3) urges all parties to the conflict—
(A) to immediately halt indiscriminate attacks on civilians; and

(B) to allow for the delivery of humanitarian and medical assistance; and

(C) to end sieges of civilian populations;

(4) calls on the President to support efforts in Syria, and on the part of the international community, to ensure accountability for war crimes, crimes against humanity, and genocide committed during the conflict; and

(5) supports the request in United Nations Security Council Resolutions 2139 (2014), 2165 (2014), and 2191 (2014) for the Secretary-General to regularly report to the Security Council on the implementation of the resolutions, including paragraph 2 of Resolution 2139, which “demands that all parties immediately put an end to all forms of violence [and] cease and desist from all violations of international humanitarian law and violations and abuses of human rights”.

SEC. 3. SENSE OF CONGRESS ON THE URGENT NEED FOR A POLITICAL SOLUTION TO THE CRISIS IN SYRIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The transnational Salafi-jihadi organizations Islamic State in Iraq and Syria (ISIS) and al Qaeda are utilizing the conflict in Syria and the actions of the Assad regime to recruit and mobilize fighter and popular support.

(2) The crisis in Syria has led to the creation of terrorist safe havens controlled by ISIS and al Qaeda, along with other extremist groups, which have become bases from which to plan, direct, and inspire attacks against the United States and its allies and partners.

(3) The spread of violence perpetuated by the civil war in Syria and the flow of refugees is a threat to the security of our allies in the Middle East and Europe, placing immense domestic and humanitarian burdens on Syria's neighbors, most notably Lebanon, Jordan, Turkey, and Iraq.

(4) The Syrian conflict has allowed Iran's Islamic Revolutionary Guard Corps and its proxies to increase their influence in parts of Syria and potentially threaten Israel's borders.

(5) The United Nations Security Council resolutions 2332 (2016), 2268 (2016), and 2139 (2014) call for the implementation of a cessation of hostilities in Syria and reaffirm the international community's support for the immediate, direct, and uninhibited access of humanitarian workers throughout the Syrian Arab Republic.

(6) The United Nations High Commissioner for Refugees estimates that the Syrian conflict has created over 5,000,000 refugees and 6,300,000 internally displaced persons.

(7) Widespread and systematic attacks on civilians, schools, hospitals, and other civilian infrastructure, in violation of international humanitarian law, continue in Syria, in particular as result of the actions of the Assad regime and its Russian and Iranian supporters.

(8) Amnesty International has documented evidence of mass human rights abuses of detainees at the Assad Regime's Saydnaya Military Prison, including the summary execution by hanging of an estimated 5,000 to 13,000 detainees between September 2011 and December 2015.

(9) The regime of Bashar al-Assad has repeatedly blocked civilian access to or diverted humanitarian assistance, including medical supplies, from besieged and hard-to-reach areas, in violation of United Nations Security Council resolutions.

(10) The Assad regime is subject to and in violation of both United Nations Security Council Resolution 2118 (2013) on the Framework for Elimination of Syrian Chemical Weapons and United Nations Security Council Resolution 2209 (2015) Condemning the Use of Chlorine Gas in Syria.

(11) The Governments of the Russian Federation and Iran have supported the Assad regime,

perpetuated the conflict, and deployed tactics and strategies that have caused grave harm to civilians, including their conduct in the siege of eastern Aleppo which may constitute war crimes and crimes against humanity.

(12) The United States Government has provided nearly \$6,000,000,000 since 2011 in humanitarian assistance to communities and people directly impacted by the Syrian conflict, including \$364,000,000 that will be provided in fiscal year 2017 for refugees and other people displaced by the Syrian conflict.

(13) The United States Armed Forces are leading the Global Coalition to Counter ISIS and are deployed with Coalition allies within the territory of Syria and are working by, with, and through local Syrian partner forces to defeat ISIS and stabilize territory taken from it.

(b) SENSE OF CONGRESS.—Congress—

(1) urges all parties to the conflict in Syria, particularly the Russian Federation, Iran, and Iranian-backed militias, to immediately halt indiscriminate attacks, the imposition of starvation sieges, and other forms of warfare directed against civilians and civilian infrastructure;

(2) strongly urges all parties to the conflict to respect the safety, security, independence, and impartiality of humanitarian workers and medical professionals, ensuring freedom of movement to deliver aid, particularly in areas of Syria controlled by opposition forces;

(3) encourages the President to make it the policy of the United States Government to continue to coordinate a comprehensive and generous response to the humanitarian crisis in Syria, including assistance and development and protection of human rights inside Syria and in the region;

(4) urges all parties in Syria to support the immediate and full implementation of United Nations Security Council Resolution 2268 (2016), which calls for a cessation of hostilities in the conflict, except with respect to ISIS and al Qaeda and their affiliated organizations, and to facilitate the provision of humanitarian assistance and reconstruction of war-affected communities in Syria;

(5) affirms that the elimination of al Qaeda and ISIS safe havens in Syria from which those organizations can plan and launch attacks against the United States and its partners is a vital national security interest of the United States;

(6) affirms that the stability of key European and Middle Eastern partners is vital to the national security of the United States, and preventing the Syrian conflict from undermining that stability is a top priority for the United States;

(7) calls on the international community to continue to support neighboring countries and host communities who are generously supporting refugees and internally displaced persons fleeing the conflict in Syria;

(8) calls on the President to continue the active participation of the United States Government in a robust and effective diplomatic process to achieve a political agreement to the Syrian conflict; and

(9) urges the President to develop and submit to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on Foreign Affairs and Armed Services of the House of Representatives within 90 days a strategy for providing long-term stability and security in areas seized from ISIS in Syria.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) GENOCIDE.—The term “genocide” means any offense described in section 1091(a) of title 18, United States Code.

(3) HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.—The term “humanitarian, stabilization, and recovery needs”, with respect to an individual, includes water, sanitation, hygiene, food security, nutrition, shelter, housing, reconstruction, medical, education, and psychosocial needs.

(4) HYBRID TRIBUNAL.—The term “hybrid tribunal” means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

(5) INTERNATIONALIZED DOMESTIC COURT.—The term “internationalized domestic court” means a domestic court with the support of international advisers.

(6) TRANSITIONAL JUSTICE.—The term “transitional justice” means the range of judicial, non-judicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(7) WAR CRIME.—The term “war crime” has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 5. STATEMENT OF POLICY.

It is the policy of the United States to ensure that assistance for humanitarian, stabilization, and recovery needs of individuals who are or were nationals and residents of Iraq or Syria, and of communities from those countries, is directed toward those individuals and communities with the greatest need, including those individuals from communities of religious and ethnic minorities.

SEC. 6. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ AND SYRIA FOR ACTS OF GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES.

(a) ASSISTANCE.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized, in consultation with the government of Iraq, to provide assistance, including financial and technical assistance, as may be necessary and appropriate to support the efforts of entities, including nongovernmental organizations with expertise in international criminal investigations and law, to undertake the following activities to address crimes of genocide, crimes against humanity, or war crimes in Iraq by ISIS since January 2014:

(1) Conducting criminal investigations.

(2) Developing indigenous investigative and judicial skills, including by partnering, directly mentoring, and providing equipment and infrastructure, as necessary, to effectively adjudicate cases in accordance with due process and respect for the rule of law.

(3) Collecting and preserving evidence and the chain of evidence, including for use in prosecutions in domestic courts, hybrid tribunals, and internationalized domestic courts, consistent with the activities described in subsection (b).

(b) ACTIONS BY FOREIGN GOVERNMENTS.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries to include in appropriate security databases and security screening procedures of such countries information to identify suspected ISIS members for whom credible evidence exists of having committed acts of genocide, crimes

against humanity or war crimes in Iraq and Syria since January 2014, and to prosecute such individuals for acts of genocide, crimes against humanity or war crimes, as appropriate.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, entities described in such subsection.

SEC. 7. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

(a) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall seek to identify—

(1) the threats of persecution and other early-warning indicators of genocide, crimes against humanity, and war crimes against individuals—

(A) who are or were nationals and residents of Iraq or Syria, are members of a religious or ethnic minority group in either such country, and against whom ISIS has committed acts of genocide, crimes against humanity, or war crimes since January 2014, as determined by the Secretary of State; or

(B) who are members of another religious or ethnic minority group in Iraq or Syria that the Secretary of State has identified as a persecuted group;

(2) the religious and ethnic minority groups in Iraq or Syria identified pursuant to paragraph (1) that are at risk of forced migration within or across the borders of Iraq, Syria, or a country of first asylum, and the primary reasons for such risk;

(3) the humanitarian, stabilization, and recovery needs of individuals and groups described in paragraphs (1) and (2), including the assistance provided by the United States and by the United Nations, respectively, to address the humanitarian, stabilization, and recovery needs, and mitigate the risks of forced migration, of individuals and groups described in paragraphs (1) and (2), and assistance provided through the Funding Facility for Immediate Stabilization and Funding Facility for Expanded Stabilization; and

(4) to the extent practicable and appropriate, the entities, including faith-based entities, that are providing assistance to address the humanitarian, stabilization, and recovery needs of individuals and groups described in paragraphs (1) and (2), and the extent to which the United States is providing assistance to or through such entities.

(b) ADDITIONAL CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from—

(1) individuals and groups described in paragraphs (1) and (2) of such subsection; and

(2) entities described in paragraph (4) of such subsection.

(c) ASSISTANCE.—The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance as necessary and appropriate, to support entities described in subsection (a)(4) that the Secretary and the Administrator determine have access, and are capable of effectively managing and delivering such assistance, to the individuals and groups described in paragraphs (1) and (2) of such subsection.

SEC. 8. REPORTS.

(a) IMPLEMENTATION REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, to implement the provisions of this Act;

(2) an assessment of—

(A) the feasibility and advisability of prosecuting suspected ISIS members for whom cred-

ible evidence exists of having committed acts of genocide, crimes against humanity, or war crimes in Iraq since January 2014, in domestic courts in Iraq, hybrid tribunals, and internationalized domestic courts; and

(B) the measures needed—

(i) to ensure effective criminal investigations of such individuals; and

(ii) to effectively collect and preserve evidence and preserve the chain of evidence, for prosecution;

(3) recommendations for legislative remedies and administrative actions to facilitate the implementation of this Act.

(b) SUPPORT FOR THE INVESTIGATION AND PROSECUTION OF WAR CRIMES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, by the Secretary of State to implement subsections (a) and (b) of section 5; and

(2) an assessment of—

(A) the feasibility and advisability of prosecuting suspected ISIS members for whom credible evidence exists of having committed genocide, crimes against humanity, or war crimes in Iraq since January 2014, in domestic courts in Iraq, hybrid tribunals, and internationalized domestic courts; and

(B) the capacity building, and other measures, needed to ensure effective criminal investigations of such individuals.

(c) REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees on war crimes, crimes against humanity, and genocide in Syria. The Secretary of State shall submit another such report not later than 180 days after the Secretary determines that the violence in Syria has ceased.

(2) ELEMENTS.—The reports submitted under paragraph (1) shall include—

(A) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

(i) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(ii) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(iii) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

(iv) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(B) a description and assessment by the Office of Global Criminal Justice of the Department of State, the United States Agency for International Development, the Department of Justice, and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including programs—

(i) to train investigators within and outside of Syria on documenting, investigating, developing findings of, and identifying and locating alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

(I) the number of United States Government or contract personnel currently designated to work full-time on such issues; and

(II) identifying the authorities and appropriations being used to support such training efforts;

(ii) to promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide in Syria beginning in March 2011;

(iii) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international nongovernmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and

(iv) to assess the influence of accountability measures on efforts to reach a negotiated settlement to the Syrian conflict during the reporting period.

(3) FORM.—The reports required under paragraph (1) may be submitted in unclassified or classified form, but shall include a publicly available annex.

(d) TRANSITIONAL JUSTICE STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(e) FORM.—

(1) IN GENERAL.—Except as provided in subsection (c)(3), each report required under this section shall be submitted in unclassified form, but may contain a classified annex, if necessary.

(2) PROTECTION OF WITNESSES AND EVIDENCE.—In carrying out this section, the Secretary of State shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

SEC. 9. TECHNICAL ASSISTANCE AUTHORIZED.

(a) IN GENERAL.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all non-state armed groups fighting in the country, including violent extremist groups in Syria beginning in March 2011—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(3) conduct criminal investigations;

(4) build Syria's investigative and judicial capacities and support prosecutions in the domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

(5) support investigations by third-party states, as appropriate; or

(6) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(b) **ADDITIONAL ASSISTANCE.**—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under section 7(d), is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

(c) **BRIEFING.**—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in subsection (a).

SEC. 10. DEPARTMENT OF STATE REWARDS FOR JUSTICE PROGRAM.

Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708 (b)(10)) is amended by inserting “(including war crimes, crimes against humanity, or genocide committed in Syria beginning in March 2011)” after “genocide”.

SEC. 11. SYRIA STUDY GROUP.

(a) **ESTABLISHMENT.**—There is hereby established a working group to be known as the “Syria Study Group” (in this section referred to as the “Group”).

(b) **PURPOSE.**—The purpose of the Group is to examine and make recommendations with respect to the military and diplomatic strategy of the United States with respect to the conflict in Syria.

(c) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Group shall be composed of 8 members, who shall be appointed as follows:

(A) One member appointed by the chair of the Committee on Armed Services of the Senate.

(B) One member appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(C) One member appointed by the chair of the Committee on Foreign Relations of the Senate.

(D) One member appointed by the ranking minority member of the Committee on Foreign Relations of the Senate.

(E) One member appointed by the chair of the Committee on Armed Services of the House of Representatives.

(F) One member appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(G) One member appointed by the chair of the Committee on Foreign Affairs of the House of Representatives.

(H) One member appointed by the ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(2) **CO-CHAIRS.**—

(A) The chair of the Committee on Armed Services of the Senate, the chair of the Committee on Armed Services of the House of Representatives, the chair of the Committee on Foreign Relations of the Senate, and the chair of the Committee on Foreign Affairs of the House of Representatives shall jointly designate 1 member of the Group to serve as co-chair of the Group.

(B) The ranking minority member of the Committee on Armed Services of the Senate, the

ranking minority member of the Committee on Armed Services of the House of Representatives, the ranking minority member of the Committee on Foreign Relations of the Senate, and the ranking minority member of the Committee on Foreign Affairs of the House of Representatives shall jointly designate 1 member of the Group to serve as co-chair of the Group.

(3) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Group. Any vacancy in the Group shall be filled in the same manner as the original appointment.

(d) **DUTIES.**—

(1) **REVIEW.**—The Group shall review the current situation with respect to the United States military and diplomatic strategy in Syria, including a review of current United States objectives in Syria and the desired end state in Syria.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—The Group shall—

(A) conduct a comprehensive assessment of the current situation in Syria, its impact on neighboring countries, resulting regional and geopolitical threats to the United States, and current military, diplomatic, and political efforts to achieve a stable Syria; and

(B) develop recommendations on a military and diplomatic strategy for the United States with respect to the conflict in Syria.

(e) **COOPERATION FROM UNITED STATES GOVERNMENT.**—

(1) **IN GENERAL.**—The Group shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of State, and the Director of National Intelligence in providing the Group with analyses, briefings, and other information necessary for the discharge of the duties of the Group.

(2) **LIAISON.**—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall each designate at least 1 officer or employee of their respective organizations to serve as a liaison officer to the Group.

(f) **REPORT.**—

(1) **FINAL REPORT.**—Not later than November 30, 2018, the Group shall submit a report to the President, the Secretary of Defense, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives that describes the findings, conclusions, and recommendations of the Group under this section, including—

(A) an assessment of the current security, political, humanitarian, and economic situation in Syria;

(B) an assessment of the current participation and objectives of various external actors in Syria;

(C) an assessment of the consequences of continued conflict in Syria;

(D) recommendations for a resolution of the conflict in Syria, including options for a gradual political transition to a post-Assad Syria and actions necessary for reconciliation;

(E) a roadmap for a United States and coalition strategy to reestablish security and governance in Syria, including recommendations for the synchronization of stabilization, development, counterterrorism, and reconstruction efforts; and

(F) any other matters with respect to the conflict in Syria that the Group considers appropriate.

(2) **INTERIM BRIEFING.**—Not later than June 30, 2018, the Group shall provide a briefing to the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives on the status of its review and assessment under subsection (d) and a discussion of any interim recommendations developed by the Group as of the date of the briefing.

(3) **FORM OF REPORT.**—The report submitted to Congress under paragraph (1) shall be submitted

in unclassified form, but may include a classified annex.

(g) **FACILITATION.**—The United States Institute of Peace shall take appropriate actions to facilitate the Group in the discharge of its duties under this section.

(h) **TERMINATION.**—The Group shall terminate on the date that is 6 months after the date on which the Group submits the report required under subsection (f)(1).

SEC. 12. INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.

The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the voice, vote, and influence of the United States at the United Nations to advocate that the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry in the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

SEC. 13. PROHIBITION ON ADDITIONAL FUNDING.

No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise authorized and appropriated.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported amendment be withdrawn; that the Corker amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; that the title amendment at the desk be agreed to; and that 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 was withdrawn.

The amendment (No. 4055) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

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

The bill was read the third time.

The bill (H.R. 390), as amended, was passed.

The amendment (No. 4056) was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to provide relief for victims of genocide, crimes against humanity, and war crimes who are members of religious and ethnic minority groups in Iraq and Syria, for accountability for perpetrators of these crimes, and for other purposes.”.

RENAMING THE STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012 IN HONOR OF REPRESENTATIVE LOUISE MCINTOSH SLAUGHTER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 6870 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 6870) to rename the Stop Trading on Congressional Knowledge Act of 2012 in honor of Representative Louise McIntosh Slaughter.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. 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. 6870) was ordered to a third reading, was read the third time, and passed.

SICKLE CELL DISEASE RESEARCH, SURVEILLANCE, PREVENTION, AND TREATMENT ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 553, S. 2465.

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

The legislative clerk read as follows:

A bill (S. 2465) to amend the Public Health Service Act to reauthorize a sickle cell disease prevention and treatment demonstration program and to provide for sickle cell disease research, surveillance, prevention, and treatment.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

Without objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, 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 “Sickle Cell Disease and Other Heritable Blood Disorders Research, Surveillance, Prevention, and Treatment Act of 2018”.

SEC. 2. DATA COLLECTION ON CERTAIN BLOOD DISORDERS.

Part A of title XI of the Public Health Service Act is amended by inserting after section 1105 (42 U.S.C. 300b-4) the following:

“SEC. 1106. SICKLE CELL DISEASE AND OTHER HERITABLE BLOOD DISORDERS RESEARCH, SURVEILLANCE, PREVENTION, AND TREATMENT.

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary may award grants related to heritable blood disorders, including sickle cell disease, for one or more of the following purposes:

“(A) To collect and maintain data on such diseases and conditions, including subtypes as applicable, and their associated health outcomes and complications, including for the purpose of—

“(i) improving national incidence and prevalence data;

“(ii) identifying health disparities, including the geographic distribution, related to such diseases and conditions;

“(iii) assessing the utilization of therapies and strategies to prevent complications; and

“(iv) evaluating the effects of genetic, environmental, behavioral, and other risk factors that may affect such individuals.

“(B) To conduct public health activities with respect to such conditions, which may include—

“(i) developing strategies to improve health outcomes and access to quality health care for the screening for, and treatment and management of, such diseases and conditions, including through public-private partnerships;

“(ii) providing support to community-based organizations and State and local health departments in conducting education and training activities for patients, communities, and health care providers concerning such diseases and conditions;

“(iii) supporting State health departments and regional laboratories, including through training, in testing to identify such diseases and conditions, including specific forms of sickle cell disease, in individuals of all ages; and

“(iv) the identification and evaluation of best practices for treatment of such diseases and conditions, and prevention and management of their related complications.

“(2) POPULATION INCLUDED.—The Secretary shall, to the extent practicable, award grants under this subsection to eligible entities across the United States to improve data on the incidence and prevalence of heritable blood disorders, including sickle cell disease, and the geographic distribution of such diseases and conditions.

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

“(4) PRIORITY.—In awarding grants under this subsection, the Secretary may give priority, as appropriate, to eligible entities that have a relationship with a community-based organization that has experience in, or is capable of, providing services to individuals with heritable blood disorders, including sickle cell disease.

“(5) ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of Marshall Islands, the Republic of Palau, Indian tribes, a State or local health department, an institution of higher education, or a nonprofit entity with appropriate experience to conduct the activities under this subsection.”.

SEC. 3. SICKLE CELL DISEASE PREVENTION AND TREATMENT.

(a) REAUTHORIZATION.—Section 712(c) of the American Jobs Creation Act of 2004 (Public Law 108-357; 42 U.S.C. 300b-1 note) is amended—

(1) by striking “Sickle Cell Disease” each place it appears and inserting “sickle cell disease”;

(2) in paragraph (1)(A), by striking “shall conduct a demonstration program by making grants to up to 40 eligible entities for each fiscal year in which the program is conducted under this section for the purpose of developing and establishing systemic mechanisms to improve the prevention and treatment of Sickle Cell Disease” and inserting “shall continue efforts, including by awarding grants, to develop or establish mechanisms to improve the treatment of sickle cell disease, and to improve the prevention and treatment of complications of sickle cell disease, in populations with a high proportion of individuals with sickle cell disease”;

(3) in paragraph (1)(B)—

(A) by striking clause (ii) (relating to priority); and

(B) by striking “GRANT AWARD REQUIREMENTS” and all that follows through “The Administrator shall” and inserting “GEOGRAPHIC DIVERSITY.—The Administrator shall”;

(4) in paragraph (2), by adding the following new subparagraph at the end:

“(E) To provide or coordinate services for adolescents with sickle cell disease making the transition to adult health care.”; and

(5) in paragraph (6), by striking “\$10,000,000 for each of fiscal years 2005 through 2009” and

inserting “\$4,455,000 for each of fiscal years 2019 through 2023”.

(b) TECHNICAL CHANGES.—Subsection (c) of section 712 of the American Jobs Creation Act of 2004 (Public Law 108-357; 42 U.S.C. 300b-1 note), as amended by subsection (a), is—

(1) transferred to the Public Health Service Act (42 U.S.C. 201 et seq.);

(2) redesignated as subsection (b); and

(3) inserted at the end of section 1106 of such Act, as added by section 2 of this Act.

SEC. 4. SENSE OF THE SENATE.

It is the Sense of the Senate that further research should be undertaken to expand the understanding of the causes of, and to find cures for, heritable blood disorders, including sickle cell disease.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported substitute be agreed to and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment in the nature of a substitute was agreed to.

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

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2465), as amended, was passed.

Mr. MCCONNELL. 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.

HIZBALLAH INTERNATIONAL FINANCING PREVENTION AMENDMENTS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the Senate the House amendment to accompany S. 1595.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House.

The legislative clerk read as follows:

Resolved, that the bill from the Senate (S. 1595) entitled “An Act to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes”, do pass with an amendment.

Mr. MCCONNELL. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ACTION FOR DENTAL HEALTH ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the

Health, Education, Labor, and Pensions Committee be discharged and the Senate proceed to the immediate consideration of H.R. 2422.

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

The legislative clerk read as follows:

A bill (H.R. 2422) to amend the Public Health Service Act to improve essential oral health care for low-income and other underserved individuals by breaking down barriers to care, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Alexander substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4057) 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 Action for Dental Health Act of 2018.

SEC. 2. ORAL HEALTH EDUCATION.

(a) IN GENERAL.—Section 399LL of the Public Health Service Act (42 U.S.C. 280k) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “OF ORAL HEALTH EDUCATION CAMPAIGN” after “ESTABLISHMENT”; and

(B) by striking “focused on oral healthcare prevention and education” and inserting “focused on oral health education”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “campaign” and inserting “campaign under subsection (a)”;

(3) by striking subsection (c) and inserting the following:

“(c) ACTION FOR DENTAL HEALTH PROGRAM.—

“(1) IN GENERAL.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Administrator of the Health Resources and Services Administration, may award grants, contracts, or cooperative agreements to eligible entities to collaborate with State or local public health officials, tribal health officials, oral health professional organizations, and others, as appropriate, to develop and implement initiatives to improve oral health, including activities to prevent dental disease and reduce barriers to the provision of dental services, including—

“(A) through community-wide dental disease prevention programs; and

“(B) by increasing public awareness and education related to oral health and dental disease prevention.

“(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this subsection, an entity shall be—

“(A) a dental association;

“(B) a State or tribal health department or State or tribal oral health program;

“(C) an accredited dental education, dental hygiene, or postdoctoral dental education program; or

“(D) a non-profit community-based organization that partners with public and private non-profit entities, such as an academic institution, to facilitate the provision of dental services to underserved populations.”;

(b) TECHNICAL AMENDMENT.—Section 399LL-1(d) of the Public Health Service Act (42 U.S.C. 280k-1(d)) is amended—

(1) by striking “shall” and inserting “shall, as practicable and appropriate,” before “utilize”; and

(2) by striking “public education campaign” and inserting “oral health education campaign and action for dental health program”.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the outcomes and effectiveness of programs and activities conducted under sections 399LL and 399LL-1 of the Public Health Service Act (42 U.S.C. 280k and 280k-1).

SEC. 3. GRANTS FOR INNOVATIVE PROGRAMS.

Section 340G of the Public Health Service Act (42 U.S.C. 256g) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (B), by striking “and” at the end; and

(B) by adding at the end the following:

“(D) the establishment or development of models for the provision of dental services to children and adults, such as dental homes, including for the elderly, blind, individuals with disabilities, and individuals living in long-term care facilities; and

“(E) the establishment of initiatives to reduce the use of emergency departments by individuals who seek dental services more appropriately delivered in a dental primary care setting;”; and

(2) in subsection (f), by striking “\$25,000,000 for the 5-fiscal year period beginning with fiscal year 2008” and inserting “\$13,903,000 for each of fiscal years 2019 through 2023”.

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

The bill was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

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

The bill (H.R. 2422), as amended, was passed.

Mr. MCCONNELL. 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.

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. 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. 680, S. Res. 681, S. Res. 682, and S. Res. 683.

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

Mr. MCCONNELL. I ask unanimous consent the resolutions be agreed to; that the preambles be agreed to; and that the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Is there objection?

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.”)

SANCTIONING HIZBALLAH'S IL-LICIT USE OF CIVILIANS AS DEFENSELESS SHIELDS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3342 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3342) to impose sanctions on foreign persons that are responsible for gross violations of internationally recognized human rights by reason of the use by Hizballah of civilians as human shields, and for other purposes.

There being no objection, the Committee on Foreign Relations was discharged and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Corker amendment at the desk be agreed to; the bill, as amended, be considered read a third time and passed; the title amendment at the desk be agreed to; 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. 4058), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

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

The bill was read the third time.

The bill (H.R. 3342), as amended was passed.

The amendment (No. 4059) was agreed to, as follows:

(Purpose: To amend the title.)

Amend the title so as to read: “An Act to impose sanctions with respect to foreign persons that are responsible for using civilians as human shields, and for other purposes.”.

RBIC ADVISERS RELIEF ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 2765 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (S. 2765) to amend the Investment Advisers Act of 1940 to exempt investment advisers who solely advise certain rural business investment companies, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. MCCONNELL. 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. 2765) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2765

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 “RBIC Advisers Relief Act of 2018”.

SEC. 2. ADVISERS OF RBICS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended—

- (1) in subsection (b)—
- (A) in paragraph (6)(B)—
- (i) by adjusting the margins accordingly; and
- (ii) by striking the period at the end and inserting a semicolon;

- (B) in paragraph (7)(C), by striking the period at the end and inserting “; or”; and
- (C) by adding at the end the following:

“(8) any investment adviser, other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53), who solely advises—

“(A) rural business investment companies (as defined in section 384A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc)); or

“(B) companies that have submitted to the Secretary of Agriculture an application in accordance with section 384D(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc-3(b)) that—

“(i) have received from the Secretary of Agriculture a letter of conditions, which has not been revoked; or

“(ii) are affiliated with 1 or more rural business investment companies described in subparagraph (A).”;

(2) in subsection (1), by adding at the end the following:

“(3) ADVISERS OF RBICS.—For purposes of this subsection, a venture capital fund includes an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53)).”;

(3) in subsection (m), by adding at the end the following:

“(4) ADVISERS OF RBICS.—For purposes of this subsection, the assets under management of a private fund that is an entity described in subparagraph (A) or (B) of subsection (b)(8) (other than an entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53)) shall be excluded from the limit set forth in paragraph (1).”.

SEC. 3. RELATIONSHIP TO STATE LAW.

Section 203A(b)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a(b)(1)) is amended—

- (1) in subparagraph (C), by striking the period at the end and inserting “; or”; and
- (2) by adding at the end the following:

“(D) that is not registered under section 203 because that person is exempt from registration as provided in subsection (b)(8) of

such section, or is a supervised person of such person.”.

9/11 HEROES MEDAL OF VALOR ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3834 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3834) to provide that members of public safety agencies who died of 9/11-related health conditions are eligible for the Presidential 9/11 Heroes Medal of Valor, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I further 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 with no intervening action or debate.

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

The bill (H.R. 3834) was ordered to a third reading, was read the third time, and passed.

RELATIVE TO THE DEATH OF THE HONORABLE JOSEPH D. “JOE” TYDINGS, FORMER UNITED STATES SENATOR FOR THE STATE OF MARYLAND

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 684, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 684) relative to the death of the Honorable Joseph D. “Joe” Tydings, former United States Senator for the State of Maryland.

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

Mr. MCCONNELL. I further 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. 684) was agreed to.

The preamble was agreed to.

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

ORDERS FOR FRIDAY, OCTOBER 12, THROUGH TUESDAY, NOVEMBER 13, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn to then convene for pro forma sessions only, with no business being conducted, on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, October 12, at 12 noon; Tuesday, October 16, at 12 noon; Friday, October 19, at 10 a.m.; Tuesday, October 23, at 4:30 p.m.; Friday, October 26, at 5 p.m.; Tuesday, October 30, at 1 p.m.; Friday, November 2, at 2:45 p.m.; Tuesday, November 6, at 4 p.m.; Friday, November 9, at 9 a.m. I further ask that when the Senate adjourns on Friday, November 9, it next convene at 3 p.m. on Tuesday, November 13; and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate resume consideration of the House message to accompany S. 140 under the previous order.

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

ADJOURNMENT UNTIL TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the provisions of S. Res. 684 and do so as a further mark of respect for the late Joseph D. “Joe” Tydings, former Senator for the State of Maryland.

There being no objection, the Senate, at 9:39 p.m., adjourned until Friday, October 12, 2018, at 12 noon.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF JUSTICE

DOUGLAS J. STRIKE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE KENNETH JAMES RUNDE, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2018:

THE JUDICIARY

WILLIAM M. RAY II, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

LILES CLIFTON BURKE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

MICHAEL JOSEPH JUNEAU, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

MARK SAALFIELD NORRIS, SR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

ELI JEREMY RICHARDSON, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE.

DEPARTMENT OF JUSTICE

JEFFREY BOSSERT CLARK, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ERIC S. DREIBAND, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

ADAM I. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN AND MEMBER OF THE PRIVACY AND CIVIL

LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2024.

DEPARTMENT OF DEFENSE

JAMES N. STEWART, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE JUDICIARY

THOMAS S. KLEE, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

PETER J. PHIPPS, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

SUSAN BRNOVICH, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

CHAD F. KENNEY, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

JEREMY D. KERNODLE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

EDWARD W. FELTEN, OF NEW JERSEY, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 29, 2019.

JANE NITZE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2023.

THE JUDICIARY

JAMES PATRICK HANLON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

LANCE E. WALKER, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE.

DAVID JAMES PORTER, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

DEPARTMENT OF STATE

KIMBERLY BREIER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

DENISE NATALI, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (CONFLICT AND STABILIZATION OPERATIONS).

JOHN COTTON RICHMOND, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

JAMES MORHARD, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE JUDICIARY

RYAN DOUGLAS NELSON, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

RICHARD J. SULLIVAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

DEPARTMENT OF JUSTICE

JASON R. DUNN, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

DALLAS L. CARLSON, OF NORTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

KAREN L. WILLIAMS, OF MISSOURI, 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 SURINAME.

KEVIN K. SULLIVAN, OF OHIO, 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 NICARAGUA.

DONALD Y. YAMAMOTO, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF SOMALIA.

EARL ROBERT MILLER, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

NORTHERN BORDER REGIONAL COMMISSION

HAROLD B. PARKER, OF NEW HAMPSHIRE, TO BE FEDERAL COCHAIRPERSON OF THE NORTHERN BORDER REGIONAL COMMISSION.

DEPARTMENT OF DEFENSE

ROBERT H. MCMAHON, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

FEDERAL EMERGENCY MANAGEMENT AGENCY

PETER GAYNOR, OF RHODE ISLAND, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

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 general

GEN. ROBERT B. ABRAMS

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 admiral

VICE ADM. CRAIG S. FALLER

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. JERRY D. HARRIS, JR.

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

VICE ADM. ANDREW L. LEWIS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRUCE A. ABBOTT AND ENDING WITH SHIRLEY B. ZISER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2018.

AIR FORCE NOMINATIONS BEGINNING WITH PATRICK C. DEGRAAF AND ENDING WITH CHRISTOPHER L. PRIDGEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 24, 2018.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH GARY W. BROCK, JR. AND ENDING WITH JOHN M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 20, 2018.

ARMY NOMINATION OF JOHN J. KAIKKONEN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARC A. PATTERSON, TO BE COLONEL.

ARMY NOMINATION OF JAMES B. ELLEDGE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICAH B. BELL AND ENDING WITH TANYA R. TROUT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2018.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CAPT. MARCUS N. FULTON AND ENDING WITH CAPT. FRANK D. HUTCHISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 11, 2018.

NAVY NOMINATION OF TILFORD L. CLARK, TO BE COMMANDER.

DEPARTMENT OF STATE

MARY ELIZABETH TAYLOR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).